

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE VIRTUAL ONE HUNDRED AND FIFTY FIFTH (155th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON TUESDAY, 29 SEPTEMBER 2020 AT 14:00.

PRESENT

Councillors

BABADU, TM
 BALIBALI, T
 BULALA, S I
 CHILILO, N F
 DAVHANA, N D
 DU PLOOY, A
 DZIVHANI, T E
 FURUMELA, M G
 KHODOBA, J
 KUTAMA, N
 KUTAMA, T
 LUDUVHUNGU, V S
 MACHETE, M S
 MADULA, S
 MADUWA, E
 MADUWA, L G
 MADZHIGA, F N
 MAGADA, M R
 MAINGO, R T
 MALIMA, M E
 MALIVHA, N V
 MALULEKE, K M
 MAMAFHA T C
 MAPHUBU, K
 MASENGANA, M L
 MASUKA, S
 MASUTHA, L G
 MATHALISE, L G
 MATUMBA, A

MBOYI, M D
 MOGALE, L B
 MOHLABA, T J
 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 D
 NDOU, M N
 NEMATANDANI, M C
 NEMUDZIVHADI, N S
 NETHULWE, M F
 NYELISANI, S S
 RALIPHADA, R
 RAMAVHOYA, K S
 RASHAMUSE, A G
 RATSHIKUNI, D
 SINYOSI, S M
 SITHI, E T
 TAMBANI, T E
 TSHIAMBWA, L R
 TSHILAMBYANA, M S

Officials

N F TSHIVHENGWA
 K M NEMANAME
 H J LUKHELI
 S G MAGUGA
 M G RALISHUKU
 M D MUNYAI

(MUNICIPAL MANAGER)
 (CHIEF FINANCIAL OFFICER)
 (ACTING DIRECTOR COMMUNITY SERVICES)
 (ACTING DIRECTOR CORPORATE SERVICES)
 (ACTING DIRECTOR TECHNICAL SERVICES)
 (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.

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

3.1 The Speaker, Cllr L B Mogale announced that Vodacom Cell Phone Company would do a presentation to all Councillors at Makhado Show Ground on Thursday, 1 October 2020 at 10:00. All Councillors were invited to attend the presentation.

3.2 She further announced that the Department of Agriculture, Land Reform and Rural Development would open a new District Office in Thohoyandou on Thursday, 1 October 2020.

3.3 She also announced that this was the last virtual Council meeting and that Council would forthwith meet physically as prior Covid Regulations.

3.4 She then announced that Cllr A Matumba had responded to a letter of alleged breach of the Code of Conduct, and that the Office of the Speaker would process the matter further.

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 29 September 2020 to Cllrs T Seshoki, M J Gabara, G Tshivumo, T M Malange, N J Simangwe and T A Maraga.

REMARK:

2.1 Cllrs R S Baloyi, F B Hlongwane, B K Jones, N B Jones, J Lukheli, M J Mpashe, M G Phoshoko, T J Mamafha, T P Mamorobela, M A Mashamba, G M Ramushavha, M A Selapzana and S S Tshifura did not participate in 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, 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): September 2020

520th Executive Committee meeting held on 22 September 2020

521th Executive Committee meeting held on 29 September 2020

(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): September 2020

74th Section 79 Oversight Committee: Corporate Services meeting: 23 September 2020

44th Section 79 Oversight Committee: Development Planning meeting: 23 September 2020

51st Section 79 Oversight Committee: Finance meeting: 22 September 2020

29th Section 79 Oversight Committee: Technical Services meeting: 23 September 2020

25th Section 79 Oversight Committee: Community Services meeting: 23 September 2020

ITEM A.100.29.09.20

FINANCE: ASSETS MANAGEMENT: ASSETS WRITE-OFF OR DISPOSAL 30 JUNE 2020: 2019/20 FINANCIAL YEAR (8/1/1)

RESOLVED A.100.29.09.20 (COUNCIL)

1. THAT Council approves the disposal and write-off of the movable assets reflected in Annexure A attached to the report in this regard, in order to ensure the assets disclosed in the 2019/20 financial statements are fairly stated. (CFO)
2. THAT the Section 79 Oversight Committee: Finance must do physical verification of all assets which is written off under paragraph 1 above, before 29 September 2020. (CFO/DCS)

AssetsDisposal_itm(2)

ITEM A.101.29.09.20

FINANCES: SPECIAL ADJUSTMENT BUDGET: 2020/2021 FINANCIAL YEAR (6/1/1 (20/21))

REMARK:

When this matter was considered, Cllr M S Tshilambyana proposed, duly seconded by Cllr L R Tshiambwa that the Special Adjustment Budget must be implemented with effect of 30 September 2020. The proposal was accepted in general and recorded as Council Resolution herein below.

RESOLVED A.101.29.09.20 (COUNCIL)

1. THAT the 2020/2021 adjusted Budget be adopted by Council through special adjustment as requested by National Treasury on or before 30 September 2020 due to Covid-19 reallocation of grants from National Treasury. (CFO)
2. THAT the 2020/2021 Special Adjustment Budget be submitted to the National and Provincial Treasury. (CFO)
3. THAT any errors in the annual budget together with the data strings submitted on National Treasury portal for 2020/2021 is corrected as recommended by National Treasury and Provincial Treasury for compliance purposes. (CFO)
4. THAT Council take note that depreciation and debt impairment provision was taken into consideration which are non-cash items with adjusted amount **R 171 224 million**. (CFO)

5. THAT the Special Adjustment Budget be implemented with effect of 30 September 2020.

AdjustmentBudget20202021_itm

(CFO)

ITEM A.102.29.09.20

TOWN-PLANNING: FINAL REVIEW: AMENDED INTEGRATED DEVELOPMENT PLAN (IDP): 2020/21-2021/22 (15/8/1)

RESOLVED A.102.29.09.20 (COUNCIL)

THAT the amended Integrated Development Plan (IDP) for the 2020/21-2021/22 Financial Years be approved as more fully set out in the 2020/21-2021/22 IDP Amendment Review attached to the report in this regard. (DDP)

IDP2020-2021Amended_itm

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(c) **Recommendations of the Ad Hoc/Special Committee in terms of section 59 (1) of the Local Government: Municipal System Act, 2000 (Act 32 of 2000): September 2020**

ITEM A.103.29.09.20

COUNCILLORS: CODE OF CONDUCT: ALLEGED BREACH OF CODE OF CONDUCT: COUNCILLOR N B JONES (3/4/3)

REMARK:

When this matter was considered Cllr K M Maluleke proposed, duly seconded by Cllr N S Nemudzivhadi that the Office of the Speaker must investigate all outstanding cases of breach of Code of Conduct by Councillors in terms of Section 14 of Schedule 1 of the Municipal Systems Act. The proposal was accepted in general and recorded as Council Resolution herein below.

RESOLVED A.103.29.09.20 (COUNCIL)

1. THAT the Final Report of the Ad Hoc/Special Committee be noted by Council, as more fully set out in Annexure A attached to the report in this regard. (DCS)
2. THAT the allegation of breach of Oath of Office by Cllr N B Jones related to allegations of contravening the Covid 19 Regulations be dismissed, and no further investigation be pursued. (DCS)
3. THAT Cllr N B Jones be permitted to resume her official duties. (DCS)
4. THAT the MEC of the Coghsta be informed of the outcome of the investigations. (MM/DCS)
5. THAT the Office of the Speaker must investigate all outstanding cases of breach of Code of Conduct by Councillors in terms of Section 14 of Schedule 1 of the Municipal Systems Act. (DCS)

ProgressReportBreachofConduct-Itm

ITEM A.104.29.09.20**COUNCILLORS: CODE OF CONDUCT: ALLEGED BREACH OF CODE OF CONDUCT:
COUNCILLOR T P MAMOROBELA
(3/4/3)****REMARK:**

When this matter was considered Cllr K M Maluleke proposed, duly seconded by Cllr N S Nemudzivhadi that:

1. Recommendation no. 9 of “formal apology to Makhado Municipal Council” be amended to read “public apology”.
2. That Cllr T P Mamorobela be issued with a final written warning in terms of Clause 14(2)(a) of Schedule 1 of the Municipal Systems Act.
3. That the Office of the Speaker must investigate all outstanding cases of breach of Code of Conduct by Councillors in terms of Section 14 of Schedule 1 of the Municipal Systems Act.

The three proposals were accepted in general and recorded as Council Resolutions herein below.

RESOLVED A.104.29.09.20 (COUNCIL)

1. THAT the Final Report of the Ad Hoc/Special Committee after completion of the investigation together with the investigation report, be noted by Council as attached under Item A.103.29.09.20.
(DCS)
2. THAT Council takes note of Cllr T P Mamorobela’s withdrawal letter regarding her leave of absence from Council activities and her request to be allowed to resume duty. (DCS)
3. THAT Council takes note that Cllr T P Mamorobela has retracted her Attorney’s letter regarding her donated May salary to Solidarity Fund. (DCS)
4. THAT Council acknowledges that Cllr T P Mamorobela has confirmed that she has donated her salary to the Covid fund as a gesture of goodwill towards the public. (DCS)
5. THAT in the light of the contravention of clause 2(b) of the Code of Conduct for Councillors by Cllr T P Mamorobela, Council must reprimand Councillor Mamorobela in terms of section 14(2)(b) of the Code. (DCS)
6. THAT allegations of breach of Oath of Office by Cllr T P Mamorobela be dismissed on the initial allegations of contravention of Covid regulations. (DCS)
7. THAT Council develops and adopts a Code of Ethics for Councilors and provides training thereon. (DCS)
8. THAT the MEC of the Coghsta be informed of the outcome of the investigations. (MM/DCS)
9. THAT Cllr T P Mamorobela in addition to the reprimand recommended in paragraph 5 above be requested to formally make a public apology. (DCS)
10. THAT Cllr T P Mamorobela be issued with a final written warning in terms of Clause 14(2)(a) of Schedule 1 of the Municipal Systems Act. (DCS)

11. THAT the Office of the Speaker must investigate all outstanding cases of breach of Code of Conduct by Councillors in terms of Section 14 of Schedule 1 of the Municipal Systems Act.
(DCS)

AllegedBreachofConduct-Itm

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The meeting was closed and adjourned at 14:35.

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 29 October 2020.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_155