

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE SEVENTY NINTH (79<sup>th</sup>) MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 28 APRIL 2016 AT 14:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO.

### PRESENT

#### Councillors

CHILILO, N F	MATUMBA, N J
DU PLOOY, A	MBOYI, M D
HLABIOA, M M	MMBADI, T A
HLONGWANE, F B	MOGALE, L B
KUTAMA, N	MTHOMBENI, S Z
LERULE-RAMAKHANYA, M M	MUKHAHA, A J
MACHETE, M S	MUKHARI, M F
MADAVHU, F F	MUTAVHATSINDI, F D
MADZHIGA, F N	MUTELE, T M
MAHANI, M G	NDWAMBI, M T
MAHLADISA, S V	NDZOVELA, M G
MAKHUBELA, R T	NELUVHOLA, A T
MAKHUVHA, V S	NEMAFHOHONI, M G
MALANGE, R	NGOBENI, N E
MALANGE, T M	NKANYANE, R G
MAMAFHA, T C	RASIMPHI, M P
MAMAFHA, T J	REKHOTSO, S M
MAMOROBELA, T P	RIKHOTSO, F J
MAPHALA, O S	SELEPE, M R
MASHIMBYE, P F	SHANDUKANI, M J
MASUKA S	SINYOSI, S M
MATHALISE, L M	TSHAVHUYO, T G
MATHAVHA, H F	TSHILAMBYANA, M S
MATHOMA, M P	UNDERWOOD, J P
MATODZI, A M	

#### Traditional Leaders

None

#### Officials

M D SINTHUMULE	(ACTING MUNICIPAL MANAGER)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
S M CAROTO	(ACTING DIRECTOR: CORPORATE SERVICES)
C W MOLOKOMME	(DIRECTOR TECHNICAL SERVICES)
B MOKIRI	(ACTING DIRECTOR COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

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### 1. OPENING

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

She expressed that all be reminded of the Municipality's Vision and Mission as follows:

Vision "A Dynamic Hub for Socio-Economic Development by 2025"

Mission "To ensure effective utilization of economic resources to address socio-economic imperatives through mining, tourism and agriculture".

## 2. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED –

1. THAT leave of absence be granted in accordance with the provisions of Rule 5 of the Council's Rules and Orders, 2007 in respect of the Council meeting held on 28 April 2016 to Cllrs E H Ludere, M Mpashe, N B Baloyi, A Z Maphahla, R Ludere, N P Balibali, T S Mudau, R Thandavhathu, D T Ratshikuni, M T Matumba, K A Hlungwani, M R Magada, M S Mamatsiari, M J Gabara, M D Mulovhedzi, M Q Ratshivhombela and N S Munyai.
  
2. THAT it be noted that the following councillors and traditional leaders were absent from the meeting without leave of absence in accordance with the provisions of clause 5(1)(a) of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Council meeting held on 28 April 2016:  
 Cllrs R S Baloyi, N D Davhana, V S Luduvhungu, M R Madzivhandila, N A Mafhala, M P Mazibuko, T P Netshivhulana, M E Malima and S D Ramudzuli, as well as Traditional Leaders, Khosi R H Sinthumule, Khosi S A Mulima, Khosi M C Masakona, Hosi H N Majosi, Hosi J Baloyi, Hosi T J Mukhari, Khosi N T L Mashamba, Khosi T P Nesengani, Khosi T R V Mashau, Khosi S T Mukhari and Khosi V C Ramabulana.

**REMARK:**

Khosi M W Netsianda, Khosi M A Madzivhandila and Hosi M S Bungeni had passed away.

## 3. OFFICIAL ANNOUNCEMENTS

None

## 4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER

The Speaker, Cllr L B Mogale proposed congratulations to the following councillors who celebrated their birthdays since the last ordinary Council meeting held on 28 January 2016:

Cllr K A Hlungwani	2 February 2016
Cllr V S Luduvhungu	2 February 2016
Cllr N S Munyai	2 February 2016
Cllr E H Ludere	2 February 2016
Cllr M P Mazibuko	4 February 2016
Cllr M G Mahani	9 February 2016
Cllr P F Mashimbye	11 February 2016
Cllr D T Ratshikuni	15 February 2016
Cllr T A Mmbadi	23 February 2016
Cllr M E Malima	28 February 2016
Cllr L M Mathalise	2 March 2016
Cllr T J Mamafha	3 March 2016
Cllr N J Matumba	3 March 2016
Cllr R Malange	6 March 2016
Cllr F B Hlongwane	1 April 2016
Cllr M P Rasimphi	4 April 2016
Cllr T P Mamorobela	12 April 2016

Cllr S Masuka	15 April 2016
Cllr T P Netshivhulana	17 April 2016
Cllr M T Matumba	24 April 2016

## 5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY COUNCILLORS

- 5.1 Cllr N Kutama proposed condolences to the bereaved family of well-known artist Mr Samuel April Ramufhi who passed on. He further proposed condolences to the bereaved family of one of the group members of Adziambei band, who passed away.
- 5.2 Cllr M D Mmboyi proposed condolences to the bereaved family of Dr Herman Netshidzivhani of Tshakuma a renowned medical specialist in South Africa and abroad who passed away. She further indicated that the Deputy President, Mr Cyril Ramaphosa and the Minister of Health, Dr Aaron Motsoaledi would be among dignitaries attending the funeral.
- 5.3 Cllr T G Tshavhuyo proposed congratulations to African National Congress Party led Government for hosting a successful Freedom Day on Wednesday, 27 April 2016 at Giyani Stadium, when the stadium was filled to capacity.

He further proposed congratulations to African National Congress Youth League for the successful launch of African National Congress Volunteer Care whereby MEC of Health, Dr Phophi Ramuthuba distributed more than 3000 sanitary towels to the needy at University of Venda.

He further proposed congratulations to the African National Congress for the launch of Volunteer Care at Madimbo where the Secretary of the Province, Mr Selane and Secretary of the Region, Mr Madume Shumani were delegates.

- 5.4 Cllr T P Mamorobela proposed congratulations to the President of the Republic of South Africa, Mr Jacob Zuma and the African National Congress for managing to keep the office in challenging times. She further congratulated the Speaker of the Council, Cllr L B Mogale and His Worship the Mayor, Cllr F D Mutavhatsindi for running Makhado Local Municipality well.

## 6. CONFIRMATION OF MINUTES

### 6.1 REMARK:

Upon proposal by Cllr F N Madzhiga, duly seconded by Cllr M P Mathoma, it was -

RESOLVED -

THAT the minutes of the 78<sup>th</sup> meeting of the Council held on 28 January 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

### 6.2 REMARK:

Upon proposal by Cllr N J Matumba, duly seconded by Cllr N G Ndzovela, it was -

RESOLVED -

THAT the minutes of the 106<sup>th</sup> Special Council meeting held on 25 February 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson, with correction as follows:

Page 1, Present

The name “Matumba, N R” in the second column on page 1, be corrected to read “Matumba, N J”.

**6.3 REMARK:**

Upon proposal by Cllr N F Chililo, duly seconded by Cllr T J Mamafha, it was -

RESOLVED -

THAT the minutes of the 107<sup>th</sup> Special Council meeting held on 10 March 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

**6.4 REMARK:**

Upon proposal by Cllr F N Madzhiga, duly seconded by Cllr F N Madzhiga, it was -

RESOLVED -

THAT the minutes of the 108<sup>th</sup> Special Council meeting held on 31 March 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson with correction as follows:

Page 1, Present

The name “Matumba, N H” in the first column on page 1 be corrected to read “Matumba, N J”.

**6.5 REMARK:**

Upon proposal by Cllr N F Chililo, duly seconded by Cllr P F Mashimbye, it was –

RESOLVED –

THAT the minutes of the 109<sup>th</sup> Special Council meeting held on 22 April 2016, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

**7. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN**

None

**8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING**

None

**9. REPORT OF COUNCIL COMMITTEES: JANUARY 2016**

**9.1 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the month of April 2016**

*The report of the 395<sup>th</sup> Executive Committee meeting held on 18 February 2016 (was considered at the 106<sup>th</sup> Special Council meeting of 25 February 2016)*

*The report of the 396<sup>th</sup> Executive Committee meeting held on 25 February 2016 (was considered at the 106<sup>th</sup> Special Council meeting of 25 February 2016)*

*The report of the 397<sup>th</sup> Executive Committee meeting held on 10 March 2016 (was considered at the 107<sup>th</sup> Special Council meeting of 10 March 2016)*

*The report of the 398<sup>th</sup> Executive Committee meeting held on 24 March 2016 (was considered at the 108<sup>th</sup> Special Council meeting of 31 March 2016)*

*The report of the 399<sup>th</sup> Executive Committee meeting held on 31 March 2016 (was considered at the 108<sup>th</sup> Special Council meeting of 31 March 2016)*

*The report of the 400<sup>th</sup> Executive Committee meeting held on 21 April 2016*

*The report of the 401<sup>st</sup> Executive Committee meeting will be tabled at the meeting.*

**ITEM A.54.28.04.16**

**PERFORMANCE MANAGEMENT: ASSESSMENT RESULTS 2014/2015 FINANCIAL YEAR  
(10/1/2 & 6/1/1(2014/2015))**

RESOLVED A.54.28.04.16 (COUNCIL)

THAT Council approves the Assessment Report for the 2014/2015 financial year as submitted by Performance Management Unit, and the performance bonuses be paid accordingly in terms of the provisions of the Employment Contracts read with the provisions of the Performance Agreements: Provided that payment of bonuses would be made depending on the financial affordability of the Municipality.

AssessmentResults2014-2015\_itm

(MM/CFO)

**ITEM A.55.28.04.16**

**COUNCIL COMMITTEES: AUDIT AND PERFORMANCE AUDIT COMMITTEE  
REPORT TO COUNCIL: QUARTER 3 OF 2015/2016  
(4/26/1/1 & 10/1/4/1)**

RESOLVED A.55.28.04.16 (COUNCIL)

THAT the Audit and Performance Audit Committee's report in respect of Quarter 3 of the 2015/2016 financial year to Council be noted.

(MM/CFO)

Report Audit Committee January - March 2016\_itm

**ITEM A.56.28.04.16****LEGISLATION: FINAL PUBLIC NUISANCE BY LAWS, 2016  
(1/3/1 & 1/3/44/2)**

RESOLVED A.56.28.04.16 (COUNCIL)

1. THAT the Makhado Municipality Public Nuisance By-laws, 2016, as attached to the report in this regard, be approved and the date of commencement of the By-laws be the date on which the By-laws is promulgated in the Provincial Gazette for Limpopo. (DCS/DCOMS)
2. THAT the effective date of the By-laws shall be six months after the promulgation of the By-laws to afford time to conduct an educational awareness campaign on the By-laws.

FinalPublicNuisanceBylaw\_itm

(DCS)

**ITEM A.57.28.04.16****LEGISLATION: FINAL STREET TRADING BY LAWS, 2016  
(1/3/1 & 1/3/19/2)**

RESOLVED A.57.28.04.16 (COUNCIL)

1. THAT the Makhado Municipality Street Trading By-laws, 2016, as attached to the report in this regard, be approved and the date of commencement of the By-laws be the date on which the By-laws is promulgated in the Provincial Gazette for Limpopo. (DCS/DCOMS)
2. THAT the effective date of the By-laws shall be six months after the promulgation of the By-laws to afford time to conduct an educational awareness campaign on the By-laws.

FinalBy-lawStreetTrading\_itm

(DCS)

**ITEM A.58.28.04.16****LEGISLATION: FINAL SWIMMING POOL BY LAWS, 2016  
(1/3/1 & 1/3/40/2)**

RESOLVED A.58.28.04.16 (COUNCIL)

1. THAT the Makhado Municipality Swimming Pool By-laws, 2016, as attached to the report in this regard, be approved and the date of commencement of the By-laws be the date on which the By-laws is promulgated in the Provincial Gazette for Limpopo. (DCS/DCOMS)
2. THAT the effective date of the By-laws shall be six months after the promulgation of the By-laws to afford time to conduct an educational awareness campaign on the By-laws.

By-lawSwimmingPool\_itm

(DCS)

**ITEM A.59.28.04.16****LEGISLATION: FINAL ANIMAL IMPOUNDMENT BY LAWS, 2016  
(1/3/1 & 1/3/40/2)**

RESOLVED A.59.28.04.16 (COUNCIL)

1. THAT the Makhado Municipality Animal Impoundment By-laws, 2016, as attached to the report in this regard, be approved and the date of commencement of the By-laws be the date on which the By-laws is promulgated in the Provincial Gazette for Limpopo. (DCS/DCOMS)
2. THAT the effective date of the By-laws shall be six months after the promulgation of the By-laws to afford time to conduct an educational awareness campaign on the By-laws.

By-lawImpoundmentOfAnimals\_itm

(DCS)

**ITEM A.60.28.04.16****DOMESTIC SERVICES: CORPORATE GOVERNANCE OF INFORMATION AND  
COMMUNICATION TECHNOLOGY: APPROVAL OF ICT MANAGEMENT  
FRAMEWORK, 2016  
(8/B; 8/2/3)**

RESOLVED A.60.28.04.16 (COUNCIL)

THAT the ICT Management Framework, 2016 attached to the report in this regard as Annexure A be approved to become the ICT Management Framework, 2016 of Council with effect of the date of this Resolution. (DCS)

ICTGovManFramework2016

**ITEM A.61.28.04.16****DOMESTIC SERVICES: CORPORATE GOVERNANCE OF INFORMATION AND  
COMMUNICATION TECHNOLOGY: APPROVAL OF ICT SECURITY CONTROLS  
POLICY, 2016  
(8/B; 8/2/3)**

RESOLVED A.61.28.04.16 (COUNCIL)

THAT the ICT Security Controls Policy, 2016 attached to the report in this regard as Annexure A be approved to become the ICT Security Controls Policy, 2016 of Council with effect of the date of this Resolution. (DCS)

ICTGovISecurityPolicy2016

**ITEM A.62.28.04.16**

**DOMESTIC SERVICES: CORPORATE GOVERNANCE OF INFORMATION AND COMMUNICATION TECHNOLOGY: APPROVAL OF ICT INCIDENT AND PROBLEM MANAGEMENT POLICY, 2016  
(8/B; 8/2/3)**

RESOLVED A.62.28.04.16 (COUNCIL)

THAT the ICT Incident and Problem Management Policy, 2016 attached to the report in this regard as Annexure A be approved to become the ICT Incident and Problem Management Policy, 2016 of Council with effect of the date of this Resolution. (DCS)

ICTGovIncidentManPolicy2016

**ITEM A.63.28.04.16**

**DOMESTIC SERVICES: CORPORATE GOVERNANCE OF INFORMATION AND COMMUNICATION TECHNOLOGY: APPROVAL OF REVIEWED ICT ANTI-VIRUS POLICY, 2016  
(8/B; 8/2/3)**

RESOLVED A.63.28.04.16 (COUNCIL)

THAT the Review ICT Anti-virus Policy, 2016 attached to the report in this regard as Annexure A be approved to become the ICT Anti-virus Policy, 2016 of Council with effect of the date of this Resolution; and that the Anti-virus Policy, 2011 is substituted for the attached 2016 Policy.

ICTReviewAntiVirusPolicy2016\_itm

(DCS)

**ITEM A.64.28.04.16**

**DOMESTIC SERVICES: CORPORATE GOVERNANCE OF INFORMATION AND COMMUNICATION TECHNOLOGY: APPROVAL OF ICT CHANGE MANAGEMENT POLICY, 2016  
(8/B; 8/2/3)**

RESOLVED A.64.28.04.16 (COUNCIL)

THAT the ICT Change Management Policy, 2016 attached to the report in this regard as Annexure A be approved to become the ICT Change Management Policy, 2016 of Council with effect of the date of this Resolution. (DCS)

ICTChangeManagementPolicy2016\_itm



**ITEM A.65.28.04.16****COUNCIL LAND: PROPOSED LEASE OF A PORTION OF ERF 245 MEASURING 2000M<sup>2</sup> FOR PURPOSE OF PLACE OF PUBLIC WORSHIP: HA-TSHIKOTA (VLEIFONTEIN) TOWNSHIP (E245)**

RESOLVED A.65.28.04.16 (COUNCIL)

THAT the proposed lease of a portion of erf 245, measuring 2000m<sup>2</sup>, for purpose of place of public worship, Ha-Tshikota (Vleifontein) Township that was received from Pastor T B Ndou acting on behalf of the Apostolic Prophetic Movement Church be approved, subject to the following conditions:

1. The intention to lease (a portion of erf 245 measuring 2000m<sup>2</sup> for purpose of place of public worship), Ha-Tshikota (Vleifontein) Township be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended be advertised in one of the local newspapers for comments, if any,
2. A Professional valuer be appointed for determination of a market related amount which will serve as the rental price for the property,
3. A sub-divisional diagram for non-registration be drawn by the Internal Survey Technician,
4. The structure must not be permanent,
5. The rental be escalated by 10% per annum at the beginning of each year until the end of the lease agreement,
6. The term of lease be for a period of five (5) years, with lease renewal option,
7. The standard conditions for lease of Municipal land will further apply,
8. A memorandum of agreement made and entered into by and between Makhado Local Municipality and Pastor T B Ndou acting on behalf of the Apostolic Prophetic Movement Church,
9. The applicant be informed in terms of the provisions of item 17(t) read with 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
10. The approval is further subject to the following conditions:
  - 10.1 **Electricity:** The supply authority is Eskom.
  - 10.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
  - 10.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
  - 10.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

**ITEM A.66.28.04.16**

**COUNCIL LAND: PROPOSED LEASE OF A PORTION OF ERF 1217 MEASURING 2000M<sup>2</sup> FOR PURPOSE OF VEGETABLE FARMING AND INDIGENOUS CHICKENS: TSHIKOTA EXTENSION 1 TOWNSHIP (TE1217 Ptn)**

**REMARK**

This item was referred as item B.12.22.04.16

**ITEM A.67.28.04.16**

**COUNCIL LAND: PROPOSED PURCHASE OF A PORTION OF ERF 1217 MEASURING 2000M<sup>2</sup> FOR PURPOSE OF POULTRY FARMING: TSHIKOTA EXTENSION 1 TOWNSHIP (TE1217)**

**REMARK**

This item was referred as item B.13.22.04.16.

**ITEM A.68.28.04.16**

**COUNCIL LAND: PROPOSED DIGITAL ADVERTISING / LED DISPLAY PROJECT BEHIND TSHAKHUMA MARKET (15/3/9 & 7/3/2/9)**

RESOLVED A.68.28.04.16 (COUNCIL)

THAT the application received from Mr Moses Makhado acting on behalf of the Bono Vision Media for proposed digital advertising LED display project behind Tshakhuma Market be approved subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality Draft Outdoor Signs By-Laws:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease municipal land behind Tshakhuma Market of dimension 3.2m x 2.58m, be advertised in one (1) of the local newspapers for objections if any,
2. A market related rental for the lease of municipal land determined by a Professional valuator be collected,
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement,
4. The term of lease be for a period of five (5) years, with lease renewal option,
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Moses Makhado acting on behalf of the Bono Vision Media,
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Property Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
7. The approval is further subject to the following conditions:

7.1 **Electricity:** Eskom is the supply authority in the area. The applicant must apply to Eskom for an electrical connection for the advertising LED display.

7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

7.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

BonoVisionMediaTshakhuma\_itm

(DDP)

#### **ITEM A.69.28.04.16**

#### **COUNCIL LAND: PROPOSED RENEWAL OF EXISTING ADVERTISING BILLBOARDS AT MAKHADO-A TOWNSHIP AND LOUIS TRICHARDT TOWNSHIP (15/3/9 & 7/3/2/9)**

RESOLVED A.69.28.04.16 (COUNCIL)

THAT the application received from Mr Lucky Kubheka an Account Manager “Development” acting on behalf of the Primedia Outdoor for proposed renewal of the existing billboards at Makhado-A Township and Louis Trichardt Township be approved subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality Outdoor Signs By-Laws:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease municipal land at Makhado-A Township and Louis Trichardt Township be advertised in one (1) of the local newspapers for objections if any,
2. A market related rental for the lease of municipal land determined by a Professional valuator be collected,
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement,
4. The term of lease be for a period of five (5) years, with lease renewal option,
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Lucky Kubheka an Account Manager “Development” acting on behalf of the Primedia Outdoor,
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Property Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
7. The approval is further subject to the following conditions:
  - 7.1 **Electricity:** Electricity supply already exists and is in use by Primedia. The current approved tariff for the electricity consumption for the advertising board shall apply.

7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

7.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

PrimediaMakhadoA\_itm

(DDP)

#### **ITEM A.70.28.04.16**

#### **COUNCIL LAND: PROPOSED CONTRACTUAL AGREEMENT FOR ADVERTISING STRUCTURES SITUATED AT ELIM VILLAGE (15/3/9 & 7/3/2/9)**

RESOLVED A.70.28.04.16 (COUNCIL)

THAT the application received from Mr Lucky Kubheka, Development Executive, acting on behalf of the Primedia Outdoor for proposed contractual advertising structures at Elim Village be approved subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality Draft Outdoor Signs By-Laws:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease municipal land B48/0676/1 of dimension 3.0m x 6.0m, BHAM/043/1 of dimension 12.0m x 3.0m and BHAM/043/A of dimension 12.0m x 3.0m respectively situated on the D4 Elim road be advertised in one (1) of the local newspapers for objections if any,
2. A market related rental for the lease of municipal land determined by a Professional valuator be collected,
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement,
4. The term of lease for a period of five (5) years, with lease renewal option,
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Lucky Kubheka "Development Executive" acting on behalf of the Primedia Outdoor,
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
7. The approval is further subject to the following conditions:
  - 7.1 **Electricity:** Eskom is the supply authority in the area.
  - 7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

7.4 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

PrimediaElimVillage\_itm

(DDP)

**ITEM A.71.28.04.16**

**TECHNICAL SERVICES: MAKHADO MUNICIPALITY PHASE III EXPANDED PUBLIC WORKS PROGRAMME (EPWP) POLICY ADDENDUM, 2016 (1/1/107, 15/7/1)**

RESOLVED A.71.28.04.16 (COUNCIL)

THAT Council approves the Makhado Municipality Phase III EPWP Policy Addendum, copy of which is attached to the report in this regard. (DTS)

EPWPPolicyAddendum2016\_itm

**(REMARK:** Item A.72.22.04.16 was already considered at the 109<sup>th</sup> Special Council meeting held on 22 April 2016)

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**9.2 Report of the Rules and Ethics Committee in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (No. 117 of 1998): 28 April 2016**

**ITEM A.73.28.04.16**

**COUNCIL: CONTRAVENTION OF CODE OF CONDUCT OF ALL COUNCILLORS:  
CLLR M MPASHE  
(4/29/1/1)**

**REMARK:**

1. When this matter was considered, Cllr A du Plooy indicated that in regard to both item A.73.28.04.16 and A.74.28.04.16 it seemed that the penalty of subtracting money from councillors' allowances was not in order for the conduct of disrupting a meeting as it could not be read as such in the Code of Conduct documents. He proposed that a penalty should be that councillors offer a public apology but that their allowances remained in tact.
2. Cllr S Masuka proposed that the recommendation of the Rules and Ethics Committee be approved by Council.
3. Cllr M R Selepe seconded Cllr S Masuka's proposal and also referred to a Section in Chapter 2 of the Constitution of RSA Act, 1996 as point of reference in support of the recommendation of the Rules and Ethics Committee.
4. Cllr F D Mutavhatsindi proposed that the recommendation of the Rules and Ethics Committee be approved and motivated it by the principle that all Councillors must at all times act in the best interest of the Municipality and also in the best interest of the community.

RESOLVED A.73.28.04.16 (COUNCIL) –

THAT Council approves the finding and the penalty recommended by the Rules and Ethics Committee on the sanction against Cllr M Mpashe to effect a lesser sanction that a once-off 1% of his monthly remuneration be forfeited to the Municipality in terms of Clause 8, Schedule 2 on Procedure for Investigation regarding any Allegation of Misconduct against a Member of Municipal Council.

ContraventionCllrMMpashe\_itm

(DCS/CFO)

**ITEM A.74.28.04.16**

**COUNCIL: CONTRAVENTION OF CODE OF CONDUCT OF ALL COUNCILLORS:  
CLLR N B BALOYI  
(4/29/1/1)**

**REMARK:**

The remark recorded under item A.73.28.04.16 is also applicable to this matter.

RESOLVED A.74.28.04.16 (COUNCIL) –

THAT Council approves the finding and the penalty recommended by the Rules and Ethics Committee on the sanction against Cllr N B Baloyi to effect a sanction that a once-off 5% of her monthly remuneration be forfeited to the Municipality in terms of Clause 8, Schedule 2 on Procedure for Investigation regarding any Allegation of Misconduct against a Member of Municipal Council.

ContraventionCllrNBBaloyi\_itm

(DCS/CFO)

\* \* \* \* \*

**9.3 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the month of April 2016**

The report of the 400<sup>th</sup> Executive Committee meeting held on 22 April 2016

**ITEM B.12.22.04.16**

**COUNCIL LAND: PROPOSED LEASE OF A PORTION OF ERF 1217 MEASURING 2000M<sup>2</sup> FOR PURPOSE OF VEGETABLE FARMING AND INDIGENOUS CHICKENS: TSHIKOTA EXTENSION 1 TOWNSHIP (TE1217 Ptn)**

**REMARK**

This item was referred from item A.66.28.04.16

RESOLVED B.12.22.04.16 (EXECUTIVE COMMITTEE)

THAT the matter be referred back pending further administrative processes.

ProposedLeasePtnErf1217Tshikota\_itm

(DDP)

**ITEM B.13.22.04.16**

**COUNCIL LAND: PROPOSED PURCHASE OF A PORTION OF ERF 1217 MEASURING 2000M<sup>2</sup> FOR PURPOSE OF POULTRY FARMING: TSHIKOTA EXTENSION 1 TOWNSHIP (TE1217)**

**REMARK**

This item was referred from item A.67.28.04.16

RESOLVED B.13.22.04.16 (EXECUTIVE COMMITTEE)

THAT the matter be referred back pending further administrative processes.

PoultryFarmingPtnErf1217Tshikota\_itm

(DDP)

\* \* \* \* \*

10. PETITIONS

None

11. NEW MOTIONS

None

\* \* \* \* \*

The meeting was closed and adjourned at 15:07.

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 the first following Council meeting of 14 July 2016.

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CHAIRPERSON