

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND FIRST (101<sup>st</sup>) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, MAKHADO ON FRIDAY, 29 APRIL 2022 AT 12:00.

### PRESENT

#### Councillors

BALOYI, R  
BALOYI, R S  
BALOYI, S E  
DAVHANA, N D  
DZHIVHUHO, A S  
FURUMELE, M G  
GABARA, M J  
HALGREEN, C D  
HLANGWANI, B  
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  
MALANGE, T M  
MALIVHA, N V  
MALULEKE, H G  
MAMAFHA, T C  
MAMAFHA, T J  
MAPHAKELA, K P  
MAPHUBU, K  
MARAGA, M  
MARAGA, T A  
MASHAMBA, L  
MASHAU, P

MASHAU, T C  
MASIPA, P N  
MASUKA, S  
MBOYI, M D  
MOGALE, L B  
MOKGOADI, M R  
MUDUNUNGU, N A  
MUKHELI, K  
MUKHUBA, R  
MUKOSI, M  
MUKWEVHO, G T  
MULAUDZI, M E  
MULEFU, M E  
MUNYAI, N  
MUNYAI, N S  
MUSHANDANA, T T  
NEMUDZIVHADI, N S  
NGOBENI, T T  
PHANGAMI, L  
PHULUWA, M I  
RALIPHADA, R  
RAMALIVHANA, M  
RAMALWA, M W  
RAVELE, T R  
SEBOLA, D J  
SIMANGWE, N J  
SITHI, E T  
SMALLE, P  
SWALIVHA, M  
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)
N DAGADA	(ACTING DIRECTOR CORPORATE SERVICES)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
S M CAROTO	(MANAGER: CORPORATE SUPPORT SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

\* \* \* \* \*

## 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, 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 29 April 2022 to Cllrs. N F Chililo, B F Hlongwane, N B Jones, L M Mathalise, N J Matumba, M K Mpashe, R Mukhudwana, M D Ndou, M A Selapyana, M D Singo and I A Tshidavhu.

### REMARK:

The following councillors were absent from the Council meeting held on 29 April 2022: Cllr N Kutama and Cllr A Z Maphahla.

## 3. OFFICIAL ANNOUNCEMENTS

None

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

### 4.1 Condolences

The Speaker, Cllr M D Mboyi proposed condolences to the bereaved families of KwaZulu-Natal who were affected by the recent floods.

### 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 26 January 2022:

Cllr N V Malivha	2 February 2022
Cllr I A Tshidavhu	2 February 2022
Cllr N S Munyai	2 February 2022
Cllr K Mukheli	5 February 2022
Cllr M A Selapyana	8 February 2022
Cllr A Madavha	11 February 2022
Cllr M C Malange	14 February 2022
Cllr L M Mathalise	2 March 2022
Cllr T J Mamafha	3 March 2022
Cllr N J Matmba	3 March 2022

Cllr R Raliphada	6 March 2022
Cllr R Baloyi	9 March 2022
Cllr M D Ndou	22 March 2022
Cllr T T Mushandana	23 March 2022
Cllr N Munyai	24 March 2022
Cllr G T Mukwevho	24 March 2022
Cllr M W Ramalwa	1 April 2022
Cllr H G Mabudu	4 April 2022
Cllr M R Makwala	4 April 2022
Cllr F B Hlongwane	7 April 2022
Cllr S E Baloyi	12 April 2022
Cllr W Mabasa	13 April 2022
Cllr S Masuka	15 April 2022
Cllr P N Masipa	16 April 2022

## 5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSON

- 5.1 Cllr W Ramalwa proposed congratulations to the Economic Freedom Fighter's Party for winning a by-election at Western Cape Province.
- 5.2 Cllr R S Baloyi proposed congratulations to the Limpopo Premier who successfully hosted the Provincial Freedom Day celebrations. Indeed, it has been a very long journey filled with some good stories to tell under the ANC led government.

He also wished to congratulate the ANC led government on the manner in which they dealt with the Covid-19 pandemic. It is clear that under the leadership of the ANC, our country is in safe hands.

He also wished to send their heartfelt condolences to all the families who lost their loved ones due to Covid-19.

He further proposed condolences to all the families who lost their loved ones during the recent floods in KZN, eastern Cape and Northwest. He called upon the government to fastrack the social relief programmes and ensure that all those who were affected, to receive warm clothes and food as soon as possible. He also called upon those who were willing to donate to do so with relevant NGO's.

He further proposed condolences to the family and friends of the Cloete family after the brutal killing of Mr and Mrs Cloete at their farm in Levubu. He called upon the law enforcement agencies to leave no stone unturned in apprehending and successful prosecution of the suspects.

## 6. CONFIRMATION OF MINUTES

### 6.1 REMARK:

Upon proposal by Cllr M Mukosi, duly seconded by Cllr K Mukheli, it was -

RESOLVED -

THAT the minutes of the 100<sup>th</sup> Ordinary Council meeting held on 26 January 2022 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 M Maraga, duly seconded by Cllr T R Ravele, it was -

RESOLVED -

THAT the minutes of the 164<sup>th</sup> Special Council meeting held on 8 February 2022 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

**6.3 REMARK:**

Upon proposal by Cllr H G Mabudu, duly seconded by Cllr N S Mahosi, it was -

RESOLVED -

THAT the minutes of the 165<sup>th</sup> Special Council meeting held on 28 February 2022 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 K Mukheli, duly seconded by Cllr D J Sebola, it was -

RESOLVED -

THAT the minutes of the 166<sup>th</sup> Special Council meeting held on 31 March 2022 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**

**7.1 QUESTIONS RECEIVED FROM CLLR W RAMALWA ON 18 MARCH 2022**

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 three (3) questions, as recorded below:

*Questions from the EFF Caucus, Makhado Municipality*

1. *How much is Makhado spending annually on security contracts?*

Answer: For the 2020/21 financial year we spent R15,370,937.80.

2. *How much is the Municipality spending on one security per month/year?*

Answer: Armed security guard is R13,500.00 per month. Un-armed security guard is R12,800.00 per month.

3. *Why is the Municipality not hiring securities directly in order to save money, provide permanent employment and to stop exploitation of securities?*

Answer: The Municipality has a three years existing contract with service provider and as such it cannot just end the contract hence it has a far reached financial implication.

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

None

**9. REPORT OF COUNCIL COMMITTEES: APRIL 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): April 2022**555<sup>th</sup> Executive Committee meeting held on 25 April 2022556<sup>th</sup> Executive Committee meeting held on 29 April 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): April 2022**92<sup>nd</sup> Section 79 Oversight Committee: Corporate Services meeting: 25 April 202265<sup>th</sup> Section 79 Oversight Committee: Finance meeting: 26 April 202257<sup>th</sup> Section 79 Oversight Committee: Development Planning meeting: 25 April 2022**ITEM A.41.29.04.22****PERSONNEL: EXTENSION OF ACTING PERIOD: MUNICIPAL MANAGER****(5/1/2/1)****REMARK:**

1. When this matter was considered the Acting Municipal Manager, Acting Director Corporate Services and Acting Chief Financial Officer recused themselves from the meeting and returned after the matter was considered.
2. When this matter was considered, Cllr T T Makamu proposed, duly seconded by Cllr M E Mulefu that the recommendation of the Executive Committee be taken.

**RESOLVED A.41.29.04.22 (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 1 May 2022 to 31 July 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 Apr22

(DCS)

**ITEM A.42.29.04.22****PERSONNEL: EXTENSION OF ACTING PERIOD: CHIEF FINANCIAL OFFICER  
(SP 1/1/1)****REMARK:**

When this matter was considered the Acting Municipal Manager, Acting Director Corporate Services and Acting Chief Financial Officer recused themselves from the meeting and returned after the matter was considered.

**RESOLVED A.42.29.04.22 (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 1 May 2022 to 31 July 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)

ActingCFO\_itmApr2022

**ITEM A.43.29.04.22****PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR: CORPORATE SERVICES  
(5/1/2/10; 5/6/4)****REMARK:**

1. When this matter was considered the Acting Municipal Manager, Acting Director Corporate Services and Acting Chief Financial Officer recused themselves from the meeting and returned after the matter was considered.
2. When this matter was considered, Cllr L Phangami proposed, duly seconded by Cllr T T Makamu that the recommendation of the Executive Committee be taken.

**RESOLVED A.43.29.04.22 (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 1 May 2022 until 31 July 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)

ActingDCS\_itmApr2022

**ITEM A.44.29.04.22****PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR DEVELOPMENT PLANNING  
(5/1/2/10; 5/6/4)****REMARK:**

1. When this matter was considered the Acting Municipal Manager, Acting Director Corporate Services and Acting Chief Financial Officer recused themselves from the meeting and returned after the matter was considered.
2. When this matter was considered, Cllr R Mukhuba proposed, duly seconded by Cllr N S Mahosi that the recommendation of the Executive Committee be taken.

**RESOLVED A.44.29.04.22 (COUNCIL)**

1. THAT it be approved that the Manager Local Economic Development, Mr R V Phalanndwa be designated to act for a further period of three months as Director Development Planning, with effect from 1 May 2022 until 31 July 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.

ActingDDP\_itmApr2022

(DCS)

**ITEM A.45.29.04.22****REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS –  
QUARTER 3: 2021/22 FINANCIAL YEAR  
(10/1/6/1)****REMARK:**

When this matter was considered, Cllr L Mashamba proposed, duly seconded by Cllr T T Mushandana that the recommendation of the Executive Committee be taken.

**RESOLVED A.45.29.04.22 (COUNCIL)**

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 3 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)

CouncilResolutionImplementationQ3-2021-2022\_itm

**ITEM A.46.29.04.22**

**COUNCIL COMMITTEES: REPORT OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – JANUARY 2022 TO MARCH 2022 – QUARTER 3, 2021/2022 FINANCIAL YEAR (4/1/B & 10/1/5/1)**

**RESOLVED A.46.29.04.22 (COUNCIL)**

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 January 2022 to 31 March 2022 as follows:

*SUMMARY OF COMMITTEE MEETINGS HELD – QUARTER 3 OF 2021/22*

<b>DATE 2021</b>	<b>NUMBER OF SECTION 79 COMMITTEES' MEETINGS</b>	<b>NUMBER OF EXECUTIVE COMMITTEE MEETINGS</b>	<b>NUMBER OF COUNCIL MEETINGS</b>
January	7	2	1
February	5	4	2
March	11	2	1
<b>TOTAL</b>	<b>23</b>	<b>8</b>	<b>4</b>

*NB. Excluding LLF meetings of which 0 was held.*

(DCS)

2. THAT note be taken of the *Report of Attendance of meetings by councilors* for the period 1 January 2022 to 31 March 2022 as more fully recorded in the report in this regard. (DCS)
3. THAT it be noted that no Councillor was absent from any Council and its Committee meetings in contravention of Clause 42 of the Standing Rules of Order, 2016 during Quarter 3 of the 2021/22 financial year. (DCS)

Return of Attendance Q3 of 2021-2022

**ITEM A.47.29.04.22**

**COUNCIL COMMITTEES: ESTABLISHMENT OF WARD COMMITTEES UNDER SECTION 73 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 AS AMENDED (4/1/B)**

**RESOLVED A.47.29.04.22 (COUNCIL)**

1. THAT Council approves the elected Ward Committees as per Annexure A attached to the report in this regard. (DCS)
2. THAT the term of office for the Ward Committee be for a period equal to the term of office of the current Council. (DCS)

WardCommitteeParticipation\_itm

**ITEM A.48.29.04.22****PROPERTY VALUATIONS: THE LAYOUT PLAN AND PROCEDURES ON THE  
COMPILATION OF THE GENERAL VALUATION ROLL FOR THE PERIOD FROM 1  
JULY 2023 TO 30 JUNE 2026  
(8/3/2/1492, 8/3/2/1117 & 13/1/3/2/1)****RESOLVED A.48.29.04.22 (COUNCIL)**

1. THAT Council note the commencement of the compilation of General Valuation Roll 2023 to 2026 financial years. (DDP)
2. THAT Council further approve the accurate Project Work Plan submitted to the Municipality by the Municipal valuer to be followed while compiling the next General Valuation Roll. (DDP)
3. THAT a notice to inform members of the public about the compilation of GVR 2023 to 2026 financial years be published on the newspaper by the Municipality for at least two consecutive weeks. (DDP)
4. THAT the final certified General Valuation Roll with “Authentic Valuation Certificate” be submitted on 31 January 2023 to the Municipal Manager. (DDP)
5. THAT the Expiring Date of the Current Valuation Roll is 30 June 2023 and the Implementation Date of the next roll is 1 July 2023. (DDP)

GeneralValuationRoll\_itm

**ITEM A.49.29.04.22****FINANCES: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE  
PROVIDERS: QUARTER 3 : 2021/22 FINANCIAL YEAR  
(10/1/5/2)****RESOLVED A.49.29.04.22 (COUNCIL)**

THAT Council takes note of the third 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.

AssessmentQ3ServiceProviders\_itm

(CFO)

**ITEM A.50.29.04.22**

**FINANCES: PROCUREMENT: CLAUSE 36: DEVIATIONS REPORT FOR THIRD QUARTER ENDING 31 MARCH 2022**  
(10/1/5/2)

**RESOLVED A.50.29.04.22 (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 deviations to the amount of R550 175.30 for Quarter 3 ending 31 March 2022 be noted by Council. (CFO)

DeviationsQuarter 3 21-22\_itm

**ITEM A.51.29.04.22**

**FINANCES: REPORT ON SPECIAL ADJUSTMENT BUDGET (2021/22 FINANCIAL YEAR)**  
(6/1/1(2021/22))

**RESOLVED A.51.29.04.22 (COUNCIL)**

1. THAT the 2021/22 Special Adjusted Budget be adopted by Council through special adjustment to cater additional allocation of Municipal Infrastructure Grant and Integrated electrification programme transferred in terms of section 19 of Division of Revenue Act. (CFO)
2. THAT the Council note that the Special Adjustment Budget for the income and expenditure projections for the financial year ending 30 June 2022 is more fully explained in Annexure A attached to the report in this regard. (CFO)
3. THAT the additional funds can only be spent on the projects under implementation in the current financial year 2021/2022. (CFO)

Special AdjustmentBudget21-22\_itm

**ITEM A.52.29.04.22**

**FINANCE: IN YEAR MONITORING AND REPORTING: 3<sup>rd</sup> QUARTER: 2021/2022 FINANCIAL YEAR**  
(6/1/1(2021/22))

**RESOLVED A.52.29.04.22 (COUNCIL)**

THAT the in-year monitoring financial report for the third quarter ending March 2022 for the 2021/2022 financial year be considered by Council. (CFO)

MonitoringQ3 2022\_itm

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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): April 2022**

**555<sup>th</sup> Executive Committee Meeting: 25 April 2022**

**ITEM B.4.25.04.22**

**PERFORMANCE MANAGEMENT: THIRD QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) REPORT: 2021/22 FINANCIAL YEAR (10/1/4/1-10/1/4/8)**

**RESOLVED B.4.25.04.22 (EXECUTIVE COMMITTEE)**

THAT Council takes note of the Third Quarter Service Delivery and Budget Implementation Plan (SDBIP) Report for the 2021/22 financial year. (MM/ALL DIRS)

SDBIPQuarter3\_itm

**ITEM B.5.25.04.22**

**DOMESTIC SERVICES: COMPUTER SERVICES: 5 YEAR ICT STRATEGIC PLAN – PROGRESS REPORTING, Q1 2021/22 FINANCIAL YEAR (8/2/3)**

**RESOLVED B.5.25.04.22 (EXECUTIVE COMMITTEE)**

THAT note be taken of the **progress** with Year 4 projects for **Q1 of the 2021/22** financial year of the 5 Year ICT Strategic Plan, 2018-2023 as more fully set out in Table 1 in the report. (DCS)

ICTstrategicPlanQ1\_2021-22\_EXCO

**ITEM B.6.25.04.22**

**DOMESTIC SERVICES: COMPUTER SERVICES: 5 YEAR ICT STRATEGIC PLAN – PROGRESS REPORTING, Q2 2021/22 FINANCIAL YEAR (8/2/3)**

**RESOLVED B.6.25.04.22 (EXECUTIVE COMMITTEE)**

THAT note be taken of the **progress** with Year 4 projects for **Q2 of the 2021/22** financial year of the 5 Year ICT Strategic Plan, 2018-2023 as more fully set out in Table 1 in the report. (DCS)

ICTstrategicPlanQ2\_2021-22

**ITEM B.7.25.04.22**

**TOWN-PLANNING AND CONTROL: LAND DEVELOPMENT AND LAND USE APPLICATIONS CONSIDERED BY AUTHORIZED OFFICIAL (12/3/2)**

**RESOLVED B.7.25.04.22 (EXECUTIVE COMMITTEE)**

THAT Council take note of the applications considered by the Authorised Official during Quarter 3 of the 2021/2022 financial year. (DDP)

Quarter3 AO Items\_itm

## 10. PETITIONS

None

## 11. NEW MOTIONS

11.1 **MOTION NO. 239: RECEIVED ON 18 MARCH 2022**

Motion no. 239 dated 18 March 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: RECOVERY OF MONEY PAID TO LOUIS TRICHARDT OLD TOWN SWIMMING POOL CONTRACTOR: INVESTIGATION AND IMPLEMENTATION OF CONSEQUENCES AGAINST THE OFFICIAL CONCERNED***

***WHEREAS***

- 1. Makhado swimming pool located in Louis Trichardt Old Town remain closed and unused.*
- 2. A contractor was contracted to rehabilitate and renovate the swimming pool.*
- 3. The Municipality paid the contractor and certificate of completion was awarded to the contractor.*
- 4. But the contractor failed to provide services he was contracted and duly paid for. The swimming pool remain closed because it is in a bad state.*
- 5. The Municipality suffered loss of income and wasteful expenditure due to failure of the contractor.*
- 6. The community of Makhado has been denied a recreational facility.*

***NOW THEREFOR the EFF recommend that the Council resolves:***

- 1. That Council recovers the money paid to the contractor in terms of section 32 of Municipal Financial Management Act.*
- 2. That investigation take place and consequences management be implemented against the official who issued Certificate of Completion in a contract of a swimming pool that was not completed.*
- 3. That the swimming pool be considered in the next budget term or budget adjustment.*

***Proposer: Cllr T A Maraga***

***Seconder: Cllr K P Maphakela***

***Signed: 18 March 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 239.

The Speaker ruled that the technical input by the Acting Municipal Manager on Motion no. 239 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 appointed service provider was paid as per work done based on the Tender Specifications.
2. There is no need of investigation and consequences management since the job was done in terms of Tender Specifications.

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. 239 received on 18 March 2022 therefor be declined. (DCOMS)

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The meeting was closed and adjourned at 13:07.

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 following Council meeting of 28 July 2022.

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CHAIRPERSON

MDM/lh/CouncilMinutes\_101