

MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE ONE HUNDRED AND SIXTY SIXTH (166th) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD AT THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, MAKHADO ON THURSDAY, 31 MARCH 2022 AT 14:00.

PRESENT

Councillors

BALOYI, R
 BALOYI, S E
 CHILILO, N F
 DAVHANA, N D
 DZHIVHUHO, A S
 FURUMELE, M G
 HALGREEN, C D
 HLANGWANI, B
 HLONGWANI, B F
 JONES, N B
 KUTAMA, T
 MABUDU, H G
 MADAVHA, A
 MAGADA, M R
 MAHOSI, N S
 MAINGO, R T
 MAKAMU, T T
 MAKHUBELE, F P
 MAKWALA, M R
 MALANGE, T M
 MALIVHA, N V
 MALULEKE, H G
 MAMAFHA, T C
 MAMAFHA, T J
 MAPHAHLA, A Z
 MAPHUBU, K
 MARAGA, M
 MASHAMBA, L

MASHAU, T C
 MASIPA, P N
 MASUKA, S
 MATHALISE, L M
 MATUMBA, N J
 MPASHE, M J
 MUKHELI, K
 MUKHUBA, R
 MUKHUDWANA, R
 MUKOSI, M
 MULEFU, M E
 MUNYAI, N
 MUNYAI, N S
 MUSHANDANA, T T
 NDOU, M D
 NEMUDZIVHADI, N S
 NGOBENI, T T
 PHANGAMI, L
 PHULUWA, M I
 SEBOLA, D J
 SIMANGWE, N J
 SINGO, M D
 SITHI, E T
 SMALLE, P
 SWALIVHA, M
 TSHIDAVHU, I A
 TSHILAMBYANA, M S

Officials

R V PHALANNDWA
 N G RALIPHADA
 N DAGADA
 M G RALISHUKU
 H J LUKHELI
 M D MUNYAI

(ACTING MUNICIPAL MANAGER)
 (ACTING CHIEF FINANCIAL OFFICER)
 (ACTING DIRECTOR CORPORATE SERVICES)
 (ACTING DIRECTOR TECHNICAL SERVICES)
 (ACTING DIRECTOR COMMUNITY SERVICES)
 (ADMINISTRATIVE OFFICER: COMMITTEES)

Traditional Leaders

None

1. OPENING

REMARK:

The Acting Municipal Manager, Mr R V Phalanndwa read the application for leave of absence received from the Speaker, Cllr M D Mboyi. Council took note of the Rules of Order, 2016, clause 18.1 which determines as follows: *“At every meeting of the Council, the Speaker, or if he/she is not present, an Acting Speaker shall be the Chairperson. An Acting Speaker may be elected by the majority of councillors present at any meeting of the Council where the Speaker is not present.”*

The Acting Municipal Manager proceeded with the process to elect an acting Speaker for the duration of the Council meeting. Cllr E T Sithi proposed, duly seconded by Cllr S Masuka that Cllr N F Chililo be appointed as Acting Speaker. The proposal was accepted in general and Cllr N F Chililo took over as the Acting Speaker.

The Acting Speaker, Cllr N F Chililo ruled that a moment of silence be observed for meditation and prayer, whereafter he declared the meeting officially opened and welcomed everyone present.

2. NOTICE OF THE MEETING

He expressed that all 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”*

He further confirmed that all members had received notice of the meeting by sms, e-mail and hard copy.

3. OFFICIAL ANNOUNCEMENTS

3.1 The Acting Speaker, Cllr N F Chililo announced that all Councillors are invited to attend the IDP Regional Consultative meeting as follows: On Tuesday, 5 April 2022 at Luvuvhu Community Hall at 10:00, on Wednesday, 6 April 2022 at Waterval Community Hall at 10:00, on Thursday, 7 April 2022 at Dzanani Community Hall at 10:00 and on Friday, 8 April 2022 at Makhado Showground Hall at 10:00.

3.2 The Acting Speaker, Cllr N F Chililo announced that all Councillors are invited to attend a presentation by a cellphone service provider scheduled for Friday, 1 April 2022 at 12:00 at the Council Chamber.

3.3 The Acting Speaker, Cllr N F Chililo announced that there were 17 Councillors who did not submit Skills Audit forms and the due date for submission was Friday, 1 April 2022 at the Office of the Secretary of the Speaker. Councillors are requested to submit their forms.

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 Special Council meeting held on 31 March 2022 to Cllrs R S Baloyi, M J Gabara, W Mabasa, F N Madzhiga, M D Mboyi, L B Mogale, M R Mokgoadi, N A Muduvhungu, G T Mukwevho, M E Mulaudzi, M C Malange, K P Maphakela, T A Maraga, P Mashau, R Raliphada, M W Ramalwa, M Ramalivhana, T R Ravele and M A Selapyana.

REMARK:

The following councillor was absent from the Special Council meeting held on 31 March 2022: Cllr N Kutama.

5. REPORT OF THE EXECUTIVE COMMITTEE**(a) Report of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): March 2022**

553rd Executive Committee meeting held on 23 March 2022

554th Executive Committee meeting held on 31 March 2022

(b) Recommendations of the Section 79 Oversight Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): March 2022

91st Section 79 Oversight Committee: Corporate Services meeting: 23 March 2022

41st Section 79 Oversight Committee: Technical Services meeting : 23 March 2022

64th Section 79 Oversight Committee: Finance meeting: 24 March 2022

56th Section 79 Oversight Committee: Development Planning meeting: 24 March 2022

36th Section 79 Oversight Committee: Community Services meeting: 29 March 2022

9th Section 79 Oversight Committee: Special Programmes meeting: 29 March 2022

10th Section 79 Oversight Committee: Disaster, Moral Regeneration, Sports, Arts and Culture meeting: 25 March 2022

ITEM A.32.31.03.22

COUNCIL COMMITTEES: REPORT OF ATTENDANCE OF MEETINGS OF COUNCIL AND ITS COMMITTEES – OCTOBER 2021 TO DECEMBER 2021 – QUARTER 2, 2021/2022 FINANCIAL YEAR
(4/1/B & 10/1/5/1)

RESOLVED A.32.31.03.22 (COUNCIL)

1. THAT note be taken of the number of meetings held by Council and its Committees for the period 1 October 2021 to 31 December 2021 as follows:

SUMMARY OF COMMITTEE MEETINGS HELD – QUARTER 2 OF 2021/22

DATE 2021	NUMBER OF SECTION 79 COMMITTEES' MEETINGS	NUMBER OF EXECUTIVE COMMITTEE MEETINGS	NUMBER OF COUNCIL MEETINGS
October	5	2	1
November	0	0	1
December	0	2	1
TOTAL	5	4	3

NB. Excluding LLF meetings of which 3 were held.

(DCS)

2. THAT note be taken of the *Report of Attendance of meetings by councilors* for the period 1 October 2021 to 31 December 2021 as more fully recorded in the report in this regard. (DCS)

3. THAT it be noted that no Councillor was absent from any Council and its Committee meetings in contravention of Clause 42 of the Standing Rules of Order, 2016 during Quarter 2 of the 2021/22 financial year. (DCS)

Return of Attendance Q2 of 2021-2022

ITEM A.33.31.03.22

COUNCIL COMMITTEES: REPLACEMENT OF MEMBERS

1. SECTION 79 OVERSIGHT COMMITTEE: CORPORATE SERVICES
2. SECTION 79 OVERSIGHT COMMITTEE: DEVELOPMENT PLANNING
3. SECTION 79 OVERSIGHT COMMITTEE: TECHNICAL SERVICES
4. SECTION 79 OVERSIGHT COMMITTEE: FINANCE
5. SECTION 79 OVERSIGHT COMMITTEE: DISASTER, MORAL REGENERATION, SPORTS, ARTS AND CULTURE

(4/1/B)

RESOLVED A.33.31.03.22 (COUNCIL)

1. THAT the request of the Democratic Alliance to substitute its representative member in the Section 79 Oversight Committees be approved as follows –
 - (i) Cllr A Madavha be removed from Section 79 Oversight Committee: Technical Services (DCS)
2. THAT Cllr M S Tshilambyana be appointed in Section 79 Oversight Committee: Corporate Services as a substitute for Cllr R Mukwevho. (DCS)
3. THAT Cllr P N Masipa be removed from Section 79 Oversight Committee: Corporate Services, Finance, Disaster, Moral Regeneration, Sports, Arts and Culture and only remain on Section 79 Oversight Committee: Development Planning. (DCS)
4. THAT Cllr M Maraga be removed from Section 79 Oversight Committee: Development Planning. (DCS)
5. THAT the five (5) Section 79 Oversight Committees: Development Planning, Technical Services, Finance, Corporate Services and Disaster, Moral Regeneration, Sports, Arts and Culture composed by Council Resolution A.146.20.12.21 forthwith be recomposed as follows:

SECTION 79 OVERSIGHT COMMITTEES

NO.	SECTION 79 OVERSIGHT PORTFOLIO COMMITTEE	PROPOSED MEMBERS
1.	TECHNICAL SERVICES	1. <i>N S Nemudzivhadi (Chairperson)</i> 2. <i>M G Furumele</i> 3. <i>K P Maphakela</i> 4. <i>M D Singo</i> 5. <i>C D Halgreen</i> 6. <i>T C Mamafha</i> 7. <i>T C Mashau</i> 8. <i>M E Mulefu</i> 9. <i>P Mashau</i>
2.	CORPORATE SERVICES	1. <i>I A Tshidavhu (Chairperson)</i> 2. <i>P Smalle</i> 3. <i>M A Selapyana</i> 4. <i>R Mukhuba</i>

NO.	SECTION 79 OVERSIGHT PORTFOLIO COMMITTEE	PROPOSED MEMBERS
		5. <i>T C Mashau</i> 6. <i>A S Dzhivhuwo</i> 7. <i>M Swalivha</i> 8. <i>T R Ravele</i> 9. <i>M S Tshilambyana</i>
3.	<i>FINANCE</i>	1. <i>T T Makamu (Chairperson)</i> 2. <i>A Madavha</i> 3. <i>K P Maphakhela</i> 4. <i>F P Makhubele</i> 5. <i>L Mashamba</i> 6. <i>L Phangami</i> 7. <i>F N Madzhiga</i> 8. <i>B Hlangwani</i> 9. <i>W Mabasa</i>
5.	<i>DEVELOPMENT PLANNING</i>	1. <i>M D Ndou (Chairperson)</i> 2. <i>P Smalle</i> 3. <i>M A Selapyana</i> 4. <i>T T Ngobeni</i> 5. <i>M E Mulefu</i> 6. <i>P N Masipa</i> 7. <i>B Hlangwani</i> 8. <i>R Baloyi</i> 9. <i>F P Makhubele</i>
6.	<i>DISASTER, MORAL REGENERATION, SPORTS, ARTS AND CULTURE</i>	1. <i>M Makwala (Chairperson)</i> 2. <i>A Madavha</i> 3. <i>M A Selapyana</i> 4. <i>A Z Maphahla</i> 5. <i>T R Ravele</i> 6. <i>N Kutama</i> 7. <i>M Swalivha</i> 8. <i>R Mukhudwana</i> 9. <i>S Masuka</i>

AmendSect79Committees(2022)_itm

(DCS)

ITEM A.34.31.03.22**COUNCIL COMMITTEES:**

- 1. TERMS OF REFERENCE FOR SECTION 79 OVERSIGHT AND STANDING COMMITTEES AND SECTION 80 COMMITTEES**
- 2. PERFORMANCE EVALUATION QUESTIONNAIRE (4/1/B)**

RESOLVED A.34.31.03.22 (COUNCIL)

1. THAT Council approves Section 79 Oversight Committees' Terms of Reference attached as Annexure A to the report in this regard, and that Section 79 Oversight Committees forthwith conduct its roles and responsibilities according to the approved Terms of Reference. (DCS)
2. THAT Council approves Section 80 Committees' Terms of Reference attached as Annexure B to the report in this regard, and that Section 80 Committees forthwith conduct its roles and responsibilities according to the approved Terms of Reference. (DCS)

3. THAT Council approves Panel for Performance Evaluation Questionnaire for councillors and office bearers as more fully set out in Annexure C attached to the report in this regard, and that performance evaluation be conducted accordingly with effect of the 2021/22 financial year, and the panels be composed as follows -

3.1 the panel for performance evaluation of Section 80 Committees –

- i) the Speaker,
- ii) the Mayor,
- iii) the Chief Whip, and
- iv) the Municipal Manager as administrative support

3.2 the panel for performance evaluation of Section 79 Committees -

- i) the Chief Whip,
- ii) Members of the Whippers Committee,
- iii) the Mayor,
- iv) the Speaker,
- v) the Municipal Manager, and
- vi) Portfolio Councillor of relevant Department.

(DCS)

TORSection79&80Committees_itm

ITEM A.35.31.03.22

STRATEGIC PLANNING REPORT TO COUNCIL (2/5)

REMARK:

When this matter was considered, Cllr E T Sithi proposed, duly seconded by Cllr T T Makamu that the recommendation of the Executive Committee be approved. The proposal was accepted in general and recorded as Council's Resolution herein below.

RESOLVED A.35.31.03.22 (COUNCIL)

THAT Council note the Strategic Planning report attached as Annexure to the report in this regard.

StrategicReport_itm

(MM/ALL DIRS)

ITEM A.36.31.03.22

TOWN-PLANNING: DRAFT INTEGRATED DEVELOPMENT PLAN (IDP): 2022/23-2026/27 (15/8/1)

RESOLVED A.36.31.03.22 (COUNCIL)

THAT Council adopts the 2022/23-2026/27 Draft Integrated Development Plan attached as Annexure to the report in this regard.

DraftIDP2022-23_itm

(MM/ALL DIRS)

ITEM A.37.31.03.22**FINANCES: DRAFT ANNUAL BUDGET 2022/2023 TO 2024/2025 FINANCIAL YEAR
(2022/2023)****RESOLVED A.37.31.03.22 (COUNCIL)**

1. THAT the Draft Capital and Operational Estimates for the 2022/2023 financial year as more fully recorded in **Annexure A** attached to the report in this regard be approved. (CFO)

2. THAT the following draft 2022/2023 financial year's draft budget related policies and By-laws be approved as more fully set out in **Annexure B1 to B22** attached to the report in this regard-
 - 2.1 Virement Policy
 - 2.2 Credit Control and Debt Collection Policy
 - 2.3 Borrowing policy
 - 2.4 Expenditure Management Policy
 - 2.5 Funding and Reserves Policy
 - 2.6 Budget Policy
 - 2.7 Framework for cash flow management
 - 2.8 Asset management policy
 - 2.9 Subsidy for indigent household policy
 - 2.10 Debt written off policy.
 - 2.11 Property Rates Policy
 - 2.12 Supply Chain Management Policy
 - 2.13 Revenue Management Policy
 - 2.14 Travel and Subsistence Policy
 - 2.15 Acquisition and use of Cellular phones Policy.
 - 2.16 Petty cash policy
 - 2.17 Car allowance policy
 - 2.18 Fleet Management policy
 - 2.19 Tariff Policy
 - 2.20 Customer Care Policy
 - 2.21 Contract Management Policy
 - 2.22 Cost Containment Policy

By-Laws

 - 2.23 Makhado Credit Control and Debt Collection By-Laws
 - 2.24 Property Rates By-Law (CFO)

3. THAT the amendment to the contents of the Property Rates By-law, 2021 and the Credit Control and Debt Collection By-law, 2021 be approved as more fully set out in **Annexure B23 and B24** of the report in this regard, and that the necessary promulgation be undertaken after public consultation thereof. (CFO)

4 THAT the increase in 2022/2023 municipal tariffs and charges be approved as more fully set out in the various notices of **Annexure C** attached to the report in this regard, and the necessary promulgation thereof be done in terms of the provisions of Local Government: Municipal Systems Act, 2000. (CFO)

5 THAT it be noted that the Draft 2022/2023 Estimates will after tabling in the Council in terms of section 24 of the Municipal Finance Management Act, be submitted to National Treasury and the Provincial Treasury. (CFO)

Draft Budget2022-2023_itm

5.3 Recommendations of the Section 79 Standing Committee: Municipal Public Account Committee in terms of section 59 (1) of the Local Government: Municipal System Act, 2000 (Act 32 of 2000): March 2022

ITEM A.38.31.03.22

MPAC: REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 1: 2021/22 FINANCIAL YEAR (10/1/6/1)

RESOLVED A.38.31.03.22 (COUNCIL)

THAT the Municipality must continue to implement Council Resolutions. (DCS)

MPACCouncilResolutionImplementationQ1-2021-2022_itm

ITEM A.39.31.03.22

MPAC: REPORTS AND SURVEYS: OUTSTANDING MATTERS: COUNCIL RESOLUTIONS – QUARTER 2: 2021/22 FINANCIAL YEAR (10/1/6/1)

RESOLVED A.39.31.03.22 (COUNCIL)

THAT Finance Department must submit report to the Council on Item A.91, Finance: Assets Management: Assets Write-Off or Disposal, 30 June 2021. (CFO)

MPACCouncilResolutionImplementationQ2-2021-2022_itm

ITEM A.40.31.03.22

ANNUAL REPORT 2020/21: MPAC OVERSIGHT REPORT AND FINAL APPROVAL: SUBMISSION TO DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT (10/1/4/1-8)

RESOLVED A.40.31.03.22 (COUNCIL)

1. THAT it be noted that the Oversight Committee (MPAC) considered the Final Annual Report, 2020/21 and recommends that Council accepts the 2020/2021 Annual Report as more fully set out in its findings attached as Annexure B to this report. (MM/DCS)

2. THAT Council adopts the Oversight Committee's (MPAC) Report dated 23 March 2022 attached as Annexure A to the report in this regard, without any reservation as corrections have been made in line with the MPAC recommendations. (MM/DCS)

3. THAT it be noted that Council's Resolution under this report together with Annexure A be submitted to National Treasury and the MEC of Cooperative Governance, Human Settlement and Traditional Affairs, as well as the Auditor General's Office in the Province as demonstration of municipal performance to its community, as purported in terms of Section 121 of the Local Government: Municipal Finance Management Act, 2003. (MM/DCS)

4. THAT the Final Annual Report will be publicised on the Municipal Website and copies will be made available for collection by members of the public. (MM/DCS)

OversightReportMarch2022_itm

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The meeting was closed and adjourned at 14:45.

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 April 2022.

CHAIRPERSON

MDM/lh/SpecialCouncilMinutes_166