

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND EIGHTH (108<sup>th</sup>) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 31 MARCH 2016 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

### PRESENT

#### Councillors

BALOYI, R S	MATUMBA, M T
CHILILO, N F	MBOYI, M D
HLABIOA, M M	MPASHE, M
LERULE-RAMAKHANYA, M M	MTHOMBENI, S Z
LUDERE, E H	MUKHAHA, A J
LUDERE, R	MUKHARI, M F
MACHETE, M S	MUNYAI, N S
MADAVHU, F F	MUTAVHATSINDI, F D
MADZHIGA, F N	MUTELE, T M
MADZHIVANDILA, M R	NNDWAMBI, M T
MAGADA, M R	NDZOVELA, N G
MAHANI, M G	NELUVHOLA, A T
MAKHUBELE, R T	NEMAFHOHONI, M G
MALANGE, R	NGOBENI, N E
MALANGE, T M	NKANYANE, R G
MAMAFHA, T C	RASIMPHI, M P
MAMAFHA, T J	RATSHIKUNI, D T
MAPHAHLA, A Z	RATSHIVHOMBELA, M Q
MAPHALA, O S	RIKHOTSO, F J
MASHIMBYE, P F	SHANDUKANI, M J
MASUKA, S	SINYOSI, S M
MATHALISE, L M	THANDAVHATHU, R
MATODZI, A M	TSHAVHUYO, T G
MATUMBA, N H	

#### Traditional Leaders

NONE

#### Officials

I P MUTSHINYALI	(MUNICIPAL MANAGER)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
N C KHARIDZHA	(DIRECTOR: CORPORATE SERVICES)
C W MOLOKOMME	(DIRECTOR: TECHNICAL SERVICES)
S A MATHONSI	(ACTING DIRECTOR: DEVELOPMENT PLANNING)
M J KANWENDO	(DIRECTOR: COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

#### Guest

K R RIHLAMPFU	(SAMWU)
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## 1. OPENING

The Municipal Manager, Mr I P Mutshinyali officiated at the meeting in the absence of the Speaker in order to manage the election of an acting Speaker for the meeting. The Municipal Manager announced that he had received an apology from the Speaker of Council for leave of absence.

He stated that in terms of the provisions of Section 36 of the Local Government: Municipal Structures Act, the Municipal Manager would therefore call for nominations for an Acting Speaker to preside over the business of the meeting, as permitted under Section 41.

The Municipal Manager, Mr I P Mutshinyali called for proposal of candidates to be elected as the Acting Speaker for the meeting.

Cllr R S Baloyi proposed the name of Cllr M D Mmboyi to be the Acting Speaker of the day, and it was seconded by Cllr R Ludere. No further proposals were received and the proposal of Cllr R S Baloyi was accepted in general.

The Municipal Manager, Mr I P Mutshinyali declared Cllr M D Mboyi duly elected as the Acting Speaker of Makhado Local Municipality for this meeting. The further presiding over the meeting was handed over to the Acting Speaker.

The Acting Speaker, Cllr M D Mboyi declared the meeting officially opened.

She expressed that all be reminded of the Municipality's Vision and Mission as follows:

Vision "A Dynamic Hub For Socio – Economic Development By 2025"

Mission "To ensure effective utilization of economic resources to address socio- economic imperatives through mining, tourism and agriculture".

## 2. APPLICATION FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in terms of the provisions of Rule 5 of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Special Council meeting held on 31 March 2016 to Cllrs T S Mudau, B F Hlongwane, T Mmbadi, M E Malima, N P Balibali, T P Netshivhulana, M S Mamatsiari, M P Mazibuko, A du Plooy, M P Mathoma, M D Mulovhedzi, M S Tshilambyana, V S Makhuvha, J P Underwood, S D Ramudzuli and L B Mogale.

### REMARK:

The following Councillors were not present at the meeting:

1. Cllrs N B Baloyi, N D Davhana, M J Gabara, K A Hlungwani, N Kutama, V S Luduvhungu, N A Mafhala, S V Mahladisa, T P Mamorobela, H F Mathavha, S M Rekhotso and M R Selepe.
2. Khosi M C Masakona, Hosi H N Majosi, Hosi J Baloyi, Hosi T J Mukhari, Khosi N T L Mashamba, Khosi T R V Mashau, Khosi R H Sinthumule, Khosi S T Mukhari and Khosi V C Ramabulana.

### REMARK:

Khosi M W Netsianda, Khosi M A Madzivhandila, Khosi S A Mulima, Hosi M S Bungeni and Khosi T P Nesengani had passed away.

## 3. OFFICIAL ANNOUNCEMENTS

The Municipal Manager, Mr I P Mutshinyali announced that Makhado Municipality has received an allocation of R60 million under the Municipal Infrastructure Grant (MIG) proclaimed in the Government Gazette on 30 March 2015, for having spent more than 60% of MIG 2015/2016 at the end of December 2016. The Municipal Manager went on to state that the Makhado Local Municipality received the highest additional MIG in the Province and in the Country in general.

He further announced that the MEC of COGHSTA, Ms Makoma Makhurupetje was at the time of Executive Committee sitting visiting Tshikota Township to hand over more than 170 Title Deeds to RDP houses beneficiaries. All Executive Committee members were invited to attend it.

**4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER**

None

**5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS**

- 5.1 Cllr R Malange proposed congratulations to the Office of the Mayor for successfully organising Makhado Mayoral Sports Tournament held on Good Friday, 25 March 2016 at Vleifontein Stadium.
- 5.2 Cllr T M Mutele proposed congratulations to Guvhungwa United Football Club for being crowned the Champions of the One Day Soccer Tournament held at Ha-Mashau on Sunday, 27 March 2016.
- 5.3 Cllr M M Lerule-Ramakhanya proposed congratulations to the Department of Community Services, especially the Traffic Division team for working very hard during Easter holiday. She further applauded the remarkable reduction of motor car and road fatalities in the Limpopo Province during the Easter holiday.
- 5.4 Cllr R S Baloyi proposed congratulations to Zion Christian Church (ZCC) of Moria of Turfloop for hosting 13,5 million congregates free from any negative incident during Easter season, 2016.

**6. MATTERS CONSIDERED:**

**6.1 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 March 2016**

The report of the 398<sup>th</sup> Executive Committee meeting held on 24 March 2016

The report of the 399<sup>th</sup> Executive Committee meeting held on 31 March 2016

(REMARK: Item A.23.25.02.16 was considered at the 106<sup>th</sup> Special Council meeting held on 25 February 2016.)

**ITEM A.24.31.03.16 (originally A.24.25.02.16)**

**FINANCES: PROCUREMENT: CLAUSE 36: QUOTATION DEVIATIONS: 2<sup>nd</sup> QUARTER: 2015/2016 FINANCIAL YEAR (10/1/5/2)**

RESOLVED A.24.31.03.16 (COUNCIL)

1. THAT in terms of clause 36 of the Municipal Supply Chain Regulations, 2005 promulgated under the Local Government: Municipal Finance Management Act, 2003, in procurement by means of quotations during the 2<sup>nd</sup> quarter of the 2015/2016 financial year in the amount of R1 784 904.45 and which each was duly approved by the Accounting Officer before it was procured, be condoned by Council. (CFO)

2. THAT the managing of the municipal vehicle fleet be updated to be more effective, efficient and economic. (CFO/DTS)

QuotationDeviation2ndQuarter2015-2016\_itm

**ITEM A.25.31.03.16 (originally A.25.25.02.16)**

**COUNCIL COMMITTEES: RETURN OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – JULY 2015 TO SEPTEMBER 2015 – QUARTER 1, 2015/2016 FINANCIAL YEAR (4/1/B & 10/1/5/1)**

RESOLVED A.25.31.03.16 (COUNCIL)

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 July 2015 to 30 September 2015 as follows:

*Table 31 SUMMARY OF MEETINGS HELD – QUARTER 1 OF 2015/16*

<b>DATE 2015</b>	<b>NUMBER OF PORTFOLIO COMMITTEES' MEETINGS</b>	<b>NUMBER OF EXECUTIVE COMMITTEE MEETINGS</b>	<b>NUMBER OF COUNCIL MEETINGS</b>
July	6	1	0
August	8	3	2
September	6	1	0
<b>TOTAL</b>	*20 Portfolio Committee meetings (5 meetings did not form a quorum)	<b>5</b>	<b>2</b>

*\*Excluding LLF meetings of which two (2) were held*

(DCS)

2. THAT note be taken of the *Return of Attendance of meetings by councillors* for the period 1 July 2015 to 30 September 2015 more fully recorded in the report in this regard. (DCS)
3. THAT all councillors who were absent from 3 or more consecutive meetings of Council and its committees be notified to appear to the Rules and Ethics Committee to give reasons why they do not attend such meetings. (DCS)

Return of Attendance Q1 of 2015-2016

**ITEM A.26.31.03.16 (originally A.26.25.02.16)**

**COUNCIL COMMITTEES: RETURN OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – OCTOBER 2015 TO DECEMBER 2015 – QUARTER 2, 2015/2016 FINANCIAL YEAR (4/1/B & 10/1/5/1)**

RESOLVED A.26.31.03.16 (COUNCIL)

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 October 2015 to 31 December 2015 as follows:

Table 31 SUMMARY OF MEETINGS HELD – QUARTER 2 OF 2015/16

DATE 2015	NUMBER OF PORTFOLIO COMMITTEES' MEETINGS	NUMBER OF EXECUTIVE COMMITTEE MEETINGS	NUMBER OF COUNCIL MEETINGS
October	6	2	1
November	15	3	1
December	2	2	1
<b>TOTAL</b>	Portfolio Committee meetings (5 meetings did not form a quorum)	<b>7</b>	<b>3</b>

\*Excluding LLF meetings of which two (2) were held

(DCS)

2. THAT note be taken of the *Return of Attendance of meetings by councillors* for the period 1 October 2015 to 31 December 2015 more fully recorded in the report in this regard. (DCS)
3. THAT all councillors who were absent from 3 or more consecutive meetings of Council and its committees be notified to appear to the Rules and Ethics Committee to give reasons why they do not attend such meetings. (DCS)

Return of Attendance Q2 of 2015-2016

(REMARK: Items A.27.25.02.16 to CA.28.25.02.16 was considered at the 106<sup>th</sup> Special Council meeting held on 25 February 2016.)

#### **ITEM A.29.31.03.16 (originally A.29.25.02.16)**

#### **REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 2: 2015/16 FINANCIAL YEAR (10/1/6/1)**

RESOLVED A.29.31.03.16 (COUNCIL)

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 2 of the 2015/2016 financial year as more fully set out in Annexure C attached to the report in this regard. (DCS)

CouncilResolutionImplementationQ2of2015-2016\_itm

#### **ITEM A.30.31.03.16 (originally A.30.25.02.16)**

#### **REPORTING: WARD COMMITTEE'S ACTIVITIES: QUARTER 2, 2015/2016 FINANCIAL YEAR (10/1/5/1)**

#### **REMARK:**

This matter was referred as item B.8.18.02.16.

(REMARK: Item A.31.25.02.16 was considered at the 106<sup>th</sup> Special Council meeting held on 25 February 2016.)

**ITEM A.32.31.03.16 (originally A.32.25.02.16)****ESSENTIAL SERVICES: INFRASTRUCTURE MAINTENANCE PLAN, 2016  
(16/1/B, 16/2/B, 16/3/B, 16/5 & 7/2/1/4)**

RESOLVED A.32.31.03.16 (COUNCIL)

THAT Council approve of the Infrastructure Maintenance Plan, 2016 attached as Annexure A to the report in this regard, to become the Municipality's Infrastructure Maintenance Plan, 2016 and it be implemented accordingly. (DTS)

MaintenancePlan2016\_itm

**ITEM A.33.31.03.16 (originally A.33.25.02.16)****COUNCIL LAND: PROPOSED LEASE OF RIGHT TO ERECT DIGITAL LED TV  
DISPLAY BILLBOARD AT THE VILLAGE OF ELIM, ON MUNICIPAL LAND  
(15/3/9 & 7/4/1/3)**

RESOLVED A.33.31.03.16 (COUNCIL)

THAT the application received from Mr Moses Makhado acting on behalf of the Bono Vision Media for proposed erection of digital LED TV display billboard at the village of Elim be approved, subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality Draft Outdoor Signs By-Laws:

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 municipal land at the village of Elim of dimension 4m x 3m, be advertised in one (1) of the local newspapers for objections if any.
2. A market related rental for the lease of municipal land determined by a Professional valuer.
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement.
4. The term of lease for a period of five (5) years, with lease renewal option.
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Moses Makhado acting on behalf of the Bono Vision Media.
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
7. The approval is further subject to the following conditions:
  - 7.1 **Electricity:** Electricity supply in this area is by Eskom. An application should be lodged to them.
  - 7.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
  - 7.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

7.4 **Property Rates:** Property rates will be payable in terms of the provisions of Council's Property Rates Policy at the time of signing the lease agreement.

BonoVisionMedia\_itm

(DDP)

**ITEM A.34.31.03.16 (originally A.34.25.02.16)**

**COUNCIL LAND: PROPOSED LEASE OF A PORTION ERF 3403 FOR PURPOSE OF GARDENING, LOUIS TRICHARDT EXTENSION 12 TOWNSHIP (E3403)**

RESOLVED A.34.31.03.16 (COUNCIL)

THAT the proposed lease of a portion of erf 3403, measuring 10ha for purpose of gardening, Louis Trichardt Extension 12 Township, that was received from Mr L A Nengudza be approved, be subject to the following conditions:

1. The intention to lease a portion of erf 3403, measuring 10ha for purpose of gardening, Louis Trichardt Extension 12 Township be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended advertised in one of the local newspapers for comments, if any.
2. A market related rental for the lease of municipal land determined by a Professional Valuator be collected.
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement.
4. The lessor has an easement to use the sewerage servitude.
5. A sub-divisional diagram not for registration and approval by the Surveyor-General be drawn by the local municipal Survey Technician.
6. The term of lease be for five (5) years with lease with an option to renew.
7. The standard conditions for the lease of Municipal land will further apply.
8. A memorandum of agreement be made and entered into by and between Makhado Local Municipality and Mr L A Nengudza.
9. The applicant be informed in terms of the provisions of item 17(t) read with 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
10. The approval is further subject to the following conditions:
  - 10.1 **Electricity:** Erf 3403 has no existing electricity supply. A capacity of 25kVA 3PH can be made available but should this capacity be insufficient, any additional supply would be subject to-
    - (a) Overall availability of capacity in the Municipality's electricity supply scheme.
    - (b) A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
    - (c) Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

- (i) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
- (ii) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
- (iii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
- (iv) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.

10.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

10.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

10.4 **Property Rates:** Property rates collection must be in terms of the provisions of the Council's Property Rates Policy at the time of the signing of the lease agreement with Council.

GardeningSpaceErf3403\_itm

(DDP)

**ITEM A.35.31.03.16 (originally A.35.25.02.16)**

**COUNCIL LAND: PROPOSED LEASE: CLOUDS END HOTEL PLAYING FIELD:  
LIMPOPO CRUSADERS POLO CROSSE CLUB  
(7/3/2/3/17)**

RESOLVED A.35.31.03.16 (COUNCIL)

THAT the application received from R W Sparrow, Polo Cross Development Chairman for Limpopo Province and Vice Chair of Polo Cross Limpopo Province, acting on behalf of the Limpopo Crusaders Polocrosse Club for proposed lease of Clouds End Hotel playing field be approved; subject to the following terms and 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 municipal land at the Clouds End Hotel, be advertised in one (1) of the local newspapers for objections if any.
2. A nominal rental for the lease of municipal land applicable in terms of the Policy for Leases by Amateur Sporting Clubs will be charged, to cover administrative expenditure.
3. The size of the property requested be determined by a Professional Land Surveyor.
4. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement.
5. The term of lease for a period of five (5) years, with lease renewal option.
6. A standard lease agreement, as applicable to Amateur Sporting bodies be made and entered into by and between Makhado Local Municipality and Ron W Sparrow "Polo Cross Development Chairman for Limpopo Province and Vice Chair of Polo Cross Limpopo Province" acting on behalf of the Limpopo Crusaders Polocrosse Club.



7. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements.
8. The approval is further subject to the following conditions:
  - 8.1 **Electricity**: The remainder portion of the farm Cloudsend 279 LS has an existing electricity supply capacity of 200 kVA for the Cloudsend Hotel. No additional supply capacity can be made available. Should there be a need for electricity for the applicant it must be privately obtained from the electricity user of the Cloudsend Hotel.
  - 8.2 **Water**: The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
  - 8.3 **Sewer**: The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
  - 8.4 **Property Rates**: The landowner is the Municipality.

PolocrosseBlubCloudsEnd\_itm

(DDP)

**ITEM A.36.31.03.16 (originally A.36.25.02.16)**

**COUNCIL LAND: PROPOSED LEASE AND DEVELOPMENT OF A PORTION ON THE REMAINDER OF PORTION 7, FARM BERGVLIET 288 L.S.: MAKHADO CRICKET CLUB (7/3/2/1; 7/3/2/3/34)**

RESOLVED A.36.31.03.16 (COUNCIL)

THAT the application to lease and develop a portion on the Remainder of portion 7 of farm Bergvliet 288 L.S. in extent 10 000m<sup>2</sup> for Cricket Club that which was received from Driver Nasar Yusuf acting on behalf of the Cricket Club be approved, subject to the following conditions:

1. The intention to lease and develop a portion of the Remainder of Portion 7 of Farm Bergvliet 288 L.S. in extent measuring 10 000m<sup>2</sup> for Cricket Club field be in terms of the provisions of section 79(18) of the Local Government 1939, (Ordinance 17 of 1939), as amended, advertised in a local newspapers for comments and objections, if any.
2. The portion of the Remainder of Portion 7 of Farm Bergvliet 288 L.S. in extent measuring 10 000m<sup>2</sup> for Cricket Club field be leased at a nominal rental applicable in terms of the Policy for Leases by Amateur Sporting Clubs, to cover administrative expenditure,
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement.
4. The term of lease be for a period of five (5) years, with lease renewal option.
5. The Cricket Club submits a development proposal for consideration.
6. A standard lease agreement, as applicable to Amateur Sporting bodies be made and entered into by and between Makhado Local Municipality and Driver Nasar Yusuf,
7. The standard conditions for lease of Municipal land will further apply.

8. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements.
9. The approval is further subject to the following conditions:
- 9.1 **Electricity:** Portion 7 Bergvliet 288 LS has no existing electricity supply capacity. A 50kVA can be made available. Should this capacity be insufficient, any additional supply would be subject to-
- a. Overall availability of capacity in the Municipality's electricity supply scheme.
  - b. A fully motivated written application by the client which will be submitted to Senior Management for their consideration.
  - c. Only a maximum of 50kVA may in any way be considered according to present status of the electricity supply scheme.

The client is further obliged to comply with the following conditions:

- (i) Application for additional electricity supply must be done by a professional electrical engineer, who must also do the design thereof and supervise all installation work.
- (ii) All installations must comply with the Electrical Installations Regulations promulgated under the Occupational Health and Safety Act, 1993.
- (iii) Only a registered 3 phase installation electrician may be permitted to install, test and certify the installation work, which must be submitted to Municipality.
- (iv) Actual costs plus an electrical engineering contribution proportional to the additional demand on the electricity supply scheme will be payable by the client upfront.

The main feeder line (22kV 3Phase) to Eltivillas is running over the proposed area. The Cricket pitch or any other buildings shall not be less than 150m east from the main Eltivillas feeder line.

9.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.

9.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.

9.4 **Property Rates:** The landowner is the Municipality.

**ITEM A.37.31.03.16 (originally A.37.25.02.16)****COUNCIL LAND: PROPOSED RENEWAL OF LEASE AGREEMENT: VODACOM MAST: REMAINDER OF PORTION 1 OF THE FARM NATURELLE LOKASIE 272 L.S. (TSHIKOTA TOWNSHIP)  
(15/3/9 & 7/3/2/1)**

RESOLVED A.37.31.03.16 (COUNCIL)

THAT the application received from Mr Danie Combrink (Tekplan) acting on behalf of the Vodacom Property Management: Limpopo Region for proposed renewal of lease agreement pertaining to Vodacom Mast situated next to the Reservoir: Remainder of portion 1 of the farm Naturelle Lokasie 272 L.S. measuring 269.83m<sup>2</sup>, Tshikota Township be approved; subject to the following terms and 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 municipal land situated next to the Reservoir: Remainder of portion 1 of the farm Naturelle Lokasie 272 L.S. measuring 269.83m<sup>2</sup>, Tshikota Township be advertised in one (1) of the local newspapers for objections if any.
2. A market related rental for the lease of municipal land determined by a Professional Valuer.
3. The rental be escalated by 10% per annum at the beginning of each financial year until the end of the lease agreement.
4. The term of lease for a period of five (5) years, with lease renewal option.
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Danie Combrink (Tekplan) acting on behalf of the Vodacom Property Management: Limpopo Region.
6. The applicant be informed in terms of the provisions of item 17(t) read with item 18(4) of the Makhado Local Municipality Immovable Land Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that they will bear all costs relative to the advertisements and valuation.
7. The approval is further subject to the following conditions:
  - 7.1 **Electricity**: Remainder of portion 1 of the farm Naturelle Lokasie 272 L.S already has an electricity supply capacity of 25kVA. No further comments are necessary as this is a lease agreement renewal.
  - 7.2 **Water**: The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
  - 7.3 **Sewer**: The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
  - 7.4 **Property Rates**: Property rates are payable in terms of the provisions of Council's Property Rates Policy at the time of signing the Lease Agreement.

**ITEM A.38.31.03.16 (originally A.38.25.02.16)****COUNCIL LAND: PROPOSED SALE: ERF 1335, HA-TSHIKOTA (VLEYFONTEIN) TOWNSHIP  
(7/4/1/1)**

RESOLVED A.38.31.03.16 (COUNCIL)

THAT the proposed sale of erf 1335, Ha-Tshikota (Vleyfontein) Township for the purpose of erecting residential building that was received from Mr L Mashamba be approved, subject to the following conditions:

1. The intention to sell erf 1335, Ha-Tshikota-A (Vleyfontein) Township be in terms of the provisions of section 79(18) of the Local Government Ordinance 1939, (Ordinance 17 of 1939) as amended be advertised in one (1) of the local newspapers for comments, if any.
2. The Makhado Local Municipality General Valuation Roll for the period 2014 to 2018 will serve as the purchase price for the property.
3. At the expense of the applicant rezoning of erf 1335, Ha-Tshikota (Vleyfontein) Township be transacted.
4. The developer submits a development proposal for consideration.
5. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further (2) years.
6. In the event that the developer failed to complete the development as required under paragraph 4 above, the property revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
7. The standard conditions for the sale of Municipal land will further apply.
8. A memorandum of agreement made and entered into by and between Makhado Local Municipality and Mr L Mashamba.
9. The applicant be informed in terms of the provisions of item 17(t) read with 18(4) of the Makhado Local Municipality Immovable Disposal Policy that a request in the above regard cannot be processed unless first confirmed in writing that he/she will bear all costs relative to the advertisements and valuation.
10. The approval is further subject to the following conditions:
  - 10.1 **Electricity:** This area is supplied by Eskom and an application for the supply of electricity should be lodged with Eskom.
  - 10.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
  - 10.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
  - 10.4 **Property Rates:** Property rates are payable in terms of the provisions of Council's Property Rates Policy with effect of date of signing the Sales Agreement. (DDP)

**ITEM A.39.31.03.16 (originally A.39.25.02.16)****COUNCIL LAND: PROPOSED SALE OF 208 RESIDENTIAL ZONED PROPERTIES: MAKHADO-A EXTENSION 2 TOWNSHIP (7/4/14)**

RESOLVED A.39.31.03.16 (COUNCIL)

THAT the sale of 208 residential sites at Makhado-A Extension 2 Township be approved subject to the terms and conditions as stated in the recommendation hereof:

1. An advert should be made to invite any person who might have purchased a site in extension 2 and is in possession of an original receipt prior disposing the above mentioned sites.
2. The intention to sell residential sites be advertised in one of the local newspapers for comments and objections if any,
3. The residential sites be sold at a market related valuation provided for in the valuation roll 2014-2018.
4. That first come first served principle be used to alienate the residential sites.
5. That client be allowed to purchase one erf per family.
6. Clients must be informed that sites are without water, sewer and electricity services but will be prioritized in the five year plan of the municipality through the Integrated Development Plan.
7. The municipality will not accept liability for any loss and/or damage that may be caused as a result and/or consequences of the proposed transaction.
8. The sites be alienated on cash basis to avoid 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, clause 5.7.
9. The approval is further subject to the following conditions:
  - 9.1 **Electricity:** Makhado A Extension 2 Dzanani falls in the Eskom area of supply. To electrify 208 residential stands a supply capacity of at least 624kVA will be required. If business stands are added the minimum supply capacity of 1000kVA would be needed. An electricity supply application should be submitted to Eskom in this regard. Should Eskom be in a position to supply this capacity then a preliminary estimated amount of R2.4mil will be required if it is for low cost housing and R4.1mil for mid to high income housing.
  - 9.2 **Water:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about water supply capacity.
  - 9.3 **Sewer:** The Municipality is an operational agent of Vhembe District Municipality who is the WSA and therefore no comments can be given about sewer supply capacity.
  - 9.4 **Property Rates:** Property Rates will be payable by each land owner applicant with effect of the date on which the sales Agreement is signed.

Proposedsaleof208residentialsites\_itm

(DDP)

**(REMARK:** Items A.40.10.03.16 and A.41.10.03.16 were considered at the 107<sup>th</sup> Special Council meeting held on 10 March 2016 where it was referred back and resubmitted)

**ITEM A.40.31.03.16 (originally A.40.10.03.16 – Resubmitted)****FINANCES: DRAFT CAPITAL AND OPERATIONAL ESTIMATES: 2016/2017 TO 2018/2019 FINANCIAL YEAR  
(6/1/1 (2016/2017))**

## RESOLVED A.40.31.03.16 (COUNCIL)

1. THAT the Draft Capital and Operational Estimates for the 2016/2017 financial year as more fully recorded in Annexure A attached to the report in this regard be approved and that the Accounting Officer proceeds with the publication of the Draft Annual Budget as purposed in section 22 of the Municipal Finance Management Act 56 of 2003. (CFO)

2. THAT the following 2016/2017 to 2018/2019 financial years' budget related policies be approved as more fully set out in **Annexure F1 to F17** attached to the report in this regard-

Policies

- 2.1 Virement Policy
- 2.2 Credit Control and Debt Collection Policy
- 2.3 Tariff Policy Free Basic Services
- 2.4 Borrowing Policy
- 2.5 Expenditure Management Policy
- 2.6 Funding and Reserves Policy
- 2.7 Budget Policy
- 2.8 Framework for Cashflow Management
- 2.9 Asset Management Policy
- 2.10 Investment Policy
- 2.11 Subsidy for Indigent Household Policy
- 2.12 Debt Write Off policy
- 2.13 Property Rates Policy
- 2.14 Supply Chain Management Policy
- 2.15 Revenue Management Policy
- 2.16 Travel and Subsistence Policy
- 2.17 Petty Cash Policy

By-Law

- 2.18 Property Rates By-Law
  - 2.19 Credit Control and Debt Collection By-laws (CFO)
3. THAT the amendment to the contents of the Property Rates By-law, 2008 and the Credit Control and Debt Collection By-law, 2014 be approved as more fully set out in Annexure F18 and F19 of the report in this regard, and that the necessary promulgation be undertaken after public consultation thereof. (CFO)

4. THAT the increase in municipal tariffs and charges be approved as more fully set out in the various notices of Annexure C to this report, and the necessary promulgation thereof be done in terms of the provisions of Local Government Legislation. (CFO)
5. THAT it be noted that the 2016/2017 Estimates will after approval by the Council in terms of section 22 of the Municipal Finance Management Act, be submitted to National Treasury and the Provincial Treasury attached being the quality certificate approved by the Accounting Officer. (CFO)
6. THAT it be noted the municipality currently has R20 million investment in Nedbank which will be rolled forward at the 2015/2016 financial year end to supplement projected cash flow deficit of R18,6 million in the 2016/2017 Estimates. (CFO)

DraftBudget2016-2017\_itm(2)

**ITEM A.41.31.03.16 (originally A.41.10.03.15 - Resubmitted)**

**TOWN-PLANNING AND CONTROL: DRAFT INTEGRATED DEVELOPMENT PLAN REVIEW 2016/2017 (15/7/1, 15/8/1 & 6/1/1(2016/17))**

RESOLVED A.41.31.03.16 (COUNCIL)

THAT the Draft Integrated Development Plan (IDP) for the 2016/17 financial year be approved upon which public comments be invited in respect of the 2016/17 Draft Estimates. (MM)

DraftIDP2016-2017\_itm(2)

**(REMARK:** Item CA.42.25.02.16 was considered at the 106<sup>th</sup> Special Council meeting held on 25 February 2016.)

**(REMARK:** Items A.43.10.03.16 to CA.45.10.03.16 were considered at the 107<sup>th</sup> Special Council meeting held on 10 March 2016)

**ITEM A.46.31.03.2016**

**LETTER: REPORT OF THE AUDITOR GENERAL FOR THE YEAR ENDED 30 JUNE 2015 (6/13/2/1)**

RESOLVED A.46.31.03.16 (COUNCIL)

1. THAT the letter of the Auditor-General dated 27 January 2016 for the year ended 30 June 2015 containing details of the focus, findings successfully addressed, findings that requires attention, significant deficiencies in internal controls, and non-compliance with legislations and recommendation made in the interest of further improvements be noted. (MM)
2. THAT it be noted that the Auditor General commend the Municipality for the commitment in resolving quality of its performance report resulting in no findings on the performance report. (MM)

3. THAT the Action Plan on the findings of the Auditor General must include the time frames regarding issues raised by Auditor General, and furthermore that it be noted that the Mayor would from time to time attend meetings where the progress on the resolutions of Auditor General findings are considered. (MM)

LetterAuditorGeneral\_itm

**ITEM A.47.31.03.16**

**PERFORMANCE MANAGEMENT: ADJUSTED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS 2015/16  
(10/1/4/1; 10/1/2)**

RESOLVED A.47.31.03.16 (COUNCIL)

THAT Council takes note of the Adjusted Service Delivery and Budget Implementation Plan for the 2015/16 financial year. (ALL DIRS)

SDBIP2015-2016Adjusted\_itm

**ITEM A.48.31.03.16**

**PERFORMANCE MANAGEMENT: DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS 2016/ 17 FINANCIAL YEAR  
(10/1/4/1; 10/1/2)**

RESOLVED A.48.31.03.16 (COUNCIL)

THAT Council takes note of the Draft Service Delivery and Budget Implementation Plan for the 2016/17 financial year, with the following addition:

1. The budgeted amounts for indicators 65 to 75 must be reflected.

DraftSDBIP2016-17\_itm

(ALL DIRS)

**ITEM A.49.31.03.16**

**REPORTING: ASSESSMENT OF CONTRACTED SERVICE PROVIDERS: QUARTER 2, 2015/2016 FINANCIAL YEAR  
(10/1/5/2)**

RESOLVED A.49.31.03.16 (COUNCIL)

1. THAT in terms of clause 116 of the Municipal Finance Management Act, Act No. 56 of 2003, assessment report of contracted service providers for the second quarter of the 2015/2016 financial year be noted and adopted by the Council. (CFO)
2. THAT officials must report accurately on assessment of contracted service providers, especially in respect of contractual performance. (ALL DIRS)

AssessmentServicesProvidersQ2 2015-2016\_itm



**ITEM A.50.31.03.16****REPORTING: WARD COMMITTEE'S ACTIVITIES: QUARTER 2, 2015/2016  
FINANCIAL YEAR  
(10/1/5/1)**

RESOLVED A.50.31.03.16 (COUNCIL)

THAT Council takes note of the report of the Ward Committee activities for Quarter 2 of the 2015/16 financial year.

WardCommitteesQ2 2015-2016\_itm(2)

(DCS)

**ITEM A.51.31.03.16****TOWN-PLANNING AND CONTROL: SPATIAL PLANNING AND LAND USE  
MANAGEMENT ACT, 2013: APPOINTMENT OF MUNICIPAL APPEAL AUTHORITY  
(15/2/1 & 4/35)**

RESOLVED A.51.31.03.16 (COUNCIL) -

1. THAT Mr N P Ndou, Ms J M Nare, Mr S Corbett; Mr M M Mhlongo and Mr M Mutheiwana be appointed to serve as the Council of Makhado Municipality's Municipal Appeal Authority to consider all appeals from the Municipal Planning Tribunal and the Authorised Official.  
(DDP)
2. THAT Mr N P Ndou be appointed as the chairperson of the Municipal Appeal Authority.  
(DDP)
3. THAT Ms J M Nare appointed as the Deputy Chairperson of the Municipal Appeal Authority.  
(DDP)
4. THAT Municipal Appeal Authority Members be appointed for a period of thirty six (36) months with effect from the date of Council Resolution.  
(DDP)
5. THAT Committee members be remunerated for preparation and attendance of meetings according to National Treasury Regulation that regulate the remuneration of commissions and committees and also be reimbursed for expenses incurred for attending Appeal Committee meetings.  
(DDP)
6. THAT the Municipal Appeal Authority members must sign a service level agreement with the municipality.  
(DDP)
7. THAT a notice indicating appointed members be published in the Provincial Gazette.  
(DDP)

8. THAT a member of Municipal Appeal Authority must at all times act in accordance with Code of Conduct for members of the Municipal Planning Tribunal as provided in Schedule 3 of the SPLUMA Regulations, as there are no specific code of conduct for members of the appeal authority. (DDP)

9. THAT Professional Planners be reimbursed in accordance with Government Gazette No. 38078.

AppealAuthority\_itm

(DDP)

#### **ITEM A.53.31.03.16**

#### **PERSONNEL: BENCHMARKING OF SALARIES**

(5/5/2/1)

#### **REMARK:**

When the matter was considered, Cllr F D Mutavhatsindi proposed, duly seconded by Cllr R S Baloyi, that if approved, funds be provided under the 2016/2017 salary budget to cover such expenditure, subject to an engagement at the Local Labour Forum to be conducted with regard to the alternative option.

RESOLVED A.53.31.03.16 (COUNCIL)

THAT Council takes note of the report on benchmarking and approve of the alternative option of a once off payment R15,000.00 non-pensionable allowance staggered over three years to all employees, irrespective of rank but excluding Section 57 Managers and Councillors; and that funds be provided in the 2016/17 to 2018/19 salary budget to cover such expenditure in terms of the report in this regard: Provided an engagement at the Local Labour Forum to be conducted with regard to the alternative option.

Benchmarking2016\_itm

(CFO/DCS)

#### **6.2 Report of the Municipal Public Accounts Committee in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (No. 117 of 1998): 31 March 2016**

#### **ITEM A.52.31.03.16**

#### **PUBLICITY: ANNUAL REPORT 2014/15: MPAC OVERSIGHT REPORT AND FINAL APPROVAL: SUBMISSION TO DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT (10/1/4/1-8)**

RESOLVED A.52.31.03.16 (COUNCIL)

1. THAT it be noted that the Oversight Committee (MPAC) considered the Final Annual Report, 2014/15 and can recommend that Council accepts it as more fully set out in its report of findings attached as Annexure A to this report. (MM)

2. THAT Council adopts the Oversight Committee's (MPAC) Report dated 22 March 2016 attached as Annexure B to the report in this regard, without any reservations as corrections have been made in line with the MPAC recommendations. (MM)

3. THAT it be noted that Council's Resolution under this report together with annexures will be submitted to National Treasury and the MEC of Cooperative Governance Human Settlement and Traditional Affairs for submission to the Minister of Cooperative Governance and Traditional Affairs, as well as the Auditor General's Office in the Province as Makhado Local Municipality's demonstration of municipal performance to its community, as purported in terms of Section 121 of the Local Government: Municipal Finance Management Act, 2003.

OversightReportMarch2016\_itm

(MM)

\* \* \* \*

**6.3 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 March 2016**

**The report of the 397<sup>th</sup> Executive Committee meeting held on 18 February 2016**

**The report of the 398<sup>th</sup> Executive Committee meeting held on 24 March 2016**

**ITEM B.5.18.02.16**

**FINANCES: MFIP II PROGRESS REPORT ON THE SUPPORT PLAN ENDING 31 JANUARY 2016  
(10/1/5/2)**

RESOLVED B.5.18.02.16 (EXECUTIVE COMMITTEE)

THAT note be taken of the progress report on the MFIP II Support Plan for the month ending 31 January 2016, as more fully set out in the Annexure attached to the report in this regard.

MFIPPreportJanuary2016\_itm

(CFO)

**ITEM B.6.18.02.16**

**ORGANISATIONS: ESTABLISHMENT OF: INSTITUTE OF SOUTH AFRICAN MUNICIPAL ACCOUNTING OFFICERS (ISAMAO)  
(12/2/1/8)**

RESOLVED B.6.18.02.16 (EXECUTIVE COMMITTEE)

THAT Council takes note of the establishment of the Institute of South African Municipal Accounting Officers (ISAMAO) to be promulgated in the Government Gazette as the professional statutory body for Municipal Accounting Officers and other related municipal jobs, as more fully set out in its Constitution attached as Annexure A to the report in this regard.

ISAMAO\_itm

(DCS)

**ITEM B.7.18.02.16****ORGANISATIONS: REPORT BACK: ATTENDANCE OF SOUTHERN AFRICA WOMEN IN TOURISM CONFERENCE IN MALAWI: 22 TO 25 NOVEMBER 2015  
(12/3/3/78)**

RESOLVED B.7.18.02.16 (EXECUTIVE COMMITTEE)

THAT Council takes note of the report of Director Development Planning about attendance of the Southern African Women in Tourism Conference presented by the Regional Tourism Organisation of Southern Africa in Malawi from 22 to 25 November 2015.

Malawi\_itm

(DDP)

**ITEM B.8.18.02.16****REPORTING: WARD COMMITTEE'S ACTIVITIES: QUARTER 2, 2015/2016  
FINANCIAL YEAR  
(10/1/5/1)****REMARK:**

This matter was referred from item A.30.25.02.16.

RESOLVED B.8.18.02.16 (EXECUTIVE COMMITTEE)

THAT the matter be referred back for a complete report of the Makhado Region. (DCS)

WardCommitteesQ2 2015-2016\_itm

**(REMARK:** Items B.9.10.03.16 to B.11.10.03.16 was already considered at the 107<sup>th</sup> Special Council meeting held on 10 March 2016)

\* \* \* \* \*

The meeting was closed and adjourned at 15:53.

Approved and confirmed in terms of the provisions of Clause 34 of the Rules and Orders, 2007 promulgated in Provincial Gazette No. 1391 of 31 August 2007 under Local Authority Notice 228, by a resolution of the Council passed at the meeting held on 28 April 2016.

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**CHAIRPERSON**

MDM/lh/SpecialCouncilMinutes\_108