

MAKHADO LOCAL MUNICIPALITY

OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND NINTH (109th) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS SCHEDULED FOR 29 APRIL 2024 THE POSTPONED AND HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, MAKHADO ON TUESDAY, 30 APRIL 2024 AT 14:00.

PRESENT

Councillors

BALOYI, R	MASHAU, P
BALOYI, R S	MASHAU, T C
BALOYI, S E	MASIPA, P N
CHILILO, N F	MASUKA, S
DAVHANA, N D	MATHALISE, L M
DZHIVHUHO, A S	MATIDZA, T R
ESTERHUIZEN, W L	MATUMBA, N J
FURUMELE, M G	MBOYI, M D
GABARA, M J	MOKGOADI, M R
HLANGWANI, B	MUDUNUNGU, M R
HLONGWANI, B F	MUKHELI, K
KUTAMA, N	MUKHUBA, R
KUTAMA, T	MUKOSI, M R
MABASA, W	MUKOSI, M
MABUDU, H G	MUKWEVHO-MTILENI, G T
MADAVHA, A	MULAUDZI, M E
MADZHIGA, F N	MULEFU, M E
MAGADA, M R	MUNYAI, N
MAHOSI, N S	MUSHANDANA, T T
MAINGO, R T	NDOU, M D
MAKAMU, T T	NEMUDZIVHADI, N S
MAKHUBELE, F P	PHANGAMI, L
MAKWALA, M R	PHULUWA, M I
MALANGE, M C	RALIPHADA, R
MALANGE, T M	RAMALATA, T T
MALIVHA, N V	RAMALIVHANA, M
MALULEKE, H G	SEBOLA, D J
MAMAFHA, T C	SIMANGWE, N J
MAMAFHA, T J	SINGO, M D
MAPHAHLA, A Z	SWALIVHA, M
MAPHUBU, K	TSHILAMBYANA, M S
MASHAMBA, L	

Traditional Leaders

None

Officials

K M NEMANAME	(MUNICIPAL MANAGER)
L A THULARE	(ACTING DIRECTOR: TECHNICAL SERVICES)
S G MAGUGA	(DIRECTOR: CORPORATE SERVICES)
R V PHALANNDWA	(ACTING DIRECTOR: DEVELOPMENT PLANNING)
H J LUKHELI	(DIRECTOR: COMMUNITY SERVICES)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
M G RATHANDO	(MANAGER: COUNCIL COMMITTEES)
M M SEBE	(HEAD OF OFFICE: OFFICE OF THE SPEAKER)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)
M MANYUMA	(ASSISTANT ADMINISTRATIVE CLERK)

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1. OPENING AND NOTICE OF THE MEETING

The Speaker, Cllr G T Mukwevho-Mtileni 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 30 April 2024 to Cllrs N B Jones, K N Manganye, M Maraga, M W Ramalwa, T R Ravele, P A Smalle, I A Tshidavhu, M J Mpashe and R Mukhudwana.

REMARK:

The following councillors were absent from the Council meeting held on 30 April 2024: Cllrs E T Sithi, N S Munyai and K P Maphakela.

3. OFFICIAL ANNOUNCEMENTS

3.1 The Speaker, Cllr G T Mukwevho-Mtileni welcomed the newly appointed Head of Office: Office of the Speaker, Mr Moyahabo Sebe who was appointed on 1 April 2024. This was his first meeting as employee of Makhado Local Municipality.

3.2 The Speaker, Cllr G T Mukwevho-Mtileni requested all Councillors to submit application for leave of absence to the Office of the Speaker if they are not attending the Council and Council Committees meetings because in terms of clause 21.1 of the Standing Rules of Order, 2016 read with the Addendum, 2020 applications for leave of absence from any council or committee meeting must be submitted to the Speaker or the chairperson in writing and signed by the member applying for leave to avoid audit findings.

4. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER

4.1 Condolences

None

4.2 Congratulations

The Speaker, Cllr G T Mukwevho-Mtileni proposed congratulations to the following councillors who celebrated their birthdays since the last ordinary Council meeting held on 28 February 2024:

Cllr N S Munyai	2 February 2024
Cllr N V Malivha	2 February 2024
Cllr I A Tshidavhu	2 February 2024
Cllr K Mukheli	5 February 2024
Cllr A Madavha	11 February 2024
Cllr M C Malange	14 February 2024
Cllr L M Mathalise	2 March 2024
Cllr N J Matumba	3 March 2024
Cllr T J Mamafha	3 March 2024
Cllr R Raliphada	6 March 2024
Cllr R Baloyi	9 March 2024
Cllr M D Ndou	22 March 2024
Cllr T T Mushandana	23 March 2024
Cllr N Munyai	24 March 2024
Cllr G T Mukwevho-Mitileni	24 March 2024
Cllr M W Ramalwa	1 April 2024
Cllr M R Makwala	4 April 2024
Cllr T R Matidza	4 April 2024
Cllr H G Mabudu	4 April 2024
Cllr F B Hlongwane	7 April 2024
Cllr S E Baloyi	12 April 2024
Cllr W Mabasa	13 April 2024
Cllr S Masuka	15 April 2024
Cllr W L Esterhuizen	15 April 2024
Cllr P N Masipa	16 April 2024

4.3 The Speaker, Cllr G T Mukwevho-Mitileni proposed congratulations to African National Congress Party in Peter Makhaba Region for winning a ward by-election at Polokwane.

5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSON

- 5.1 Cllr M G Furumele proposed congratulations to Democratic Alliance Party for winning three wards in by-election in Gauteng in Ward 2 in Tshwane, Ward 39, Mogale City and Ward 6 in Rand West and one ward in Easter Cape in Ward 4.
- 5.2 Cllr M D Singo proposed congratulations to the Development Bank of South Africa (DBSA) for projection of bulk water infrastructure from Zimbabwe to South Africa, Musina.

6. CONFIRMATION OF MINUTES

6.1 REMARK:

Upon proposal by Cllr N S Mahosi, duly seconded by Cllr M J Gabara, it was -

RESOLVED -

THAT the minutes of the 107th Ordinary Council meeting held on 30 October 2023 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 J Gabara, duly seconded by Cllr N S Mahosi, it was -

RESOLVED -

THAT the minutes of the 179th Urgent Special Council meeting held on 15 November 2023 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 B Hlangwani, duly seconded by Cllr L Mashamba, it was -

RESOLVED -

THAT the minutes of the 180th Special Council meeting held on 29 November 2023 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 S Masuka, duly seconded by Cllr N F Chililo, it was -

RESOLVED -

THAT the minutes of the 181st Special Council meeting held on 21 December 2023 be withdrawn and referred back to be considered at the next Council meeting.

6.5 REMARK:

Upon proposal by Cllr N F Chililo, duly seconded by Cllr R Raliphada, it was -

RESOLVED -

THAT the minutes of the 108th Ordinary Council meeting held on 28 February 2024 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

6.6 REMARK:

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

RESOLVED -

THAT the minutes of the 182nd Special Council meeting held on 28 March 2024 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 3, Item A.24.28.03.24

In recommendation no. 1, the word “rectify” be changed to read “ratify”.

7. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

None

8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING

None

9. REPORT OF COUNCIL COMMITTEES: APRIL 2024**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 2024**602nd Executive Committee meeting: 23 April 2024603rd Executive Committee meeting: 29 April 2024**9.2 Recommendations of various Section 79 Oversight Committees in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): April 2024****ITEM A.31.30.04.24 (originally A.31.29.04.24)****REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS –
QUARTER 3: 2023/24 FINANCIAL YEAR
(10/1/6/1)****RESOLVED A.31.30.04.24 (COUNCIL)**

THAT note be taken of the progress with implementing Council resolutions in respect of meetings held during Quarter 3 of the 2023/2024 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.

CouncilResolutionImplementationQ3-2023-2024_itm

(DCS)

ITEM A.32.30.04.24 (originally A.32.29.04.24)**COUNCIL COMMITTEES: REPORT OF ATTENDANCE OF MEETINGS OF COUNCIL
AND ITS COMMITTEES – JANUARY 2024 TO MARCH 2024 – QUARTER 3, 2023/2024
FINANCIAL YEAR
(4/1/B & 10/1/5/1)****RESOLVED A.32.30.04.24 (COUNCIL)**

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 January 2024 to 31 March 2024 as follows:

SUMMARY OF COMMITTEE MEETINGS HELD – QUARTER 3 OF 2023/24

DATE 2024	NUMBER OF SECTION 79 COMMITTEES' MEETINGS	NUMBER OF EXECUTIVE COMMITTEE MEETINGS	NUMBER OF COUNCIL MEETINGS
January 2024	8	2	0
February 2024	3	2	1
March 2024	4	2	1
TOTAL	15	6	2

(DCS)

2. THAT note be taken of the *Report of Attendance of meetings by councilors* for the period 1 January 2024 to 31 March 2024 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 2023/24 financial year. (DCS)

Return of Attendance Q3 of 2023-2024

ITEM A.33.30.04.24 (originally A.33.29.04.24)

JUDICIAL MATTER: LITIGATION AGAINST COUNCIL AND OTHERS: GODFREY NDIAMBANI RALIPHADA // MAKHADO LOCAL MUNICIPALITY AND OTHERS (7/3/2/3/34; 13/1/1 & 13/4)

REMARK

This item was withdrawn.

ITEM A.34.30.04.24 (originally A.34.29.04.24)

FINANCES: PROCUREMENT: CLAUSE 36: DEVIATIONS REPORT FOR THIRD QUARTER ENDING 31 MARCH 2024 (10/1/5/2)

RESOLVED A.34.30.04.24 (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 **R91,516.20** for the third quarter ending 31 March 2024, and attached as Annexure A to the report in this regard, be noted by Council. (CFO)

DeviationsQuarter3 2023-2024_itm

ITEM A.35.30.04.24 (originally A.35.29.04.24)

COUNCIL LAND: PROPOSAL OF A CPI-LINKED ESCALATION ON CLOUD'S END LEASE AGREEMENT (8/3/2/18/30)

REMARK:

1. This matter was referred as item B.5.30.04.24.
2. When this matter was considered, Cllr W Mabasa proposed, duly seconded by Cllr R Mukhuba that the recommendation as recorded in the 1st Supplementary agenda of the 602nd Executive Committee meeting be adopted. It was accepted in general and became Council's Resolution as recorded herein below.

RESOLVED A.35.30.04.24 (COUNCIL)

1. THAT the annual escalation of 10% be reviewed and CPI-based annual adjustment be implemented which after a period of 5 years would revert to market-related rental as a norm of transactions of this nature (Long Term Lease) in the property industry. (DDP)

2. THAT 632,950 hectares be allocated. (DDP)

CloudsEndHotel_itm

ITEM A.36.30.04.24 (originally A.36.29.04.24)

**PERSONNEL: FIVE (5) YEAR DRAFT EMPLOYMENT EQUITY PLAN FOR 2023/2024 FINANCIAL YEAR TO 2027/2028 FINANCIAL YEAR
(1/1/75)**

RESOLVED A.36.30.04.24 (COUNCIL)

1. THAT Council considers and approves the draft Five Year Makhado Local Municipality Employment Equity Plan, 2023/2024 financial year to 2027/2028 financial year, attached as Annexure A to the report in this regard, with the following amendment:

Page 16, Table 10

The dates in column marked “End Date” be changed from “30 June 2024” to read “30 June 2025”. (DCS)

2. THAT the Employment Equity Committee advice management on quarterly basis about Employment Equity targets for the municipality. (DCS)

3. THAT the Municipality compile the Annual Employment Equity Report to the Department of Labour. (DCS)

EmploymentEquityPlan2024_itm

ITEM A.37.30.04.24 (originally A.37.29.04.24)

**FINANCE: IN YEAR MONITORING AND REPORTING: THIRD QUARTER: 2023/2024 FINANCIAL YEAR
(6/1/1(2023/24))**

RESOLVED A.37.30.04.24 (COUNCIL)

THAT the In-Year Monitoring Financial Report for the third quarter ending 31 March 2024 for the 2023/2024 financial year be considered by Council. (CFO)

MonitoringQ3 2023/2024_itm

ITEM A.38.30.04.24 (originally A.38.29.04.24)

**FINANCE: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: THIRD QUARTER: 2023/2024 FINANCIAL YEAR.
(6/1/1(2023/24))**

RESOLVED A.38.30.04.24 (COUNCIL)

That Council takes note of the third quarter Assessment of performance of the contracted service Providers report for 2023/2024 Financial year as attached as annexure A in this regard. (CFO)

Q3AssessmentServiceProviders_itm

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9.3 Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): April 2024

602nd Executive Committee meeting held on 23 April 2024

ITEM B.3.23.04.24

**PERFORMANCE MANAGEMENT: THIRD QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN REPORT: 2023/24 FINANCIAL YEAR
(10/1/4/1-10/1/4/8)**

RESOLVED B.3.23.04.24 (EXECUTIVE COMMITTEE)

THAT Council takes note of the Third Quarter Performance Delivery and Budget Implementation Plan (SDBIP) Report for the 2023/24 financial year attached to the report in this regard. (MM)

SDBIPQ3 2023-24_itm

ITEM B.4.23.04.24

**PERFORMANCE MANAGEMENT: ADJUSTED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP): 2023/24 FINANCIAL YEAR
(10/1/4/1-10/1/4/8)**

RESOLVED B.4.23.04.24 (EXECUTIVE COMMITTEE)

THAT Council Approve the Adjusted Service Delivery and Budget Implementation Plan for the 2023/24 financial year attached as Annexure A to the report in this regard. (MM)

SDBIPAdjusted2023-24_itm

ITEM B.5.23.04.24

**COUNCIL LAND: PROPOSAL OF A CPI-LINKED ESCALATION ON CLOUD'S END LEASE AGREEMENT
(8/3/2/18/30)**

REMARK:

This matter was referred from item A.35.30.04.24 and was then considered by Council and the Council Resolution is therefore recorded under item A.35.30.04.24.

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9.4 Recommendations of the Section 79 Standing Committee: Municipal Public Account Committee in terms of section 59 (1) of the Local Government: Municipal System Act, 2000 (Act 32 of 2000): April 2023

ITEM A.39.30.04.24 (originally A.39.29.04.24)

ANNUAL REPORT 2022/23: MPAC OVERSIGHT REPORT AND FINAL APPROVAL: SUBMISSION TO DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT (10/1/4/1-8)

RESOLVED A.39.30.04.24 (COUNCIL)

1. THAT it be noted that the Oversight Committee (MPAC) considered the Final Annual Report, 2022/23 and recommends that Council accepts the 2022/2023 Annual Report as more fully set out in its report of findings attached as Annexure B to this report. (DCS)
2. THAT Council adopts the Oversight Committee's (MPAC) Report dated 25 March 2024 attached as Annexure A to the report in this regard, without any reservations as corrections have been made in line with the MPAC recommendations. (DCS)
3. THAT it be noted that Council's Resolution under this report together with annexures will be submitted to National Treasury and the MEC of Cooperative Governance, Human Settlement and Traditional Affairs for submission to the Minister of Cooperative Governance and Traditional Affairs, as well as the Auditor General's Office in the Province as Makhado Local Municipality's demonstration of municipal performance to its community, as purported in terms of Section 121 of the Local Government: Municipal Finance Management Act, 2003. (DDP/DCS)
4. THAT the Final Annual Report will be publicized on the Municipal Website and copies will be made available for collection by members of the public. (DDP/DCS)

OversightReportMarch2022_itm

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10. PETITIONS

None

11. NEW MOTIONS

11.1 MOTION NO. 246: RECEIVED ON 6 FEBRUARY 2024

Motion no. 246 dated 6 February 2024 was considered 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.

NOTICE OF THE MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: SECTION 40 OF THE MUNICIPAL STRUCTURES ACT, NO. 117 OF 1998 AND REGULATIONS

I Cllr Mpashe, M J hereby move a motion on behalf of the Democratic Alliance that this house notes,

That Council note, on 21 December 2023 during a special council meeting, the Speaker not only failed to apply rule 19 of Standing Rules of Order, which clearly states that only matters on the agenda may be debated but also denied opposition members the opportunity to address Council and even proposed an item for the agenda from the Speaker's chair.

That Council further notes that the Speaker of this Council is clearly not fit for the position of that she has been duly elected to serve unbiasedly. The Speaker has failed to uphold:

- *Section 37(d), e, (f) of Municipal Structures Act, No. 117 of 1998 and Regulations;*
- *Section 4, clause 2(b) of the Municipal Systems Act, No. 32 of 2000 and Regulations;*
- *Section 79, clause 2© of the Municipal Structures Act, no. 117 of 1998 and Regulations.*

Therefore,

The Democratic Alliance calls on Makhado Local Municipality and this Council to support this Motion of No Confidence in the Speaker of this Council, Councillor Gumani Mukwevho.

Due to the political sensitivity of this Motion, should this Council have contrary view, the Democratic Alliance calls for a division (in terms of clause 61(2), (3) and (4) of Stading Rules of Order), and that Council vote by means of secret ballot.

I so do move.

Proposer: Cllr M J Mpashe

Seconder: Cllr A Madavha

Signed: 06 February 2024

The Speaker, Cllr G T Mukwevho-Mtileni requested whether the proposer, Cllr M J Mpashe and seconder, Cllr A Madavha were present in the meeting.

Hereupon the seconder confirmed his presence and that he had seconded the motion. Cllr M J Mpashe was not present.

The Speaker ruled in terms of rule 28.3 of the Standing Rules of Order, 2016 “A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated”, that the motion has lapsed.

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The meeting was closed and adjourned at 14:51.

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 26 July 2024.