

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE VIRTUAL ONE HUNDRED AND SIXTIETH (160th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON WEDNESDAY, 30 JUNE 2021 AT 14:00.

PRESENT

Councillors

BABADU, TM
 BALIBALI, T
 BALOYI, R S
 CHILILO, N F
 DAVHANA, N D
 DU PLOOY, A
 DZIVHANI, T E
 FURUMELA, M G
 HLONGWANI, B F
 JONES, B K
 JONES, N B
 KHODOGA, J
 KUTAMA, N
 LUDUVHUNGU, V S
 LUKHELI, J
 MACHETE, M S
 MADULA, S
 MADUWA, L G
 MADZHIGA, F N
 MAINGO, R T
 MALANGE, T M
 MALIVHA, N V
 MALULEKE, K M
 MAMAFHA, T C
 MAMAFHA, T J
 MAMOROBELA, T P
 MAPHUBU, K
 MASHAMBA, M A
 MASENGANA, M L
 MASUKA, S

MATHALISE L M
 MASUTHA, L G
 MATUMBA, A
 MOGALE, L B
 MOHLABA, T J
 MOKGOADI M R
 MPASHE, M J
 MTHOMBENI, S Z
 MUKHARI, M F
 MUKHUBA, R
 MUKWEVHO, T D
 MULEFU, M E
 MUNYAI, N
 MUNYAI, N S
 MUSANDIWA, P N
 NDOU, M N
 NEMUDZIVHADI, N S
 NETHULWE, M F
 PHOSHOKO, M G
 RALIPHADA, R
 RAMAVHOYA, K S
 SESHOKI, T
 SIMANGWE, N J
 SITHI, E T
 TAMBANI, T E
 TSHIAMBWA, L R
 TSHIFURA, S S
 TSHILAMBYANA, M S

Officials

R V PHALANNDWA
 N G RALIPHADA
 S M CAROTO
 M G RALISHUKU
 M D MUNYAI

(ACTING MUNICIPAL MANAGER)
 (ACTING CHIEF FINANCIAL OFFICER)
 (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, by e-mail, and hard copy format.

3. OFFICIAL ANNOUNCEMENTS

The Speaker, Cllr L B Mogale announced that Makhado Municipality was awarded with the Clean Administration Award handed to the Speaker, the Chief Whip and MPAC Chairperson as Best Women Team of the Year 2020, for collective oversight in maintaining proper municipal governance and internal processes. This award was presented by the Chartered Institute of Audit Governance, Oversight and Leadership at a ceremony held in Johannesburg on Thursday, 27 May 2021. The Municipality was congratulated with this fine achievement.

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 30 June 2021 to Cllrs M D Mboyi, G Tshibvumo and N Kutama.

REMARK:

4.1 The following councillors were absent from the Special Council meeting held on 30 June 2021: Cllrs S I Bulala, M J Gabara, L G Maduwa, M R Magada, G T Mukwevho, T D Mukwevho, S S Nyelisani, M E Malima, T A Maraga, G M Mukwevho, D Ratshikuni, M A Selapyana, S M Sinyosi and M S Tshilambyana

4.2 The following traditional leaders were absent from the Special Council meeting held on 30 June 2021: 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 F Molema and Khosi M M Mphephu.

One vacancy existed with the passing away of Khosi R H sinthumule.

5. **REPORT OF THE EXECUTIVE COMMITTEE AND SECTION 79 COMMITTEES**

(a) **Report of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): Juhne 2021**

537th Executive Committee meeting held on 28 June 2021

538th Executive Committee meeting held on 30 June 2021

(b) **Report 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 2021**

83rd Section 79 Oversight Committee: Corporate Services meeting: 25 June 2021

58th Section 79 Oversight Committee: Finance meeting: 28 June 2021

51st Section 79 Oversight Committee: Development Planning meeting: 25 June 2021

36th Section 79 Oversight Committee: Technical Services: 28 June 2021

32nd Section 79 Oversight Committee: Community Services: 25 June 2021

ITEM A.60.30.06.21

REQUEST FOR TRANSFER RECTIFICATION REGARDING STATE-OWNED PROPERTY ERF 378, LOUIS TRICHARDT FROM THE MAKHADO LOCAL MUNICIPALITY TO THE NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA (E.378)

RESOLVED A.60.30.06.21 (COUNCIL)

THAT the transfer of state-owned property erf 378, Louis Trichardt Township from the Makhado Local Municipality to the National Government of the Republic of South Africa be approved; subject to the following term(s) and condition(s): -

1. In terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended the approved rectified transfer of state-owned property erf 378, Louis Trichardt Township from Makhado Local Municipality to the National Government of the Republic of South Africa be advertised in one (1) of the local newspapers, for any objections.
2. Council to approve the rectification of transfer of state-owned property erf 378, Township in the name of Makhado Local Municipality as per Council Resolution A.90.05.07.18 to the National Government of the Republic of South Africa.
3. The approved rectified transfer in terms of the provisions of the constitution and vested guidelines in the face of the National Government of the Republic of South Africa be endorsed by the Makhado Local Municipal Council.
4. A Deed of Transfer will be made and entered into by and between the Makhado Local Municipality and the National Government of the Republic of South Africa.
5. All the formal registration and transfer transactions of state-owned property erf 378, Louis Trichardt Township from Makhado Local Municipality be passed by the National Government of the Republic of South Africa Attorneys and Conveyancers. (DDP)

ITEM A.61.30.06.21**FINANCES: INVESTIGATION REPORT ON UNAUTHORIZED EXPENDITURE: 2019/2020 FINANCIAL YEAR
(6/1/19/20))****RESOLVED A.61.30.06.21 (COUNCIL)**

1. THAT Council refers the unauthorized expenditure of R 78 119 209 in respect of the 2019/2020 financial year to the Municipal Public Account Committee (MPAC) for investigation and further processing. (DCS)
2. THAT after the investigation, Council further considers the recommendations of MPAC as investigation committee. (DCS)

UnauthorisedExpenditure2019-2020_itm

ITEM A.62.30.06.21**FINANCES: FRUITLESS AND WASTEFUL EXPENDITURE: 1 JULY 2019 TO 30 JUNE 2020 IN 2019/20 FINANCIAL YEAR
(6/13/2/3 & 10/1/5/2)****RESOLVED A.62.30.06.21 (COUNCIL)**

1. THAT Council takes note and further refers the fruitless and wasteful expenditure of R194 048.48 to the Municipal Public Account Committee (MPAC) for investigation and further processing. (DCS)
2. THAT the Accounting Officer must write a letter and submit it to the MEC for Local Government in the Province and Auditor General in line with Section 32 (4) of the Municipal Finance Management Act. (MM/CFO)

FruitlessExpenditure2021_itm

ITEM A.63.30.06.21**FINANCES: PROCUREMENT: IRREGULAR EXPENDITURE FOR 2017/2018 AND 2018/2019 FINANCIAL YEAR RAISED BY AUDITOR GENERAL
(6/1/1(17/18) & 6/1/1(18/19))****RESOLVED A.63.30.06.21 (COUNCIL)**

1. THAT Council takes note and further refers the irregular expenditure amounting to R79,528.00 to the Municipal Public Account Committee (MPAC) for investigation and further processing. (DCS)
2. THAT the Accounting Officer must write a letter and submit it to the MEC for Local Government in the Province and Auditor General in line with Section 32 (4) of the Municipal Finance Management Act. (CFO/MM)

IrregularExpenditure2021_itm

ITEM A.64.30.06.21**FINANCES: INSTRUCTION FROM LOCAL MAGISTRATE ON TRAFFIC INFRINGEMENT MATTERS – NEW UNIFORM NATIONAL INSTRUCTION TO LAW ENFORCEMENT AGENCIES: TRAFFIC FINES PROPOSED WRITE-OFF FOR 2020/2021 FINANCIAL YEAR (10/1/5/2)****REMARK:**

When this matter was considered, Cllr A du Plooy requested that his vote be recorded against the Resolution.

RESOLVED A.64.30.06.21 (COUNCIL)

THAT note be taken and it be approved by Council to write-off the amount of R29,084,716.00 as per the new uniform National Instruction to all jurisdictions about traffic infringement matters as received from Magistrate K M Molokomme of Louis Trichardt in a letter dated 25 March 2021, and that Municipality in terms of said instruction may no longer collect an amount of R29,084,716.00 for the categories as explained in the report in this regard. (DCOMS/CFO)

WriteOffTrafficFines_itm

ITEM A.65.30.06.21**PERFORMANCE MANAGEMENT: TABLING OF HANDOVER REPORT (10/1/2)****RESOLVED A.65.30.06.21 (COUNCIL)**

1. THAT Council approves the Handover Report in line with the Executive Committee directive. (MM)
2. THAT immediately after the Handover Report is tabled and approved by Council, it must be submitted to COGHSTA together with Council's Resolution. (MM)

HandOverReport_itm

ITEM A.66.30.06.21**FINANCES: CONDONEMENT OF LEVYING OF INTEREST ON OUTSTANDING DEBTORS USING THE SIMPLE INTEREST METHOD: 2020/2021 FINANCIAL YEAR (10/1/5/2)****RESOLVED A.66.30.06.21 (COUNCIL)**

1. THAT Council condone all the interest levied during the 2020/21 financial year on outstanding debtors' account using the amount due excluding interest outstanding, and the simple interest rate method be Council's acceptable method for calculating interest for the 2020/21 financial year. (CFO)
2. THAT the condonement be effected retrospectively from 1 July 2020 to 30 June 2021. (CFO)

CondoneInterest_itm

ITEM A.67.30.06.21**DOMESTIC SERVICES: REVIEW OF ADMINISTRATIVE AND GOVERNANCE RELATED POLICIES, CHARTERS, FRAMEWORKS, STRATEGIES, PLANS AND MANUALS – ALL MUNICIPAL DEPARTMENTS, 2021/22 FINANCIAL YEAR (8/B)****RESOLVED A.67.30.06.21 (COUNCIL)**

1. THAT Council approves the administrative and governance related policies, charters, i.e. APAC, strategies and frameworks of the respective municipal departments, as recorded in the report in this regard for the 2021/22 Financial Year cycle. (ALL DIRS)
2. THAT Council note the administrative and governance related manuals, plans and charter, i.e. Internal Audit Charter of the respective municipal departments, as recorded in the report in this regard for the 2021/22 Financial Year cycle. (ALL DIRS)

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- (c) **Recommendation of the Section 79 Standing Committee: Municipal Public Account Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): June 2021**

ITEM A.68.30.06.21**MPAC: REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 3: 2020/21 FINANCIAL YEAR (10/1/6/1)****REMARK:**

When this matter was considered, Cllr A Matumba highlighted that under findings of the report it is not indicated which three Council Resolutions were not implemented. For ease of reference it is now indicated in the Council Resolution below.

RESOLVED A.68.30.06.21 (COUNCIL)

THAT the Municipality should continue to finalise the implementation of the outstanding Council Resolutions, with special reference to the following outstanding Council Resolutions:

1. A.18.25.02.21 - Council Land: Proposed Alienation of Hundred and Sixty-Seven (167) Residential Erven situated in Tshikota Extension 1 Township
2. A.19.25.02.21 - Council Land: Proposed Alienation of Seven Hundred (700) Residential Erven situated South of Pretorius, Louis Trichardt Township
3. A.20.31.03.21 - Personnel: Extension of Acting Period: Director Community Services

(ALL DIRS)

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The meeting was closed and adjourned at 14:37.

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 July 2021.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_160