

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

MINUTES OF THE ONE HUNDRED AND SEVENTY FIRST (171<sup>st</sup>) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD AT THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, MAKHADO ON FRIDAY, 9 DECEMBER 2022 AT 12:00.

**PRESENT**

**Councillors**

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

**Officials**

K M NEMANAME	(MUNICIPAL MANAGER)
S G MAGUGA	(DIRECTOR CORPORATE SERVICES)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
A MABUNDA	(DIRECTOR DEVELOPMENT PLANNING)
D G SIBOIBOI	(DIRECTOR TECHNICAL SERVICES)
H J LUKHELI	(DIRECTOR COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

**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

The Speaker, Cllr M D Mboyi welcomed the newly appointed Assistant Manager: Council Committees, Mr M Mabala who was attending this meeting for the first time. You are welcomed to Makhado Local Municipality.

## 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 9 December 2022 to Cllr A S Dzhivhuho, R T Maingo, L M Mathalise, R Mukhuba, L Phangami, A Z Maphahla, K P Maphakela, M D Singo, E T Sithi, M Swalivha, I A Tshidavhu and M R Makwala.

### REMARK:

The following councillors were absent from the Special Council meeting held on 9 December 2022: Cllr M G Furumele and P Mashau.

## 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): November & December 2022

570<sup>th</sup> Executive Committee meeting: 21 November 2022

571<sup>st</sup> Executive Committee meeting: 2 December 2022

572<sup>nd</sup> Executive Committee meeting: 9 December 2022 (only approval of minutes)

### (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): December 2022

100<sup>th</sup> Section 79 Oversight Committee: Corporate Services meeting: 7 December 2022

72<sup>nd</sup> Section 79 Oversight Committee: Finance meeting: 5 December 2022

62<sup>nd</sup> Section 79 Oversight Committee: Development Planning: 6 December 2022

**ITEM A.140.09.12.22 (originally A.140.08.12.22)****PERSONNEL: CLOSING OF MUNICIPAL OFFICES DURING DECEMBER FESTIVE SEASON 2022  
(5/6/4)****RESOLVED A.140.09.12.22 (COUNCIL)**

1. THAT the closure of all municipal offices for the December 2022 festive season be approved as follows -
  - Friday, 23 December 2022 at 12:00
  - Friday, 30 December 2022 at 12:00
  - Public Library Services will close on Saturday of 10, 17 and 24 December 2022 as well as the Saturday of 31 December 2022. (DCS)
  
2. THAT the early closure of Municipal offices as set out in paragraph 1 above is subject to the following conditions:
  - 2.1 The Director Community Services must compile a management plan for disaster, emergency and traffic services during the festive season and the 24/7 Municipal Call Centre must be fully functional.
  - 2.2 Proper notice of the closure must be published in the local media and notices displayed at strategic points in good time in order to inform members of public accordingly.
  - 2.3 All emergency and stand-by municipal services will continue uninterrupted as is the case in regard to all other public holidays and during week-ends.
  - 2.4 The 24/7 Municipal Call Centre must have two (2) call centre attendants on duty for every shift.
  - 2.5 A proposed plan on how to deal with disaster issues during this time must be submitted to the Municipal Manager. (DCOMS)

ClosingOffices2022\_itm

**ITEM A.141.09.12.22 (originally A.141.08.12.22)****COUNCIL LAND: PROPOSAL TO LEASE THE CLOUD END HOTEL ON A LONG-TERM PERIOD OF 70 YEARS  
(8/3/2/18/30)****REMARK:**

When this matter was considered Cllr N F Chililo proposed, duly seconded by Cllr M Mukosi that the term of Memorandum of Understanding be reduced from seventy (70) to fifty (50) years. The proposal was accepted and is recorded as Council's Resolution herein below.

**RESOLVED A.141.09.12.22 (COUNCIL)**

THAT the proposed option 1 - long term Memorandum of Understanding to occupy the old Cloud End Hotel that was received from Mr Nesengani Makhado on behalf of Mutodo Properties (Pty) Ltd as recommended by administration be approved, subject to the following conditions:

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the intention to lease the old Cloud End Hotel to the Mutodo Properties (Pty) Ltd on a long-term period of fifty (50) years be advertised in the local newspapers for comments and objections should there be any.
2. Option one as per applicant's proposal be approved for a period of fifty (50) years. The size of the allocated land be 35 hectares instead of the proposed 626,2076 hectares.
3. An amount of R45 200.00 will be a rental amount due and payable on the last day of each and every month.
4. Rental be escalated by 10% per annum at the beginning of each financial year until the end of the fifty (50) years of Memorandum of Understanding.
5. The fixed term of Memorandum of Understanding will be valid for a period of fifty (50) years.
6. Any omitted standard conditions for the lease of Municipal land will further apply.
7. The Memorandum of Understanding is subject to a review process for purposes of monitoring performance by both parties.
8. The Developer must start with the development within a period of two (2) years.
9. A standard Memorandum of Understanding be made by the Legal Office and entered into by and between Makhado Local Municipality and Mr Nesengani Makhado on behalf of the Mutodo Properties (Pty) Ltd.

SecondRevisedCloudEndHotel\_itm

(DDP)

**ITEM A.142.09.12.22 (Originally A.142.08.12.22)**

**COUNCIL LAND: PROPOSED REVOCATION OF COUNCIL RESOLUTION: A.184.30.10.18 SALE OF ERVEN 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368 AND 5043, LOUIS TRICHARDT EXTENSION 8 TOWNSHIP (7/3/2/1 & E4360, E4361, E4362, E4363, E4364, E4365, E4366, E4367, E4368, E5043)**

**RESOLVED A.142.09.12.22 (COUNCIL)**

THAT the proposed purchase of a land in order to establish the N1 Boutique Hotel on erven 4360, 4361, 4362, 4363, 4364, 4365, 4366, 4367, 4368 and 5043, Louis Trichardt Extension 8 Township be revoked subject to the following conditions:

1. Council note the final letter dated 24 May 2022 written by the Municipal Manager to Mr Mmbangiseni Mutavhatsindi demanding the payment of R5,255,508.20 (Five Million Two Hundred and Fifty Five Thousand Five Hundred and Eight Rand Twenty Cents).

2. Mr Mbangiseni Mutavhatsindi be notified in writing of the Council's decision to revoke Council Resolution A.184.30.10.18 within thirty (30) days.
3. The Municipal Manager be given powers by Council to call for proposals from people who have a history of developing reputable hotels which can add value to the development of Makhado Town.
4. The call for development be done in a competitive bidding and also be advertised in a local newspaper to ensure fairness in the process of selecting the right people for development of a hotel. (DDP)

RevokeN1BoutiqueHotel\_itm

**ITEM A.143.09.12.22 (Originally A.143.08.12.22)**

**FINANCES: AMENDMENT OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS: 2021/22 FINANCIAL YEAR UNTIL TO DATE (5/5/21)**

**RESOLVED A.143.09.12.22 (COUNCIL)**

1. THAT Council approve the provisions of *Government Notice (Department Co-operative Governance and Traditional Affairs) No 47437, Amendment of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils, in Government Gazette No 47437 dated 2 November 2022*, as more fully recorded in Annexure A. (CFO)
2. THAT Council approve the payment in addition to annual total remuneration package provided for in terms of items 5 and 8 respectively of an allowance on the use of data bundles not exceeding R300 per month effective from 1 July 2021 until to date. (CFO)
3. THAT the effective date of the *Amended of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Council* is from 1 July 2021 until to date. (CFO)

UpperLimitsCouncillors2022Amendment\_itm

**ITEM A.144.09.12.22 (originally A.144.08.12.22)**

**PERSONNEL: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGER: 2021/22 FINANCIAL YEAR UNTIL TO DATE (GOVERNMENT GAZETTE NO. 47538 DATED 18 NOVEMBER 2022) (5/5/21)**

**RESOLVED A.144.09.12.22 (COUNCIL)**

1. THAT Council approve General Notice No 2760 (Department of Co-operative Governance and Traditional Affairs) of 2022 promulgated in Government Gazette No 47538 dated 18 November 2020 relating to the *Upper Limits of Total Remuneration Packages payable to Municipal Managers and Managers directly Accountable to Municipal Managers*. (CFO)

2. THAT the cost of living salary increase 1.5 % of the Municipal Manager and Managers directly accountable to the Municipal Manager be paid with retrospective effect of 1 July 2021 until to date under Category 4 of the Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers be approved. (CFO)
3. THAT R1,695.00 payable monthly to senior managers earning a total remuneration package below R1,900,000 for the 2021/22 municipal financial year be approved. (CFO)
4. THAT the non-pensionable cash gratuity will be backdated from 1 July 2021 and shall be payable until 30 June 2022. (CFO)
5. THAT Council note that the categorisation of a municipality determined in terms of this Notice, is higher than the categorisation for the previous financial year, the Municipal Council must apply in writing to the Minister to obtain approval, after consultation with the MEC for Local Government in the Province. (CFO)

UpperLimitsSnrManagers2022\_itm

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- (c) **Resolution of the Executive Committee in terms of section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 570<sup>th</sup> Executive Committee Meeting: 21 November 2022**

**ITEM B.13.21.11.22**

**DEVELOPMENT PLANNING: PRESENTATION ON PROPOSED DEVELOPMENT ON MUNICIPALITY'S PROPERTY: FARM CLOUDS END 279LS  
(7/3/2/3/17)**

**RESOLVED B.13.21.11.22 (EXECUTIVE COMMITTEE)**

THAT a report about the development of Clouds End Hotel be submitted in the next Executive Committee meeting. (DDP)

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The meeting was closed and adjourned at 13:15.

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 26 January 2023.

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**CHAIRPERSON**