

**MAKHADO LOCAL MUNICIPALITY**  
**OFFICE OF THE DIRECTOR CORPORATE SERVICES**

MINUTES OF THE ONE HUNDRED AND SEVENTIETH (170<sup>th</sup>) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD AT THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, MAKHADO ON TUESDAY, 30 AUGUST 2022 AT 15:00.

**PRESENT**

**Councillors**

BALOYI, R	MASUKA, S
BALOYI, R S	MATHALISE, L M
BALOYI, S E	MATUMBA, N J
CHILILO, N F	MBOYI, M D
DAVHANA, N D	MOKGOADI, M R
DZHIVHUHO, A S	MPASHE, M J
FURUMELE, M G	MUDUNUNGU, N A
GABARA, M J	MUKHELI, K
HALGREEN, C D	MUKHUBA R
HLANGWANI, B	MUKHUDWANA, R
HLONGWANI, B F	MUKOSI, M
JONES, N B	MUKOSI, M R
KUTAMA, N	MUKWEVHO, G T
KUTAMA, T	MULAUDZI, M E
MABASA, W	MULEFU, M E
MABUDU, H G	MUNYAI, N
MADAVHA, A	MUNYAI, N S
MAGADA, M R	MUSHANDANA, T T
MAHOSI, N S	NEMUDZIVHADI, N S
MAINGO, R T	NGOBENI, T T
MAKAMU, T T	PHANGAMI, L
MAKHUBELE, F P	PHULUWA, M I
MALANGE, M C	RALIPHADA, R
MALANGE, T M	RAMALIVHANA, M
MALIVHA, N V	RAMALWA. M W
MALULEKE, H G	RAVELE, T R
MAMAFHA, T C	SEBOLA, D J
MAMAFHA, T J	SELAPYANA, M A
MAPHAHLA, A Z	SIMANGWE, N J
MAPHAKELA, K P	SINGO, M D
MARAGA, M	SITHI, E T
MARAGA. T A	SMALLE, P A
MASHAMBA, L	SWALIVHA, M
MASHAU, T C	TSHIDAVHU, I A
MASIPA, P N	TSHILAMBYANA, M S

**Officials**

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

**Guest**

J MASITE

(CHAIRPERSON OF AUDIT AND PERFORMANCE AUDIT COMMITTEE)

**Traditional Leaders**

None

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**1. OPENING**

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.

**2. NOTICE OF THE MEETING**

The Speaker 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 by sms, e-mail and hard copy.

**3. OFFICIAL ANNOUNCEMENTS**

3.1 The Speaker, Cllr M D Mboyi announced that the Chairperson of the Audit and Performance Audit Committee, Mrs Jane Masite would present an Audit Committee Report (Quarter 4). She would be afforded an opportunity to present the report for 5 minutes.

3.2 The Speaker, Cllr M D Mboyi 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. APPLICATION FOR LEAVE OF ABSENCE**

RESOLVED –

THAT leave of absence be granted in terms of the provisions of Rule 21 of the Council's Rules of Order, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Special Council meeting held on 30 August 2022 to Cllrs F N Madzhiga, M D Ndou, M R Makwala, P Mashau and K Maphubu.

**5. REPORT OF THE EXECUTIVE COMMITTEE**

(a) **Report of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): August 2022**

565<sup>th</sup> Executive Committee meeting: 24 August 2022

566<sup>th</sup> Executive Committee meeting: 30 August 2022

567<sup>th</sup> Executive Committee meeting: 30 August 2022

(b) **Recommendations of the Section 79 Oversight Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): August 2022**

97<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 25 August 2022

70<sup>th</sup> Section 79 Oversight Committee: Finance meeting: 25 August 2022

38<sup>th</sup> Section 79 Oversight Committee: Development Planning: 24 August 2022

98<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 30 August 2022

**ITEM A.105.30.08.22**

**PERSONNEL: PARTICIPATION IN THE UCLG 7<sup>TH</sup> WORLD CONGRESS AND SUMMIT OF LOCAL AND REGIONAL LEADERS (12/2/1/54)**

**RESOLVED A.105.30.08.22 (COUNCIL)**

1. THAT Council approves to release the Mayor, Speaker, Chief Whip and Acting Municipal Manager to participate in the 7<sup>th</sup> World Congress and Summit of Local and Regional Leaders (UCLG) in Daejeon, South Korea from 10<sup>th</sup> to 14<sup>th</sup> October 2022. (MM/DCS)
2. THAT the approval to participate as approved in paragraph 1 above be financed from Council's general expenditure budget. (CFO)
3. THAT the attendance of the participants must be subject to the approval by the Office of the Premier. (MM/DCS)

VisitToSouthKorea\_itm

**ITEM A.106.30.08.22**

**COUNCIL COMMITTEES: APPOINTMENT OF MEMBERS OF SECTION 79 STANDING COMMITTEE: WOMEN CAUCUS (4/1/B)**

**RESOLVED A.106.30.08.22 (COUNCIL)**

1. THAT Council appoint members in the Section 79 Standing Committee: Women Caucus as provided for in the Local Government: Municipal Structures Act, 1998, as amended. (DCS)
2. THAT the Chairperson of the Section 79 Standing Committee: Women Caucus be remunerated in accordance with the determined Upper Limits of Salaries, Allowances and Benefits of Members of Municipal Councils published in Government Gazette No 46470 dated 2 June 2022. (DCS)
3. THAT the Co-ordinator Special Programmes, Ms A Mabasa, will be the secretariat of the Women Caucus. (DCS)
4. THAT Council's Section 79 Standing Committee: Women Caucus be composed as follows:

NO.	SECTION 79 COMMITTEES	STANDING	COUNCILLOR
1	WOMEN CAUCUS		1. <b>T M Malange (Chairperson)</b> 2. H G Maluleke 3. L Mashamba 4. N J Simangwe 5. T T Mushandana 6. M R Mokgoadi 7. N S Mahosi 8. M Swalivha 9. N B Jones 10. T A Maraga 11. K P Maphakela 12. M G Furumele 13. T C Mashau 14. M D Mboyi 15. R T Maingo 16. L M Mathalise 17. N J Matumba 18. T T Ngobeni 19. G T Mukwevho 20. R Raliphada 21. M J Gabara 22. I A Tshidavhu 23. B Hlangwani 24. H G Mabudu 25. M S Tshilambyana

Sect79WomenCaucus\_itm

(DCS)

**ITEM A.107.30.08.22****COUNCIL COMMITTEES: REPLACEMENT OF MEMBER****1. SECTION 79 OVERSIGHT COMMITTEE: SPECIAL PROGRAMMES****2. SECTION 79 STANDING COMMITTEE: ETHICS**

(4/1/B)

**RESOLVED A.107.30.08.22 (COUNCIL)**

1. THAT Cllr L B Mogale be removed from Section 79 Oversight Committee: Special Programmes and be replaced with Cllr H G Maluleke. (DCS)
2. THAT Cllr L B Mogale be removed from Section 79 Standing Committee: Ethics and be replaced by Cllr M R Mukosi. (DCS)
3. THAT the two (2) Section 79 Committees composed by Council Resolution A.146.20.12.21 forthwith be recomposed as follows:

**SECTION 79 OVERSIGHT COMMITTEES**

NO.	SECTION 79 OVERSIGHT PORTFOLIO COMMITTEE	PROPOSED MEMBERS
7.	SPECIAL PROGRAMMES	1. <b>L M Mathalise (Chairperson)</b> 2. M G Furumele 3. M A Selapyana 4. <b>H G Maluleke</b>

<b>NO.</b>	<b>SECTION 79 OVERSIGHT PORTFOLIO COMMITTEE</b>	<b>PROPOSED MEMBERS</b>
		5. <i>M J Gabara</i> 6. <i>T T Mushandana</i> 7. <i>M Ramalivhana</i> 8. <i>T M Malange</i> 9. <i>M I Phuluwa</i> 10. <i>N A Mudunungu</i>

**STANDING COMMITTEES**

<b>NO.</b>	<b>SECTION 79 STANDING COMMITTEES</b>	<b>PROPOSED MEMBERS</b>
2.	<b>ETHICS</b>	1. <b><i>M Maraga (Chairperson)</i></b> 2. <i>A Madavha</i> 3. <i>T J Mamafha</i> 4. <i>T T Mushandana</i> 5. <i>F P Makhubele</i> 6. <i>N D Davhana</i> 7. <b><i>M R Mukosi</i></b> 8. <i>T C Mashau</i> 9. <i>N A Mudunungu</i> 10. <i>M A Selapyana</i>

AmendSect79Committees(August2022)\_itm

(DCS)

**ITEM A.108.30.08.22**

**TOWN-PLANNING AND CONTROL: 2022/23 ADDITIONAL RDP HOUSES ALLOCATIONS BY COGHSTA (17/20 & 17/4/1)**

**RESOLVED A.108.30.08.22 (COUNCIL)**

1. THAT Council notes that the Municipality received a letter from Coghsta requesting the acceptance of the allocation of 80 additional units for 2022/23 from Coghsta as per the letter attached in Annexure A to the report in this regard. (DDP)
2. THAT the proposed 80 additional units for the 2022/2023 financial year is indicated in the table below:

<b>ITEM</b>	<b>REGION</b>	<b>WARD</b>	<b>NO. OF UNITS</b>	<b>URBAN OR RURAL</b>	<b>REMARKS</b>
1	Waterval	14	10	Rural	Communal
		12	10	Rural	Communal
		18	01	Rural	Communal
		02	01	Rural	Communal
2	Dzanani	36	10	Rural	Communal
		21	10	Rural	Communal
		33	01	Rural	Communal
3	Makhado	22	09	Rural	Communal

		24	09	Rural	Communal
4	Luvuvhu	28	09	Rural	Communal
		04	09	Rural	Communal
		29	01	Rural	Communal
<b>TOTAL</b>			<b>80</b>		

(DDP)

3. THAT councillors must start the process of identifying the beneficiaries for the 80 additional allocation. (DDP)
4. THAT priority be given to child headed family, people with disability, female headed households, as well as those without shelter or living in temporary shelters (mud-houses, shacks and asbestos) as indicated in the letter attached as Annexure A to the report in this regard. (DDP)
5. THAT Traditional Leaders and other ward structures must be communicated with during reprioritization process. (DDP)
6. THAT after identification of beneficiaries, the list must first be submitted to the Office of the Mayor for the Executive Committee to do an inspection in loco on or before 15 September 2022.

RDPHousing &amp; HousingPlan\_itm

(DDP)

**ITEM A.109.30.08.22**

**COUNCIL COMMITTEES: DEVELOPMENT OF MAKHADO-MUSINA SEZ REGIONAL SPATIAL DEVELOPMENT FRAMEWORK  
(17/80 & 17/4/1)**

**RESOLVED A.109.30.08.22 (COUNCIL)**

1. THAT Council is in concurrence with the proposed development of the Musina-Makhado Special Economic Zone Regional Spatial Development Framework and declare a new region by delineating the boundary of the MMSEZ Regional Spatial Development Framework as per Annexure B attached to the report in this regard. (DDP)
2. THAT the Minister must, after declaring the new region as per Section 18 (3) of the Act, inform the Municipality in writing. (DDP)
3. THAT in accordance with Section 18(2) the Minister must review the Regional Spatial Development Framework at least once every five years from the date of its last publication or amendment and may, after consultation with the Premier and the Municipal Council responsible for the geographic area, propose amendments to the Regional Spatial Development Framework.

RegionalSpatialDevelopmentFramework\_itm

(DDP)

**ITEM A.110.30.08.22****FINANCE: ASSETS MANAGEMENT: ASSETS WRITE OFF OR DISPOSAL 30 JUNE 2022: FINANCIAL PERIOD 2021/22 FINANCIAL YEAR ASSETS (10/1/5/2)****RESOLVED A.110.30.08.22 (COUNCIL)**

1. THAT Council approves the disposal and write off, of the Movable and Immovable assets in Annexure A and B attached to the report in this regard to the value of **R 28 804 190.36** to ensure the assets disclosed in the 2021/22 financial statements are fairly stated. (CFO)
2. THAT road's assets through disposal on the register, electricity through auction and the movable assets through donation to schools around the Municipal area. (CFO)

DisposalMoveable&ImmoveableAssets2021-22\_itm

**ITEM A.111.30.08.22****PERSONNEL: APPOINTMENT: MUNICIPAL MANAGER (5/3/B; SP1/1/1)****REMARK:**

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

**RESOLVED A.111.30.08.22 (COUNCIL) -**

1. THAT the appointment Mr. K M Nemaname as the Municipal Manager of Makhado Local Municipality with effect of 1 September 2022 be considered as more fully set out in the report in this regard. (DCS)
2. THAT the Employment Contract between the Municipal Manager and Municipality of Makhado and the Performance Agreement be approved as set out in **Annexure F** attached to the report in this regard. (DCS)
3. THAT the Mayor be vested with the power to negotiate the all- inclusive remuneration package on a cost-to-council basis with the Municipal Manager referred to in paragraph 1 above as arranged in terms of the provisions of *Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers*, promulgated under General Notice (Department of Co-operative Governance and Traditional Affairs, No 351 of 2020 in Government Gazette No 351 dated 20 March 2020. (DCS)
4. THAT it be noted that the Mayor will sign the Employment Contract and Performance Agreement of the Municipal Manager on behalf of Makhado Municipality as dictated by legislation. (DCS)

5. THAT the MEC for Local Government be notified of the appointment process and outcome as required by the provisions of Section 54 A (7) (a) of the Local Government: Municipal Systems Act, 2000. (DCS)

AppointMM2022\_itm

**ITEM A.112.30.08.22**

**PERSONNEL: APPOINTMENT: DIRECTOR COMMUNITY SERVICES  
(5/3/4/6/17 & 5/3/B)**

**REMARK:**

When this matter was considered all Acting Directors recused themselves from the meeting and returned after all the appointment matters were considered.

**RESOLVED A.112.30.08.22 (COUNCIL) -**

1. THAT the appointment Mr. H J Lukheli as the Director Community Services of Makhado Local Municipality with effect of 1 September 2022 be considered as more fully set out in the report in this regard. (DCS)
2. THAT the Employment Contract between the Director Community Services and Municipality of Makhado and the Performance Agreement be approved as set out in **Annexure F** attached to the report in this regard. (DCS)
3. THAT the Municipal Manager be vested with the power to negotiate the all- inclusive remuneration package on a cost-to-council basis with the Director Community Services referred to in paragraph 1 above as arranged in terms of the provisions of *Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers*, promulgated under General Notice (Department of Co-operative Governance and Traditional Affairs, No 351 of 2020 in Government Gazette No 43122 dated 20 March 2020. (DCS)
4. THAT it be noted that the Municipal Manager will sign the Employment Contract and Performance Agreement of the Director Community Services on behalf of Makhado Municipality as dictated by legislation. (DCS)
5. THAT Council be cautioned as stipulated in item 6.1 of the Regulations for Local Government Competency Framework for Senior Managers, that Mr H J Lukheli received “basic”, and the Selection Committee further recommended that the identification of skills development needs be conducted to assist the suitable candidate to improve, while on the salary entry level. (DCS)
6. THAT the MEC for Local Government be notified of the appointment process and outcome as required by the provisions of Section 54 A (7) (a) of the Local Government: Municipal Systems Act, 2000. (DCS)

AppointDCOMS2022\_itm



**ITEM A.113.30.08.22****PERSONNEL: APPOINTMENT: DIRECTOR DEVELOPMENT PLANNING  
(5/3/4/4/36)****REMARK:**

When this matter was considered all Acting Directors recused themselves from the meeting and returned after all the appointment matters were considered.

**RESOLVED A.113.30.08.22 (COUNCIL) -**

1. THAT the appointment Mr. A Mabunda as the Director Development Planning of Makhado Local Municipality with effect of 1 September 2022 be considered as more fully set out in the report in this regard. (DCS)
2. THAT the Employment Contract between the Director Development Planning and Municipality of Makhado and the Performance Agreement be approved as set out in **Annexure F** attached to the report in this regard. (DCS)
3. THAT the Municipal Manager be vested with the power to negotiate the all-inclusive remuneration package on a cost-to-council basis with the Director Development Planning referred to in paragraph 1 above as arranged in terms of the provisions of *Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers*, promulgated under General Notice (Department of Co-operative Governance and Traditional Affairs, No 351 of 2020 in Government Gazette No 43122 dated 20 March 2020. (DCS)
4. THAT it be noted that the Municipal Manager will sign the Employment Contract and Performance Agreement of the Director Development Planning on behalf of Makhado Municipality as dictated by legislation. (DCS)
5. THAT the MEC for Local Government be notified of the appointment process and outcome as required by the provisions of Section 54 A (7) (a) of the Local Government: Municipal Systems Act, 2000. (DCS)

AppointDDP2022\_itm

**ITEM A.114.30.08.22****PERSONNEL: APPOINTMENT: DIRECTOR TECHNICAL SERVICES  
(5/3/4/4/36)****REMARK:**

When this matter was considered all Acting Directors recused themselves from the meeting and returned after all the appointment matters were considered.

**RESOLVED A.114.30.08.22 (COUNCIL) -**

1. THAT the appointment Ms D G Siboiboi as the Director Technical Services of Makhado Local Municipality with effect of 1 September 2022 be considered as more fully set out in the report in this regard. (DCS)
2. THAT the Employment Contract between the Director Technical Services and Municipality of Makhado and the Performance Agreement be approved as set out in **Annexure F** attached to the report in this regard. (DCS)
3. THAT the Municipal Manager be vested with the power to negotiate the all- inclusive remuneration package on a cost-to-council basis with the Director Technical Services referred to in paragraph 1 above as arranged in terms of the provisions of *Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers*, promulgated under General Notice (Department of Co-operative Governance and Traditional Affairs, No 351 of 2020 in Government Gazette No 43122 dated 20 March 2020. (DCS)
4. THAT it be noted that the Municipal Manager will sign the Employment Contract and Performance Agreement of the Director Technical Services on behalf of Makhado Municipality as dictated by legislation. (DCS)
5. THAT Council be cautioned as stipulated in item 6.1 of the Regulations for Local Government Competency Framework for Senior Managers, that Ms D G Siboiboi received “basic”, and the Selection Committee further recommended that the identification of skills development needs be conducted to assist the suitable candidate to improve, while on the salary entry level. (DCS)
6. THAT the MEC for Local Government be notified of the appointment process and outcome as required by the provisions of Section 54 A (7) (a) of the Local Government: Municipal Systems Act, 2000. (DCS)

AppointDTS2022\_itm

**ITEM A.115.30.08.22****PERSONNEL: APPOINTMENT: DIRECTOR CORPORATE SERVICES  
(5/3/4/9/4)****REMARK:**

When this matter was considered all Acting Directors recused themselves from the meeting and returned after all the appointment matters were considered.

**RESOLVED A.115.30.08.22 (COUNCIL) -**

1. THAT the appointment Mr. S G Maguga as the Director Corporate Services of Makhado Local Municipality with effect of 1 September 2022 be considered as more fully set out in the report in this regard. (DCS)
2. THAT the Employment Contract between the Director Corporate Services and Municipality of Makhado and the Performance Agreement be approved as set out in **Annexure F** attached to the report in this regard. (DCS)
3. THAT the Municipal Manager be vested with the power to negotiate the all- inclusive remuneration package on a cost-to-council basis with the Director Corporate Services referred to in paragraph 1 above as arranged in terms of the provisions of *Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers*, promulgated under General Notice (Department of Co-operative Governance and Traditional Affairs, No 351 of 2020 in Government Gazette No 43122 dated 20 March 2020. (DCS)
4. THAT it be noted that the Municipal Manager will sign the Employment Contract and Performance Agreement of the Director Corporate Services on behalf of Makhado Municipality as dictated by legislation. (DCS)
5. THAT the MEC for Local Government be notified of the appointment process and outcome as required by the provisions of Section 54 A (7) (a) of the Local Government: Municipal Systems Act, 2000. (DCS)

AppointDCS2022\_itm

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**REMARK:**

After the Council Committees' recommendations were presented to Council, the Speaker Cllr M D Mboyi afforded the Chairperson of the Audit and Audit Performance Committee, Ms J Masite to do a brief presentation to Council about the Quarter 4 Report. The Chairperson delivered her presentation upon which the Speaker requested her to leave the meeting.

The meeting was closed and adjourned at 16:22.

Approved and confirmed in terms of the provisions of Clause 22.1 of the Rules of Orders, 2016 promulgated in Provincial Gazette Notice No. 2736 of 29 July 2016 under Local Authority Notice 125, by a resolution of the Council passed at the meeting held on 27 October 2022.

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**CHAIRPERSON**