

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDREDTH (100th) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, MAKHADO ON WEDNESDAY, 26 JANUARY 2022 AT 12:00.

PRESENT

Councillors

BALOYI, R
BALOYI, R S
BALOYI, S E
CHILILO, N F
DAVHANA, N D
DZHIVHUHO, A S
FURUMELE, M G
GABARA, M J
HALGREEN, C D
HLANGWANI, B
JONES, N B
KUTAMA, N
KUTAMA, T
MABASA, W
MABUDU, H G
MADAVHA, A
MADZHIGA, F N
MAGADA, M R
MAHOSI, N S
MAINGO, R T
MAKAMU, T T
MAKHUBELE, F P
MAKWALA, M R
MALANGE, M C
MALIVHA, N V
MALULEKE, H G
MAMAFHA, T C
MAMAFHA, T J
MAPHAHLA, A Z
MAPHAKELA, K P
MAPHUBU, K
MARAGA, M
MARAGA, T A
MASHAMBA, L
MASHAU, P

MASHAU, T C
MASIPA, P N
MASUKA, S
MATUMBA, N J
MBOYI, M D
MOGALE, L B
MPASHE, M J
MUDUNUNGU, N A
MUKHELI, K
MUKHUDWANA, R
MUKOSI, M
MUKWEVHO, G T
MULEFU, M E
MUNYAI, N
MUNYAI, N S
MUSHANDANA, T T
NDOU, M D
NEMUDZIVHADI, N S
NGOBENI, T T
PHANGAMI, L
PHULUWA, M I
RALIPHADA, R
RAMALIVHANA, M
RAMALWA, M W
RAVELE, T R
SELAPYANA, M A
SIMANGWE, N J
SINGO, M D
SITHI, E T
SMALLE, P
SWALIVHA, M
TSHIDAVHU, I A
TSHILAMBYANA, M S

Traditional Leaders

None

Officials

K M NEMANAME	(ACTING MUNICIPAL MANAGER)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
M G RALISHUKU	(ACTING DIRECTOR TECHNICAL SERVICES)
S G MAGUGA	(ACTING DIRECTOR CORPORATE SERVICES)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
R V PHALANNDWA	(ACTING DIRECTOR TECHNICAL SERVICES)
S M CAROTO	(MANAGER: ICT)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

Guests

L S MOFOKENG
S J MASITE

(CHAIRPERSON OF RISK MANAGEMENT COMMITTEE)
(CHAIRPERSON OF AUDIT COMMITTEE)

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1. OPENING AND NOTICE OF THE MEETING

The Speaker, Cllr M D Mboyi 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 2050"

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

She further confirmed that all members had received notice of the meeting, i.e. by sms, by e-mail and hard copy.

2. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in accordance with the provisions of rule 21 of the Council's Standing Rules of Order, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Council meeting held on 26 January 2022 to Cllrs B F Hlongwane, M R Mokgoadi, R Mukhuba, L M Mathalise, M E Mulaudzi, T M Malange and D J Sebola.

3. OFFICIAL ANNOUNCEMENTS

3.1. The Speaker, Cllr M D Mboyi announced the newly appointed Cllr M S Tshilambyana who was elected on 15 December 2021 and sworn in at the Magistrate Office on 17 January 2022 by Magistrate K M Molokomme. This was her first meeting as member of Makhado Municipality Council in session.

3.2 The Speaker, Cllr M D Mboyi announced that the Auditor General representatives and the Chairperson of Audit Committee, Mrs Jane Masite and the Chairperson of Risk Management Committee, Mr Sidwell Mofokeng had joined the meeting. They would be offered an opportunity to make a presentation on the Auditor General Report for the period ending on the 30th June 2021.

4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER

4.1 **Condolences -**
None

4.2 Congratulations

The Speaker, Cllr M D Mboyi proposed congratulations to the following councillors who celebrated their birthdays since the last ordinary Council meeting held on 14 October 2021:

Cllr F P Makhubela	28 November 2021
Cllr N F Madzhiga	1 December 2021
Cllr K P Maphakela	3 December 2021
Cllr M E Mulaudzi	5 December 2021

Cllr T R Ravele	5 December 2021
Cllr M S Tshilambyana	12 December 2021
Cllr H G Maluleke	12 December 2021
Cllr M G Furumele	17 December 2021
Cllr L Phangami	18 December 2021
Cllr D J Sebola	21 December 2021
Cllr N S Mahosi	24 December 2021
Cllr M R Magada	1 January 2022
Cllr T C Mamafha	1 January 2022
Cllr N Kutama	3 January 2022
Cllr M Swalivha	6 January 2022
Cllr T Kutama	10 January 2022
Cllr M J Mpashe	21 January 2022
Cllr N D Davhana	27 January 2022
Cllr M Maraga	29 January 2022

5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSON

Cllr M A Selapyana proposed congratulations to former Councillor of Makhado Local Municipality, Mr A Matumba, for being deployed by Economic Freedom Fighters Party as Member of the National Assembly.

6. CONFIRMATION OF MINUTES

6.1 REMARK:

Upon proposal by Cllr N F Chililo, duly seconded by Cllr L Phangami, it was -

RESOLVED -

THAT the minutes of the 162nd Special Council meeting held on 23 November 2021 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 S Mahosi, duly seconded by Cllr L Phangami, it was -

RESOLVED -

THAT the minutes of the 163rd Special Council meeting held on 20 December 2021 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson, with the following amendment:

On page 4, Item A.146.20.12.21

Remark no. 2 be amended to read as follows: “When this matter was considered Cllr N S Mahosi proposed that Cllr M Mukosi be removed from Section 79 Oversight Committee: Finance and remain as member of Section 79 Standing Committee: MPAC. The proposal was seconded by Cllr L Phangami”.

7. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

7.1 QUESTIONS RECEIVED FROM CLLR P SMALLE ON 29 NOVEMBER 2021

The question that was received was dealt with under the provisions of Rule 37 of the Council's Standing Rules of Order, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016. The Speaker put item 7.1 and ruled that the Chairperson of the Executive Committee replied to the questions. The Chairperson of the Executive Committee, Cllr N S Munyai proceeded accordingly and replied to the seven (7) questions, as recorded below:

“QUESTION (i):

What is the current electricity capacity available for each of the substations provided by the municipality?

Answer:

The current electricity capacity available for each substation is as follows:

No	Substation name	Current capacity
1	Main substation	48MVA bulk 10MVA transmission – one out of commission)
2	Levubu	10MVA -firm
3	Beaufort	3.5MVA -firm
4	Cricket Club	5MVA - standard
5	Roodewal	5MVA - firm
6	Eltivillas East	5MVA - standard
7	Stubb	10MVA - standard
8	Boom Park	5MVA - standard
9	Makhado Park	2MVA - standard
10	Pretorius	1MVA (Out of commission) - standard
11	Emmarentia	5MVA (out of commission) - standard
12	Central	10MVA - firm

QUESTION (ii):

What is the reserve electricity available for expansion?

Answer:

The reserve capacity for developments (expansions) is at 20MVA.

QUESTION (iii):

Which areas of the electrical grid will be increased over the MTEF period and what capacity?

Answer:

The municipality has on its current MTEF planned to upgrade the following secondary substations as indicated in the table below:

No	Substation name	Current capacity	Future capacity	Areas of upgrade
1	Vorster (Central)	10MVA -firm	10MVA - firm	Upgrade control facility
2	Cricket Club	5MVA - standard	5MVA - firm	Add 1x 5MVA transformer and control upgrade
3	Roodewal	2MVA - firm	5MVA - firm	New 2x 5MVA transformer and control upgrade
5	Boom Park	5MVA - standard	5MVA - firm	Add 1x transformer and control upgrade
6	Pretorius	1MVA –standard (out of commission)	5MVA - firm	New 2x 5MVA transformers and control upgrade

7	Emmarentia	5MVA – firm (out of commission)	5MVA - firm	New 2x 5MVA transformers and control upgrade
8	Eltivillas East	5MVA - standard	5MVA - firm	Add 1x 5MVA transformer and control upgrade
9	Main substation upgrade	48MVA - firm	66MVA firm	Additional Incomer bay and control panels
10	Stubb	10MVA - standard	10MVA - firm	Add 1x 10 MVA transformer and control upgrade

There is however an urgent need to address the capacity constrains for the following points where the Municipality receives bulk supply from Eskom for redistribution to municipal customers in the municipal licensed area:

- Tshituni tsha fhasi – electricity supply for Ward 37 villages (from Maangani to Smokey)
- Madombidzha – electricity supply for Sinthumule area (Ramantsha, Gogobole, Riverside, Tshiozwi)
- Leudraai – for electricity supply to Tshipise farming community

QUESTION 1:

Please provide a maintenance report for each of the substations for

- 2019/2020
- 2020/2021 financial years.

Answer:

- During the 2019/2020 financial year, the municipality procured a 5MVA transformer to replace a 2MVA transformer at Cricket Club substation. The transformer procurement's budget was R2,000,000.00
- During the 2020/2021 financial year, the municipality procured a 10MVA transformer to replace a 5MVA transformer at Stubbs substation, as phase 1 for the substation upgrade. The transformer procurement's budget was R2,800,000.00. There was also a procurement of four 5MVA transformers to strengthen the power capacities at Eltivillas East substation, Boom Park substation, and Emmarentia substation at a total budget of R10,000,000.00.

QUESTION 2:

How many electricity faults has been reported over the last two financial years for each substation?

Answer:

During the 2019/2020 and 2020/2021 financial years 12,119 and 14,480 electricity faults were recorded respectively. These overwhelming calls cause electrical technicians to work long hours after hours in order to restore power supplies to customers.

QUESTION 3:

What are the total overtime hours booked for employees against each substation for

- 2019/2020
- 2020/2021?

Answer:

It must be noted that overtime hours are in all cases not linked to any substation since the interruptions take place randomly. Therefore, for the following years report is as follows:

- 2019/2020 - report is not applicable
- 2020/2021 - report is not applicable

QUESTION 4:

What is the current lifespan of each of the substations?

Answer:

Due to aged electrical network infrastructure whose useful lifespan (25 years) has lapsed, an overwhelming power interruption rate is inevitable.”

7.2 **QUESTION RECEIVED FROM CLLR P SMALLE ON 14 DECEMBER 2021**

The question that was received was dealt with under the provisions of Rule 37 of the Council’s Standing Rules of Order, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016. The Speaker put item 7.2 and ruled that the Chairperson of the Executive Committee replied to the questions. The Chairperson of the Executive Committee, Cllr N S Munyai proceeded accordingly and replied to the three (3) questions, as recorded below:

“QUESTION (i):

What is the current lifespan left for each of the main lines supplied by the Municipality?

Answer:

While remaining life spans for different assets vary depending on their individual years of acquisition, the least remaining lifespan for some of our lines is 5 years as recorded in our asset register.

QUESTION (ii):

Has there been a cost analysis done to determine cost of replacing outdated lines, poles and transformers?

a. If so, what are the cost?

b. If not, why not?

Answer:

The Department Technical Services has done cost analysis for majority of lines and the collective cost for preventative maintenance is estimated at R70 million.

QUESTION (iii):

Have any business plans been drawn up for grant applications?

a. If so, what are the cost?

b. If not, why not?

Answer:

The Municipality does not have a business plan drawn for grant application. It must however be noted that the municipality already intends to do professional assessment of the state of electrical lines after which the municipality shall use own revenue to do extensive maintenance on these lines.”

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING

None

9. REPORT OF COUNCIL COMMITTEES: JANUARY 2022**9.1 Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): January 2022**

547th Executive Committee meeting held on 20 January 2022

548th Executive Committee meeting held on 26 January 2022

9.2 Recommendations of the respective Section 79 Oversight Committees in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): January 2022

87th Section 79 Oversight Committee: Corporate Services meeting: 24 January 2022

62nd Section 79 Oversight Committee: Finance meeting: 25 January 2022

55th Section 79 Oversight Committee: Development Planning meeting: 24 January 2022

35th Section 79 Oversight Committee: Community Services: 25 January 2022
 40th Section 79 Oversight Committee: Technical Services: 24 January 2022

ITEM A.1.26.01.22

**PERSONNEL: EXTENSION OF ACTING PERIOD: MUNICIPAL MANAGER
 (5/1/2/1)**

REMARK:

When this matter was considered, the Acting Municipal Manager and all Acting Directors rescued themselves from the meeting and returned after the matter was considered.

RESOLVED A.1.26.01.22 (COUNCIL)

1. THAT it be approved that the Chief Financial Officer, Mr K M Nemaname be designated to act for a further period of three months as Municipal Manager, with effect from 01 February 2022 until 30 April 2022 or such earlier date being the date preceding the date on which an incumbent may commence duty in the vacant post, whichever may be the earliest date. (DCS)
2. THAT application for extending the acting capacity in the vacant post of Municipal Manager as set out in paragraph 1 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 54A(1)(b) read with 54A(2A)(a)(b) of the Local Government: Municipal Systems Act, No 32 of 2000, as amended.

ActingMM_itm Jan22

(DCS)

ITEM A.2.26.01.22

**PERSONNEL: EXTENSION OF ACTING PERIOD: CHIEF FINANCIAL OFFICER
 (SP 1/1/1)**

REMARK:

This matter was referred as item B.1.20.01.22.

ITEM A.3.26.01.22

**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR: CORPORATE
 SERVICES
 (5/1/2/10; 5/6/4)**

REMARK:

This matter was referred as item B.2.20.01.22.

ITEM A.4.26.01.22

**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR DEVELOPMENT
 PLANNING
 (5/1/2/10; 5/6/4)**

REMARK:

This matter was referred as item B.3.20.01.22.

ITEM A.5.26.01.22**PERSONNEL:**

- 1. DECLARATION OF VACANCY OF MUNICIPAL MANAGER**
- 2. PROCESS TO FILL VACANCY AND APPOINTMENT OF SELECTION PANEL**
(5/3/4/9/2; 5/3/B)

REMARK:

1. When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.
2. Cllr W Mabasa proposed, duly seconded by Cllr L Phangami, that the matter be referred back and be submitted at the next following Council meeting. The proposal was accepted in general and recorded as Council's Resolution.

RESOLVED A.5.26.01.22 (COUNCIL)

THAT the matter be referred back and be re-submitted in the next following Council meeting. (DCS)
RecruitMunicipalManager_Item

ITEM A.6.26.01.22**PERSONNEL:**

- 1. DECLARATION OF VACANCY OF DIRECTOR-CORPORATE SERVICES**
- 2. PROCESS TO FILL VACANCY AND APPOINTMENT OF SELECTION PANEL**
(5/3/4/9/4; 5/3/B)

REMARK:

When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.

RESOLVED A.6.26.01.22 (COUNCIL)

1. THAT Council declares a vacancy in the position of Director Corporate Services. (DCS)
2. THAT the term of employment be for a fixed period of five (5) years. (DCS)
3. THAT the Municipal Manager proceed with recruitment of candidates for appointment in the vacancy of Director Corporate Services in terms of the Provisions of Section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000. (DCS)
4. THAT the advertisements for the posts of Director Corporate Services be published in both Local and National newspaper. (DCS)
5. THAT the post be advertised for a period not exceeding twenty-one (21) days. (DCS)
6. THAT the Selection Panel be constituted as follows for the recruitment of candidates in the vacancy of - Director Corporate Services
 - (i) Municipal Manager (Chairperson)
 - (ii) Portfolio Councilor of Corporate Services
 - (iii) A Municipal Manager from another Municipality within Vhembe District

- (iv) One external expert from the Department of Cooperative Governance, Human Settlement and Traditional Affairs (DCS)

7. THAT the Selection Panel in its shortlisting ensure compliance with the requirements set out in Chapter 4 of the Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Level pertaining to general competency levels and minimum competency levels for Senior Managers, promulgated in Government Gazette No 29967 of 15 June 2007 under Government Notice No R493 of 15 June 2018. (DCS)

RecruitSection56ManagersCorporateServices_Item

ITEM A.7.26.01.22

PERSONNEL:

- 1. DECLARATION OF VACANCY OF DIRECTOR DEVELOPMENT PLANNING**
- 2. PROCESS TO FILL VACANCY AND APPOINTMENT OF SELECTION PANEL (5/3/4/9/5; 5/3/B)**

REMARK:

When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.

RESOLVED A.7.26.01.22 (COUNCIL)

1. THAT Council declares a vacancy in the position of Director Development Planning. (DCS)
2. THAT the term of employment be for a fixed period of five (5) years. (DCS)
3. THAT the Municipal Manager proceed with recruitment of candidates for appointment in the vacancy of Director Development Planning in terms of the Provisions of Section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000. (DCS)
4. THAT the advertisements for the posts of Director Development Planning be published in both the Local and National newspaper. (DCS)
5. THAT the post be advertised for a period not exceeding twenty-one (21) days. (DCS)
6. THAT the Selection Panel be constituted as follows for the recruitment of candidates in the vacancy of Director Development Planning
 - (i) Municipal Manager (Chairperson)
 - (ii) Portfolio Councilor of Development Planning
 - (iii) A Municipal Manager from another Municipality within Vhembe District
 - (iv) One external expert from the Department of Cooperative Governance, Human Settlement and Traditional Affairs (DCS)

7. THAT the Selection Panel in its shortlisting ensure compliance with the requirements set out in Chapter 4 of the Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Level pertaining to general competency levels and minimum competency levels for Senior Managers, promulgated in Government Gazette No 29967 of 15 June 2007 under Government Notice No R493 of 15 June 2018. (DCS)

RecruitSection56ManagersDDP_Item

ITEM A.8.26.01.22

PERSONNEL:

1. **DECLARATION OF VACANCY OF DIRECTOR TECHNICAL SERVICES**
2. **PROCESS TO FILL VACANCY AND APPOINTMENT OF SELECTION PANEL**
(5/3/4/4; 5/3/B)

REMARK:

When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.

RESOLVED A.8.26.01.22 (COUNCIL)

1. THAT Council declares a vacancy in the position of Director Technical Services. (DCS)
2. THAT the term of employment be for a fixed period of five (5) years. (DCS)
3. THAT the Municipal Manager proceed with the recruitment of candidates for appointment in the vacancy of Director Technical Services in terms of the provisions of section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000. (DCS)
4. THAT the advertisements for the posts of Director Technical Services be published in both the Local and National newspapers. (DCS)
5. THAT the post be advertised for a period not exceeding twenty-one (21) days. (DCS)
6. THAT the Selection Panel be constituted as follows for the recruitment of candidates in the vacancy of – Director Technical Services
 - (i) Municipal Manager (Chairperson)
 - (ii) Portfolio Councilor of Technical Services
 - (iii) A Municipal Manager from another Municipality within Vhembe District
 - (iv) Two external experts from the Department of Cooperative Governance, Human Settlement and Traditional Affairs and Provincial Treasury.

(DCS)

7. THAT the Selection Panel in its shortlisting ensure compliance with the requirements set out in Chapter 4 of the Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Level pertaining to general competency levels and minimum competency levels for Senior Managers, promulgated in Government Gazette No 29967 of 15 June 2007 under Government Notice No R493 of 15 June 2018. (DCS)

RecruitDTS_Item

ITEM A.9.26.01.22

ELECTIONS: COUNCILOR - FILLING OF VACANCY OF PROPORTIONAL REPRESENTATIVE OF THE AFRICAN NATIONAL CONGRESS (ANC), 2022 (3/2/5; 3/2/6)

RESOLVED A.9.26.01.22 (COUNCIL)

THAT it be noted that **Musundwa SelinaTshilambyana**, Identity number **741212 1408 082** has been declared duly elected as Councilor of Makhado Municipality in terms of Clause 18, Schedule 1 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), by the Chief Electoral Officer **with effect of 15 December 2021** to fill the vacancy that came about due to the resignation of former Cllr K Mavhungu. (DCS)

CouncillorReplaceKMavhungu_itm

ITEM A.10.26.01.22

REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 2: 2021/22 FINANCIAL YEAR (10/1/6/1)

RESOLVED A.10.26.01.22 (COUNCIL)

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 2 of the 2021/2022 financial year, as well as the summary of previous terms' Resolutions not yet implemented, as more fully set out in Annexure A attached to the report in this regard. (MM/ALL DIRS)

CouncilResolutionImplementationQ2-2021-2022_itm

ITEM A.11.26.01.22

PERSONNEL: APPOINTMENT OF DIRECTOR COMMUNITY SERVICES (5/1/2/10 & 5/6/4: 5/3B ; 5/3/4/3)

REMARK:

1. When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.
2. Cllr S Masuka requested that his vote be recorded against the Resolution recorded herein below.

RESOLVED A.11.26.01.22 (COUNCIL)

1. THAT the position of Director Community Services as recommended by the panel should not appoint, instead the position must be re-advertised, reason being that the term of employment of all directors' positions should be five (5) years instead of twelve (12) months as per advertisement. (DCS)
2. THAT the term of employment be for a fixed period of five (5) years. (DCS)
3. THAT the Municipal Manager proceed with recruitment of candidates for appointment in the vacancy of Director Community Services in terms of the Provisions of Section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000. (DCS)
4. THAT the advertisements for the posts of Director Community Services be published in both Local and National newspaper. (DCS)
5. THAT the post be advertised for a period not exceeding twenty-one (21) days. (DCS)
6. THAT the Selection Panel be constituted as follows for the recruitment of candidates in the vacancy of - Director Community Services
 - (i) Municipal Manager (Chairperson)
 - (ii) Portfolio Councillor of Community Services
 - (iii) A Municipal Manager from another Municipality within Vhembe District
 - (iv) One external expert from the Department of Cooperative Governance, Human Settlement and Traditional Affairs (DCS)
7. THAT the Selection Panel in its shortlisting ensure compliance with the requirements set out in Chapter 4 of the Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Level pertaining to general competency levels and minimum competency levels for Senior Managers, promulgated in Government Gazette No 29967 of 15 June 2007 under Government Notice No R493 of 15 June 2018. (DCS)

AppointmentDCOMS_itm

ITEM A.12.26.01.22

TOWN-PLANNING AND CONTROL: LAND DEVELOPMENT AND LAND USE APPLICATIONS CONSIDERED BY MUNICIPAL PLANNING TRIBUNAL (12/3/2)

RESOLVED A.12.26.01.22 (COUNCIL)

THAT the Council note the applications considered by the Municipal Planning Tribunal. (DDP)

Tribunal_item

ITEM A.13.26.01.22**PERFORMANCE MANAGEMENT: SECOND QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN REPORT: 2021/22 FINANCIAL YEAR (10/1/4/1-10/1/4/8)****RESOLVED A.13.26.01.22 (COUNCIL)**

THAT Council takes note of the Second Quarter Performance Delivery and Budget Implementation Plan (SDBIP) Report for the 2021/22 Financial Year. (ALL

DIRS)

SDBIPQuarter2_Itm

ITEM A.14.26.01.22**FINANCES: PROCUREMENT: CLAUSE 36: DEVIATIONS REPORT FOR SECOND QUARTER ENDING 31 DECEMBER 2021 (10/1/5/2)****RESOLVED A.14.26.01.22 (COUNCIL)**

THAT in terms of Clause 36 of the Municipal Supply Chain Regulations, 2005 promulgated under the Local Government: Municipal Finance Management Act, 2003, the above deviations be noted by Council. (CFO)

DeviationsQuarter2 2021-2022_itm

ITEM A.15.26.01.22**FINANCES: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: QUARTER 2: 2021/22 FINANCIAL YEAR (10/1/5/2)****RESOLVED A.15.26.01.22 (COUNCIL)**

THAT Council takes note of the Second Quarter Assessment of Performance of the Contracted Service Providers Report for 2021/2022 Financial Year attached as Annexure A to the report in this regard.

AssessmentQ2ServiceProviders_itm

(CFO)

ITEM A.16.26.01.22**TOWN-PLANNING AND CONTROL: LAND DEVELOPMENT AND LAND USE APPLICATIONS CONSIDERED BY AUTHORIZED OFFICIAL (12/3/2)****RESOLVED A.16.26.01.22 (COUNCIL)**

THAT the Council note of the applications considered by the authorised official, as indicated in the table below:

ERF NUMBER	LOCATION	TYPE OF APPLICATION	CURRENT ZONING	PROPOSED ZONING	RESOLUTION NUMBER
Stand no 1069A	Rabali village	Mini complex	-	-	AO.850.18.11.21
Stand no 223M	Mandiwana village	Brickyard	-	-	AO.851.18.11.21
Stand no 748	Ha-Ramahantsha village	Tarven	-	-	AO.852.18.11.21
Stand no T273	Sendedza village	Vehicle Testing station	-	-	AO.853.18.11.21
Stand no 231	Ramukhuba village	Change of ownership	-	-	AO.854.18.11.21
Stand no 393	Tshikhwani village	Spaza shop	-	-	AO.855.18.11.21
Stand no 277	Maebani village	Spaza shop	-	-	AO.856.18.11.21
Stand no 2156	Tshikwarani village	Spaza shop	-	-	AO.857.18.11.21
Stand no 2482	Ravele village	Spaza shop	-	-	AO.858.18.11.21
Stand no 3008	Madodonga village	Spaza shop	-	-	AO.859.18.11.21
Stand no T235	Sendedza village	Spaza shop	-	-	AO.860.18.11.21
Stand No 1373	Magau village	Spaza shop	-	-	AO.861.18.11.21
Stand no 652	Magau village	Spaza shop	-	-	AO.862.18.11.21
Stand no 944	Magau village	Spaza shop	-	-	AO.863.18.11.21
Stand no 145	Madombidzha village	Spaza shop	-	-	AO.864.18.11.21
Stand no 246	Makungwi village	Car wash	-	-	AO.865.18.11.21
Stand no 4440	Tshikhwani village	General dealer	-	-	AO.866.18.11.21
Stand no NU840	Sendedza village	Recyclable Components collection centre	-	-	AO.867.18.11.21
Stand no 88A	Maebani village	Tyre repair	-	-	AO.868.18.11.21
Stand no 10206	Manngo village	Funeral parlour (Offices)	-	-	AO.869.18.11.21
Erf 1532	Louis Trichardt Extension 1 Township	Rezoning & Removal of restrictive conditions	Special for the purpose of Guest house, Art & Craft gallery, Tea Garden & Limited Conference Facilities	“Special” for the purpose of Guest house, Art & Craft gallery, Tea Garden & Limited Conference Facilities and Beauty Salon and Removal of Restrictive conditions”	AO.870.18.11.21
Erf 3432	Louis Trichardt Extension 4 Township	Rezoning & Density increase	Residential 1	Residential 3 for dwelling units and a simultaneous application in terms of clause 23 to increase the permitted density to 65 units per hectare	AO.871.18.11.21
Erf 2001	Louis Trichardt Extension 2 Township	Rezoning & Removal of restrictive title condition	Residential 1	Residential 2 for dwelling units and with simultaneous removal of restrictive title condition	AO.872.18.11.21
Erf 71	Eltivillas Extension 1	Rezoning & density increase	Residential 1	Rezoning “” to “Residential 3” for	AO.873.18.11.21

ERF NUMBER	LOCATION	TYPE OF APPLICATION	CURRENT ZONING	PROPOSED ZONING	RESOLUTION NUMBER
	Township			dwelling units and a simultaneous application in terms of clause 23 to increase the permitted density to 65 units per hectare	
Erven 239 & 240	Eltivillas Extension 1 Township	Rezoning, Consolidation & Density increase	Residential 1	Residential 3 for dwelling units and a simultaneous application in terms of clause 23 to increase the permitted density to 65 units per hectare	AO.874.18.11.21
Erf 435	Eltivillas Extension 1 Township	Rezoning and Density increase	Residential 1	Residential 3 for dwelling units and a simultaneous application in terms of clause 23 to increase the permitted density to 65 units per hectare	AO.875.18.11.21
Erf 836	Louis Trichardt Township	Rezoning and Density increase	Residential 1	Residential 2'' and a simultaneous application in terms of Clause 22 to increase the permitted density to 45 units per hectare	AO.876.18.11.21
Erf 230	Eltivillas Township	Subdivision	-	-	AO.877.18.11.21
Erf 2779	Louis Trichardt Extension 6 Township	Subdivision	-	-	AO.878.18.11.21
Erven 2311 & 2312 (To be known as Erf 3305)	Louis Trichardt Extension 4 Township	Consolidation	-	-	AO.879.18.11.21
Remainder of Erf 227	Louis Trichardt Township	Rezoning	Residential 1	Business 1	AO.880.18.11.21
Erf 125	Louis Trichardt Township	Rezoning & Special consent for Commercial use	Business 2	Business 1 with simultaneous application in terms of clause 22 for Commercial use	AO.881.18.11.21
Erf 151	Louis Trichardt Township	Rezoning & Density increase	Business 1''	Residential 3'' for dwelling units and a simultaneous application in terms of clause 22 to increase the permitted density to more than 65 units per hectare	AO.882.18.11.21
Portion 4 of Erf 1	Eltivillas Township	Rezoning	Municipal	Business 1 for Hotel, Office/Medical Consulting Rooms, Restaurant, Shop	AO.883.18.11.21
Portion 3 of Erf 1	Eltivillas Township	Rezoning	Municipal	Business 1 for Hotel,	AO.884.18.11.21

ERF NUMBER	LOCATION	TYPE OF APPLICATION	CURRENT ZONING	PROPOSED ZONING	RESOLUTION NUMBER
				Office/Medical Consulting Rooms, Restaurant, Shop	
Erf 3129	Louis Trichardt Extension 9 Township	Rezoning	Residential 1	“Special” for Guest House	AO.885.18.11.21
Remainder of Erf 3024	Louis Trichardt Extension 9 Township	Rezoning	Residential 1	“Special” for Guest House	AO.886.18.11.21
Remainder of Erf 815	Louis Trichardt Township	Rezoning	Residential 2	Residential 2	AO.887.18.11.21
Portion 1 of Erf 1	Eltivillas Township	Rezoning	Municipal	Business 1 for Hotel, Office/Medical Consulting Rooms, Restaurant, Shops	AO.888.18.11.21
Portion 2 of Erf 1	Eltivillas Township	Rezoning	Municipal	Business 1 for Hotel, Office/Medical Consulting Rooms, Restaurant, Shops	AO.889.18.11.21
Erf 2393	Louis Trichardt Extension 4 Township	Rezoning & Density increase	Residential 1	Residential 3 for dwelling units and a simultaneous application in terms of clause 23 to increase the permitted density to 65 units per hectare	AO.890.18.11.21

(DDP)

LandUseDevelopment_Itm

ITEM A.17.26.01.22

PERFORMANCE MANAGEMENT: TABLING OF DRAFT ANNUAL REPORT FOR 2020/21 FINANCIAL YEAR (10/1/2:10/1/4/1-8)

REMARK:

When this matter was considered, the Chairperson of the Audit Committee, the Chairperson of the Risk Management Committee and ICT and the Auditor General made presentations regarding the Audited Financial Statement which is an Annexure to the Draft Annual Report.

RESOLVED A.17.26.01.22 (COUNCIL)

1. THAT Council take note of the tabled Draft Annual Report for the 2020/21 Financial Year, in terms of Section 127(2) of the Local Government: Municipal Finance Management Act No 56 of 2003 which states that: The Mayor of a Municipality must within seven months (by end January) of the financial year, table in the Municipal Council the Annual Report of the Municipality.

(MM)

2. THAT the Municipal Public Account Committee (MPAC) proceed with the oversight component of the Draft Annual Report 2020/21 and to have an Overview on the Report as more fully set out in National Treasury Circular No 32 of 15 March 2006, which Committee must conclude their task within the given timelines as dictated Section 129 of the Municipal Finance Management Act No. 56 of 2003, which states thus: (1) The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council - (a) has approved the annual report with or without reservations; (b) has rejected the annual report; or (c) has referred the annual report back for revision of those components that can be revised. (DCS)

3. THAT members of the Audit Committee be invited to serve as technical assistance to the Municipal Public Account Committee in the oversight task 2020/21 referred to in paragraph 2 above. (MM/DCS)

4. THAT it be noted that Council's final resolve on the 2020/2021 Annual Report must be by no later than the end of March 2022 whereupon it must be submitted to National Treasury and the Provincial Department of Local Government and Housing for submission to the Minister of Cooperative Governance and Traditional Affairs, and the Auditor General as Makhado Local Municipality's demonstration of municipal performance to its community. (MM/DCS)

DraftAnnualReport2021/2022_Item

ITEM A.18.26.01.22

MID-YEAR PERFORMANCE REPORTS: 2021/22 FINANCIAL YEAR: FINANCES: BUDGET ASSESSMENT (10/1/4/1 – 10/1/4/8, 10/1/5/2)

RESOLVED A.18.26.01.22 (COUNCIL)

1. THAT the Mid-year Budget and Performance Assessment report for the 2021/22 financial year be noted by the Council, as more fully set out in Annexure A attached to the report in this regard. (CFO)

2. THAT the 2021/22 Annual Budget be adjusted in February 2022 in terms of Section 28 of the Municipal Finance Management Act. (CFO)

3. THAT the Mid-year Budget Assessment report be submitted to the Coghsta and the National and Provincial Treasuries. (CFO)

4. THAT the Mid-Year Budget and Performance report be placed on the municipal website within five working days after it has been noted by Council and Departmental units be instructed to submit a report in which full particulars regarding the progress with each and every capital project that is provided and in which implementation delays are explained. (CFO)

MidYearAssessmentReport_Itm

ITEM A.19.26.01.22

FINANCE: IN YEAR MONITORING AND REPORTING: 2nd QUARTER: 2021/2022 FINANCIAL YEAR (6/1/1(2021/22))

RESOLVED A.19.26.01.22 (COUNCIL)

THAT the In-Year Monitoring Financial Report for the Second Quarter ending 31 December 2021 for the 2021/2022 Financial Year be noted by Council. (CFO)

MonitoringQ2 2022_itm

ITEM A.20.26.01.22

COUNCIL COMMITTEES: APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE MEMBERS, CHAIRPERSON OF RISK MANAGEMENT COMMITTEE AND CHAIRPERSON OF ICT MANAGEMENT COMMITTEE (4/11/1)

RESOLVED A.20.26.01.22 (COUNCIL)

1. THAT Council approves the recommendation of Evaluation Committee to re-advertise and call for suitable qualifying persons to serve as members of Audit and Performance Audit Committee, Chairperson of Risk Management Committee and ICT Steering Committee for Makhado Municipality. (MM/DCS)
2. THAT Council approves that the shortlisting panel be composed as follows:
 - (i) Speaker
 - (ii) Portfolio Head Finance
 - (iii) Municipal Manager (MM/DCS)

AppointmentAPACContract_ItmJan2022

ITEM A.21.26.01.22

PERSONNEL: EXTENSION OF ACTING PERIOD: CHIEF FINANCIAL OFFICER (SP 1/1/1)

REMARK:

When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.

RESOLVED A.21.26.01.22 (COUNCIL)

1. THAT it be approved that the Manager: Budget and Finance Reporting, Mr N G Raliphada be designated to act for a further period of three months as Chief Financial Officer, with effect from 01 February 2022 until 30 April 2022 in honouring the principle of segregation of duties. (DCS)
2. THAT the application of extension of acting capacity of Chief Financial Officer as set out in paragraph 1 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (a) (ii) (c) of the Local Government: Municipal Systems Act, No. 32 of 2000, as amended. (DCS)
3. THAT the Executive Committee took note of the CV's of all Managers within the Department of Budget and Treasury, attached as Annexure to the report in this regard. (DCS)

ActingCFO_itmJan2022(2)

ITEM A.22.26.01.22

PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR: CORPORATE SERVICES
(5/1/2/10; 5/6/4)

REMARK:

When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.

RESOLVED A.22.26.01.22 (COUNCIL)

1. THAT it be approved that the Manager: Human Resources, Mr N Dagada be designated to act for a further period of three months as Director: Corporate Services, with effect from 01 February 2022 until 30 April 2022 or such earlier date being the date preceding the date on which an incumbent may commence duty in the vacant post, whichever may be the earliest date. (DCS)
2. THAT application for extending the acting capacity in the vacant post of Director: Corporate Services as set out in paragraph 1 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (a) (ii) (c) of the Local Government: Municipal Systems Act, No 32 of 2000, as amended. (DCS)
3. THAT the Executive Committee took note of the CV's of all Managers within the Department of Corporate Services, attached as Annexure to the report in this regard. (DCS)

ActingDCS_itmJan2022(2)

ITEM A.23.26.01.22**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR DEVELOPMENT PLANNING
(5/1/2/10; 5/6/4)****REMARK:**

When this matter was considered, the Acting Municipal Manager and all Acting Directors recused themselves from the meeting and returned after the matter was considered.

RESOLVED A.23.26.01.22 (COUNCIL)

1. THAT it be approved that the Manager Local Economic Development, Mr RV Phalanndwa be designated to act for a further period of three months as Director Development Planning, with effect from 01 February 2022 until 30 April 2022 or such earlier date being the date preceding the date on which an incumbent may commence duty in the vacant post, whichever may be the earliest date. (DCS)
2. THAT application for extending the acting capacity in the vacant post of Director Development Planning as set out in paragraph 1 above be submitted to the MEC for Cooperative Government, Human Settlement and Traditional Affairs for approval in terms of section 56(1) (a) (ii) (c) of the Local Government: Municipal Systems Act, No 32 of 2000, as amended. (DCS)
3. THAT the Executive Committee took note of the CV's of all Managers within the Department of Development Planning, attached as Annexure to the report in this regard. (DCS)

ActingDDP_itmJan2022(2)

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7.2 Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): January 2022

547th Executive Committee Meeting: 20 January 2022

ITEM B.1.20.01.22**PERSONNEL: EXTENSION OF ACTING PERIOD: CHIEF FINANCIAL OFFICER
(SP 1/1/1)****REMARK:**

This matter was referred from A.2.26.01.22.

RESOLVED B.1.20.01.22 (EXECUTIVE COMMITTEE)

THAT the matter be referred back pending further submission of the report indicating all Managers in the Budget and Treasury Department with their respective Curriculum Vitae. (DCS)

ActingCFO_itmJan2022

ITEM B.2.20.01.22

PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR: CORPORATE SERVICES
(5/1/2/10; 5/6/4)

REMARK:

This matter was referred from item A.3.26.01.22.

RESOLVED B.2.20.01.22 (EXECUTIVE COMMITTEE)

THAT the matter be referred back pending further submission of the report indicating all Managers in the Corporate Services Department with their respective Curriculum Vitae. (DCS)

ActingDCS_itmJan2022

ITEM B.3.20.01.22

PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR DEVELOPMENT PLANNING
(5/1/2/10; 5/6/4)

REMARK:

This matter was referred from item A.4.26.01.22.

RESOLVED B.3.20.01.22 (EXECUTIVE COMMITTEE)

THAT the matter be referred back pending further submission of the report indicating all Managers in the Development Planning Department with their respective Curriculum Vitae. (DCS)

ActingDDP_itmJan2022

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10. PETITIONS
None

11. NEW MOTIONS

11.1 **MOTION NO. 238: RECEIVED ON 13 JANUARY 2022**

Motion no. 238 dated 13 January 2022 was dealt with under the provisions of clause 28 of the Council's Standing Rules of Order, 2016 published in Provincial Gazette No. 2736 dated 29 July 2016.

The Motion was received as follows:

"NOTICE OF MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: INSOURCING OF SECURITY GUARDS SERVICES

WHEREAS

1. *The Municipality require Security Services to guard its properties and assets and to do that it contracts third parties who provide these services.*
2. *These third parties contracted by the Municipality bring their own employees to deliver security services.*
3. *Security services in the Municipality will be required on a recurring basis.*
4. *It is very much important to note two factors:*
 - 4.1 *Prices for security contracts are often purposefully inflated through manipulation of the tendering system.*

4.2 *Exploitation of Security guards who are employed by the service providers to deliver security services.*

5. *By contracting third parties who provide outsourced security guards, the municipality is often making use of persons whose labour is exploited, whose employment is on a casual basis, whose labour is under-paid, who receive minimal or no benefits and who are accordingly not properly protected by labour legislation. Under these third parties there is no job security for people working as security guards.*

NOW THEREFOR the EFF recommend that the Council resolved:

1. *That the Municipality end the outsourcing of Security Services.*
2. *That Council take resolution to terminate all Security Services Contracts.*
3. *That Council insource all security services by permanently employing security guards.*

Proposer: Cllr T A Maraga

Seconder: Cllr K P Maphakela

Signed: 13 January 2022”

The Speaker, Cllr M D Mboyi requested whether the proposer, Cllr T A Maraga and seconder, Cllr K P Maphakela were present in the meeting.

Hereupon the seconder confirmed her presence and that she had seconded the motion. Cllr T A Maraga was also present and confirmed Motion 238.

The Speaker ruled that the technical input by the Acting Municipal Manager on Motion no. 238 be noted, as follows:

The Mayor presented the input as follows:

Technical input of the Acting Municipal Manager in terms of sub-rule 28.10 of the Standing Rules of Order, 2016:

1. The Municipality has a three-year existing contract with services providers and as such it cannot just end the contract hence it has a far reached financial implications.
2. The Municipality may re-look the said proposal after the existing contract lapsed, however, investigations will have to be done prior consideration for verification of its viability.

I therefore do not support the motion.

RESOLVED –

THAT the technical input of the Acting Municipal Manager as presented to Council by the Mayor be noted and Motion No. 238 received on 13 January 2022 therefor be declined.

(DCOMS)

* * * * *

The meeting was closed and adjourned at 14:49.

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 following Council meeting of 28 April 2022.