

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE EIGHTY NINTH (89<sup>th</sup>) COUNCIL MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 31 JANUARY 2019 AT 14:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO.

### PRESENT

#### Councillors

BABADU, T M	MBOYI, M D
BALOYI, R S	MOHLABA, T J
BULALA, S I	MOKGOADI, M R
CHILILO, N F	MTHOMBENI, S Z
DAVHANA, N D	MUKHARI, M F
GABARA, M J	MULEFU, M E
HLONGWANE, F B	MUNYAI, N S
JONES, B K	MUSANDIWA, P N
JONES, N B	NDOU, M N
KUTAMA, T	NEMUDZIVHADI N S
LUKHELI, J	NETHULE, M F
MACHETE, M S	NYELISANI, S S
MADULA, S	PHOSHOKO, M G
MADUWA, E	RAMAVHOYA, K S
MADUWA, L G	RAMUSHAVHA, G M
MADZHIGA, F N	RASHAMUSE, A G
MAINGO, R T	RATSHIKUNI, D
MALANGE, T M	SELAPYANA, M A
MALIMA, M E	SESHOKI, T
MALIVHA, M V	SIMANGWE, N J
MALULEKE, K M	SINYOSI, S M
MAMAFHA, T C	SITHI, T
MAMAFHA, T J	TAMBANI, T E,
MASHAMBA, M A	TSHIAMBWA, L R
MASIPA, M L	TSHILAMBYANA, M S
MASUTHA, L G	

#### Traditional Leaders

None

#### Officials

N C KHARIDZHA	(ACTING MUNICIPAL MANAGER & DIRECTOR CORPORATE SERVICES)
K M NEMANAME	(CHIEF FINANCIAL OFFICER)
R V PHALANNDWA	(ACTING DIRECTOR DEVELOPMENT PLANNING)
L A THULARE	(ACTING DIRECTOR TECHNICAL SERVICES)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
W S MATHONSI	(SARGENT OF ARMS)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

#### Also Present

J MASITE	(CHAIRPERSON: AUDIT AND PERFORMANCE AUDIT COMMITTEE)
S MOFOKENG	(CHAIRPERSON: RISK COMMITTEE )

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**REMARK:**

The Acting Municipal Manager, Mr N C Kharidzha read the apology of the Speaker, Cllr L B Mogale and according to the Rules of Order, 2016, clause 18.1 *“At every meeting of the Council, the Speaker, or if he/she is not present, an Acting Speaker shall be the Chairperson. An Acting Speaker may be elected by the majority of councillors present at any meeting of the Council where the Speaker is not present.”*

Cllr P N Musandiwa proposed, duly seconded by Cllr A G Rashamuse that Cllr S Z Mthombeni be appointed as Acting Speaker. The proposal was accepted in general and Cllr S Z Mthombeni took the chair.

**1. OPENING AND NOTICE OF THE MEETING**

The Acting Speaker, Cllr S Z Mthombeni ruled that a moment of silence be observed for meditation and prayer, whereafter he declared the meeting officially opened and welcomed everyone present.

He 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”*

He further confirmed that all members had received notice of the meeting, i.e. by sms, by e-mail, as well as by hard copy format.

**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 Orders, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Council meeting held on 31 January 2019 to Cllrs T Balibali, A du Plooy, T E Dzivhani, M G Furumela, N Kutama, V S Luduvhungu, N A Mafhala, A Matumba, L B Mogale, G T Mukwevho, T D Mukwevho, N Munyai, M C Nematandani, R Raliphada, M R Magada, T P Mamorobela, K Maphubu, T A Maraga, S Masuka and G Tshibvumo and Khosi P Netsianda.

**REMARK:**

- (i) The following councillors were absent from the Council meeting held on 31 January 2019: Cllrs L M Mathalise, M J Mpashe, M D Ndou and S S Tshifura.
- (ii) The following traditional leaders were absent from the Council meeting held on 31 January 2019: 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, Khosi P V Kutama and Khosi M M Mphephu did not attend the meeting.

**3. OFFICIAL ANNOUNCEMENTS**

None

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

##### **4.1 Condolences**

The Acting Speaker, Cllr S Z Mthombeni proposed condolences to the bereaved family of the late Zimbabwean musician, Oliver Mtukuzi who passed away on 23 January 2019.

He further proposed condolences to the bereaved family of the late Mr Marks Rambau, Deputy Director of the Transport Department who was found dead at Old Peter Makaba Stadium, Polokwane on 20 January 2019.

##### **4.2 Congratulations**

The Acting Speaker, Cllr S Z Mthombeni proposed congratulations to the following councillors who celebrated their birthdays since the last ordinary Council meeting held on 30 October 2018:

Cllr N F Chililo	5 November 2018
Cllr N J Simangwe	12 November 2018
Cllr F N Madzhiga	1 December 2018
Cllr T J Mohlaba	9 December 2018
Cllr M G Furumela	17 December 2018
Cllr T C Mamafha	1 January 2019
Cllr M R Magada	1 January 2019
Cllr L R Tshiambwa	2 January 2019
Cllr N Kutama	3 January 2019
Cllr M A Mashamba	6 January 2019
Cllr T Kutama	10 January 2019
Cllr S Z Mthombeni	19 January 2019
Cllr M J Mpashe	21 January 2019
Cllr L G Masutha	24 January 2019

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

**5.1** Cllr M E Malima proposed condolences to the bereaved family of the late musician, Dan Ndivhiseni Tshanda who passed away on 5 January 2019.

**5.2** Cllr M D Mboyi congratulated all young and old people who honoured the call of the IEC to register and verify their addresses during the final voter registration on 26 and 27 January 2019.

She further proposed condolences to the bereaved family of the late Mr Roland Mani, Limpopo Deputy Provincial Secretary of SAMWU who died on 30 January 2019 following an earlier shooting of also a SAMWU Shopsteward, Mr Timson Tshililo.

#### **6. CONFIRMATION OF MINUTES**

##### **6.1 REMARK:**

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

RESOLVED -

THAT the minutes of the 88<sup>th</sup> Council meeting held on 25 October 2018 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 T M Malange, duly seconded by Cllr L R Tshiambwa, it was -

RESOLVED -

THAT the minutes of the 138<sup>th</sup> Urgent Special Council meeting held on 13 November 2018 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 N F Chililo, duly seconded by Cllr M R Mokgoadi, it was -

RESOLVED -

THAT the minutes of the 139<sup>th</sup> Special Council meeting held on 7 December 2018 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 N F Chililo, duly seconded by Cllr M R Mokgoadi, it was -

RESOLVED -

THAT the minutes of the 140<sup>th</sup> Urgent Special Council meeting held on 14 December 2018 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

**6.5 REMARK:**

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

RESOLVED -

THAT the minutes of the 141<sup>st</sup> Urgent Special Council meeting held on 17 January 2019 be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

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

None

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

None

**9. REPORT OF COUNCIL COMMITTEES: JANUARY 2019**

**9.1 Report of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the month of January 2019**

480<sup>th</sup> Executive Committee Meeting: 17 January 2019 (only approval of previous minutes)  
 481<sup>st</sup> Executive Committee Meeting: 29 January 2019  
 482<sup>nd</sup> Executive Committee Meeting: 31 January 2019

**9.2 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): January 2019**

49<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 17 January 2019  
 50<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 29 January 2019  
 51<sup>st</sup> Section 79 Oversight Committee: Corporate Services meeting: 31 January 2019  
 33<sup>rd</sup> Section 79 Oversight Committee: Finance meeting: 29 January 2019  
 34<sup>th</sup> Section 79 Oversight Committee: Finance meeting: 31 January 2019  
 14<sup>th</sup> Section 79 Oversight Committee: Community Services meeting: 29 January 2019  
 27<sup>th</sup> Section 79 Oversight Committee: Development Planning meeting: 30 January 2019  
 18<sup>th</sup> Section 79 Oversight Committee: Technical Services meeting: 29 January 2019

**(REMARK:**

Items A.1.17.01.19 to CA.3.17.01.19 were already considered at the 141<sup>st</sup> Urgent Special Council meeting held on 17 January 2019.)

**ITEM A.4.31.01.18**

**FINANCES: IN YEAR MONITORING AND REPORTING: 2<sup>nd</sup> QUARTER: MONTH ENDING 31 DECEMBER 2018: 2018/2019 FINANCIAL YEAR (6/1/1(2017/2018))**

**RESOLVED A.4.31.01.19 (COUNCIL)**

1. THAT the in-year monitoring financial report for the quarter ending 31 December 2018 be approved by Council, with the following correction:
  - 1.1 The capital spent by Regional Offices must be corrected to read 4%. (CFO)
2. THAT with reference to paragraph 1.1.2 of the Annexure, provision be made in the 2018/19 Adjustment Budget for aging electricity network infrastructure maintenance. (CFO/DTS)
3. THAT with reference to outstanding debtors in paragraph 7 of the Annexure, the Mayor of Makhado Municipality formally engage the Mayor of Vhembe District Municipality to resolve the impasse of non-payment of invoices issued to Vhembe District Municipality. (CFO/MM)
4. THAT all Heads of Department must accelerate capital projects progress in order to guard against underspending which was reflected in the Quarter 2 report. (ALL DIRS)

**ITEM A.5.31.01.19**

**FINANCES: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 2<sup>nd</sup> QUARTER (OCTOBER – DECEMBER 2018), 2018/19 FINANCIAL YEAR (10/1/5/2)**

**RESOLVED A.5.31.01.19 (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 during Quarter 2 of the 2018/19 financial year, be noted by Council. (CFO)

DeviationsQuarter2\_itm

**ITEM A.6.31.01.19**

**FINANCE: ASSETS MANAGEMENT: WRITE OFF OF TRANSPORT ASSETS: 2018/19 FINANCIAL YEAR (10/1/5/2)**

**REMARK:**

The Annexure referred to in the resolve herein below was tabled at the meeting to replace the Annexure which was bound in the Executive Committee agenda.

**RESOLVED A.6.31.01.19 (COUNCIL)**

THAT Council approves the disposal of the transport assets from the Assets Register for 2018/19 financial year, as more fully recorded in the Annexure attached to the report in this regard. (CFO)

WriteOffTransportAssets\_itm

**ITEM A.7.31.01.19**

**MID-YEAR PERFORMANCE REPORTS: 2018/19 FINANCIAL YEAR**

- 1. FINANCES: BUDGET ASSESSMENT**
  - 2. SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN**
- (10/1/4/1 – 10/1/4/8, 10/1/5/2)**

**RESOLVED A.7.31.01.19 (COUNCIL)**

1. THAT Council note that the adjustment budget for the income and expenditure projections for the financial year ending 30 June 2019 will be made in terms of the provisions of section 28 of the Municipal Finance Management Act no. 56 of 2003, as more fully set out in Annexure A attached to the report in this regard. (ALL DIRS)
2. THAT Council takes note of the service delivery reports in relation to the approved SDBIP for the 2018/19 financial year as submitted by Performance Management Unit and attached to the report in this regard as Annexure B. (ALL DIRS)

MidyearBudget&SDBIP2018-19\_itm

**ITEM A.8.31.01.19****PERFORMANCE MANAGEMENT: DRAFT ANNUAL REPORT: 2017/18 FINANCIAL YEAR  
(10/1/2; 10/1/4/1-/8)****RESOLVED A.8.31.01.19 (COUNCIL)**

1. THAT the Draft Annual Report 2017/2018 attached as Annexure A to the report in this regard, be approved and that it be advertised for public comments. (MM)
2. THAT the Municipal Public Account Committee (MPAC) proceed with the oversight component of the Draft Annual Report 2017/2018 in order to have an Overview on the Report as more fully set out in National Treasury *Circulars No. 32 and 63 of 15 March 2006*, which *Committee* must conclude their task within the given timelines as dictated by legislation, for final submission of the final report to Council by no later than 31 March 2019. (DCS)
3. THAT members of the Audit and Performance Audit Committee (APAC) be invited to serve as technical assistance to the Municipal Public Account Committee in the oversight task 2017/2018 referred to in paragraph 2 above. (MM)
4. THAT it be noted that Council's final resolve on the 2017/18 Annual Report must be passed by no later than 31 March 2019 whereupon it must be submitted to National Treasury and the Provincial Department of Cooperative Governance, Human Settlement and Traditional Affairs 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)

DraftAnnualReport2017-2018\_itm

**ITEM A.9.31.01.19****PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR DEVELOPMENT PLANNING  
(5/1/2/10; 5/6/4)****RESOLVED A.9.31.01.19 (COUNCIL) -**

1. THAT note be taken of the progress with recruitment of candidates for appointment in the vacant post of Director Development Planning, which post became vacant on 1 November 2018. (DCS)
2. THAT it be approved that the Manager Local Economic Development, Mr R V Phalanndwa be designated to act for a further period in the capacity as Director Development Planning, commencing on 1 February 2019 until 30 April 2019, or until the date that precedes the day on which a successful candidate commences duty as Director, whichever may be the earliest date. (DDP)

3. THAT application for extending the acting capacity in the vacant post of Director Development Planning as set out in paragraph 2 above, be lodged in terms of the provisions of section 56(1) (b) of the Local Government Systems Act, 2003 with the MEC for Cooperative Governance, Human Settlements and Traditional Affairs, Limpopo. (DCS)

ActingDDPEExtend\_itm

#### **ITEM A.10.31.01.19**

#### **REPORT: AUDIT AND PERFORMANCE AUDIT COMMITTEE: PROGRESS REPORT QUARTER 1 & 2: 2018/2019 FINANCIAL YEAR (4/11/1)**

#### **RESOLVED A.10.31.01.19 (COUNCIL) –**

THAT the 1<sup>st</sup> & 2<sup>nd</sup> Quarter, 2018/19 Consolidated Audit and Performance Audit Committee reports attached as Annexure A to this report to Council be adopted. (MM/ALL DIRS)

APACQ1&Q2\_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): January 2019**

None

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#### **10. PETITIONS**

None

#### **11. NEW MOTIONS**

None

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The meeting was closed and adjourned at 15:24.

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 25 April 2019.

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CHAIRPERSON

MDM/lh/CouncilMinutes\_89