

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE VIRTUAL ONE HUNDRED AND FIFTY SECOND (152nd) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON MONDAY, 8 JUNE 2020 IN THE EXECUTIVE COMMITTEE CHAMBER, FIRST FLOOR, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

PRESENT

Councillors

BALIBALI, T
 BALOYI, R S
 CHILILO, N F
 DAVHANA, N D
 DZIVHANI, T E
 FURUMELA, M G
 JONES, B K
 JONES, N B
 KUTAMA, N
 KUTAMA, T
 LUDUVHUNGU, V S
 LUKHELI, J
 MACHETHE, M S
 MADULA, S
 MADUWA, L G
 MADZHIGA, F N
 MAGADA, M R
 MAINGO, R T
 MALANGE, T M
 MALIMA, M E
 MALIVHA, N V
 MAMAFHA T C
 MAMAFHA, T J
 MAPHUBU, K
 MASHAMBA, M A
 MASENGANA, M L
 MASUKA, S
 MASUTHA, L G
 MATHALISE, L M

MATUMBA, A
 MBOYI, M D
 MOGALE, L B
 MOHLABA, T J
 MOKGOADI, M R
 MPASHE, M J
 MTHOMBENI, S Z
 MUKHARI, M F
 MUKWEVHO, T D
 MULEFU, M E
 MUNYAI, N
 MUNYAI, N S
 NDOU, M D
 NDOU, M N
 NEMATANDANI, M C
 NEMUDZIVHADI, N S
 NETHULWE, M F
 NYELISANI, S S
 RAMAVHOYA, K S
 RASHAMUSE, A G
 RATSHIKUNI, D
 SELAPYANA, M A
 SIMANGWE, N J
 SINYOSI, S M
 TAMBANI, T E
 TSHIBVUMO, G
 TSHILAMBYANA, M S

Officials

N F TSHIVHENGWA	(MUNICIPAL MANAGER)
K M NEMANAME	(CHIEF FINANCIAL OFFICER)
H J LUKHELI	(ACTING DIRECTOR COMMUNITY SERVICES)
N DAGADA	(ACTING DIRECTOR CORPORATE SERVICES)
M G RALISHUKU	(ACTING DIRECTOR TECHNICAL SERVICES)
R V PHALANNDWA	(ACTING DIRECTOR DEVELOPMENT PLANNING)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

Traditional Leaders

None

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1. OPENING

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.

REMARK:

1. This was the second virtual meeting held in line with directives under Government Notice no. 510 (Department of Co-Operative Governance and Traditional Affairs) promulgated by Minister of Cogta dated 7 May 2020 as published in Government Gazette no. 43291 dated 7 May 2020.
2. Zoom software application was used for this purpose.

She expressed that Councillors 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"*

2. NOTICE OF THE MEETING

The Speaker confirmed that all members had received notice of the virtual meeting, i.e. by sms and by e-mail.

3. OFFICIAL ANNOUNCEMENTS

None

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 virtual Special Council meeting held on 8 June 2020 to Cllr T A Maraga and L R Tshimbwa.

REMARK:

- 2.1 Cllrs T M Babadu, S I Bualala, A du Plooy, M J Gabara, F B Hlongwane, E Maduwa, G T Mukwevho, P N Musandiwa, M G Phoshoko, R Raliphada, K M Maluleke, T P mamorobela, G M Ramushavha, T Seshoki, E T Sithi and S S Tshifura did not participate in the meeting.
- 2.2 One vacancy existed after passing away of Cllr N A Mafhala on 21 April 2020.
- 2.3 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, Khosi F Molema and Khosi M M Mphephu did not participate in the meeting.

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): June 2020

508th Executive Committee meeting held on 19 March 2020

509th Executive Committee meeting held on 26 March 2020 (only approval of minutes)

510th Executive Committee meeting held on 13 May 2020

511th Executive Committee meeting held on 15 May 2020 (only approval of minutes)

512th Executive Committee Meeting: 2 June 2020

513th Executive Committee meeting held on 8 June 2020 (only approval of minutes)

(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): June 2020

68th Section 79 Oversight Committee: Corporate Services meeting: 23 March 2020
 39th Section 79 Oversight Committee: Development Planning meeting: 24 March 2020
 45th Section 79 Oversight Committee: Finance meeting: 23 March 2020
 26th Section 79 Oversight Committee: Technical Services meeting: 23 March 2020
 22nd Section 79 Oversight Committee: Community Services meeting: 24 March 2020
 69th Section 79 Oversight Committee: Corporate Services meeting: 14 May 2020
 46th Section 79 Oversight Committee: Finance meeting: 14 May 2020
 70th Section 79 Oversight Committee: Corporate Services meeting: 4 June 2020
 47th Section 79 Oversight Committee: Finance meeting: 4 June 2020
 40th Section 79 Oversight Committee: Development Planning meeting: 4 June 2020
 27th Section 79 Oversight Committee: Technical Services meeting: 3 June 2020
 23rd Section 79 Oversight Committee: Community Services meeting: 3 June 2020

(REMARK: Item A.22.26.03.20 was considered at the 150th Special Council held on 26 March 2020.)

CONFIDENTIAL

ITEM CA.23.26.03.2020

**PERFORMANCE MANAGEMENT: ANNUAL PERFORMANCE ASSESSMENT REPORT:
SECTION 57 MANAGER: 2016/17 FINANCIAL YEAR
(10/1/5/2)**

RESOLVED CA.23.26.03.20 (COUNCIL) –

THAT Council takes note of the Annual Performance Assessment of Section 57 Manager for the 2016/17 financial year. (CFO)

Assessment2016-17_itm

ITEM A.24.26.03.2020

**PERFORMANCE MANAGEMENT: ADJUSTMENT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP): 2019/20 FINANCIAL YEAR
(10/1/4/1 & 10/1/4/8)**

RESOLVED A.24.26.03.20 (COUNCIL) –

THAT Council takes note of the adjusted Service Delivery and Budget Implementation Plan for the 2019/20 financial year. (MM/ALL DIRS)

SDBIP: 2019/20_Itm

ITEM A.25.03.2020**COUNCIL COMMITTEES:**

- 1. APPOINTMENT OF DEPUTY CHAIRPERSON OF THE MUNICIPAL PLANNING TRIBUNAL**
- 2. REMUNERATION FOR RESEARCH AND PREPARATION FOR SITTING OF THE MUNICIPAL PLANNING TRIBUNAL AND APPEAL AUTHORITY MEMBERS**
(8/2/3)

RESOLVED A.25.26.03.20 (COUNCIL)

1. THAT Mrs T G Diphoko be appointed as the Deputy Chairperson of the Municipal Planning Tribunal. (DDP)
2. THAT the remuneration for research and preparation for Tribunal and Appeal Authority members be in the following manner:

Number of applications per sitting: Maximum of 15 applications	Number of applications per sitting: Above 16 but less than 25 applications	Number of applications per sitting: Above 26 applications
100%	Additional 5%	Additional 10%
Remuneration for sitting (as per National Treasury Regulations) + R2,619.00 (research and preparation) plus Travelling Allowance	Remuneration for sitting (as per National Treasury Regulations) + 5% of Remuneration for sitting + R2,619.00 (research and preparation) plus Travelling Allowance	Remuneration for sitting (as per National Treasury Regulations) + 10% of Remuneration for sitting + R2,619.00 (research and preparation) plus Travelling Allowance

3. THAT the benchmarking be in respect of number of applications to be considered, preparation and research remunerations. (DDP)
4. THAT the remuneration as stipulated above be included in the Memorandum of Agreement between the Municipal Planning Tribunal and Appeal Authority members and Municipality.
TribunalAppealAuthority_itm (DDP/MM)

ITEM A.26.26.03.2020

LOCAL ECONOMIC DEVELOPMENT: DEVELOPMENT OF A MALL AND A TAXI RANK AT MPHEPHU PLAZA
(7 / 4 / 1 / 4)

RESOLVED A.26.26.03.20 (COUNCIL)

1. THAT Council approve that the Accounting Officer be authorized to apply for critical infrastructure grant funding from Department of Trade and Industry (DTI). (MM/DDP)
2. THAT the Accounting Officer request authorization to be an implementing agent for upgrade of water service infrastructure , upgrade of electricity and upgrade of road infrastructure from VDM, Eskom, and RAL respectively. (MM)

MphephuPlaza-itm

(REMARK: Item A.27.26.03.20 was considered at the 150th Special Council held on 26 March 2020.)

ITEM A.28.26.03.2020

PERSONNEL: CONSIDERATION OF THE SELECTION COMMITTEE REPORT OF THE VACANT POSITION OF DIRECTOR CORPORATE SERVICES

RESOLVED A.28.26.03.20 (COUNCIL)

1. THAT Council takes note that Selection Committee noted that the Municipality's top Management consist of six posts of which two Municipal Manager and Chief Financial Officer are currently filled by male incumbents and in terms of Makhado Municipal Employment Equity Plan has a target of four male and two female incumbents. (DCS)
2. THAT Council considers the Selection Committee recommendation that the post of Director Corporate Services be re-advertised. (DCS)
3. THAT Council apply in writing to MEC for COGHSTA to allow the Municipality to advertise the post on a five (5) year term employment contract. (DCS)

SelectionPanelDcs-Itm

ITEM A.29.26.03.2020

PERSONNEL: CONSIDERATION OF THE SELECTION PANEL REPORT OF THE VACANT POSITION OF THE DIRECTOR COMMUNITY SERVICES (5/3/B, 5/3/4/3)

RESOLVED A.29.26.03.20 (COUNCIL)

1. THAT Council take note that the selection panel recommended five candidates for screening and interviews but that only three candidates returned the background check forms during the prescribed period. (DSC)
2. THAT the Selection Panel recommendation that the post of Director Community Services be re-advertised as fully recorded in the Selection Panel report attached as Annexure E be considered. (DCS)
3. THAT the Mayor be authorized to appeal to the MEC for COGHSTA to allow that the post be advertised for the period of five years term employment contract. (DCS)

(REMARK: Item A.30.26.03.20 was considered at the 150th Special Council held on 26 March 2020.)

ITEM A.31.26.03.2020**PERSONNEL: APPOINTMENT OF DIRECTOR TECHNICAL SERVICES****(5/3/B, 5/3/4/3, 5/3/4/4/36)****REMARK:**

When this matter was considered, Clr N F Madzhiga proposed, duly seconded by Clr T Kutama that the vacant post of Director Technical Services be advertised anew and that the Mayor be authorised to request the MEC for Coghsta to allow the post to be advertised for a fixed period of five (5) years calculated from date of appointment. The proposal was accepted in general and recorded as Council Resolution herein below.

RESOLVED A.31.26.03.20 (COUNCIL)

1. THAT no candidate be appointed in the vacant post of Director Technical Services and the vacancy be advertised anew and that the appointment of the successful candidate in this vacant post will be subject to the provisions of section 57 of the Municipal Systems Act. (DCS)
2. THAT the Mayor request the MEC for Coghsta to allow the post to be advertised for a fixed period of five (5) years calculated from date of appointment.

AppointmentDTS_itm(5)

(DCS)

ITEM A.32.26.03.2020**PERSONNEL: APPOINTMENT OF THE DIRECTOR DEVELOPMENT AND PLANNING****(5/3/B, 5/3/4/3, 5/3/4/4/53)****REMARK:**

When this matter was considered, Clr M E Mulefu proposed, duly seconded by Clr L G Masutha that the vacant post of Director Development and Planning be advertised anew and that the Mayor be authorised to request the MEC for Coghsta to allow the post to be advertised for a fixed period of five (5) years calculated from date of appointment. The proposal was accepted in general and recorded as Council Resolution herein below.

RESOLVED A.32.26.03.20 (COUNCIL)

1. THAT no candidate be appointed in the vacant post of Director Development and Planning and the vacancy be advertised anew and that the appointment of the successful candidate in this vacant post will be subject to the provisions of section 57 of the Municipal Systems Act. (DCS)
2. THAT the Mayor request the MEC for Coghsta to allow the post to be advertised for a fixed period of five (5) years calculated from date of appointment.

AppointmentDDP_itm(3)

(DCS)

(REMARK: Item A.34.26.03.20 was considered at the 150th Special Council held on 26 March 2020.)

(REMARK: Items A.35.15.05.20 to A.40.15.05.20 were considered at the 151st Special Council held on 15 May 2020.)

(REMARK: Item A.41.08.06.20 will be considered at the next Special Council meeting scheduled for 26 June 2020.)

ITEM A.42.08.06.20

PERFORMANCE MANAGEMENT: THIRD QUARTER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN PROGRESS REPORT: 2019/20 FINANCIAL YEAR (10/1/4/1 – 10/1/4/8)

RESOLVED A.42.08.06.20 (COUNCIL)

THAT Council takes note of the Third Quarter Service Delivery and Budget Implementation Plan Progress Report for the 2019/20 financial year. (MM/ALL DIRS)

SDBIPQuarter3_itm

ITEM A.43.08.06.20

MEETINGS: GENERIC RULES FOR VIRTUAL MEETINGS OR SITTINGS: 2019/20 FINANCIAL YEAR (5/5/2/1)

RESOLVED A.43.08.06.20 (COUNCIL)

1. THAT the provisions of *Government Notice (Department Co-operative Governance and Traditional Affairs) No 510, Amendment of Directions issued in terms of Section 27(2) of Disaster Management Act, 2020 (Act no 57 of 2020)* as fully recorded in Annexure A attached to the report in this regard, together with *Generic Rules of Virtual Meetings and Sittings developed by SALGA in SALGA Circular no 18 of 2020* as fully recorded in Annexure B attached to the report in this regard, be adopted and implemented by Council with retrospective effect of 11 May 2020. (DCS)
2. THAT although an administrative processing timeline is required, the **Addendum** to the Rules of Order, 2016 which was promulgated under Local Authority Notice No 125 of 2016 in Provincial Gazette No 2736 dated 26 July 2016, be applied with retrospective effect of 11 May 2020, irrespective of the date of promulgation thereof in the Limpopo Provincial Gazette, and that administration proceed to arrange for promulgation of such Addendum in the first following Provincial Gazette publication. (DCS)

VirtualMeetings_itm

ITEM A.44.08.06.20**COUNCIL COMMITTEES: REPLACEMENT OF MEMBERS: SECTION 79 STANDING COMMITTEE: ETHICS (4/1/B)**

RESOLVED A.44.08.06.20 (COUNCIL)

THAT the request of the Democratic Alliance to replace its representative member in Section 79 Standing Committee be approved as follows –

- (i) Cllr G Tshibvumo be appointed in the Section 79 Standing Committee: Ethics as substitute for the late Cllr N A Mafhala.

And the Section 79 Standing Committee: Ethics composed by Council Resolution A.161.14.10.16 therefor forthwith be recomposed as follows:

SECTION 79 STANDING COMMITTEES

NO.	STANDING COMMITTEE	CHAIRPERSON AND MEMBERS
1.	ETHICS	1. MUNYAI N (CHAIRPERSON) 2. MADUWA E 3. SITHI E T 4. MUKWEVHO T D 5. GABARA M J 6. KUTAMA T 7. NEMUDZIVHADI N S 8. MASHAMBA M A 9. DZIVHANI T E 10. TSHIBVUMO G

(DCS)

AmendSect79Committee_itm

(REMARK: Item A.45.08.06.20 will be considered at the next Special Council meeting scheduled for 26 June 2020.)

ITEM A.46.08.06.20**COUNCIL LAND: PROPOSED RENEWAL OF THE MTN AGREEMENT OF LEASE: WATER RESERVOIR SITE NUMBER T6273: PORTION IN EXTENT MEASURING 35 SQUARE METRES ON ERF 3180, LOUIS TRICHARDT EXTENSION 9 TOWNSHIP (15 / 3 / 9) & (7 / 3 / 2 / 9)**

RESOLVED A.46.08.06.20 (COUNCIL)

THAT the proposed renewal of the MTN Lease Agreement of Water Reservoir site number T6273, a portion in extent measuring 35 square metres on erf 3180, Louis Trichardt Extension 9 Township that was received from Mr Aaron Modikoe as Property Co-ordinator for MTN be approved, subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality 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 the under-mentioned municipal land 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 valuator be collected.
3. The term of lease be for a period of five (5) years, with an application option to renew.
4. The standard lease agreement be re-drawn by the Legal Division of Department of Corporate Services.
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Aaron Modikoe as Property Co-ordinator for MTN.
6. The applicant be informed in terms of the provisions of item 10(4) of the Makhado Local Municipality Land Sale and Lease Policy Council Resolution A.148.30.10.18 (Originally A.148.25.10.18) 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:** Erf 3180 Louis Trichardt has an existing electricity supply capacity of 25kVA. 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 applicant 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 applicant 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 applicant upfront.

7.2 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

(DDP)

RenewalMTNT6273_itm(2)

ITEM A.47.08.06.20

COUNCIL LAND: PROPOSED RENEWAL OF THE MTN: AGREEMENT OF LEASE FOR THE MPEZEMA WATER RESERVOIR SITE NUMBER T2625 SITUATED AT DZANANI TOWNSHIP

(15 / 3 / 9) & (7 / 3 / 2 / 9)

RESOLVED A.47.08.06.20 (COUNCIL)

THAT the proposed renewal of the MTN Lease Agreement for the Mpezema Water Reservoir site number T2625 situated at Dzanani Township that was received from Mr Aaron Modikoe as Property

Co-ordinator for MTN be approved, subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality 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 the under-mentioned municipal land 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 valuator be collected.
3. The term of lease be for a period of five (5) years, with an application option to renew.
4. The standard lease of agreement be re-drawn by the Legal Division of Department of Corporate Services.
5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Mr Aaron Modikoe as Property Co-ordinator for MTN.
6. The applicant be informed in terms of the provisions of item 10(4) of the Makhado Local Municipality Land Sale and Lease Policy Council Resolution A.148.30.10.18 (Originally A.148.25.10.18) 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:** Mpezema water reservoir site falls in the Eskom area of supply.
 - 7.2 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

(DDP)

RenewalMTNT2625_itm(2)

ITEM A.48.08.06.20

COUNCIL LAND: PROPOSED EXTENSION OF LEASE AGREEMENT FOR LED SCREEN AT CORNER OF THE N1 NATIONAL ROAD AND SONGOZWI STREET, LOUIS TRICHARDT TOWNSHIP (15 / 3 / 9) & (7 / 3 / 2 / 9)

RESOLVED A.48.08.06.20 (COUNCIL)

THAT the proposed extension of the lease agreement at corner of the N1 National Road and Songozwi Street for the existing LED screen that was received from Ms Cindy Coetzee as Managing Director for the Bulldog Ads be approved, subject to the following terms and conditions read with the provisions of Chapter 4 and Chapter 5 of the Makhado Municipality 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 the under-mentioned municipal land 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 valuator be collected.
3. The term of lease be for a period of five (5) years, with an annual option to renew.
4. The standard lease agreement be re-drawn by the Legal Division of Department of Corporate Services.

5. A standard lease agreement be made and entered into by and between Makhado Local Municipality and Cindy Coetzee as Managing Director for Bulldog Ads.
6. The applicant be informed in terms of the provisions of item 10(4) of the Makhado Local Municipality Land Sale and Lease Policy Council Resolution A.148.30.10.18 (Originally A.148.25.10.18) 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:** Cnr Songozwi & N1 has an existing electricity supply capacity of 16kVA.
 - 7.2 **Property Rates:** The landowner must pay all property rates due to the Municipality with retrospective effect of 1 July 2008 if no payments for property rates were processed.

(DDP)

BulldogAds_itm(2)

ITEM A.49.08.06.20

FINANCES: INVESTIGATION REPORT ON UNAUTHORIZED EXPENDITURE: 2018/2019 FINANCIAL YEAR (6/1/1(18/19))

RESOLVED A.49.08.06.20 (COUNCIL)

1. THAT Council refer the unauthorized expenditure of R 84 406 344 in respect of the 2018/2019 financial year to MPAC for investigation and further processing. (DCS/CFO)
2. THAT after the investigation, Council considers the recommendations of MPAC as investigation committee. (CFO)

UnauthorisedExpenditure2018-2019_itm

ITEM A.50.08.06.20

FINANCES: FRUITLESS AND WASTEFUL EXPENDITURE: 1 JULY 2019 TO 31 MAY 2020 IN 2019/20 FINANCIAL YEAR (6/13/2/3 & 10/1/5/2)

RESOLVED A.50.08.06.20 (COUNCIL)

1. THAT Council takes note of the fruitless and wasteful expenditure of R 38 163.63 for the period 1 July 2019 to 31 May 2020 and that the matter be referred to MPAC for investigation and further processing. (DCS/CFO)
2. THAT the accounting officer submits a letter to the MEC for Local Government in the province and the Auditor General in line with Section 32 (4) of the MFMA. (MM/CFO)

FruitlessExpenditureJuly2019-May2020_itm

ITEM A.51.08.06.20**FINANCES: PROCUREMENT: IRREGULAR EXPENDITURE: 1 JULY 2019 TO 31 MAY 2020
(10/1/5/2)**

RESOLVED A.51.08.06.20 (COUNCIL)

1. THAT Council takes note of the irregular expenditure amounting to R 2 280 456.35 and further refers the irregular expenditure to the Council's Municipal Public Account Committee for investigation and further processing. (DCS/CFO)
2. THAT the Accounting Officer submits a letter to the MEC for Local Government in the province and the Auditor General in line with Section 32 (4) of the Municipal Finance Management Act. (MM/CFO)

IrregularExpenditureJuly2019-May2020_itm

ITEM A.52.08.06.20**FINANCE: PROCUREMENT: CLAUSE 36: DEVIATIONS FOR THE THIRD QUARTER, 2019/2020 FINANCIAL YEAR
(10/1/5/2)**

RESOLVED A.52.08.06.20 (COUNCIL)

THAT clause 36 procurements in respect of Quarter 3 of the 2019/20 financial year be noted as more fully set out in Annexure A attached to the report in this regard. (CFO)

DeviationsQuarter3 2019-2020_itm

ITEM A.53.08.06.20**FINANCES: REPORT ON SPECIAL ADJUSTMENT BUDGET: 2019/20 FINANCIAL YEAR
(6/1/1(2019/20))**

RESOLVED A.53.08.06.20 (COUNCIL)

1. THAT the 2019/20 adjusted Budget be approved by Council through special adjustment. (CFO)
2. THAT the 2019/2020 approved Special Adjustment Budget be submitted to the National and Provincial Treasury. (CFO)
3. THAT the Council note that the adjustment budget for the income and expenditure projections for the financial year ending 30 June 2020 is more fully explained in Annexure A attached to the report in this regard. (CFO)

SpecialAdjustmentBudget2019-20_itm

ITEM A.54.08.06.20**FINANCE: IN YEAR MONITORING AND REPORTING: 3RD QUARTER: 2019/2020
FINANCIAL YEAR
(6/1/1(2019/20))**

RESOLVED A.54.08.06.20 (COUNCIL)

THAT the in-year monitoring financial report for the third quarter ending 31 March 2020 for the 2019/2020 financial year be considered by Council. (CFO)

MonitoringQ3 2019-2020_itm

- (c) **Recommendations of urgent matters which in terms of clause 8 of the Standing Rules of Order, 2016 was tabled directly to Council**

ITEM A.55.08.06.20**COUNCIL COMMITTEES: TERMS OF REFERENCE OF DISCIPLINARY PROCEDURES
FOR SPECIAL COMMITTEE (AD-HOC COMMITTEE)
(4/1/B)**

RESOLVED A.55.08.06.20 (COUNCIL)

THAT Council approves the Terms of Reference of Disciplinary Committee attached as Annexure A to the report in this regard, and the established Special Committee forthwith conduct its roles and responsibilities according to the approved Terms of Reference. (DCS)

DCSpecialCommitteeTOR_itm

ITEM A.56.08.06.20**COUNCIL COMMITTEE: ALLEGED BREACH OF CODE OF CONDUCT FOR
COUNCILLORS AND THE ESTABLISHMENT OF SPECIAL/ADHOC COMMITTEE****(1) COUNCILLOR T P MAMOROBELA****(2) COUNCILLOR N B JONES****(5/5/2/1)****REMARK:**

1. When this matter was considered, the Municipal Manager, all Directors and officials, except the Committee Secretary, left the meeting.
2. Cllr N F Chililo proposed, duly seconded by Cllr N D Davhana, that with reference to paragraph 3 of the recommendation, the following councillors form part of the Special Committee, i.e. Cllrs M G Gabara, E T Sithi, and T E Dzivhani. The proposal was accepted in general and recorded as Council Resolution herein below.
3. Cllr N F Chililo proposed, duly seconded by Cllr N D Davhana that Cllr T P Mamorobela and Cllr N B Jones, both members of the Executive Committee must not participate in any meetings of Council and its Committees, including the Executive Committee until the matter is fully concluded by Council Resolution. The proposal was accepted and recorded as paragraph 6 of the Council Resolution herein below.
4. Council took note of the reference that no member of the Executive Committee may be part of the Special Committee referred to in paragraph 3 herein below.

RESOLVED A.56.08.06.20 (COUNCIL)

1. THAT Council affords the Chairperson of Council an opportunity to present a preliminary report on the matter to Council. (DCS)

2. THAT Council gives the Chairperson of Council ample time to finalize the matter and report back to Council before the matter is reported to the MEC. (DCS)
3. THAT the Chairperson of Council constitute a special committee comprising of Cllr Munyai Ndivhaleni: Chairperson of Ethics as Chairperson of the Committee, Cllr Tshibvumo Jeffrey, Cllr M G Gabara, Cllr E T Sithi and Cllr T E Dzivhani as members, Ms Masite Jane: Chairperson of Audit and Performance Audit Committee as Initiator and Mr Mofokeng Sidwell: Chairperson of Risk Management Committee as member; and any legal expert from the municipal legal pool as legal advisor. (DCS)
4. THAT Council approved authorization of the services of a legal expertise if the need arises and this should be done in conjunction with the Speaker and the Municipal Manager. (DCS)
5. THAT the Disciplinary Procedure for Councillors be approved and adopted by Council. (DCS)
6. THAT Cllr T P Mamorobela and Cllr N B Jones, both members of the Executive Committee must not participate in any meetings of Council and its Committees, including the Executive Committee until the matter is fully concluded by Council Resolution. (DCS)

BreachOfConduct_itm

(d) Resolutions of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): June 2020

ITEM B.4.02.06.20

PERFORMANCE MANAGEMENT: ANNUAL PERFORMANCE ASSESSMENT REPORT: SECTION 57 MANAGER: 2017/18 FINANCIAL YEAR (10/1/2 & 6/1/1(2016/2017))

RESOLVED B.4.02.06.20 (EXECUTIVE COMMITTEE)

THAT Council takes note of the Annual Performance Assessment report for 2017/18 financial year and give approval for the payment of performance bonus of 5% as per the assessment results.

Assessment2017-18_itm(2)

(MM/DCS)

ITEM B.5.02.06.20

FINANCES: ASSESSMENT OF PERFORMANCE OF CONTRACTED SERVICE PROVIDERS: QUARTER 3: 2019/20 FINANCIAL YEAR (10/1/5/2)

RESOLVED B.5.02.06.20 (EXECUTIVE COMMITTEE)

THAT Council takes note of the third quarter Assessment of Performance of the contracted Service Providers report for 2019/2020 financial year attached as Annexure A to the report in this regard.

AssessmentQ3ServiceProviders_itm

(CFO)

ITEM B.6.02.06.20**REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS –
QUARTER 3: 2019/20 FINANCIAL YEAR
(10/1/6/1)****RESOLVED B.6.02.06.20 (EXECUTIVE COMMITTEE)**

THAT note be taken of the progress with implementing Council Resolutions in respect of meetings held during Quarter 3 of the 2019/2020 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)

CouncilResolutionImplementationQ3-2019-2020_itm

- (e) **Recommendations of the Section 79 Standing Committee: MPAC in terms of section 59 (1) of the Local Government: Municipal System Act, 2000 (Act 32 of 2000): June 2020**

(REMARK: Item A.33.26.03.20 was considered at the 150th Special Council held on 26 March 2020.)

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The meeting was closed and adjourned at 14:52.

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 30 July 2020.

CHAIRPERSON

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