

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE EIGHTY SEVENTH (87<sup>th</sup>) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON TUESDAY, 31 JULY 2018 AT 14:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO.

### PRESENT

#### Councillors

BABADU, T M	MATHALISE, L M
BALIBALI, T	MATUMBA, A
BALOYI, R S	MBOYI, M D
BULALA, S I	MOGALE, L B
CHILILO, N F	MOHLABA, T J
DAVHANA, N D	MOKGOADI, M R
DZIVHANI, T E	MPASHE, M J
FURUMELA, M G	MTHOMBENI, S Z
GABARA, M J	MUKHARI, M F
KUTAMA. N	MUKWEVHO, T D
KUTAMA, T	MULEFU, M E
LUDUVHUNGU, V S	MUNYAI, N
LUKHELI, J	MUNYAI, N S
MACHETE, M S	MUSANDIWA, P N
MADULA, S	NDOU, M D
MADUWA, E	NDOU, M N
MADUWA, L G	NEMATANDANI, M C
MADZHIGA, F N	NEMUDZIVHADI, N S
MAFHALA, N A	NETHULWE, M F
MALANGE, T M	NYELISANI, S S
MALIMA, M E	PHOSHOKO, M G
MALIVHA, M V	RALIPHADA, R
MALULEKE, K M	RAMAVHOYA, K S
MAMAFHA, T C	RAMUSHAVHA, G M
MAMAFHA, T J	RASHAMUSE, A G
MAMOROBELA, T P	RATSHIKUNI, D
MAPHUBU, K	SELAPYANA, M A
MARAGA, T A	SESHOKI, T
MASHAMBA, M A	SIMANGWE, N J
MASIPA, M L	SINYOSI, S M
MASUKA, S	TAMBANI, T E
MASUTHA, L G	TSHILAMBYANA, M S

#### Traditional Leaders

KHOSI P V KUTAMA

#### Officials

N F TSHIVHENGWA	(MUNICIPAL MANAGER)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT PLANNING)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
M J KANWENDO	(DIRECTOR COMMUNITY SERVICES)
G M RALISHUKU	(ACTING DIRECTOR TECHNICAL SERVICES)
W S MATHONSI	(SARGENT OF ARMS)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

\* \* \* \*

## 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 democratic, accountable and service delivery orientated municipality committed to good governance and socio-economic development of its community"*

*Mission : "We will use available resources effectively in order to address socio-economic imbalances through infrastructure and local economic development opportunities"*

## 2. NOTICE OF THE MEETING

All members had received notice of the meeting, i.e. by sms, by e-mail, as well as by hard copy format.

## 3. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in accordance with the provisions of clause 21 of the Council's Standing Rules of Orders, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Council meeting held on 31 July 2018 to Cllrs A du Plooy, F B Hlongwane, M R Magada, G T Mukwevho, R T Maingo, E T Sithi, L R Tshiambwa, G Tshibvumo, S S Tshifura and Khosi P Netsianda.

### REMARK:

- (i) The following councillor was absent from the Council meeting held on 31 July 2018: Cllr N B Jones
- (ii) The following traditional leaders were absent from the Council meeting held on 31 July 2018: Khosi T G Muila, Hosi H S Mukhari, Hosi S T Mukhari, Khosi V C Ramabulana, Khosi N T L Mashamba, Khosi R H Sinthumule, Khosi F Molema and Khosi M M Mphephu did not attend the meeting.
- (iii) That it be noted there is a vacancy due to the resignation of Cllr A A Raphalalani.

## 4. OFFICIAL ANNOUNCEMENTS

The Speaker, Cllr L B Mogale announced that the Executive Mayor of Vhembe District Municipality, Cllr F F Radzilani would perform the handing over of Mutshedzi Water Treatment Works on Wednesday, 1 August 2018 at 09:00 at Dzanani Region. All Dzanani Region Councillors were invited to attend the launch.

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

5.1 **Condolences**  
None

5.2 **Congratulations**

The Speaker, Cllr L B Mogale proposed congratulations to the following councillors who celebrated their birthdays since the last ordinary Council meeting held on 26 April 2018:

Cllr S Madula	2 May
Cllr S I Bulala	4 May
Cllr M G Phoshoko	4 May
Cllr K M Maluleke	9 May
Cllr N S Nemudzivhadi	10 May
Cllr N B Jones	10 May
Cllr N Munyai	24 May
Cllr T E Dzivhani	10 June
Cllr A A Raphalalani	13 June
Cllr R S Baloyi	13 June
Cllr T Balibali	20 June
Cllr M C Nematandani	25 June
Cllr A G Rashamuse	26 June
Cllr T E Tambani	26 June
Cllr T A Maraga	28 June
Cllr M J Gabara	30 June
Cllr N A Mafhala	2 July
Cllr R Maingo	9 July
Cllr M F Mukhari	11 July
Cllr S M Sinyosi	13 July

## **6. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY PARTY SPOKESPERSONS**

6.1 Cllr M C Nematandani of the Economic Freedom Fighters (EFF) congratulated the Economic Freedom Fighter Party for successfully hosting the 5<sup>th</sup> Anniversary of the party's existence in Mdantsane on Saturday, 28 July 2018.

6.2 (a) The Chief Whip, Cllr M D Mboyi of the African National Congress (ANC) congratulated:

- (i) the African National Congress Party in Makhado Sub-region with its successful sub-regional congress where Executive Committee member, Cllr T P Mamrobela was elected as Deputy Chairperson and Cllr N S Munyai was elected as Deputy Secretary.
- (ii) the African National Congress in Ward 13 with the successful construction of a storm water bridge.
- (iii) the Mayor, the Executive Committee members and Political Management Team (PMT) of Makhado Municipality with their participation in the Thuma Mina Campaign every Friday by fixing potholes in Makhado town.
- (iv) the Mayor with a successful launch of Makhado Municipal Pastor's Forum at Makhado Showground on Monday, 30 July 2018.
- (v) the Government of Zimbabwe with its for successful National Elections held on 30 July 2018.

(b) The Chief Whip, Cllr M D Mboyi of the African National Congress (ANC) proposed condolences to:

- (i) the bereaved Madou family of Manyii Village in Ward 36, Nzhelele area where a father killed his three (3) children.
- (ii) the bereaved Foromo family of Ha-Manavhela Village in Kutama area where an elderly person died when his house caught fire while he was sleeping.

(iii)the bereaved family of Cllr G Mukwevho with the death of his father and who will be laid to rest on Saturday, 4 August 2018 at Madombidzha.

(iv)the bereaved families of Cllr N D Davhana and Cllr T J Mamafha who both had lost their fathers recently.

## **7. CONFIRMATION OF MINUTES**

### **7.1 REMARK:**

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

RESOLVED -

THAT the minutes of the 86<sup>th</sup> Council meeting held on 26 April 2018 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

### **7.2 REMARK:**

Upon proposal by CllrN S Munyai, duly seconded by Cllr N V Malivha, it was -

RESOLVED -

THAT the minutes of the 133<sup>rd</sup> Urgent Special Council meeting held on 11 May 2018 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

### **7.3 REMARK:**

Upon proposal by Cllr N S Munyai, duly seconded by Cllr R Raliphada, it was -

RESOLVED -

THAT the minutes of the 134<sup>th</sup> Special Council meeting held on 31 May 2018 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

### **7.4 REMARK:**

Upon proposal by Cllr N F Chililo, duly seconded by Cllr T P Mamorobela, it was -

RESOLVED -

THAT the minutes of the 135<sup>th</sup> Special Council meeting held on 5 July 2018 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

## **8. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN**

None

## **9. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING**

None

**10. REPORT OF COUNCIL COMMITTEES: JULY 2018****10.1 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 July 2018****464<sup>th</sup> Executive Committee Meeting: 3 July 2018****465<sup>th</sup> Executive Committee Meeting: 5 July 2018****466<sup>th</sup> Executive Committee Meeting: 26 July 2018****467<sup>th</sup> Executive Committee Meeting: 31 July 2018****10.2 Report 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): July 2018****38<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 3 July 2018****25<sup>th</sup> Section 79 Oversight Committee: Finance meeting: 3 July 2018****21<sup>st</sup> Section 79 Oversight Committee: Development Planning meeting: 3 July 2018****26<sup>th</sup> Section 79 Oversight Committee: Finance meeting: 5 July 2018****39<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 30 July 2018****12<sup>th</sup> Section 79 Oversight Committee: Community Services meeting: 30 July 2018****22<sup>nd</sup> Section 79 Oversight Committee: Development Planning meeting: 30 July 2018****27<sup>th</sup> Section 79 Oversight Committee: Finance meeting: 30 July 2018****15<sup>th</sup> Section 79 Oversight Committee: Technical Services meeting: 30 July 2018****7<sup>th</sup> Section 79 Oversight Committee: Disaster, Moral Regeneration, Sports, Arts and Culture meeting: 30 July 2018****7<sup>th</sup> Section 79 Oversight Committee: Special Programmes meeting: 30 July 2018****(REMARK:**

1. Items A.44.11.05.18 to A.46.11.05.18 were already considered at the 133<sup>rd</sup> Urgent Special Council meeting held on 11 May 2018.
2. Items A.47.31.05.18 to A.57.31.05.18 were already considered at the 134<sup>th</sup> Special Council meeting held on 31 May 2018.
3. Items A.58.05.07.18 to A.62.05.07.18 were already considered at the 135<sup>th</sup> Special Council meeting held on 5 July 2018.)

**ITEM A.63.31.07.18 (originally A.63.26.07.18)****LOCAL ECONOMIC DEVELOPMENT: IMPLEMENTATION OF COMMUNITY WORK PROGRAMME (CWP) MPHEPHU MM AND HOSI MUKHARI HS TRADITIONAL COUNCILS  
(12/3/3/66)****RESOLVED A.63.31.07.18 (COUNCIL)**

1. THAT Council approves the extension of community work programme to Mphephu MM (100 recipients) and Hosi Mukhari HS Traditional Councils (100 recipients) as part of the Local Economic Development within the regions, as follows:
  - 1.1 The active unemployed, underemployed and economic marginalized be the preferred recipients.
  - 1.2 After the selection processes, the recipients' names, surnames, identity numbers and the location is submitted to Council for noting.
  - 1.3 The relevant stakeholders which include councillors of the specified traditional councils, Traditional Councils and other structures within the selected communities be consulted and become part of the process of identifying the suitable recipients. (DDP)

2. THAT the Department of Cooperative Governance, Human Settlements and Traditional Affairs be informed about the Council Resolution. (DDP)

3. THAT the Department of Development Planning be the custodian of the programme and oversee the implementation and monitoring of the programme within the Municipality.

LEDCWPWorkProgramme\_itm

(DDP)

**ITEM A.64.31.07.18 (originally A.64.26.07.18)**

**COUNCIL LAND: PROPOSED WITHDRAWAL: DEED OF SALE: ERF 169, ELTI VILLAS EXTENSION 1 TOWNSHIP (EE169)**

RESOLVED A.64.31.07.18 (COUNCIL)

THAT the proposal to purchase erf 169, Elti Villas Extension 1 Township for purpose of building dwelling house relating to Mr D J Mudau be disapproved, subject to the following condition(s):

1. The deposited amount of R200,000.00 (say, Two Hundred Thousand Rand), of which is in contravention with section 164(1)(c) of the Local Government Municipal Finance Management Act, Act 56 of 2003, read together with the National Treasury MFMA Circular No. 8 of 2004,
2. The deposited amount of R200,000.00 (say, Two Hundred Thousand Rand) be immediately refunded to Mr D J Mudau,
3. The Director Finance rapidly closes rates and taxes account(s) relative to erf 169, Elti Villas Extension 1 Township,
4. Erf 169, Elti Villas Extension 1 Township be sold by public auction. (DDP)

SaleErf169EltiVillas\_itm

**ITEM A.65.31.07.18 (originally A.65.26.07.18)**

**COUNCIL LAND: PROPOSED SALE OF 6HA: REMAINING EXTENT OF PORTION 7 OF THE FARM BERGVLIET 288 LS (7/3/2/1/3/8)**

**REMARK:**

This report was withdrawn from the agenda.

(REMARK: Items CA.66.05.07.18 (originally CA.66.28.06.18) to A.68.05.07.18 were already considered at the 135<sup>th</sup> Special Council meeting held on 5 July 2018.)

**ITEM A.69.31.07.18 (originally A.69.26.07.18)****COUNCIL COMMITTEES: RETURN OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – JANUARY 2018 TO MARCH 2018 – QUARTER 3, 2017/2018 FINANCIAL YEAR  
(4/1/B & 10/1/5/1)**

RESOLVED A.69.31.07.18 (COUNCIL)-

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 January 2018 to 31 March 2018 as follows:

*SUMMARY OF MEETINGS HELD – QUARTER 3 OF 2017/18*

<b>DATE 2018</b>	<b>NUMBER OF SECTION 79 COMMITTEES' MEETINGS</b>	<b>NUMBER OF EXECUTIVE COMMITTEE MEETINGS</b>	<b>NUMBER OF COUNCIL MEETINGS</b>
January	12	4	3
February	9	2	1
March	16	4	2
<b>TOTAL</b>	<b>37</b>	<b>10</b>	<b>6</b>

*NB. Excluding LLF meetings of which one (1) was held*

(DCS)

2. THAT note be taken of the *Return of Attendance of meetings by councilors* for the period 1 January 2018 to 31 March 2018 as more fully recorded in the report in this regard. (DCS)
3. THAT all councilors who were absent from three (3) or more consecutive meetings of Council and its committees be notified to appear before the Section 79 Ethics Committee to give reasons why they do not attend such meetings. (DCS)

Return of Attendance Q3 of 2017-2018

**ITEM A.70.31.07.18 (originally A.70.26.07.18)****PERSONNEL: WORKPLACE SKILLS PLAN FOR 2018/2019 AND ANNUAL TRAINING REPORT FOR 2017/2018 FINANCIAL YEAR  
(5/4/2)**

RESOLVED A.70.31.07.18 (COUNCIL)

THAT Council take note of the Workplace Skills Plan (WSP) for 2018/2019 financial year and the Annual Training Report (ATR) for 2017/2018 financial year which was recommended by the Training Committee before submitted to the LGSETA. (DCS)

WSP&amp;ATR2018-19\_itm

**ITEM A.71.31.07.18 (originally A.71.26.08.18)****PERSONNEL: EMPLOYEES ACTING FOR A PERIOD OF FOUR (4) MONTHS: PERIOD JULY 2017 TO OCTOBER 2017  
(5/5/3/11)**

RESOLVED A.71.26.07.18 (COUNCIL)

1. THAT Council notes the acting capacities of the employees in terms of Item 10.6 of the Collective Agreement on Conditions of Service for the Limpopo Division of SALGBC.

(DCS)

2. THAT out of twenty two (22) posts that were being acted in, six (6) posts were filled through normal recruitment process and two (2) declined; out of six (6), four (4) employees who were appointed were acting in those post, two (2) who were appointed were external candidates.

(DCS)

ActingFourMonthsJuly-Oct2017\_itm

**ITEM A.72.31.07.18 (originally A.72.26.07.18)****PERSONNEL: EMPLOYEES ACTING FOR A PERIOD OF FOUR (4) MONTHS: PERIOD NOVEMBER 2017 TO FEBRUARY 2018  
(5/5/3/11)**

RESOLVED A.72.31.07.18 (COUNCIL)

1. THAT Council notes the acting capacities of the employees in terms of Item 10.6 of the Collective Agreement on Conditions of Service for the Limpopo Division of SALGBC.

(DCS)

2. THAT out of fifteen (15) posts that were being acted in, eleven (11) posts were not advertised and four (4) belongs to the Vhembe District Municipality.

(DCS)

ActingFourMonthsNov2017-Feb2018\_itm

**(REMARK:**

1. Items A.73.05.07.18 (originally A.73.05.07.18) to A.82.28.06.18 (originally A.82.28.06.18) are reports of the Section 79 Standing Committee: MPAC who reports directly to Council and were already considered at the 135<sup>th</sup> Special Council meeting held on 5 July 2018.
2. Items A.83.05.07.18 to A.92.05.07.18 were already considered at the 135<sup>th</sup> Special Council meeting held on 5 July 2018.)

**ITEM A.93.31.07.18****DELEGATION OF POWERS: REVIEW OF MUNICIPAL MANAGER DELEGATED POWERS IN TERMS OF OVERTIME POLICY  
(10/1/5/2)**

RESOLVED A.93.31.07.18 (COUNCIL)

1. THAT to maximize the administrative and operational efficiency in delivering municipal services, the Municipal Manager be authorized to sub delegate to the respective Senior Managers the powers to approve overtime work.

(MM)

2. THAT each respective Senior Manager must report to the Municipal Manager through the Director Corporate Services on a monthly basis regarding the exercise of delegated powers in respect of the overtime. (MM/ALL DIRS)
3. THAT the Municipal Manager resides with the power to review, confirm, vary or revoke the power sub-delegated to the respective Senior Managers in respect of overtime work. (MM)

ReviewDelegationMM\_itm

#### **ITEM A.94.31.07.18**

**FINANCES: PROCUREMENT: SECTION 116(3): AMENDMENT OF CONTRACT FOR CONSTRUCTION OF TSHIKWARANI TO ZAMEKOMSTE ROAD PHASE 2 (VARIATION ORDER)  
(8/3/2/1425)**

RESOLVED A.94.31.07.18 (COUNCIL)

THAT Council Resolution A.92.05.07.18 be nullified or repealed as the variation amount is less than 20% (twenty percent). (MM)

RepealTshikwarani\_itm

#### **ITEM A.95.31.07.18**

**REPORT: AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER AND INTERNAL AUDIT CHARTER FOR 2018/19 FINANCIAL YEAR  
(6/13/1/2/1 & 6/13/1/2/2)**

RESOLVED A.95.31.07.18 (COUNCIL)

THAT the Council approve the Audit and Performance Audit Committee Charter and note the Internal Audit Charter for 2018/19 financial year as more fully set out in the annexure attached to the report in this regard. (MM)

APAC&InternalAuditCharters\_itm

#### **ITEM A.96.31.07.18**

**REPORT: RISK MANAGEMENT POLICIES, STRATEGIES, PROCEDURE MANUAL AND IMPLEMENTATION PLAN: 2018/2019 FINANCIAL YEAR  
(4/11/1)**

RESOLVED A.96.31.07.18 (COUNCIL)

1. THAT Council approve the Risk Management Policies and Strategies which are as follows:
  - 1.1. Risk Management Committee Charter 2018/19
  - 1.2. Risk Management Policy 2018/19
  - 1.3. Risk Management Strategy 2018/19

- 1.4. Fraud Management Policy 2018/19
- 1.5. Fraud Response Plan 2018/19
- 1.6. Whistle Blowing Policy 2018/19
- 1.7. Loss Control Policy 2018/19. (MM)

- 2. THAT Council note the Risk Management Implementation Plan and Fraud and Corruption Investigation Procedure Manual for 2018/19 financial year. (MM)

RiskManagement2018-19\_itm

#### **ITEM A.97.31.07.18**

##### **FINANCES: 2018/2019 to 2021/2022 IDP AND BUDGET TIME SCHEDULE (6/1/1 2018/2019 & 15/7/1)**

RESOLVED A.97.31.07.18 (COUNCIL)

THAT Council approve the 2018/2019 to 2021/2022 IDP and Budget time schedule with the IDP Process Plan as proposed in the Annexure A and B attached to the report in this regard that has been compiled in accordance with the guidelines of National Treasury and Administrative Management as well as Political structure complying fully with the requirement to adhere to the time schedule.

Budget&IDPTimetable\_itm

(MM/CFO)

#### **ITEM A.98.31.07.18**

##### **FINANCE: ASSETS MANAGEMENT: ASSETS TRANSFERRED TO COLLINS CHABANE LOCAL MUNICIPALITY (LIM 345) (5/5/3/11; 13/4)**

RESOLVED A.98.31.07.18 (COUNCIL)

THAT Council approves the remaining assets of Vuwani Stadium WIP expenditure in 2015/2016 financial year amounting to **R8,543,311.00** transferred from Makhado Municipality to the new Municipality Collins Chabane Local Municipality (LIM 345). (CFO/DCS)

FinalAssetsTransfer\_itm

#### **ITEM A.99.31.07.31**

##### **COUNCIL COMMITTEES: APPOINTMENT OF MUNICIPAL PLANNING TRIBUNAL MEMBERS (MPT) (15/2/1 & 4/29/3/1 & 18/2/1)**

RESOLVED A.99.31.07.18 (COUNCIL)

- 1. THAT Council approves advertisement for Municipal Planning Tribunal members. (DCS/DDP)
- 2. THAT the term for new Municipal Planning Tribunal Members be for a period of five years. (DCS)

AdvertiseTribunal\_itm

**ITEM A.100.31.07.18****PERSONNEL: EXTENSION OF PERIOD OF ACTING AS CHIEF FINANCIAL OFFICER FOR THREE (3) MONTHS  
(5/3/4/2/; 5/3/4/9/4)**

RESOLVED A.100.31.07.18 (COUNCIL)

1. THAT Council takes note of the Work Resume of the Acting Chief Financial Officer, Mr N G Raliphada. (DCS)
2. THAT Council further takes note of the progress made in the recruitment in the vacancy of the Chief Financial Officer of which the shortlisting was conducted by the Selection Panel on 12 July 2018. (DCS)
3. THAT Council approves that Mr N G Raliphada's acting capacity as Chief Financial Officer be extended for a further three (3) months, from 1 August 2018 to October 2018. (DCS)

ActingCFOAug2018\_itm

**ITEM A.101.31.07.18****PERSONNEL: EMPLOYEES ACTING FOR A PERIOD OF FOUR (4) MONTHS: PERIOD MARCH 2018 TO JUNE 2018  
(5/5/3/11)**

RESOLVED A.101.31.07.18 (COUNCIL)

1. THAT Council notes the acting capacities of the employees in terms of Item 10.6 of the Collective Agreement on Conditions of Service for the Limpopo Division of SALGBC. (DCS)
2. THAT Council note that out of eight (8) posts that were being acted in, one (1) post was advertised on 15 June 2018 and closed on 5 July 2018, three (3) posts stopped acting due to the violation of section 10 of SALGBC Collective Agreement on Conditions of Service for Limpopo Division and four (4) posts were transferred to Vhembe District Municipality (Water Section) with effect from 1 July 2018. (DCS)

ActingFourMonthsMarch2018-June2018\_itm

**ITEM A.102.31.07.18****REPORTING: SUBMISSION OF WARD COMMITTEE'S ACTIVITIES: QUARTER 4, 2017/2018 FINANCIAL YEAR  
(10/1/5/1)**

RESOLVED A.102.31.07.18 (COUNCIL)

1. THAT Council takes note of the Ward Committee's activities for quarter four of the 2017/2018 financial year and the attendance of the Ward Committee meetings for three regions and part of the remaining Vuwani region now referred to as Luvuvhu region. (DCS)

2. THAT Council take note of the improvement in the submission of the P.O.E's for public meetings. (DCS)

WardCommitteesQ4 2017-2018\_itm

**ITEM A.103.31.07.18**

**COUNCIL COMMITTEES: REPLACEMENT OF MEMBERS**

1. MUNICIPAL PUBLIC ACCOUNT COMMITTEE
  2. SECTION 79 SPECIAL PROGRAMS COMMITTEE
- (4/1/B)

RESOLVED A.103.31.07.18 (COUNCIL)

THAT the request of the Democratic Alliance to substitute its representative members in two (2) section 79 Standing and Oversight Committees be approved as follows –

- (i) Clr M J Mpashe be appointed in the Municipal Public Account Committee as substitute for Clr J Tshibvumo; and
- (ii) Clr M G Furumele be appointed in the Special Programs Committee as substitute for Clr Mpashe

And the two (2) relevant committees composed by Council Resolution A.161.14.10.16 therefor forthwith be recomposed as follows:

**5.1 SECTION 79 OVERSIGHT COMMITTEES**

<b>NO.</b>	<b>PORTFOLIO COMMITTEE</b>	<b>CHAIRPERSON AND MEMBERS</b>
8	<i>SPECIAL PROGRAMMES</i>	<b>1.MATHALISE L M (CHAIRPERSON)</b> 2. <i>UNDERWOOD, J P (passed away - replaced by MASIPA, M L)</i> 3. <i>MUKHARI M F</i> 4. <i>MASUTHA L G</i> 5. <i>NYELISANI S S</i> 6. <i>MADUWA L G</i> 7. <i>MASHAMBA M A</i> 8. <i>FURUMELE M G</i> 9. <i>PHOSHOKO M G</i> 10. <i>HLONGWANE B F</i>

**5.2 SECTION 79 STANDING COMMITTEES**

<b>NO.</b>	<b>STANDING COMMITTEE</b>	<b>CHAIRPERSON AND MEMBERS</b>
	<i>MPAC</i>	<b>1.MALANGE T M (CHAIRPERSON)</b> 2. <i>MAPHAHA M Q</i> 3. <i>MALIVHA N V</i> 4. <i>MASHAMBA M A</i> 5. <i>NDOU M D</i> 6. <i>MAKGOADI M R</i> 7. <i>RALIPHADA R</i> 8. <i>HLONGWANE B F</i> 9. <i>MPASHE M J</i> 10. <i>SELAPYANE M A</i>

AmendSect79Committees\_itm

(DCS)

**ITEM A.104.31.07.18****PROPOSED HOUSING DEVELOPMENT AREAS FOR 2018/2019 FINANCIAL YEAR IN ACCORDANCE WITH THE IDP PRIORITY LIST AS SUBMITTED BY WARD STRUCTURES (17/20 & 17/4/1)**

RESOLVED A.104.31.07.18 (COUNCIL)

1. THAT Council takes note of the advice from COGHSTA to separate the 2018/19 financial year 400 housing development units from the 111 re-placement housing development units and accordingly revoke and substitute Council Resolution A.54.31.05.18. (DDP)
2. THAT cognisance be taken that the proposed development areas for 2018/2019 financial year were done in close consultation with the Integrated Development Plan priority list as submitted by the ward structures during IDP consultative forums, and if acceptable allocates the 400 housing development units as proposed in this report. (DDP)
3. THAT once finalised by Council, the development areas be forwarded to the Department of Corporative Governance, Human Settlement and Traditional Affairs for further consideration with the aim to reduce housing backlog within the Municipality. (DDP)
4. THAT once the MEC has taken a decision on the matter, it be regarded as final and binding as the irregular changing of development areas by Ward Councillors has the potential to disrupt the Municipal IDP plans resulting in audit queries. (DDP)
5. THAT Council decides on the allocation of 111 units which are now separated from 400 units. (DDP)
6. THAT Council notes that the allocation is still 511 in total. (DDP)

ProposedRDPHousing\_itm

**ITEM A.105.31.07.18****PERFORMANCE MANAGEMENT: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: 2018/19 FINANCIAL YEAR (10/1/4/1 – 10/1/4/8)****REMARK:**

1. When this matter was considered, Cllr T J Mohlaba corrected on page EC 2018/3238 the project reference Waterval Sports Facility (Phase 2), i.e. that it is in Ward 2 and not in Ward 16. The correction was accepted in general.
2. Cllr N F Chililo proposed, duly seconded by Cllr R S Baloyi, that the Accounting Officer must appoint an expert independent Auditor to audit electricity losses. The proposal was accepted and recorded as Council Resolution herein below.

RESOLVED A.105.31.07.18 (COUNCIL)

1. THAT Council takes note of the Service Delivery and Budget Implementation Plan for the 2018/19 financial year as submitted, with the following amendment:

- (i) On page EC 2018/3238 the project reference Waterval Sports Facility (Phase 2) is in Ward 2 and not in Ward 16. (MM/ALL DIRS)
2. THAT the Section 79 Oversight Committee: Community Services conduct an inspection in loco of all community services related projects. (DCOMS)
3. THAT the Accounting Officer must appoint an expert independent Auditor to audit electricity losses. (MM)
- SDBIP2018-19\_itm

**ITEM A.106.31.07.18**

**FINANCES: BUDGET VIREMENT OR TRANSFER: 2018/19 MIG PROJECTS (16/1/1(18/19))**

RESOLVED A.106.31.07.18 (COUNCIL)

THAT the Council approve the re-allocation of MIG funds in order to meet the current obligation as follows:

**R21,091,619.05** be approved to finance the following projects:

- |  |               |
|--|---------------|
| 1. Tshedza to Vuvha Access Road                            | R3,000,000.00 |
| 2. Mudimeli Bridge and Access Road Phase 2                 | R1,400,000.00 |
| 3. Gombita, Tshivhuyunu to Mamphagi Road Phase 2           | R6,000,000.00 |
| 4. Sereni to Mashamba Road Post Office Access Road Phase 3 | R4,000,000.00 |
| 5. Tshikwarani, Manavhela, Zamekomste Access Road Phase 2  | R9,000,000.00 |

as more fully set out in Annexure 2 attached to the report in this regard.

VirementMIGProjects\_itm (CFO)

\* \* \* \* \*

**10.3 Resolutions 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 July 2018**

(REMARK: Items B.9.24.05.18 to B.14.24.05.18 were already noted at the 134<sup>th</sup> Special Council meeting held on 31 May 2018.)

**ITEM B.15.03.07.18 (originally B.15.27.06.18)**

**REPORTS: WARD COMMITTEE'S ACTIVITIES: QUARTER 3, 2017/2018 FINANCIAL YEAR  
(10/1/5/1)**

RESOLVED B.15.03.07.18 (EXECUTIVE COMMITTEE)

1. THAT Council takes note of the Ward Committee's activities for quarter three of the 2017/2018 financial year and the attendance of the Ward Committee meetings for three regions and part of the remaining Vuwani region now referred to as Luvuvhu region. (DCS)
2. THAT Council take note of the improvement in the submission of the Poe's for public meetings.

WardCommitteesQ3 2017-2018\_itm

(DCS)

**ITEM B.16.03.07.18 (originally B.16.27.06.18)**

**FINANCES: ASSESSMENT OF CONTRACTED SERVICE PROVIDERS: QUARTER 3, 2017/2018 FINANCIAL YEAR  
(10/1/5/2)**

RESOLVED B.16.03.07.18 (EXECUTIVE COMMITTEE)

THAT in terms of clause 116 of the Municipal Finance Management Act, Act No. 56 of 2003, the assessment report of contracted service providers for Quarter 3 of the 2017/2018 financial year be noted. (CFO)

AssessmentServiceProvidersQ3 2017-2018\_itm

**ITEM B.17.03.07.18 (originally B.17.27.06.18)**

**REPORTS: MUNICIPAL EXTENDED PUBLIC WORKS PROGRAMME (EPWP) GRANT: 3<sup>rd</sup> QUARTER: 2017/2018 FINANCIAL YEAR  
(16/8/1 & 10/1/5/3)**

RESOLVED B.17.03.07.18 (EXECUTIVE COMMITTEE)

THAT Council takes note of the 3<sup>rd</sup> quarter report in relation to the implementation of the Expanded Public Works Programme (EPWP) for 2017/18 financial year. (DTS)

ImplementationEPWP Q3 2017-2018\_itm

(REMARK: Item B.18.03.07.18 was already noted at the 135<sup>th</sup> Special Council meeting held on 5 July 2018.)

**10.4 Recommendations of the Section 79 Standing Committee: MPAC in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): July 2018**

**ITEM A.107.31.07.18**

**MPAC REPORT: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 2<sup>ND</sup> QUARTER: 2017/2018 FINANCIAL YEAR (10/1/5/2)**

**REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.108.31.07.18**

**MPAC REPORT: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 3<sup>RD</sup> QUARTER: 2017/2018 FINANCIAL YEAR (10/1/5/2)**

**REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.109.31.07.18**

**MPAC REPORT: PROCUREMENT: IRREGULAR EXPENDITURE: MARCH 2017 TO APRIL 2017 AND THE OMITTED OPENING BALANCE: FINDING BY AUDITOR GENERAL: 2016/17 FINANCIAL YEAR (10/1/5/2)**

**REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.110.31.07.18**

**MPAC REPORT: FINANCES: REQUEST FOR CONDONEMENT OF FRUITLESS AND WASTEFUL EXPENDITURE: 1 APRIL 2018 TO 31 MAY 2018, 2017/18 FINANCIAL YEAR (6/13/2/3 & 10/1/5/2)**

**REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.111.31.07.18****MPAC REPORT: FINANCES: REQUEST FOR CONDONEMENT OF FRUITLESS AND WASTEFUL EXPENDITURE: ESKOM AND TELKOM JUNE 2017: 2016/2017 FINANCIAL YEAR****(6/13/2/3 & 10/1/5/2)****REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.112.31.07.18****MPAC REPORT: FINANCES: REQUEST FOR CONDONEMENT OF FRUITLESS AND WASTEFUL EXPENDITURE: 2014/2015 FINANCIAL YEAR****(6/1/2/1; 6/13/1/1/1)****REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.113.31.07.18****MPAC REPORT: UNAUTHORISED EXPENDITURE AS AT 30 JUNE 2016****(6/1/1(15/16))****REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.114.31.07.18****MPAC REPORT: PROCUREMENT: IRREGULAR EXPENDITURE: JANUARY 2018 TO APRIL 2018: 2017/18 FINANCIAL YEAR****(10/1/5/2)****REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.115.31.07.18****MPAC REPORT: SECTION 71 REPORT: MAY 2018: 2017/2018 FINANCIAL YEAR****(6/1/1(17/18))****REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.116.31.07.18**

**MPAC REPORT: FINANCES: PROCUREMENT: IRREGULAR EXPENDITURE: 1 JUNE 2 JULY 2016 TO FEBRUARY 2017**  
(10/1/5/2)

**REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

**ITEM A.117.31.07.18**

**MPAC REPORT: PROCUREMENT: IRREGULAR EXPENDITURE: 1 MAY 2017 TO JUNE 2017 AND 1 JULY 2017 TO 31 JANUARY 2018**  
(10/1/5/2)

**REMARK:**

When this matter was considered, Cllr N F Chililo proposed, duly seconded by Cllr N S Munyai that this report be withdrawn from the Council Agenda. The matter will be considered at the adjourned Council meeting.

\* \* \* \* \*

## 11. PETITIONS

None

## 12. NEW MOTIONS

12.1 **MOTION NO. 228: RECEIVED ON 31 MAY 2018**

Motion no. 228 dated 31 May 2018 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 Speaker, Cllr L B Mogale called the proposer of the motion to read the motion.

The proposer, Cllr J Lukheli proceeded to read Motion No. 228 as follows:

***“NOTICE OF MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: EPWP BENEFICIARIES***

*The DA Makhado notes that in our different wards throughout Makhado Municipality there is EPWP workers who are seen mostly working along different roads. This has been confirmed by seeing their orange work suits written EPWP.*

*Therefore we pleading that the selection processes be done with the intention to cater all those who deserves to be the beneficiaries and that can only be achieved with the assistance of PR Cllr's who also work with communities like Ward Cllr's, all notifications related to the employment processes of EPWP should be sent to the PR Cllr's with all the relevant information related to employment of those people I do so move.*

**SIGNED:**

*Proposer: Cllr J Lukheli    Seconded: Cllr M J Mpashe and Cllr M G Furumele”*

The Speaker enquired if the seconded was present. The seconder, Cllr M G Furumele confirmed her presence.

The debate by councilors on this motion can be summarized as follows:

Cllr T J Mamafha proposed that the technical input of the Municipal Manager in terms of sub-rule 28.10 of the Standing Rules of Order, 2016 be acknowledged which read as follows: Whenever there is a development in a specific ward in the Municipality be it recruitment of fixed term contractors of the so-called “EPWP”, or otherwise, the Ward Councillor is the first point of call from the Municipality. A Ward Councillor works in his/her Ward in consultation and with the advice of his/her Ward Committee, which he or she is also the Chairperson.

Cllr N F Chililo proposed that Councillors must read the Municipal Structures Act and the Municipal Systems Act in respect of roles and responsibility of Ward Councillors and Proportional Representative Councillors instead of submitting motions that wastes time to this Council.

Cllr A Matumba proposed that the Municipality must write a letter to SALGA to determine the functions of Ward Councillors and Proportional Representative Councillors respectively.

The Speaker rules that motion no. 228 be disallowed because if passed as recommended, it will be contrary to Chapter 4, Internal Structure and Functionaries, part 4 of Ward Committees read with the Policy on Establishment and Operation of Municipal Ward committees, in that the Proportional Representative Councillor will take over the duties and functions of a ward councillor and his/her ward committee.

## 12.2 **MOTION NO. 229: RECEIVED ON 13 JULY 2018**

Motion no. 229 dated 13 July 2018 must be 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 Speaker, Cllr L B Mogale called the proposer of the motion to read the motion.

The proposer, Cllr T A Maraga proceeded to read Motion No. 229 as follows:

***“NOTICE OF MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: FILLING VACANCY OF THE LATE TSHIDADA MPFARI, A WARD COMMITTEE MEMBER IN WARD 06, TSHIOZWI VILLAGE***

***WHEREAS***

1. *The filling of vacancy of the late Mr Tshidada M was done by ward Cllr Elisa Tambani on the 10<sup>th</sup> of June 2018 at “KHORONI”*
2. *The following happened during the session:  
Ward 6 councillor Elisa Tambani told members of the community that she have been mandated by the Makhado Municipality to fill in the vacant with the following requirements: (a) A male with disability.*
3. *In terms of policy on establishment and operation of municipal ward committees, section 8 sub-section 1-3 (election in accordance with process and criterion agreed in section 4.2 sub-section 8 must be taken into account.*
4. *Filling of vacancies on policy on establishment and operation of municipal ward committees was not considered.*

***NOW THEREFORE THE COUNCIL  
RESOLVES***

1. *That the immediate intervention by the Municipality to this matter must be of paramount.*
2. *The name of Mr Ratshitanga (the disability male forwarded to the municipality) be withdrawn and proper procedure be followed taking into consideration the policy on establishment and operation of ward committees approved in 2011.*

**SIGNED:**

*Proposer: Cllr T A Maraga*

*Seconded: Cllr M C Nematandani*

The Speaker enquired if the seconded was present. The seconder, Cllr M C Nematandani confirmed her presence.

The debate by councilors on this motion can be summarized as follows:

Cllr R S Baloyi proposed, duly seconded by Cllr M R Mokgoadi that the motion be withdrawn from the agenda.

The Speaker ruled that motion no. 229 be disallowed because if passed, it will be unlawfully taken the discretion given to the Ward Councillor by Council in terms of sub-clause 8(1) of the Policy on Establishment and Operation of Municipal Ward Committees.

### **12.3 MOTION NO. 230: RECEIVED ON 13 JULY 2018**

Motion no. 230 dated 13 July 2018 must be 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 Speaker, Cllr L B Mogale called the proposer of the motion to read the motion.

The proposer, Cllr T A Maraga proceeded to read Motion No. 230 as follows:

***“NOTICE OF MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: APPOINTMENT OF EPWP EMPLOYEES BY CHAUKE ENTERPRICE PROJECT***

***WHEREAS***

1. *The appointment of EPWP employees were done in ward 22 Makhado by ward cllr Ramushavha Matodzi alone.*
2. *The following ward committee members names were forwarded by Cllr Ramushavha Matodzi without the concern of the community residents neither member of the council in “Khoroni”:  
Gundula Stephen from Gogobole Village and Masepa Patricia from Ramahantsha village.*
3. *The policy on establishment of ward committees and operations of Municipal ward committees were undermined.*
4. *Section 10 of the policy on establishment and operation of ward committees, sub-section (a-H) was not considered because instead of the ward cllr together with the ward committee members to can spread the information of employment of EPWP to community members, they themselves serve their interests. And forger the community.*

***NOW THEREFORE THE COUNCIL RESOLVES***

1. *That the immediate reversal of the two ward committee members mentioned above be done.*

2. *That for any recruitment concerning EPWP Projects in Makhado Municipality, the message must be send to both PR Councillors and Ward councilors for transparency and to avoid carder deployment and corruption in all EPWP employment.*

*SIGNED:*

*Proposer: Cllr T A Maraga*

*Seconded: Cllr M C Nematandani”*

The Speaker enquired if the seconder was present. The seconder, Cllr M C Nematandani confirmed her presence.

The debate by councilors on this motion can be summarized as follows:

Cllr R S Baloyi proposed, duly seconded by Cllr N S Munyai that the motion be withdrawn from the agenda.

The Speaker rules that motion no. 230 be disallowed because if passed as recommended, it will be contrary to Chapter 4, Internal Structure and Functionaries, part 4 of Ward Committees, read with the Policy on Establishment and Operation of Municipal Ward committees, in that the Proportional Representative Councillor will take over the duties and functions of a ward councillor and his/her ward committee.

#### 12.4 **MOTION NO. 231: RECEIVED ON 13 JULY 2018**

Motion no. 231 dated 13 July 2018 must be 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 Speaker, Cllr L B Mogale called the proposer of the motion to read the motion.

The proposer, Cllr M C Nematandani proceeded to read Motion No. 231 as follows:

***“NOTICE OF MOTION IN TERMS OF CLAUSE 28 OF THE STANDING RULES OF ORDER: THE MAINTAINING OF STREET OF TSHIKHWANI SOLAR CITY WARD 23***

1. *At Tshikhwani Ward 23 they demarcated the stands by 2001.*
2. *The first person resides there by 2002 September.*
3. *Since 2002-2018 the street of Tshikhwani Solar City has never been maintained or cleaned.*
4. *It is difficult for Ambulances to reach sick people and difficult for the police to patrol.*

***NOW THEREFORE THE COUNCIL***

***RESOLVES***

***That the street of Tshikhwani Ward 23 Solar City be cleaned and maintained with immediate effect.***

*SIGNED:*

*Proposer: Cllr M C Nematandani*

*Seconded: Cllr T A Maraga”*

The Speaker enquired if the seconder was present. The seconder, Cllr T A Maraga confirmed her presence.

The debate by councilors on this motion can be summarized as follows:

Cllr T P Mamorobela proposed, duly seconded by Cllr N F Chililo that councilors must familiarize themselves with the Municipal Structures Act and the Municipal Systems Act, so that they will understand the role of Ward Councillors and the role and functions of Proportional Councillors.

The Speaker rules that motion no. 231 be disallowed because if passed as recommended, it will be contrary to Chapter 4, Internal Structure and Functionaries, part 4 of Ward Committees, read with the Policy on Establishment and Operation of Municipal Ward committees, in that the Proportional Representative Councillor will take over the duties and functions of a ward councillor and his/her ward committee.

\* \* \* \* \*

The meeting was closed and adjourned at 16:27.

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 25 October 2018.

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CHAIRPERSON

MDM/lh/CouncilMinutes\_87