

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SUPPORT AND SHARED SERVICES

MINUTES OF THE NINETY SEVENTH (97<sup>th</sup>) SPECIAL COUNCIL MEETING OF MAKHADO MUNICIPALITY WHICH WAS HELD ON MONDAY, 30 MARCH 2015 IN THE COUNCIL CHAMBER, CIVIC CENTRE, KROGH STREET, MAKHADO AT 14:00.

### PRESENT

#### Councillors

BALIBALI, N P  
BALOYI, N B  
CHILILO, N F  
DAVHANA, N D  
DU PLOOY, A  
GABARA, M J  
HLABIOA, M M  
HLONGWANE, B F  
HLUNGWANI, K A  
KUTAMA, N  
LERULE-RAMAKHANYA, M M  
LUDERE, E H  
LUDERE, R  
LUDUVHUNGU, V S  
MACHETE, M S  
MADAVHU, F F  
MADZHIGA, F N  
MADZIVHANDILA, M R  
MAFHALA, N A  
MAGADA, M R  
MAHANI, M G  
MAHLADISA, S V  
MAKHUBELE, R T  
MAKHUVHA, V S  
MALANGE, R  
MALANGE, T M  
MAMAFHA, T J  
MAMATSIARI, M S  
MAMOROBELA, T P  
MAPHAHLA, A Z  
MAPHALA, O S  
MASHIMBYE, P F

MASUKA, S  
MATHALISE, L M  
MATHOMA, M P  
MATODZI, A M  
MATUMBA, M T  
MATUMBA, N J  
MOGALE, L B  
MPASHE, M  
MTHOMBENI, S Z  
MUDAU, T S  
MUKHAHA, A J  
MUKHARI, M F  
MULOVHEDZI, M D  
MUNYAI, N S  
MUTAVHATSINDI, F D  
NDWAMBI, M T  
NDZOVELA, N G  
NELUVHOLA, N G  
NEMAFHOHONI, M G  
NETSHIVHULANA, T P  
NGOBENI, N E  
NKANYANE, R G  
RATSHIVHOMBELA, M Q  
REKHOTSO, S M  
RIKHOTSO, F J  
SHANDUKANI, M J  
SINYOSI, S M  
THANDAVHATHU, R  
TSHAVHUYO, T G  
TSHILAMBYANA, M S  
UNDERWOOD, J P

#### Traditional Leaders

NONE

#### Officials

M D SINTHUMULE	(ACTING MUNICIPAL MANAGER)
M P MAKHUBELA	(CHIEF FINANCIAL OFFICER)
N C KHARIDZHA	(DIRECTOR CORPORATE SERVICES)
M J KANWENDO	(DIRECTOR COMMUNITY SERVICES)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)

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## 1. OPENING

The Speaker, Cllr L B Mogale ruled that a minute of silence be observed for meditation and prayer, whereafter 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 Dynamic Hub For Socio – Economic Development By 2025"

Mission "To ensure effective utilization of economic resources to address socio- economic imperatives through mining, tourism and agriculture".

## 2. APPLICATION FOR LEAVE OF ABSENCE

RESOLVED –

THAT leave of absence be granted in terms of the provisions of Rule 5 of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Special Council meeting held on 30 March 2015 to Cllrs D T Ratshikuni, M D Mmboyi, N F Mathavha, T C Mamafha and M P Rasimphi.

### REMARK:

The following Councillors and Traditional Leaders were not present at the meeting:

1. Cllrs. R S Baloyi, M P Mazibuko, T A Mmbadi, T M Mutele, M E Malima, S D Ramudzuli and M R Selepe.
2. Hosi M S Bungeni, Khosi S A Mulima, Khosi M C Masakona, Hosi H N Majosi, Hosi J Baloyi, Hosi T J Mukhari, Khosi M W Netsianda, Khosi N T L Mashamba, Khosi T P Nesengani, Khosi T R V Mashau, M A Madzivhandila, Khosi R H Sinthumule, Khosi S T Mukhari and Khosi V C Ramabulana.

## 3. OFFICIAL ANNOUNCEMENTS

- 3.1 The Speaker Cllr L B Mogale, announced that all councillors were invited to attend the Public Participation Programme (Imbizo) scheduled for Wednesday, 1 April 2015 at 10:00 at Denga Sports Ground (Ha-Nthabalala) in Ward 19.
- 3.2 The Speaker Cllr L B Mogale, announced that all councillors were invited to attend the Moral Regeneration Movement Campaign scheduled for Tuesday, 31 March 2015 at 10:00 at Dzanani Community Hall in Ward 35.
- 3.3 The Speaker Cllr L B Mogale, announced that all councillors were invited to attend the Mayoral Sports Tournament which will take place on Good Friday, 3 April 2015 at Ha-Rabali Stadium at 09:00.

## 4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER

None

## 5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS

- 5.1 Cllr S Z Mthombeni proposed condolences to the bereaved family of the late Ms Judith Mabasa, who was a member of the Ward Committee in Ward 14. She would be buried on Sunday, 5 April 2015.
- 5.2 Cllr T G Tshavhuyo proposed congratulations to the African National Congress Party for arranging a successful National Executive Committee meeting at Cape Town.

- 5.3 Cllr M Mpashe proposed congratulations to Cllr A du Plooy for being elected as Provincial Treasurer of the Democratic Alliance (DA) party.
- 5.4 Cllr F F Madavhu proposed condolences to the family of Ngobeni of Nzhakanhaka village whose house was burnt to ashes, fortunately there were no injuries.
- 5.5 Cllr V S Luduvhungu proposed congratulations to Ms Nyamuladelo Mashamba of Ha-Rathidili who celebrated 104 years of age on Saturday, 28 March 2015. She further congratulated Cllr M S Mamatsiari who attended the celebration.
- 5.6 Cllr M P Mathoma proposed congratulations to Makhado Municipality for arranging a successful Save Children Dialogue at Vuwani Community Hall on Saturday, 28 March 2015.
- 5.7 Cllr N D Davhana proposed condolences to the bereaved family of the late Comrade Charles Mabogo of Madombizha who passed away on 20 March 2015. The funeral was held on Sunday, 29 March 2015.
- 5.8 Cllr F D Mutavhatsindi proposed congratulations to the Council of Makhado Municipality and its Administrative Component for the trophy awarded by SALGA Provincial Office for obtaining an Unqualified Audit Opinion for 2013/2014 financial year.
- 5.9 Cllr J P Underwood proposed congratulations to Liesl Lurie for being crowned Miss South Africa 2015 at a ceremony held at Sun City on Sunday, 29 March 2015.

## 6. **MATTERS CONSIDERED:**

### **6.1 Resolutions of the Council in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000): 97<sup>th</sup> Special Council Meeting: 30 March 2015**

#### **The report of the 368<sup>th</sup> Executive Committee meeting held on 27 March 2015**

#### **ITEM A.13.30.03.15 (originally A.13.26.03.15)**

#### **LEGISLATION: DRAFT ELECTRICITY SUPPLY BY-LAWS, 2015 (1/3/15/2)**

#### **RESOLVED A.13.30.03.15 (COUNCIL) –**

1. THAT the Executive Committee submits this report as its proposal to introduce a draft by-law on Electricity Supply to Council in terms of Rule 3 of the Council's Rules and Orders. (DCS)
2. THAT Council provisionally adopts the Draft Electricity Supply By-laws, 2015 and it be advertised for at least 30 calendar days for public comments. (DCS)
3. THAT the Municipal Manager as soon as possible after the closing date for public comments submit a report to the Executive Committee in accordance with Rule 6 of the Council's Rules and Orders, and the Executive Committee make a recommendation to Council. (DCS)

**ITEM A.14.30.03.15 (originally A.14.26.03.15)****LEGISLATION:**

1. **ABATTOIR BY-LAWS, 1989: REPEAL**
2. **DRAFT ABATTOIR BY-LAW, 2012: REVOKE RESOLUTION (1/3/2/1)**

RESOLVED A.14.30.03.15 (COUNCIL) -

1. THAT it be noted that there is no need to approve an Abattoir By-law as the Municipality does not own a municipal abattoir and it is also not a power and function of municipalities to operate an abattoir in terms of the provisions of the Structures Act, No 117 of 1989.  
(DCS)
2. THAT the Abattoir By-law promulgated under Municipal Notice 56 of 1989 in the Provincial Gazette dated 20 December 1989, be repealed with effect of the date of promulgation of the notice herein in the Provincial Gazette Limpopo.  
(DCS)
3. THAT the Draft Review Abattoir By-law, 2012 need not be processed any further and Council Resolution A.189.13.12.12 be revoked.  
(DCS)

RepealAbattoirBylaws\_itm

**(REMARK:** Item A.15.30.04.15 to item A.16.30.04.15 will be considered at the 75<sup>th</sup> ordinary Council meeting scheduled to be held on 30 April 2015)

**(REMARK:** Item A.17.23.02.15 to A.18.23.02.15 was already considered at the 95<sup>th</sup> Special Council meeting held on 23 February 2015)

**(REMARK:** Item A.19.30.04.15 to item A.23.30.04.15 will be considered at the 75<sup>th</sup> ordinary Council meeting scheduled to be held on 30 April 2015)

**(REMARK:** Items A.24.11.03.15 to A.26.11.03.15 was considered at the 96<sup>th</sup> Special Council meeting held on 11 March 2015)

**ITEM A.27.30.03.15 (originally A.27.26.03.15)**

**REPORTS: ADJUSTED 2014/15 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (10/1/4/1; 10/1/2)**

RESOLVED A.27.30.03.15 (COUNCIL) -

1. THAT Council approves the 2014/15 Adjusted Service Delivery and Budget Implementation Plan in line with section 54 (1) (c) of the Municipal Finance Management Act, 2003 as submitted by the Municipal Manager.  
(ALL DIRS/MM)
2. THAT in future administration must distribute the SDBIP by email to councillors so that the contents of SDBIPs are more legible.  
(DCS/MM)

RevisedSDBIP-itm

**ITEM A.28.30.03.15 (originally A.28.26.03.15)****PERFORMANCE MANAGEMENT: DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS: 2015/16 FINANCIAL YEAR  
(10/1/4/1; 10/1/2)**

RESOLVED A.28.30.03.15 (COUNCIL) -

THAT Council takes note of the Draft Service Delivery and Budget Implementation Plan for the 2015/16 financial year, attached to the report in this regard as Annexure A. (ALL DIRS)

DraftSDBIP2015-16\_itm

**ITEM A.29.30.03.15 (originally A.29.26.03.15)****PERSONNEL: 2015/2016 DRAFT ORGANISATIONAL STRUCTURE REVIEW  
(5/1/2/1-10)**

RESOLVED A.29.30.03.15 (COUNCIL) -

THAT Council provisionally approves the 2015/2016 Draft Organisational Structure, attached to the report in this regard as Annexure A, to enable consultation at the Local Labour Forum, with the following proposals -

1. The posts of Secretary (Office of the Mayor) and Secretary (Office of the Speaker) be graded on post level 7 and be renamed Executive Secretary.
2. In regard to the post of Protection Officer (Office of the Mayor) benchmarking of the post level be performed and the outcome be submitted at the first following Executive Committee meeting.

Organogram2015-2016\_itm

(DCS)

**ITEM A.30.30.03.15 (originally A.30.26.03.15)****FINANCES: DRAFT CAPITAL AND OPERATIONAL ESTIMATES 2015/2016 TO 2017/2018 FINANCIAL YEAR  
(6/1/1 (2015/2016))****REMARK:**

When this matter was considered, Cllr N S Munyai proposed, duly seconded by Cllr N F Chililo that the INEP grant allocation be used to electrify also the Municipal distribution licensed area. The proposal was accepted in general and recorded accordingly as Council's Resolution herein below.

RESOLVED A.30.30.03.15 (COUNCIL) -

1. THAT the Draft Operational and Capital Estimates for the 2015/2016 financial year as more fully recorded in Annexure A and Annexure B attached to the report in this regard be approved and that the Accounting Officer proceeds with the publication of the Draft Annual Budget as purposed in section 22 of the Municipal Finance Management Act 56 of 2003, with the following amendments –

- 1.1 the project for establishment of waste drop-off points at Tshimbupfe and Bungeni villages be deleted and the project of fencing of a number of eight (8) cemeteries, i.e.

two (2) per region, be included in its stead as projects in the 2015/16 Estimates and funds be provided for such expenditure. (CFO/MM/DTS)

1.2 the INEP grant allocation be used to electrify also the Municipal distribution licensed area. (CFO/DTS)

2. THAT the following 2015/16 to 2017/18 financial years' budget related policies and By-law be approved as more fully set out in **Annexure C1 to C19** attached to the report in this regard-

Policies

- 2.1 Virement Policy
- 2.2 Credit Control and Debt Collection Policy
- 2.3 Tariff Policy Free Basic Services
- 2.4 Borrowing Policy
- 2.5 Expenditure Management Policy
- 2.6 Funding and Reserves Policy
- 2.7 Budget Policy
- 2.8 Framework for Cashflow Management
- 2.9 Asset Management Policy
- 2.10 Investment Policy
- 2.11 Subsidy for Indigent Household Policy
- 2.12 Writing Off Irrecoverable Debt Policy
- 2.13 Property Rates Policy
- 2.14 Supply Chain Management Policy
- 2.15 Revenue Management Policy
- 2.16 Travel and Subsistence Policy
- 2.17 Petty Cash Policy

By-Laws

- 2.18 Property Rates By-Law, 2015
- 2.19 Credit Control and Debt Collection By-laws, 2015

Subject to the following amendments:

- (i) On page 74 of the Draft Amended Credit Control and Debt Collection Policy, Section 4.13.2 to 4.13.4 be removed from the Policy.
- (ii) On page 81 of the Draft Amended Credit Control and Debt Collection Policy, Section 16 "2 months" be replaced by "90 days and above".
- (iii) On page 75 of the Draft Amended Credit Control and Debt Collection Policy, Section 4.14.1, the word "must" be replaced by the word "may"

And such amendments also apply for the By-laws mutatis mutandis. (CFO)

3. THAT the amendment to the contents of the Property Rates By-law, 2008 and the Credit Control and Debt Collection By-law, 2014 be approved as more fully set out in Annexure C of the report in this regard, and that the necessary promulgation be undertaken after public consultation thereof. (CFO)
4. THAT the increase in municipal tariffs and charges be approved as more fully set out in the various notices of Annexure D to this report, and the necessary promulgation thereof be done in terms of the provisions of Local Government Legislation. (CFO)
5. THAT it be noted that the 2015 /2016 Estimates will after approval by the Council in terms of section 22 of the Municipal Finance Management Act, be submitted to National Treasury and the Provincial. (CFO)

DraftBudget2015-2016\_itm

#### **ITEM A.31.30.03.15**

#### **COUNCIL COMMITTEES: COMPOSITION OF SECTION 79 AND SECTION 80 COMMITTEES: REVIEW (4/B)**

##### **REMARK:**

1. When this matter was considered, Cllr N E Ngobeni proposed, duly seconded by Cllr R Ludere that Cllr T G Tshavhuyo be a member of Section 80 Portfolio Committee Technical Services, Cllr R S Baloyi be a member of Section 80 Portfolio Committee: Community Services, Cllr P F Mashimbye be a member of Section 80 Portfolio Committee: Corporate Services and Cllr T P Mamorobela be a member of Section 79 Woman's Caucus. The proposal was accepted in general and recorded as Council's Resolution herein below.
2. Cllr R Ludere proposed, duly seconded by Cllr. N E Ngobeni that Cllr R Malange be replaced by Cllr N J Matumba as Council's Representative in Vhembe District. The proposal was accepted in general and recorded as Council's Resolution herein below.

#### **RESOLVED A.31.30.03.15 (COUNCIL) -**

1. THAT Councillors be appointed as follows:

<b>COMMITTEE</b>	<b>COUNCILLORS</b>	<b>DELETE FROM</b>
<b>Section 80 Committee</b>		
Technical Services	Cllr T G Tshavhuyo	Finance
Community Services	Cllr R S Baloyi	Corporate Services
Corporate Services	Cllr P F Mashimbye	Community Services
<b>Section 79 Committee</b>		
Woman's Caucus	Cllr T P Mamorobela	Planning, Economic Development, Tourism & Traditional Affairs

2. THAT Cllr R Malange be replaced by Cllr N J Matumba as Council's Representative in Vhembe District, and Vhembe District Municipality (VDM) be notified accordingly. (DCS)

ReviewCommittees\_itm

**ITEM A.32.30.03.15**

**TOWN-PLANNING AND CONTROL: DRAFT INTEGRATED DEVELOPMENT PLAN REVIEW 2015/2016**

**(15/7/1, 15/8/1 & 6/1/1(2014/15))**

RESOLVED A.32.30.03.15 (COUNCIL) -

THAT the Draft Integrated Development Plan (IDP) for the 2015/16 financial year be approved upon which public comments be invited in respect of the 2015/16 Draft Estimate, with the following amendments -

1. The housing project for Mandiwana and Ha-Rabali be considered for possible inclusion in the IDP and Draft Estimates for 2015/16, and be submitted to the Department of Cooperative Governance, Human Settlement and Traditional Affairs as one of the priorities of Makhado Municipality for 2015/16.
2. The project Roads and Bridges and Stormwater be extended to include Sibudi to Vyeboom, Gombita Mandla Fishoil, Xitasini to Jeweni access roads.

DraftIDP2015-2016\_itm

(MM/DDP)

**ITEM A.33.30.03.15**

**COUNCIL COMMITTEES: APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE MEMBERS**

**(4/11/1)**

RESOLVED A.33.30.03.15 (COUNCIL) -

1. THAT it be noted that the existing contracts between Makhado Municipality and the Audit Committee members have expired on the 28<sup>th</sup> of February 2015. (MM)
2. THAT Ms Badimo AMM, Dr J J Zaaiman, Mr N S Matenzhe, Mr. V D Ramuedzisi and Mr. M Ramabulana, because of their qualifications and appropriate experience be appointed to serve as the Council of Makhado Municipality's Audit and Performance Audit Committee members to comply with Local Government: Municipal Finance Management Act, 2003 (No 56 of 2003) (Chapter 14, Section 166) and Municipal Planning and Performance Management Regulations, Regulation 14 (2) (a) and (c). (MM)
3. THAT Dr Zaaiman J J be appointed as the chairperson of the Committee because he has previously served in Makhado Municipality's Audit Committee as member and he understands the municipality's environment. (MM)



4. THAT the Audit and Performance Audit Committee members be appointed for a period of thirty six (36) months with effect from the date of Council Resolution. (MM)
5. THAT Committee members be remunerated for preparation and attendance of meetings according to the National Treasury Regulations that regulate the remuneration of commissions and committees and also be reimbursed for expenses incurred for attending audit committee meetings. (CFO)
6. THAT members who hold the highest professional qualifications in their field be remunerated in line with the Auditor General (SA) rates for a maximum of five (5) hours per meeting including preparation. (CFO)
7. THAT the Audit and Performance Audit Committee must commence with its oversight functions with effect from the date on which members accepted their appointment in writing. (MM/CFO)
8. THAT the Audit and Performance Audit Committee members must sign a service level agreement from date of acceptance of appointment. (DCS)

AppointmentAuditComMembers\_itm

### CONFIDENTIAL

#### ITEM CA.34.30.03.15

**JUDICIAL MATTERS: OUTCOME ON THE MATTER BETWEEN THE CHAIRPERSON'S ASSOCIATION AND THE MINISTER OF ARTS AND CULTURE AND FOUR OTHERS: NAME CHANGE OF LOUIS TRICHARDT TO MAKHADO (16/5/4 & 13/1/1)**

RESOLVED CA.34.30.03.15 (COUNCIL) -

1. THAT Council accepts the Legal Opinion secured in terms of Council Resolution A.170.13.11.14 attached as Annexure A to the report in this regard and approves the application for rescission of the consent judgement. (DCS)
2. THAT a meeting between the Minister of Arts and Culture, the MEC for Arts and Culture and Makhado Municipality's delegation led by the Mayor, be expedited. (DCS)

NameChange\_itm

**ITEM A.35.30.03.15****LEGISLATION: REVIEW OF BUILDING REGULATIONS BY LAWS, 2013  
(1/3/8/1)**

RESOLVED A.35.30.03.15 (COUNCIL) -

THAT Council approves the amendments to the Building Regulations By-Laws, 2013 promulgated under Government Gazette Notice Number 2332 dated 19 March 2013, whereby clause 8.1 to 8.7 were not numbered, by inserting same as an amendment to the Building Regulations By-Laws, 2013.

ReviewBuildingRegulationsBylaw\_itm

(DCS)

**ITEM A.36.30.03.15****LEGISLATION: REVIEW OF CEMETERIES BY LAWS, 2012  
(1/3/4/2)**

RESOLVED A.36.30.03.15 (COUNCIL) -

THAT Council approves in principle the amendments to the Cemeteries By-Laws, 2012 where after a public consultation process should take place.

ReviewCemeteriesByLaw\_itm

(DCS)

**ITEM A.37.30.03.15****REPORTS: AUDIT AND PERFORMANCE AUDIT COMMITTEE: PROGRESS REPORT  
Q1, Q2 AND Q3: 2014/2015 FINANCIAL YEAR  
(4/11/1)**

RESOLVED A.37.30.03.15 (COUNCIL) -

1. THAT the report of the Audit and Performance Audit Committee for the period 1 July 2014 to 30 September 2014, 31 December 2014 and 31 March 2015 be noted. (MM)
2. THAT Council ensures that the recommendations of the Audit and Performance Audit Committee are implemented by administrative management. (MM)

ReportAuditCommittee\_itm

**ITEM A.38.30.03.15****LETTER: REPORT OF THE AUDITOR GENERAL FOR THE YEAR ENDED 30 JUNE 2014  
(6/13/2/1)**

RESOLVED A.38.30.03.15 (COUNCIL) -

1. THAT the letter dated 18 March 2015 and/or report of the Auditor-General for the year ended 30 June 2014 containing details of the focus, findings successfully addressed, findings that requires attention, significant deficiencies in internal controls, and non-compliance with legislations and recommendation made in the interest of further improvements be noted.

(MM)

2. THAT quarterly key control engagements in terms of implementation of these recommendations be made by all assurance providers. (MM)

LetterAuditorGeneral\_itm

**ITEM A.39.30.03.15**

**PUBLICITY: ANNUAL REPORT 2013/14: MPAC REPORT AND FINAL APPROVAL: SUBMISSION TO DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT (10/1/4/1-8)**

RESOLVED A.39.30.03.15 (COUNCIL) -

1. THAT it be noted that the Oversight Committee (MPAC) considered the Draft Annual Report, 2013/14 and that Council accepts it as more fully set out in its report of findings attached as Annexure A. (DCS/MM)
2. THAT Council adopts the Oversight Committee's (MPAC) Report dated 18 March 2015 together with Annexure B, as amended by the Oversight Committee, as its Final Annual Report 2013/2014. (MM)
3. THAT it be noted that Council's Resolution under this report together with annexures will be submitted to National Treasury and the MEC of Cooperative Governance Human Settlement and Traditional Affairs for submission to the Minister of Cooperative Governance and Traditional Affairs, as well as the Auditor General's Office in the Province as Makhado Local Municipality's demonstration of municipal performance to its community, as purported in terms of Chapter 12 of the Local Government: Municipal Finance Management Act, 2003. (MM)
4. THAT Council approves the final Annual Report 2013/2014 without reservation. (MM)

OversightReportMarch2015\_itm

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The meeting was closed and adjourned at 15:18.

Approved and confirmed in terms of the provisions of Clause 34 of the Rules and Orders, 2007 promulgated in Provincial Gazette No. 1391 of 31 August 2007 under Local Authority Notice 228, by a resolution of the Council passed at the meeting held on 30 April 2015.

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**CHAIRPERSON**

MDM/lh/SpecialCouncilMinutes\_97