

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND FORTY SIXTH (146th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 29 AUGUST 2019 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BABADU, T M	MATUMBA, A
BALIBALI, T	MBOYI, M D
BALOYI, R S	MOGALE, L B
BULALA, S I	MOHLABA, T J
CHILILO, N F	MOKGOADI, M R
DAVHANA, N D	MPASHE, M J
FURUMELA, M G	MTHOMBENI, S Z
GABARA, M J	MUKHARI, M F
HLONGWANI, B F	MULEFU, M E
JONES, B K	MUNYAI, N
JONES, N B	MUNYAI, N S
KUTAMA, N	MUSANDIWA, P N
KUTAMA, T	NDOU, M D
LUDUVHUNGU, V S	NDOU, M N
LUKHELI, J	NETHULWE, M F
MACHETE, M S	NYELISANI, S S
MADULA, S	PHOSHOKO, M G
MADUWA, E	RALIPHADA, R
MADUWA, L G	RAMAVHOYA, K S
MADZHIGA, F N	RAMUSHAVHA, G M
MAFHALA, N A	RASHAMUSE, A G
MAINGO, R T	RATSHIKUNI, D
MALANGE, T M	SELAPYANA, M A
MALIMA, M E	SESHOKI, T
MALIVHA, N V	SIMANGWE, N J
MALULEKE, K M	SINYOSI, S M
MAMAFHA, T J	SITHI, E T
MAMROBELA, T P	TAMBANI, T E
MAPHUBU, K	TSHIAMBWA, L R
MASHAMBA, M A	TSHIFURA, S S
MASUKA, S	TSHILAMBYANA, M S
MASUTHA, L G	
MATHALISE, L M	

Officials

K M NEMANAME	(ACTING MUNICIPAL MANAGER & CHIEF FINANCIAL OFFICER)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
M G RALISHUKU	(ACTING DIRECTOR TECHNICAL SERVICES)
R V PHALANNDWA	(ACTING DIRECTOR DEVELOPMENT PLANNING)
N DAGADA	(ACTING DIRECTOR CORPORATE SERVICES)
S G MAGUGA	(MANAGER: COUNCILLOR AFFAIRS)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)
S W MATHONSI	(SERGEANT OF ARMS)

Traditional Leaders

KHOSI M M MPHEPHU

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 29 August 2019 to Cllrs T A Maraga, A du Plooy, M L Masipa, M R Magada, G T Mukwevho, M C Nematandani and N S Nemudzivhadi.

REMARK:

2.1 Cllrs T E Dzivhani, T D Mukwevho, T C Mamafha and G Tshibvumo 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, Khosi R H Sinthumule and Khosi F Molema were not present at the meeting.

4. OFFICIAL ANNOUNCEMENTS

The Mayor, Cllr N S Munyai announced about the Imbizo Feedback Session scheduled for Friday, 30 August 2019 at 11:00 at Makhado Showground; all councillors were invited to attend it.

5. REPORT OF THE EXECUTIVE COMMITTEE AND SECTION 79 COMMITTEES

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

495th Executive Committee Meeting: 26 August 2019

496th Executive Committee Meeting: 29 August 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): August 2019**

40th Section 79 Oversight Committee: Finance: 26 August 2019

19th Section 79 Oversight Committee: Community Services: 27 August 2019

33rd Section 79 Oversight Committee: Development Planning: 27 August 2019

61st Section 79 Oversight Committee: Corporate Services: 27 August 2019

22nd Section 79 Oversight Committee: Technical Services: 27 August 2019

ITEM A.98.29.08.19**PERSONNEL:**

- 1. DECLARATION OF VACANCY OF DIRECTOR: COMMUNITY SERVICES**
- 2. PROCESS TO FILL VACANCY: DIRECTOR COMMUNITY SERVICES**
- 3. SELECTION PANEL FOR THE POST OF DIRECTOR COMMUNITY SERVICES**
(5/3/4/6/17 & SP 6/21)

RESOLVED A.98.29.08.19 (COUNCIL)

1. THAT Council declares a vacancy in the post of Director Community Services. (DCS)
2. THAT the Municipal Manager proceed with recruitment of candidates for appointment in the vacancy of Director Community Services in terms of the provisions of section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000. (DCS)
3. THAT the advertisements for the post of Director Community Services be published in one edition each of the local and national media and close within the period of twenty one (21) days. (DCS)
4. THAT Council further takes note that the vacant post of Director Community Services is on the approved Staff Establishment and duly budgeted for in the salary bill of the approved 2019/20 Estimates. (DCS)
5. THAT the Selection Panel be constituted as follows for the recruitment of candidates in the vacancy of Director Community Services:
 - (i) Municipal Manager (Chairperson)
 - (ii) Portfolio Councillor of Community Services
 - (iii) A Municipal Manager from another Municipality within Vhembe District
 - (iv) One external expert from the Department of Cooperative Governance, Human Settlement and Traditional Affairs. (DCS)
6. THAT the Municipal Manager procures the services provided for competency assessment in time as required by Regulations 8 and 9 of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014. (MM)
7. THAT the Selection Panel in its shortlisting ensure compliance with the requirements set out in Chapter 4 of the Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Level pertaining to general competency levels and minimum competency levels for senior managers, promulgated in Government Gazette No 29967 of 15 June 2007 under Government Notice No R493 of 15 June 2018. (DCS)

ITEM A.99.29.08.19**PERSONNEL:**

- 1. DECLARATION OF VACANCY OF DIRECTOR CORPORATE SERVICES**
- 2. APPOINTMENT OF ACTING DIRECTOR CORPORATE SERVICES**
- 3. PROCESS TO FILL VACANCY AND APPOINTMENT OF SELECTION PANEL**
(5/3/4/9/4 & SP 2/1)

RESOLVED A.99.29.08.19 (COUNCIL)

1. THAT Council declares a vacancy in the post of Director Corporate Services. (DCS)
2. THAT the appointment of Mr Dagada Ndweleni to act as Director Corporate Services for the period of one (1) month from 1 August 2019 to 31 August 2019 be ratified, and that a further report be submitted at the first following Executive Committee meeting to consider the further acting capacity in the vacant post of Director Corporate Services, while recruitment is underway. (DCS)
3. THAT the Municipal Manager proceed with recruitment of candidates for appointment in the vacancy of Director Corporate Services in terms of the provisions of section 56(1) (a) & 3 of the Local Government: Municipal Systems Act, 32 of 2000. (MM)
4. THAT the advertisements for the posts of Director Corporate Services be published in one edition each of the local and national media and close within the period of twenty one (21) days. (DCS)
5. THAT Council further takes note that the vacant post of Director Corporate Services is on the approved Staff Establishment and duly budgeted for in the salary bill of the approved 2019/20 Estimates. (DCS)
6. THAT the Selection Panel be constituted as follows for the recruitment of candidates in the vacancy of Director Corporate Services
 - (i) Municipal Manager (Chairperson)
 - (ii) Portfolio Councillor of Corporate Services
 - (iii) A Municipal Manager from another Municipality within Vhembe District
 - (iv) One external expert from the Department of Cooperative Governance, Human Settlement and Traditional Affairs. (DCS)
7. THAT the Selection Panel in its shortlisting ensure compliance with the requirements set out in Chapter 4 of the Local Government: Municipal Finance Management Act: Municipal Regulations on Minimum Competency Level pertaining to general competency levels and minimum competency levels for senior managers, promulgated in Government Gazette No 29967 of 15 June 2007 under Government Notice No R493 of 15 June 2018. (DCS)

ITEM A.100.29.08.19**PERSONNEL: APPOINTMENT OF DIRECTOR TECHNICAL SERVICES****(5/3/B, 5/3/4/3, 5/3/4/4/36)****REMARK:**

When this matter was put for consideration, the Speaker, Cllr L B Mogale reported that it was withdrawn from the Council's agenda.

ITEM A.101.29.08.19**PERSONNEL: APPOINTMENT OF THE DIRECTOR DEVELOPMENT AND PLANNING****(5/3/B, 5/3/4/3, 5/3/4/4/53)****REMARK:**

This report was referred as item B.1.26.08.19

ITEM A.102.29.08.19**FINANCES: 2020/2021 TO 2022/2023 IDP AND BUDGET TIME SCHEDULE****(6/1/1 2019/2020 & 15/7/1)**

RESOLVED A.102.29.08.19 (COUNCIL)

THAT Council approve the 2020/2021 to 2022/2023 IDP and Budget time schedule with the IDP Process Plan as proposed in the Annexure A and B 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.

Budget&IDPTimetable_itm

(CFO)

ITEM A.103.29.08.19**FINANCES: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: FOURTH QUARTER 2018/2019 FINANCIAL YEAR****(10/1/5/2)**

RESOLVED A.103.29.08.19 (COUNCIL)

THAT Council takes note of the fourth quarter Assessment of Performance of contracted service providers report for 2018/2019 Financial year attached as annexure A to the report in this regard.

AssessmentQ4ServiceProviders_itm

(CFO)

ITEM A.104.29.08.19**FINANCE: ASSETS MANAGEMENT: ASSETS WRITE OFF OR DISPOSAL: 2018/19 FINANCIAL YEAR ENDING 30 JUNE 2019 (10/1/5/2)**

RESOLVED A.104.29.08.19 (COUNCIL)

THAT Council approves the disposal and/or write-off of the moveable and immovable assets to the amount of **R14 110 867.57** from the Assets Register as reflected in Annexure A to Annexure G attached to the report in this regard, for the purpose of accuracy of the Municipal Assets Register and the 2018/19 Annual Financial Statement. (CFO)

WriteOffAssets_itm

ITEM A.105.29.08.19**FINANCES: FRUITLESS AND WASTEFUL EXPENDITURE: 1 JULY 2018 TO 30 JUNE 2019 IN 2018/19 FINANCIAL YEAR (6/13/2/3 & 10/1/5/2)**

RESOLVED A.105.29.08.19 (COUNCIL)

1. THAT Council takes note and further refers the fruitless and wasteful expenditure of R67,367.97 to the Council Committee for investigation and further processing. (CFO)
2. THAT the Accounting Officer notifies the MEC for Local Government in the Province and Auditor General of the wasteful expenditure in line with Section 32(4) of the Municipal Finance Management Act. (MM)

FruitlessExpenditureJuly2018-June2019_itm

ITEM A.106.29.08.19**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR COMMUNITY SERVICES (5/1/2/10; 5/6/4)**

RESOLVED A.106.29.08.19 (COUNCIL) -

THAT subject to the approval of the MEC for Cooperative Governance, Human Settlement and Traditional Affairs, Limpopo the Manager Community Services, Mr H J Lukheli be designated to act for a further period in the capacity as Director Community Services, commencing with retrospective effect of 15 August 2019 until 15 October 2019. (DCS)

ActingDCOMS_itm(3)

ITEM A.107.29.08.19**PERFORMANCE MANAGEMENT: FOURTH QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN PROGRESS REPORT: 2018/19 FINANCIAL YEAR (10/1/4/1 – 10/1/4/8)**

RESOLVED A.107.29.08.19 (COUNCIL) -

THAT Council takes note of the Fourth Quarter Service Delivery and Budget Implementation Plan progress report for the 2018/19 financial year, attached to the report in this regard. (MM/ALL DIRS)
SDBIPQ4-2018-2019_itm

ITEM A.108.29.08.19**PERFORMANCE MANAGEMENT: FINAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP): 2019/20 FINANCIAL YEAR (10/1/4/1 – 10/1/4/8)**

RESOLVED A.108.29.08.19 (COUNCIL)

THAT Council takes note of the Service Delivery and Budget Implementation Plan for the 2019/20 financial year, attached as Annexure A to the report in this regard. (MM/ALL DIRS)
SDBIP2019-2020_itm

(REMARK: Item A.109.29.08.19 is reported directly by MPAC to Council and is reflected elsewhere in this minutes.)

ITEM A.110.29.08.19**PERSONNEL: APPOINTMENT OF ACTING DIRECTOR CORPORATE SERVICES (5/1/2/10; 5/6/4)****REMARK:**

Due to the time constraint this report was not submitted to the Section 79 Oversight Committee: Corporate Services.

RESOLVED A.110.29.08.19 (COUNCIL)

THAT further to the Council Resolution under item **A.99.29.08.19**, it be approved that Mr N Dagada, Manager Human Resources be designated to act for a period of two months in the capacity as Director Corporate Services, commencing with effect of 1 September 2019 until 31 October 2019.

ActingDCS_itm

(DCS)

ITEM A.111.29.08.19**PERSONNEL: EXTENSION OF ACTING PERIOD: DIRECTOR TECHNICAL SERVICES (5/3/4/5/23; 5/6/4)****REMARK:**

Due to time constraint this report was not submitted to the Section 79 Oversight Committee: Corporate Services.

RESOLVED A.111.29.08.19 (COUNCIL)

THAT it be approved that the Manager Civil Engineering, Mr M G Ralishuku be designated to act for a further period of three (3) months in the capacity as Director Technical Services, commencing from 1 September 2019 until 30 November 2019 and should recruitment process of the Director Technical Services be finalised before the acting duration expires, it will end when the Director Technical Services assume his/her position.

ActingDTS_itm(3)

(DCS)

ITEM A.112.29.08.19

**COUNCIL COMMITTEES: APPOINTMENT OF MUNICIPAL PLANNING TRIBUNAL AND APPEAL AUTHORITY MEMBERS
(8/2/3)**

REMARK:

Due to time constraint this report was not submitted to the Section 79 Oversight Committee: Corporate Services.

RESOLVED A.112.29.08.19 (COUNCIL)

1. THAT Advocate E N Lambani, Mrs M J S Neluheni, Mr S J Jacobs, Advocate M M Makhado, Mrs T P Diphoko, Mrs T H Shitlhelani, Mr N C Nwendamutswu, Mrs J M Setati, Mr T Mulaudzi and Mr J C Du Plessis be appointed to serve as the Municipal Planning Tribunal members.
(DCS)
2. THAT the Municipal Manager appoints three municipal officials who have knowledge and expertise as required, unlike the external members, the municipal officials will not be remunerated.
(MM)
3. THAT Advocate E N Lambani be appointed as the Chairperson of the Municipal Planning Tribunal.
(DCS)
4. THAT Mrs M J S Neluheni be appointed as Deputy Chairperson of the Municipal Planning Tribunal.
(DCS)
5. THAT Mrs R M Rosey, Mrs M E Mabitsela and Mr P S Corbet be appointed to serve as the Makhado Municipality's Municipal Appeal Authority to consider all appeals from the Municipal Planning Tribunal and the Authorized Official.
(DCS)
6. THAT Mrs R M Rosey be appointed as the Chairperson of the Municipal Appeal Authority.
(DCS)
7. THAT Mrs M E Mabitsela be appointed as the Deputy Chairperson of the Municipal Appeal Authority.
(DCS)

8. THAT the Municipal Planning Tribunal and Municipal Appeal Authority members be appointed for a period of five (5) years with effect from the date of Council Resolution. (DCS)
9. THAT the Municipal Planning Tribunal must consider all land development and land use applications as per table listed in the report in this regard. (DDP)
10. THAT the Committee members must be remunerated for preparation and attendance of meetings according to National Treasury Regulations that regulate the remuneration of commissions and committees and also be reimbursed for expenses incurred for attending for Municipal Tribunal and Appeal Authority meetings. (CFO)
11. THAT the Municipal Planning Tribunal's and Municipal Appeal Authority's external members must sign a service level agreement from date of acceptance of appointment. (DCS/DDP)
12. THAT the Municipal Manager publish a notice announcing the appointed members of its Municipal Planning Tribunal and Municipal Appeal Authority in the Limpopo Provincial Gazette. (DDP)
13. THAT all members of Municipal Planning Tribunal and Municipal Appeal Authority must at all times act in accordance with Code of Conduct for Members of the Municipal Planning Tribunal as provided for in Schedule 3 of the SPLUMA Regulations; as more fully set out in **Annexure F** attached to the report in this regard. (DDP)

DDP00000MPT ANDAPitem

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(c) Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): August 2019

ITEM B.1.26.08.19

**PERSONNEL: APPOINTMENT OF THE DIRECTOR DEVELOPMENT AND PLANNING
(5/3/B, 5/3/4/3, 5/3/4/4/53)**

REMARK:

This report was referred from item A.101.29.08.19

RESOLVED B.1.26.08.19 (EXECUTIVE COMMITTEE)

THAT the report be referred back for further information and submission at the first following Executive Committee meeting. (DCS)

AppointmentDDP_itm

- (d) **Recommendation of the Section 79 Standing Committee: MPAC in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): August 2019**

ITEM A.109.29.08.19

MPAC: FINANCES: PROCUREMENT: IRREGULAR EXPENDITURE: FOURTH QUARTER 2018-2019 FINANCIAL YEAR (1 APRIL 2019 TO 30 JUNE 2019) (10/1/5/2)

RESOLVED A.109.29.08.19 (COUNCIL)

1. THAT Council approve thereof to write off an amount of R1,111,970.07 as irrecoverable. (CFO)
2. THAT the Accounting Officer must not repeat the very same mistakes which was done by the former Accounting Officer and must ensure that supply chain management process is followed correctly when procuring goods and services. (MM)
3. THAT in future the current Accounting Officer must ensure that suitable officials are appointed in the committees to avoid audit query. (MM)
4. THAT Municipality must try to minimise the irregular expenditure by following law and Supply Chain Management Policy. (CFO)
5. THAT based on the above findings, no official can be held responsible for the expenditure incurred in this matter. (MM)
6. THAT none of the incurred irregular expenditure was as a result of fraud or corruption but rather non-compliance with SCM at the time of procurement of such goods or services. (CFO)
7. THAT the Accounting Officer must be guided by the SCM Regulations when appointing Bids Committees. (MM)
8. THAT in future anyone who is violating the SCM Policy, will be subjected to serious action that will be taken against the responsible officials. (MM)

MPACIrregularExpenditureQuarter4 2018-19_itm

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The meeting was closed and adjourned at 15:28.

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 31 October 2019.