

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND THIRTY THIRD (133rd) URGENT SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON FRIDAY, 11 MAY 2018 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BABADU, T M
 BALIBALI, T
 BULALA, S I
 BALOYI, R S
 DAVHANA, N D
 DU PLOOY, A
 FURUMELA, M G
 HLONGWANE, F B
 JONES, N B
 KUTAMA, T
 LUDUVHUNGU, V S
 MADULA, S
 MADUWA, E
 MADUWA, L G
 MADZHIGA, F N
 MAINGO, R T
 MAGADA, M R
 MALIMA, M E
 MALIVHA, N V
 MALULEKE, K M
 MAMOROBELA, T P
 MAPHUBU, K
 MARAGA, T A
 MASHAMBA, M A
 MASIPA, M L
 MASUKA, S
 MASUTHA, L G
 MATHALISE, L M

MATUMBA, A
 MBOYI, M D
 MOGALE, L B
 MOHLABA, T J
 MTHOMBENI, S Z
 MUKHARI, M F
 MUKWEVHO, G T
 MUKWEVHO, T D
 MULEFU, M E
 MUNYAI, N
 MUNYAI, N S
 MUSANDIWA, P N
 NDOU, M N
 NETHULWE, M F
 NEMUDZIVHADI, N S
 NYELISANI, S S
 PHOSHOKO, M G
 RAMAVHOYA, K S
 RAPHALALANI, A A
 RATSHIKUNI, D
 SELAPYANA M A
 SESHOKI, T
 SINYOSI, S M
 SITHI, E T
 TAMBANI, T E
 TSHIAMBWA, L R
 TSHILAMBYANA, M S

Officials

N F TSHIVHENGWA	(MUNICIPAL MANAGER)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
N G THANYANI	(ACTING DIRECTOR DEVELOPMENT PLANNING)
N G RALIPHADA	(ACTING CHIEF FINANCIAL OFFICER)
W S MATHONSI	(SARGEANT OF ARMS)
M J SERAKALALA	(INTERN)

Traditional Leaders

None

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1. OPENING: MOMENT OF REFLECTION

The Speaker, Cllr L B Mogale ruled that a moment of silence be observed for meditation and prayer, whereafter she declared the meeting officially opened and welcomed everyone present.

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

Vision "A 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. NOTICE OF THE MEETING

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

3. 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 Orders, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Special Council meeting held on 11 May 2018 to Cllrs N Kutama, T M Malange, M S Machete, R Raliphada, T J Mamafha, A G Rashamuse, M C Nematandani, G M Ramushavha, M D Ndou, N F Chililo, M G Gabara and Chief P Netsianda.

REMARK:

2.1 Cllrs M R Mokgoadi, M J Mpashe, N A Mafhala, T C Mamafha, N J Simangwe, G Tshibvumo, T E Dzivhani, J Lukheli and S S Tshifura were not present at the meeting.

2.2 Khosi T G Muila, Hosi S T Mukhari, Khosi V C Ramabulana, Khosi N T L Mashamba, Hosi H S Mukhari, Khosi P V Kutama, Khosi M M Mphephu, Khosi F Molmea and Khosi P Netsianda were not present at the meeting.

4. REPORTS OF THE EXECUTIVE COMMITTEE, UNDER THE SECTIONS:

A. RECOMMENDATIONS TO COUNCIL

B. DECISIONS UNDER DELEGATED AUTHORITY

A. 4.1(a) Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): May 2018

461st Executive Committee Meeting: 11 May 2018

(b) Recommendations of the various Section 79 Oversight Committees in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): May 2018

36th Section 79 Oversight Committee: Corporate Services meeting: 11 May 2018

ITEM A.44.11.05.18**PERSONNEL:**

- 1. RESIGNATION: DIRECTOR TECHNICAL SERVICES, MR C W MOLOKOMME**
- 2. RECRUITMENT TO FILL VACANCY: DIRECTOR TECHNICAL SERVICES**
(5/3/4/3; 5/6/4; SP 5/1)

RESOLVED A.44.11.05.18 (COUNCIL)

1. THAT note be taken that Mr C W Molokomme, Director Technical Services has in terms of the provisions of the Employment Contract between him and the Municipal Manager resigned from the post with last working day Monday, 28 May 2018. (DCS)
2. THAT Mr M G Ralishuku, Manager Civil Engineering be designated to act as Director Technical services for the period 1 June 2018 and not exceeding the date of 31 August 2018 in terms of the provisions of *Section 56(1) (a) (ii) & (c) of the Local Government: Municipal Systems Act, 32 of 2000* for which an acting allowance will be paid to him in terms of the Council's approved valid in use Acting Allowance Policy. (DCS)
3. THAT the Municipal Manager proceed with recruitment of candidates for appointment in the vacancy of Director Technical Services in terms of the provision of *section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000* read with the *Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014*.
DTSResignMay2018_itm (DCS)

ITEM A.45.11.05.18**PERSONNEL: RECRUITMENT PROCESS AND COMPOSITION OF SELECTION PANEL:**

- 1. VACANT POST OF CHIEF FINANCIAL OFFICER**
- 2. VACANT POST OF DIRECTOR TECHNICAL SERVICES**
(5/3/4/3/30; 5/3/4/4/36)

RESOLVED A.45.11.05.18 (COUNCIL)

1. THAT Council declares a vacancy in the post of Chief Financial Officer and Director Technical Services and approves of the program, attached to the report in this regard as Annexure A, for the recruitment of candidates in the post of
 - 1.1 Chief Financial Officer which became vacant on 2 May 2018, and
 - 1.2 Director Technical Services which will become vacant on 28 May 2018. (DCS)
2. THAT the Municipal Manager proceed to implement an urgent recruitment process in terms of the provisions of the Local Government Municipal Systems Act, No 32 of 2000, and the provisions of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, as published in GN 21 in GG 37245 dated 17 January 2014.
(DCS)

3. THAT Council approves the recruitment processes and related documents attached to this report with regard to the appointment in the posts of Chief Financial Officer that became vacant on 2 May 2018 and of Director Technical Services that becomes vacant on 28 May 2018 respectively.
(DCS)
4. THAT the advertisements for the posts of Chief Financial Officer and Director Technical Services be published and close within the period of twenty one (21) days. (DCS)
5. THAT Council further takes note that the vacant posts of Chief Financial Officer and Director Technical Services are budgeted for and were created in the approved valid in use Staff Establishment, 2016/17 for the 2017/2018 financial year. (DCS)
6. THAT Council appoint the Selection Panel for the two vacancies to be constituted as follows:
 - 6.1 Chief Financial Officer
Municipal Manager
Portfolio Councillor of Finance
A Municipal Manager within Vhembe District
Two external experts or persons with experience be appointed by COGHSTA.
 - 6.2 Director Technical Services
Municipal Manager
Portfolio Councillor of Technical Services
A Municipal Manager within Vhembe District
Two external experts or persons with experience be appointed by COGHSTA.
(DCS)
7. THAT the Municipal Manager be authorized to also ensure the procurement of competency assessment in time as required by clause 8 and 9 of the *Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014*. (DCS)

RecruitmentCFO&DTSMay2018_itm

ITEM A.46.11.05.18

PERSONNEL: AMENDMENT OF THE OVERTIME POLICY, 2018 (5/2/B, 5/5/3 & 5/6/B)

RESOLVED A.46.11.05.18 (COUNCIL)

1. THAT Council approves the recommendation of the Local Labour Forum on the above matter.
(DCS)
2. THAT reference to the employees earning more than the ministerial threshold in clause 5.2, 5.3 and 11 in the Overtime Policy, 2018 be revisited by Council and be amended to provide as follows:

2.1 On clause 5.2:

Employees earning more than the overtime threshold in terms of the determination of the Minister of Labour as enabled by Section 6 of the Act only work overtime by agreement between the employer and the employee, on the rate of payment for overtime worked.

2.2 On clause 5.3:

Employees earning less than the overtime threshold determined by the Minister of Labour shall be paid for overtime worked in terms of the Act.

2.3 On clause 11:

11. Factors that need to be considered with regard to the payment of overtime:

- 11.1 Financial restrictions or limitations of the Employer.
- 11.2 Employees who by the inherent nature of their job performs managerial duties for the Employer are excluded from overtime work except in an emergency approved by Municipal Manager.
- 11.3 Employees earning in excess of overtime threshold determined by the Minister of Labour shall be paid for overtime worked at the rate of 1.5 at the normal wage rate on weekdays and Saturdays and at 2 times the normal wage rate on Sundays and Public Holidays.

Clause 11.3 and 11.4 in the original Overtime Policy 2018 must accordingly be deleted.

2.4 On clause 8.4:

Overtime can only be claimed for the actual time worked which excludes travelling time from the employee's home to work and the return back travelling time from work to the employee's home.

AmendmentOvertimePolicy2018_itm

(DCS)

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The meeting was closed and adjourned at 14:29.

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 July 2018.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_133