

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE SIXTY FOURTH (64TH) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON MONDAY, 14 DECEMBER 2009 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, LOUIS TRICHARDT AT 17:00.

PRESENT

Councillors

BALADZI P	MATUMBA J
BALOYI R S	MAUBA K D
BOPAPE M B	MAVHUNGU K
CHAYA A A	MBOYI M D
DU PLOOY A	MUDAU T J
DZHOMBE J	MUFAMADI M R
HLUNGWANE B F	MUKHAHA A J
HOORZUK, J	MULOVHEDZI M D
KENNEALY A	MUNUNGUHALA N L
KUMALO J D	MUTAVHATSINDI F D
LEBEA M E	MUVHUMBE M A
LERULE M M	NCHAUBA T G
LOWANE L B	NDHLIWAYO, B T
MABOHO N K	NEKHUMBE L M
MABOHO T E	NEMALEGENI P R J
MACHOVANI R G	NEPHAWE K P
MADUWA E	NGOBENI E H
MAGUGA S G	NGWANA A G
MAHANI M F	NTHULANE L T
MAHWAI S J	RADAMBA M S
MAKHUBELE R T	RAMASHIA N G
MAKHADO M M	RAMUDZULI S D
MAKHADO M N	REKHOTSO, S M
MAKHERA M A	REYNEKE P Q
MANGANYI S D S	RIKHOTSO F J
MALETE D	RUMANI F F
MAPHALA O S	SELEPE M R
MASUKA S	SIPHUMA A L
MATAMELA N S	TSHAVHUYO T G
MATODZI A N	

Traditional Leaders

Khosi T P Nesengani

Officials

T S NDOU	(ACTING MUNICIPAL MANAGER)
R H MALULEKE	(DIRECTOR FINANCE)
E L MUGARI	(DIRECTOR COMMUNITY SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT & PLANNING)
T E RALULIMI	(DIRECTOR TECHNICAL SERVICES)
N C KHARIDZHA	(ASSISTANT MANAGER: LEGAL & COMMITTEES)
L BOBODI	(PUBLIC RELATIONS OFFICER)
L J LUKHELI	(ASSISTANT MANAGER: COUNCILLOR'S AFFAIRS)
T E SHIRINGANI	(ADMINISTRATIVE OFFICER: COMMITTEES)

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1. OPENING

The Speaker, Cllr J Hoorzuk ruled that a moment of silence be observed for meditation and prayer, whereafter she welcomed everyone present and declared the meeting officially opened.

2. APPLICATION FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in terms of the provisions of Rule 5 of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Special Council meeting held on 14 December 2009 to Cllrs. M A Helm, N V Mahlaule, R G Nkanyane, J Murovhi and M M Makananise.

REMARK:

The following councillors and traditional leaders were not present at the meeting: P Phaswana, W N Mashele, H N Honwane, L P Mashau, H A Mashamba, S E Makhomisane, N E Ngobeni, M N Mabila, A S Gundula, Hosi T J Mukhari, Hosi M S Bungani, Khosi S A Mulima, Khosi M C Masakona, Hosi H N Mahosi, Khosi N A Madzivhandila, Hosi S T Mukhari, Khosi N T L Mashamba, Hosi J Baloyi, Khosi V C Ramabulana, Khosi T R V Mashau and Kohosi S E Sinthumule.

3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Speaker, Cllr J Hoorzuk announced that there would be paupers burial at Tshikota Cemetery.
- 3.2 The Speaker, Cllr J Hoorzuk announced that SAFA has donated funding of artificial pitch, club house and a change room at Rabali Stadium as a token of the 2010 World Cup Legacy.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

- 4.1 The Speaker, Cllr J Hoorzuk proposed congratulations to Cllr A A Chaya for receiving a Certificate of Appreciation from Thanya Day Care Community Centre.
- 4.2 The Speaker, Cllr J Hoorzuk proposed congratulations to Cllr A A Chaya for receiving Community Service Award from Myngenoegen English Private School.
- 4.3 The Speaker, Cllr J Hoorzuk proposed congratulations on behalf of Cllr T J Mudau to the two (2) Councillors who diligently attended Portfolio Committee meetings of Corporate Support & Shared Services. The Mayor Cllr M M Lerule, the Chief Whip and Cllr T J Mudau presented the Certificates and Trophies to Cllr M S Radamba and Cllr K D Mauba.

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

None

6. MATTERS CONSIDERED

Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 64th Special Council Meeting: 14 December 2009

ITEM A.106.14.12.09

**ESSENTIAL SERVICES: NEW BULK INTAKE POINT: THREE PHASE 15MVA 66KV
ESKOM SUPPLY CAPACITY: RIBOLWA SUBSTATION: UP-FRONT PAYMENT TO
ESKOM
(16/2/1)**

REMARK:

This matter was referred as item B.103.14.12.09.

CONFIDENTIAL

ITEM CA.107.14.12.09

CONFIDENTIAL MATTER

ITEM A.108.14.12.09

**POLICY ON SALE OF COUNCIL LAND: R293 TOWNS (BUSINESS)
(15/3/23, 7/3/2/1 & 7/3/2/B)**

RESOLVED A.108.14.12.09 –

1. THAT Council takes note of the high unemployment and the dire need of investment in the R293 Towns which also impacts on the surrounding villages.
2. THAT Council therefore in accord with sub-regulation 40 of the Municipal Supply Chain Management Regulation of 2005 (GNR 868, 30 May 2005) regard its own immovable properties in R293 Towns as falling within the ambit of the “plight of the poor” and in the “public interest”.
3. THAT in the light of the above, Council considers selling of business properties in the surveyed R293 Towns on a first come first serve basis.
4. THAT the sale of properties in R293 Towns as purported in paragraph 2 above be for a period of two years from the date of Council Resolution whereafter the impact thereof would be reviewed by Council.
5. THAT notwithstanding the above, the properties in R293 Towns be sold on a market related price determined by a Valuator.

6. THAT before the sale agreement can be concluded, the purchaser must submit a development proposal for approval by the Executive Committee.
7. THAT the development of the property as per approved development proposal must be fully completed within three years from the date of signing of the Deed of Sale, subject to a further two years extension on approval by Council, on good cause shown as to why the development was not completed within the required three years' period.
8. THAT in the event that the development is not completed within the stipulated three years period and no further extension was approved by Council, the property sold shall revert back to Council with no refund of the purchase price and without compensation of any development or improvements made by the purchaser/applicant thus far.
9. THAT an Integrated Council Policy on Alienation and Sale of Municipal Land be developed in the next financial year, 2010/11. (DCSS)

PolicySaleOfCouncilLand_itm2

ITEM A.109.14.12.09

FINANCES: DRAFT DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS (5/5/2/1; 12/2/1/54; 6/1/1(07/08))

RESOLVED A.109.14.12.09 –

1. THAT note be taken of Circular 55/2009 received from SALGA on 9 December 2009 which contains the recommendations for consultation with the Minister of Department Cooperative Governance and Traditional Affairs pertaining to the draft determination of an increase of 7% on the upper limits of salaries, allowances and benefits of different members of municipal councils.
2. THAT Council further takes note that in terms of the criteria as set out in the draft Government Notice Makhado Municipality has scored 66,66 points which result in the municipality being a Grade 4 municipality.
3. THAT Council approves the submission by the Municipality to SALGA to the effect that the Municipality will be in a financial position to implement, if promulgated by the Minister, the 7% increase of salaries, allowances and benefits of different members of municipal councils.
4. THAT the content of Draft Government Notice, December 2009 be implemented subject to the following conditions-
 - 4.1 The formal proclamation of the final notice in Government Gazette and any conditions which such Notice may impose on Municipality.

- 4.2 The implementing of the upper limit of the increase for all councilors and with retrospective effect to the date which is reflected in such Notice and/or directive of the MEC of Local Government and Housing.
- 4.3 The payment of that part of the retrospective increase be once off and payment be made immediately following the proclamation of the final Notice in the Government Gazette, and thereafter the normal monthly cycle. (DF)

CllrAllowances_itm

ITEM A.110.14.12.09

PUBLICITY: ANNUAL REPORT 2008/9: APPROVAL AND SUBMISSION: DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT (10/1/2)

REMARK:

This item was withdrawn from the agenda.

ITEM A.111.14.12.09

TOWN-PLANNING AND CONTROL: MASAGANI LAND CLAIM: FARM BERGVLIET 288 LS (15/3/23)

RESOLVED A.111.14.12.09 –

1. THAT in the event that a consensus was not reached, especially on the post settlement agreement, the Municipality prefers that the land be not restored to Masagani Community and an alternative equitable redress be considered by the Commission.
2. THAT the dispute by Mr L Phulwane on the legitimacy of the Structure representing Masagani Community in the above regard be referred to the Office of the Limpopo Land Claims Commissioner.
3. THAT the Office of the Limpopo Land Claims Commissioner must sit with the structure representing Masagani Community and the complainant, and if consensus was not reached, they must inform the municipality.

MasaganiLandClaim_itm

ITEM A.112.14.12.09**ELECTIONS: 2011: MAKHADO MUNICIPALITY DELIMITATION REPORT
(15/1)**

RESOLVED A.112.14.12.09 –

1. THAT after having considered the consultation report on the Ward Delimitation Process from the Municipal Manager and also taking into account the following:
 - 1.1 that some wards that did not reach the Municipal Demarcation Board norm of not less than 5034 and not more than 6811;
 - 1.2 the Municipal Demarcation Board principle that the wards must as far as possible remain intact, i.e. continuity;
 - 1.3 the consultation report has voting districts that overlaps in more than two wards and this must be avoided in the spirit of consensus within the area of jurisdiction of the Municipality; (DCSS)

the wards in the Municipality be demarcated as follows:

Ward	Station	VDs	Registered voters
1	Sigwavhulimu,	76210815	1683
	Tshimbupfe Territorial,	76210827	677
	Ratshikwekwete,	76210859	1822
	Mutheiwana Sec,	76211265	834
	Manavhela Assembly,	76211388	534
	Hanani Primary	76210837	641
	Ndaeni	76210691	96
			6287
2	Matamela Primary	76210714	1228
	Matodzi Sec	76210848	981
	Sundani	76211197	519
	Mpofu Primary	76211232	231
	Madobi Prim	76210703	902
	Pembunuka	76210679	557
	Caledon	76210602	1588
	Madzembe Agricultural	76210680	371
			6377
3	Kurhuleni Primary,	76210567	732

Ward	Station	VDs	Registered voters
	Tshirunzanani Prim,	76210725	1087
	Tshinavhe Sec,	76210736	813
	Vuwani Municipal Building,	76210747	851
	Tshivhulana primary	76210758	1475
	Avhatondwi,	76211276	602
	Muhuvhini Primary,	76211344	443
	NNgwekhulu	76210691	661
			6664
4	Edson Nesengani Sec	76210769	1737
	Nesengani Territorial	76210770	513
	Kolokoshani Sec	76210781	942
	Rasivhetshele Prim	76210804	1293
	Tshivhazwaulu C Acad	76210882	636
	Tshivhazwaulu Prim	76211175	1167
			6288
5	Swiss mission (olifantshoek)	76330076	891
	Marorwane (Olifantshoek)	76330436	456
	Tiyani Tribal	76330032	1343
	Vungela Prim	76330043	1173
	Rhungulani Tribal	76330065	1191
	Akani Prim	76330054	945
	Pfumelani Prim	76330436	700
			6699
6	Masakona L prim	76210646	1411
	Rivoningo Prim	76210668	1491
	Mahatlani Prim	76211164	1249
	Kulani Prim	76330021	798
	Goza Prim	76330010	959
			5908
7	Vhangani Prim	76210578	1602
	Khomanani Tribal	76210590	1907

Ward	Station	VDs	Registered voters
	Ramauba Sec	76210556	1569
	Khomanani High	76211377	290
			5368
8	Njakanjaka Prim	76210343	608
	Nwamhandzi Prim	76210354	360
	Marholeni Sec	76210365	1037
	Radzambo Sec	76210376	641
	Nkuzana Prim	76210589	1832
	Hlanganani Office	76211243	738
			5216
9	Frank Mukhaswakule	76210387	705
	Vhafamadi	76210400	1673
	Matsindevhe	76210398	1304
	Khwara Sec	76210411	1554
	Lupedze Prim	76211254	635
	Mathothwe	76211401	468
			6339
10	Bungeni Primary	76210309	918
	Shitachi primary	76210310	1098
	Mtsweteni Prim	76210321	1570
	Hluvuka high	76210332	914
	Wayeni Prim	76211153	763
			5263
11	Raluombe	76210118	566
	Tshitangule	76210129	945
	Mashamba Prim	76210152	1490
	Mufeba Primary	76210163	550
	Mawela Primary	76210624	897
	Tshinanga	76210635	886
			5334
12	Lotsha Prim	76210107	1289

Ward	Station	VDs	Registered voters
	Muwaweni Prim	76210130	727
	Madadzhi Prim	76210141	610
	Tshivhuyuni Prim	76210174	1433
	Masekani Prim	76210185	952
	Lotavha Prim	76211333	141
	Edzisani Prim	76211366	369
	Musandiwa Prim	76211412	198
	Luhufhe Creche	76211423	109
			5828
13	Mbokota Prim	76210196	2025
	Sithumani Prim	76210220	1004
	Xilumani Prim	76210231	1252
	Shinguwa High	76210242	1440
			5721
14	Nwaxinyamani Prim	76210253	968
	Mashiza Prim	76210264	691
	Shikosana Prim	76210275	603
	Tshivhade Prim	76210286	1510
	Masungi Prim	76210297	2044
			5816
15	Masungulo	76210512	1185
	Valdezia High Prim	76210444	1993
	Ozias Davhana	76210477	1639
	Muthuhadini School	76210499	1261
			6070
16	Mulweli Prim	76210466	2514
	Djunani Prim	76210488	1494
	WATervaal High	76211120	1994
			6002
17	HS Phillips School	76210208	447
	Elim Secondary	76210501	1433

Ward	Station	VDs	Registered voters
	Elim Tribal	7620523	846
	Shihlobyeni Prim	76210534	1249
	Shirley Prim	76210545	450
	Riverplaats Prim	76211186	814
			5239
18	Tshitale Magistrate	76210039	863
	PfananinChildcare	76210040	1174
	Muila territorial	76211221	1226
	Mudikhomu Prim	76210062	638
	Muise {Prim	76211210	494
	Mulima T Council	76210051	1443
			5200
19	Lupenyo Prim	76210028	622
	Nthabalala Prim	76210073	469
	Nthabalala Territorial	76210084	772
	Tshiilaho Prim	76210095	694
	M Denga Ramabulana	76211131	1688
	Thwalima Sec School	76211142	897
	Morogolo Prim	76211355	236
			5378
20	Vlei Community Hall	76060144	2541
	Skousaal	76060010	2884
	Munzhedzi G Dealer	76060571	545
	Makhado Combined/Correctional	76060582	306
	Bandelierskop	76210017	194
			6470
21	Library	76060021	3559
	Masedi Combined	76060234	2095
	Songozwi Musanda	76060256	146
	Fhembeledzani Prim	76120208	773
			6573

Ward	Station	VDs	Registered voters
22	Manaledzi Sec	76060032	1971
	Amazing Grace	76060043	2335
	Petamukanda prim	76060245	1811
			6117
23	Tshikhwani Primary	76060054	1477
	Magau Prim	76060065	1540
	Kremetart	76060155	814
	Ndwakhulu Prim	76060188	1139
	Mutingati Creche	76060593	352
			5322
24	Muraleni Primary	76060076	1274
	Tshilwavhusiku H Centre	76060087	1812
	Gogobole	76060177	1604
	Sinthumule Sec	76060199	1567
			6257
25	Swongozwi Sec	76060098	1908
	Mugororwane Prim	76060100	909
	Maebani Prim	76060111	1553
	Madaheni Prim	76060201	815
	Pharani Prim	76060212	1130
			6315
26	Muduluni C Hall	76060122	1399
	Muongadi Prim	76060133	914
	Manavhela Prim	76060166	994
	Kutama territorial	76060223	1855
	Mara Prim	76120073	389
			5551
27	Gwamasenga Sec	76211007	2178
	Hamutsha Prim	76211018	1424
	Tshipetane	76211029	2323
	Tshikurukuru	76211287	702

Ward	Station	VDs	Registered voters
			6627
28	Matavha	76211052	883
	Mutsindoni F Mission	76211041	964
	Levubu Laer School	76211119	1178
	Mmboswobeni Prim	76211030	1040
	DR Marivati	76210455	669
	Vhudzani Sec	76210422	990
	Ketlani Primary	76210433	931
			6317
29/Dzivhuluwani Muregu	Luvhalani	76211063	1171
	Tshiemuemu	76211074	1049
	Raluthaga Prim	76211085	2229
	Masuvhelele	76211096	772
	Mulangaphuma	76211108	817
			6038
30/Tshikhwikhwikhwi	Bele Prim	76370036	1001
	Maguada School	7637000047	529
	Godeni Farm	76370733	322
	Nyatema Prim	76370788	1204
	Tshifhire	76370058	1665
	Makwatambani	76371004	893
			5614
31	Onismus S School	7637069	348
	Humbelani Sec School	76370070	1274
	Livhuwani Prim	76370081	1339
	Vhulauadzi Sec	76370092	774
	Ravhuhali School	76370676	952
	Radzilani	76370799	787
	Khunda primary	76370091	108
			5282

Ward	Station	VDs	Registered voters
32	Tswime Sec	76370621	1575
	F.N. Ravele School	76370823	750
	Gadabi Primary	76370115	1120
	Tshala Sec	76370104	678
	Rabali Prim	76370586	1789
			5912
33	Shura Prim	76370126	784
	Mphephu Sec	76370137	1118
	Dzata Sec	76370148	1406
	Sendedza Prim	76370159	636
	Mushaathoni Sec	76370160	904
	Siloam Prim	76370216	801
	Tshiendeulu	76370496	515
			6164
34	Kokwane Prim	76370575	1841
	Luatame	76370812	651
	Patrick Ramaano Sec	76370597	1485
	Maranikwe	76370542	1252
			5229
35	Nngweni Sec	76370025	1362
	Mapakophele Prim	76370553	448
	Tshituni prim	76370564	635
	Tshiolwe Prim	76370665	1093
	Mutititi Prim	76370014	1050
	Hillside	76370890	239
	Dzivhalanombe Prim	76370902	803
	Balalila Prim	76371015	337
			5967
36	Mamvuka Sec	76370328	1168
	George Mbulaheni Sec	76370519	1977
	Malema Prim	76370520	746

Ward	Station	VDs	Registered voters
	Liphakha Prim	76370531	1292
	Paradise Maname	76370980	385
	Manyii	76370508	944
			6512
37	Luswinzhe School	76370294	366
	Langanani Prim	76370687	1325
	H Nthambeleni School	76370698	346
	Mapani Prim	76370700	568
	Musekwa Prim	76370771	334
	Tshianane Prim	76370722	364
	Khomela Prim	76370744	681
	Kharivha Prim	76370755	142
	Dolidoli	76370766	174
	Ramabulana Secondary	76370777	546
	Tshishuru Prim	763700979	108
	Tshabvuma	76370889	229
			5183
38	Raliphaswa Prim	76370632	714
	Dimbanyika Sec	76370610	2073
	Mphaila Prim	76370654	401
	Matshsketsheke Prim	76370609	1020
	Mauluma Prim	76370610	541
	Makungwi Prim	76370878	909
			5658

2. THAT the consultation process report be submitted to the Municipal Demarcation Board on or before 18 December 2009.

(DCSS)

ITEM A.113.14.12.09**PERSONNEL: CLOSING OF MUNICIPAL OFFICES DURING FESTIVE SEASON
2009/2010
(5/6/5 & 5/6/B)**

RESOLVED A.113.14.12.09 –

THAT Council approves the closure of the municipal offices for the whole day on 24 December 2009 and 31 December 2009, subject to the following conditions:

1. The Director Finance must make arrangements that the water and lights counter is opened on the 24th, Saturday 26th and 31 December 2009 as well as on Saturday, 2 January 2010 for the purpose of selling electricity to our clients.
2. The Director Technical Services must also ensure that during the period mentioned in paragraph 1 above, that electricity and water connections for new consumers be made temporarily and the necessary records be opened on the first working day.
3. The Director Community Services must devise a management plan on disaster, emergency and traffic services during the festive season and the Call Centre must be fully functional.
4. Proper notice accordingly must be published in the local media and displayed at strategic points in good time in order to inform members of public of the closure.
5. All emergency and stand-by municipal services will continue uninterrupted as is the case in regard to all public holidays and during week-ends.

ClosingOffices_itm

6.2 **Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 64th Special Council Meeting: 14 December 2009**

ITEM B.103.14.12.09

**ESSENTIAL SERVICES: NEW BULK INTAKE POINT: THREE PHASE 15MVA 66KV
ESKOM SUPPLY CAPACITY: RIBOLWA SUBSTATION: UP-FRONT PAYMENT TO
ESKOM
(16/2/1)**

REMARK:

This matter was referred from item A.106.14.12.09.

RESOLVED B.103.14.12.09 –

THAT the matter be deferred to the next Executive Committee meeting in order to afford the Portfolio Committee Finance the opportunity to consider the matter and submit its recommendation to the next Executive Committee for consideration with a view of making a recommendation to Council.

Ej/ribolwa15mva_2

(DTS/DCSS)

The meeting was closed and adjourned at 18:30.

Approved and confirmed in terms of the provisions of section 27 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), by a resolution of the Council passed at the meeting held on 28 January 2010.

CHAIRPERSON

CNK/lh/SpecialCouncilMinutes_64