

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SUPPORT AND SHARED SERVICES

MINUTES OF THE SIXTY NINTH (69TH) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON TUESDAY, 14 DECEMBER 2010 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, LOUIS TRICHARDT AT 17:00.

PRESENT

Councillors

BALADZI P	MAUBA K D
BALOYI R S	MAVHUNGA K
CHAYA A A	MBOYI M D
DZHOMBE J	MUDAU T J
HELM M A	MUFAMADI M R
HOORZUK, J	MUNUNGUFHALA M L
KUMALO J D	MUTAVHATSINDI F D
LEBEA M E	MUVHUMBE M A
LERULE M M	NCHAUBA T G
MABILA M N	NDHLIWAYO B T
MABOHO N K	NEKHUMBE L M
MABOHO T E	NEPHAWE K P
MADUWA E	NGOBENI E H
MAGUGA S G	NGOBENI N E
MAHANI M F	NGWANA A G
MAKHADO M M	NKHANYANI R G
MAKHERA M A	PHASWANA P
MAKHOMISANI S E	RADAMBA M S
MAKHUBELE R T	RAMASHIA N G
MAPHALA O S	RAMUDZULI S D
MASHAMBA H A	REKHOTSO, S M
MASHAU L P	REYNEKE P Q
MASHELE W N	RIKHOTSO F J
MASUKA S	SELEPE M R
MATAMELA N S	SIPHUMA A L
MATODZI A N	TSHAVHUYO T G
MATUMBA J	

Traditional Leaders

NONE

Officials

A S TSHIKALANGE	(MUNICIPAL MANAGER)
T S NDOU	(DIRECTOR CORPORATE SUPPORT & SHARED SERVICES)
E L MUGARI	(DIRECTOR COMMUNITY SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT & PLANNING)
T E RALULIMI	(DIRECTOR TECHNICAL SERVICES)
H R MALULEKE	(CHIEF FINANCIAL OFFICER)
M E MATHEPE	(MANAGER: INTERNAL AUDIT)
H J LUKHELI	(ASSISTANT MANAGER: COUNCILLORS AFFAIRS)
M D MUNYAI	(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 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 2010 to Cllrs B F Hlongwane, L B Lowane, R G Machovani, S J Mahwai, M M Makananise, M B Bopape, X N X Honwana and M D Mulovhedzi.

REMARK:

1. Following councillors and traditional leaders were not present at the meeting: A du Plooy, A S Gundula, A Kenneally, M N Mahlaule, D Maletle, S D S Manganyi, A J Mukhaha, N J Murovhi, P R J Nemalegeni, L T Nthulane and F F Rumani, Hosi M S Bungeni, Khosi S A Mulima, Khosi M C Masakona, Hosi H M Majosi, Khosi T P Nesengani, Khosi N T L Mashamba, Hosi S T Mukhari, Hosi J Baloyi, Khosi V C Ramabulana, Khosi T R V Mashau and Khosi M W Netsianda.
2. Be noted that Council has a vacancy of one member due to the death of Cllr M N Makhado.

3. OFFICIAL ANNOUNCEMENTS

The Speaker, Cllr J Hoorzuk announced that his Majesty King Toni Ramabulana Mphephu invited all Makhado Municipality Councillors to a Fun Walk on Saturday, 18 December 2010, starting from Tshikombani at 07:00 with the finish line at Dzata Museum.

4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

The Speaker, Cllr J Hoorzuk, proposed congratulations to all Councillors of Makhado Municipality for conducting themselves very well during the disaster incidents in their respective wards.

5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

- 5.1 Cllr M L Munungufhala proposed condolences to Cllr A A Chaya and his family with the loss of their late daughter in law, Dr. Lakani Chaya.
- 5.2 Cllr S G Maguga proposed congratulations to Cllr K D Mauba for being appointed by Vhembe District Municipality (VDM) as Chairperson of the Municipal Public Account Committee (MPAC).
- 5.3 Cllr M G Mahani proposed congratulations to the Mayor of Makhado Municipality, Cllr M M Lerule for attending the funeral of Martha Mavodze of Tiyani in Ward 5 who was brutally murdered by her husband during 16 Days of no Violence Against Woman and Children at Tiyani.

- 5.4 Cllr M M Matodzi proposed condolences on behalf of residents of Ward 27 to the family of the deceased Chief to be Installed, Mr Khuliso Mugivhi of Ha-Mutsha, who will be buried on Saturday, 18 December 2010 at 08:00 at Ha-Mutsha.
- 5.5 Cllr T J Mudau proposed condolences with the family of the deceased Mr F J Fungene, a Makhado Municipality employee who was stationed at Waterval Region.
- 5.6 Cllr N S Matamela proposed congratulations to the Mayor of Makhado Municipality, Cllr M M Lerule for assisting in funeral arrangements of Makuya and Marubini's family in Ward 35, who died in a car accident.

REMARK:

The Speaker, Cllr J Hoorzuk, the Chief Whip, Cllr F J Rikhotso and the Mayor of Makhado Municipality, Cllr M M Lerule handed over a gift to the wife of the late Cllr M N Makhado who was a Councillor of Makhado Municipality.

6. MATTERS CONSIDERED

- 6.1 Resolutions of the Council in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 69th Special Council Meeting: 14 December 2010**

ITEM A.89.14.12.10

**AUDIT COMMITTEE REPORT TO COUNCIL: 2010/2011 FINANCIAL YEAR
(4/26/1/1)**

RESOLVED A.89.14.12.10

THAT the report from Council's Audit Committee for the period up to 30 October 2010 attached as Annexure A to the report in this regard, be noted. (MM/CFO)

ReportAuditCommitteeOctober2010_itm

ITEM A.90.14.12.10

**PARTICIPATION OF THE TRADITIONAL LEADERS IN MUNICIPAL COUNCIL:
INCREASE ON PAYMENT OF ALLOWANCES AND PROVISION OF MOBILE CELL
PHONES AND AIRTIME FOR TRADITIONAL LEADERS**

(5/5/3 & 3/5/2)

REMARK:

The report was withdrawn from the agenda. (DCOMS)

AllowanceTradLeaders_itm(2)

ITEM A.91.14.12.10**COMMUNITY SERVICES: CONSTRUCTION OF 30 RDP UNITS IN AREAS AFFECTED BY DISASTER
(17/4/1 & 17/20)****REMARK:**

This item was referred as item B82.09.12.10

ITEM A.92.14.12.10**COMMUNITY SERVICES ALLOCATION OF 850 RDP HOUSING UNITS FOR 2011/2012 FINANCIAL YEAR
(17/4/1 & 17/20)****REMARK:**

1. Cllr K D Mauba proposed, duly seconded by Cllr J D Kumalo, that instead of allocating 50 housing units per village, each village be allocated 32 housing units and the following Wards and Villages be included in the list:

Ward 12 – Madadzhi
Tshivhuyuni
Ward 3 – Vyeboom
Tshivhulana
Ward 19 – Manyima
Maduwa

That the remaining 18 units be allocated to the Office of the Mayor for Special Programmes.

2. The proposal was adopted in general and recorded accordingly as part of Council's Resolution herein below.

RESOLVED A.92.14.12.10 -

1. THAT Council take note and approve the allocation and Developmental Areas of 850 RDP housing units as specified by the Department of Local Government and Housing which are to be constructed within various wards and villages as follows: (DDP)

Developers	Wards	No. of units	Villages
4.	01	32	Muziafera
		32	Tshilindi
5.	02	32	Nwamatatani
		32	Malonga
6.	11	32	Sereni
		32	Mufebe
6.	16	32	Makhakhi
		32	Vhutuwangadzebu
7	17	32	Elim
		32	Shihlobyeni
8.	18	32	Mamphagi
		32	Pfananani
10.	22	32	Tshiozwi
		32	Madombidzha zone 2
11.	23	32	Madombidzha zone 01
		32	Magau

12	32	32	Divhani
		32	Funyufunyu
13	33	32	Ha-mandiwana
13		32	Ha-makatu

2. THAT the identification of beneficiaries be the responsibilities of the Ward councillors, traditional leaders, Ward committee members, CDW'S and other recognized Structures within the respective wards benefited RDP houses for 2011 / 2012 financial year. (DDP)
3. THAT the Department of Local Government and Housing assist housing officials in completing Housing Subsidy Application forms for those who benefited and project managers of the Department to ensure that houses in various wards and villages are approved and built in terms of what is recorded in paragraph 1 above. (DDP)
4. THAT the developers work hand in hand with the project managers and all other structures on the ground where houses are constructed for the sake of meeting construction dead line and construction of quality houses for the identified beneficiaries. (DDP)
5. THAT RDP project manager timeously submit housing progress reports to the Director Development and Planning to be consolidated into monthly, quarterly and annual reports to be tabled to Council. (DDP)
6. THAT instead of allocating 50 housing units per village, each village be allocated 32 housing units and the following Wards and Villages be included in the list:
 - Ward 12 – Madadzhi - 32
 - Tshivhuyuni - 32
 - Ward 3 – Vyeboom - 32
 - Tshivhulana -32
 - Ward 19 – Manyima - 32
 - Maduwa. – 32.
 (DDP)
7. THAT the remaining 18 units be allocated to the Office of the Mayor for Special Programmes. AllocationHousingUnits_itm (DDP)

ITEM A.93.14.12.10

PERSONNEL: CLOSING OF MUNICIPAL OFFICES DURING FESTIVE SEASON 2010/2011: POLICY (5/6/5 & 5/6/B)

REMARK:

Cllr J Dzhombe proposed, duly seconded by Cllr M S Radamba that all electrical pay points of Makhado Municipality needs to open during the festive holiday and the proposal was generally accepted ad as such is recorded as Council Resolution under paragraph 6 herein below.

RESOLVED A.93.14.12.10

THAT Council approves the closure of the municipal offices for the whole day on 24 December 2010 and 31 December 2010, subject to the following conditions:

1. The Director Finance must make arrangements that the water and lights counter is opened on the 24th and 31 December 2010 for the purpose of selling electricity to our clients. (CFO)
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. (DTS)
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. (DCOMS)
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. (DCSS)
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. (DTS/DCOMS)
6. All electrical pay points of Makhado Municipality need to open during festive holiday. (DTS/CFO)

ClosingOffices_itm

ITEM A.94.14.12.10

ORGANIZATION: PILOT PROJECT: PARTICIPATORY BUDGETING PROCESS, 2011/2012 – PLANACT, GTZ AND MUNICIPALITY JOINTLY (2/5; 6/1/1(11/12))

RESOLVED A.94.14.12.10

1. THAT note be taken of the initiative by Planact, GTZ and MLM jointly to run a pilot project for participatory budgeting processes in order to enhance development processes and that the following be approved-
 - 1.1 Makhado Region consisting of seven (7) municipal wards be identified as the site for the pilot project in view of its diversity, its composition of both intense rural and urban, the specific economic profile which is at hand, the measure ability of poverty levels, and the manageability of the geographical area. (MM/CFO)
 - 1.2 Two (2) officials as may be designated by the Municipal Manager serve as members of the Interim Steering Committee for the project together with two representatives each of Planact and GTZ, and that the ward councilors of the seven municipal wards in the Makhado Region also join the Interim Steering Committee. (MM/CFO)

- 1.3 A formal request be directed to GTZ to assist Municipality with its organizational PMS, the restructuring of the organogram, and the prevention of issues that impact negatively on clean audit reports. (DCSS)
2. THAT the terms of Reference for the Preparatory Phase for a Participatory Budgeting Pilot Project in Makhado Municipality attached as Annexure B to the report in this regard, be adopted and form the basis of a SLA / Project Agreement between Municipality and Planact / GTZ. (MM/DCSS)

ParticipatoryBudgeting_itm

ITEM A.95.14.12.10

PERSONNEL: ANNUAL SALARY INCREASE: MUNICIPAL MANAGER AND MANAGERS ACCOUNTABLE TO THE MUNICIPAL MANAGER (5/5/2/1; 6/1/1(10/11))

RESOLVED A.95.14.12.10

THAT an increase in the remuneration of the salaries of the municipal manager and managers directly accountable to the municipal manager be determined at 7,24% with retrospective effect of 1 July 2010 for the 2010/2011 financial year, as provided for in the *Local Government: Municipal Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, 2006*, which was adopted by Council Resolution A.58.26.10.06, read with the contents of Employment Contracts.

(CFO)

Section 57s increase 2010

ITEM A.96.14.12.10

FINANCES: 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(10/11))

REMARK:

1. The Executive Committee proposed an addition to their recommendation. The proposal was accepted in general and recorded as paragraph 3 below.
2. The Chairperson of the Executive Committee referred to the official promulgation of Notice No. 1196 dated 10 December 2010 which was published in Government Gazette No. 33867, and tabled at the meeting. Paragraph 2 of the Executive Committee recommendation could thus be implemented.
3. Cllr M E Lebea duly seconded by Cllr M S Radamba proposed that the 5% annual increase be paid to Councillors not later than 21 December 2010. The proposal was generally accepted and recorded accordingly as Council Resolution under paragraph 4 herein below.

RESOLVED A.96.14.12.10

1. THAT note be taken of Circular 55 of 2010 received from SALGA on 3 December 2010 the purport of which is -

- 1.1 the across the board increase by 5% on salaries, benefits and allowances of all councillors, as well as
- 1.2 introduction of section 8(1)(d) of the Income Tax Act, 1962 allowance of R120 000 per annum already included in the basic salary component as more fully set out in Annexure A attached to the report in this regard. (CFO)
2. THAT the content of Draft Government Notice, November 2010 be implemented subject to the following conditions-
- 2.1 The formal proclamation of the final notice in Government Gazette and any conditions which such Notice may impose on Municipality.
- 2.2 The implementing of the upper limit of the increase for all councillors and with retrospective effect to the date which is reflected in such Notice and/or directive of the MEC of Local Government.
- 2.3 The payment of that part of the retrospective increase be once off at the first following immediate payment cycle following the proclamation of the Notice, and thereafter the normal monthly cycle. (CFO)
3. THAT a team of qualified Tax Practitioners from SALGA and SARS be invited to advise Councillors and Management on tax laws, regulations and SARS directives applicable to Councillors. (CFO)
4. THAT the 5% annual increase in terms of the promulgation under Government Notice No. 1196 of 10 December 2010 promulgated in Government Gazette No. 33867 dated 10 December 2010, be paid to Councillors not later than 21 December 2010. (CFO)
- Clr allowances Dec 2010 (CFO)

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6.2 Resolution of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 69th Special Council Meeting: 14 December 2010

ITEM B.82.09.12.10

**COMMUNITY SERVICES: CONSTRUCTION OF 30 RDP UNITS IN AREAS AFFECTED BY DISASTER
(17/4/1 & 17/20)**

REMARK:

This item was referred from item A.91.14.12.10

RESOLVED B.82.09.12.10 -

THAT the matter be referred back for further investigation regarding Annexure B attached to the report in this regard. (DDP)

ArrearRDP Units_itm

The Speaker, Cllr J Hoorzuk declared the meeting officially closed and the meeting adjourned at 19:30.

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 27 January 2011.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_69