

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND FORTY SECOND (142nd) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 28 FEBRUARY 2019 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BABADU, T M
 BALIBALI, T
 BALOYI, R S
 CHILILO, N F
 DAVHANA, N D
 DZIVHANI, T E
 FURUMELA, M G
 GABARA, M J
 KUTAMA, T
 MACHETE, M S
 MADUWA, E
 MADUWA, L G
 MADZHIGA, F N
 MAGADA, M R
 MAINGO, R T
 MALANGE, T M
 MALIMA, M E
 MALIVHA, N V
 MALULEKE, K M
 MAMAFHA, T C
 MAMAFHA, T J
 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
 MOKGOADI, M R
 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
 NDOU, M D
 NEMATANDANI, N C
 NEMUDZIVHADI, N S
 NETHULWE, M F
 NYELISANI, S S
 PHOSHOKO, M G
 RALIPHADA, R
 RAMAVHOYA, K S
 RASHAMUSE, A G
 RATSHIKUNI, D
 SESHOKI, T
 SIMANGWE, N J
 SINYOSI, S M
 SITHI, E T
 TAMBANI, T E
 TSHILAMBYANA, M S

Officials

| | |
|-----------------|--|
| N F TSHIVHENGWA | (MUNICIPAL MANAGER) |
| N C KHARIDZHA | (DIRECTOR CORPORATE SERVICES) |
| N G RALIPHADA | (ACTING CHIEF FINANCIAL OFFICER) |
| H J LUKHELI | (ACTING DIRECTOR COMMUNITY SERVICES) |
| M G RALISHUKU | (ACTING DIRECTOR TECHNICAL SERVICES) |
| R V PHALANNDWA | (ACTING DIRECTOR DEVELOPMENT PLANNING) |
| M D MUNYAI | (ADMINISTRATIVE OFFICER: COMMITTEES) |
| S W MATHONSI | (SERGEANT OF ARMS) |

Traditional Leaders

KHOSI F MOLEMA
 KHOSI M M MPHEPHU

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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, where after 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 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".

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 Order, 2016 published under Provincial Gazette Notice no. 2736 dated 29 July 2016 in respect of the Special Council meeting held on 28 February 2019 to Cllrs A du Plooy, N B Jones, V S Luduvhungu, S Madula, L R Tshiamba and G Tshibvumo.

REMARK:

2.1 Cllrs S I Bulala, F B Hlongwane, B K Jones, N Kutama, J Lukheli, N A Mafhala, M J Mpashe, G M Ramushavha, M A Selapyana, T J Mohalaba and S S Tshifura were not present at the meeting.

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

4. **REPORT OF THE EXECUTIVE COMMITTEE, AND SECTION 79 COMMITTEES**

7. (a) **Recommendations of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): February 2019**

483rd Executive Committee Meeting: 21 February 2019

484th Executive Committee Meeting: 28 February 2019

(b) **Recommendations of the Section 79 Oversight Committees in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): February 2019**

52nd Section 79 Oversight Committee: Corporate Services: 26 February 2019

35th Section 79 Oversight Committee: Finance: 26 February 2019

ITEM A.11.28.02.19

COUNCIL COMMITTEES: REPORT OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – JULY 2018 TO SEPTEMBER 2018 – QUARTER 1, 2018/2019 FINANCIAL YEAR (4/1/B & 10/1/5/1)

RESOLVED A.11.28.02.19 (COUNCIL)

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 July 2018 to 30 September 2018 as follows:

SUMMARY OF MEETINGS HELD – QUARTER 1 OF 2018/19

| DATE 2018 | NUMBER OF SECTION 79 COMMITTEES' MEETINGS | NUMBER OF EXECUTIVE COMMITTEE MEETINGS | NUMBER OF COUNCIL MEETINGS |
|------------------|--|---|-----------------------------------|
| July | 11 | 4 | 2 |
| August | 10 | 2 | 1 |
| September | 2 | 2 | 1 |
| TOTAL | 23 | 8 | 4 |

NB. Excluding LLF meetings of which two (2) were held

(DCS)

2. THAT note be taken of the *Report of Attendance of meetings by councilors* for the period 1 July 2018 to 30 September 2018 as more fully recorded in the report in this regard. (DCS)
3. THAT all councilors who were absent from three (3) or more consecutive meetings of Council and its committees be notified to appear before the Section 79 Ethics Committee to give reasons why they do not attend such meetings. (DCS)

Return of Attendance Q1 of 2018-2019

ITEM A.12.28.02.19

COUNCIL COMMITTEES: REPORT OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – OCTOBER 2018 TO DECEMBER 2018 – QUARTER 2, 2018/2019 FINANCIAL YEAR (4/1/B & 10/1/5/1)

RESOLVED A.12.28.02.19 (COUNCIL)

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 October 2018 to 31 December 2018 as follows:

SUMMARY OF MEETINGS HELD – QUARTER 2 OF 2018/19

| DATE 2018 | NUMBER OF SECTION 79 COMMITTEES' MEETINGS | NUMBER OF EXECUTIVE COMMITTEE MEETINGS | NUMBER OF COUNCIL MEETINGS |
|------------------|--|---|-----------------------------------|
| October | 9 | 3 | 1 |
| November | 5 | 2 | 1 |
| December | 5 | 3 | 2 |
| TOTAL | 19 | 8 | 4 |

NB. Excluding LLF meetings of which three (3) were held

(DCS)

2. THAT note be taken of the *Report of Attendance of meetings by councilors* for the period 1 October 2018 to 31 December 2018 as more fully recorded in the report in this regard. (DCS)
3. THAT all councilors who were absent from three (3) or more consecutive meetings of Council and its committees be notified to appear before the Section 79 Ethics Committee to give reasons why they do not attend such meetings. (DCS)

Return of Attendance Q2 of 2018-2019

ITEM A.13.28.02.19

**REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS –
QUARTER 2: 2018/19 FINANCIAL YEAR
(10/1/6/1)**

RESOLVED A.13.28.02.19 (COUNCIL)

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 2 of the 2018/2019 financial year, as well as the summary of previous terms' Resolutions not yet implemented, as more fully set out in Annexure A attached to the report in this regard. (DCS)

CouncilResolutionImplementationQ2-2018-2019_itm

ITEM A.14.28.02.19

PERSONNEL:

1. **EXTENSION OF ACTING CAPACITY OF EMPLOYEES IN DIFFERENT DEPARTMENTS**
2. **DELEGATED POWER TO MUNICIPAL MANAGER**
(2/1/3/2/2 & 5/5/3/11)

RESOLVED A.14.28.02.19 (COUNCIL)

1. THAT Council approve the acting capacity of the undermentioned employees in terms of section 10.6 of the Collective Agreement on Conditions of Service for the Limpopo Division of SALGA, as set out in the report in this regard.

Mr T P Mamidzana
Mr A Mukwevho
Mr T Swuhana
Mr D R Chauke
Mr M L Mokwena
Mr N S Muthambi
Ms M Mudzalafhedzi
Mr K E Kholopha
Mr R S Hlongwane
Mr V E Ravele
Mr V S Mathivha
Mr M A Muswubi
Mr N Nemafohoni
Mr N J Sithagu
Mr N Mundalamo

(DCS)

2. THAT Council delegate the power to extend acting capacity of employees when necessary to the Municipal Manager. (DCS/MM)
3. THAT further to paragraph 1 above all fifteen (15) vacant posts in the Fixed Establishment where acting incumbents were designated be advertised and filled with suitable candidates before the end of the 2018/2019 financial year. (DCS)

ActingFourMonths_itm

ITEM A.15.28.02.19

**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR COMMUNITY SERVICES
(5/1/2/10; 5/6/4)**

RESOLVED A.15.28.02.19 (COUNCIL) -

1. THAT it be approved that the Manager Community Services, Mr H J Likheli be designated to act for a further period in the capacity as Director Community Services, commencing with retrospective effect of 15 February 2019 until 15 May 2019. (DCS)
2. THAT application for extending the acting capacity of the incumbent as Director Community Services 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)

ActingDCOMS_itm

ITEM A.16.28.02.19

**FINANCES: REVISED INTEGRATED DEVELOPMENT PLAN (IDP) PROCESS PLAN FOR
2018/2019 FINANCIAL YEAR
(6/1/1 2018/2019 & 15/7/1)**

RESOLVED A.16.28.02.19 (COUNCIL)

THAT Council approve the revised 2018/2019 to 2021/2022 IDP Process Plan as proposed in the Annexure A attached to the report in this regard that has been compiled in accordance with the guidelines of National Treasury, and that Administrative Management as well as Political Structures comply fully with the requirement to adhere to the time schedule. (MM)

IDPProcessPlan_itm

ITEM A.17.28.02.19

**PERFORMANCE MANAGEMENT: ADJUSTED SERVICE DELIVERY AND BUDGET
IMPLEMENTATION PLAN 2018/19
(10/1/4/1 – 10/1/4/8)**

REMARK:

This report was withdrawn from the agenda.

ITEM A.18.28.02.19

**PERSONNEL: RECRUITMENT OF TWO (2) SECTION 56 MANAGERS
 DIRECTOR CORPORATE SERVICES
 DIRECTOR COMMUNITY SERVICES
 (SP 6/21 & SP 2/1)**

REMARK:

This report was withdrawn from the agenda.

ITEM A.19.28.02.19

**FINANCES: MID-YEAR BUDGET ADJUSTMENT: 2018/2019 FINANCIAL YEAR
 (6/1/1(2018/2019))**

REMARK:

When this matter was considered the Executive Committee informed Council that its recommendation was extended by paragraph 6. Council accepted the additional recommendation and it was recorded as its Resolution accordingly.

RESOLVED A.19.28.02.19 (COUNCIL)

1. THAT the 2018/19 Annual Budget be adjusted in February 2019 in terms of Section 28 of the Municipal Finance Management Act, 2003. (CFO)
2. THAT the 2018/2019 Adjustment Budget be submitted to the National and Provincial Treasury via the Mayor. (CFO)
3. THAT any errors in the annual budget together with the data strings submitted on National Treasury portal for 2018/2019 is corrected as recommended by National Treasury and Provincial Treasury for compliance purposes. (CFO)
4. THAT the Council note that the adjustment budget for the income and expenditure projections for the financial year ending 30 June 2019 is more fully explained in the MFMA Budget Adjustment Reports, attached as Annexure A and the Capital Budget Adjustment 2018/2019 attached as Annexure B to the report in this regard. (CFO)
5. THAT Council take note that depreciation and debt impairment provision was taken into consideration which are non-cash items amounting to R170,283,974.00. (CFO)
6. THAT further to paragraph 4 above, note be taken of a further report of the Chief Financial Officer submitted at the Executive Committee meeting held on 28 February 2019 numbered pages EC 2019/517 to EC 2019/544 in order to correct existing information and also to submit new information; and that the Municipal Adjustment Budget and Supporting Tables attached as Annexure C to the report in this regard be approved. (CFO)

5. **Recommendation of urgent matter which in terms of clause 8 of the Standing Rules of Order, 2016 was tabled directly to Council**

ITEM A.20.28.02.19

**ELECTIONS: REPLACEMENT OF COUNCIL REPRESENTATIVE IN THE VHEMBE DISTRICT MUNICIPALITY
(12/3/3/46)**

REMARK:

1. Due to the urgency of the matter as provided for in clause 8 of the Standing Rules of Order, 2016, the matter did not follow normal decision making process and was tabled directly at the Special Council meeting, subject to the ruling of the Speaker, which she accordingly ruled.
2. Cllr T M Malange proposed, duly seconded by Cllr A G Rashamuse that Cllr M R Magada be elected to replace Cllr N S Munyai as a representative of Makhado Local Municipality in the Vhembe District Municipality. The proposal was accepted unanimously and became Council's Resolution recorded herein below.

RESOLVED A.20.28.02.19 (COUNCIL)

THAT Cllr M R Magada of the ANC Party was elected unanimously to represent Makhado Local Municipality in the Vhembe District Municipality in the place of Cllr N S Munyai, and that Vhembe District Municipality and the I E C Makhado be notified of the replacement. (DCS)

VdmRepElect_itm

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The meeting was closed and adjourned at 14:57.

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 25 April 2019.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_142