

MAKANA MUNICIPALITY

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER ON WEDNESDAY, 02 NOVEMBER 2016 AT 09H00

PRESENT:

Clr. N. Gaga - Executive Mayor
Clr. Y. Vara - Speaker
Clr. T. F Bruintjies
Clr. C. Clark
Clr. B. Fargher
Clr. M. Fatyi
Clr. T. Gaushe
Clr. M. Gojela
Clr. D. B. Holm
Clr. B. Jackson
Clr. M. Khubalo
Clr. E. Louw
Clr. X. G. Madyo
Clr. N. Masoma
Clr. M. Matyumza
Clr. P. Matyumza
Clr. A. J. Meyer
Clr. M. Moya
Clr. L. Nase
Clr. M. A. Nhanha
Clr. L. Sakata
Clr. T. Seyisi
Clr. S. Sodladla
Clr. M. R. Xonxa
Clr. N. Pieters

IN ATTENDANCE:

Acting Municipal Manager (Mr. M. Planga)
Chief Financial Officer (Ms N. Siwahla)
Acting Dir. Corp & Shared. Serv (Mr. E. Mager)
Dir: Eng & Infr. Serv. (Mr. D. Mlenzana)
Dir: Local Eco. Dev & Planning (Ms. R. Meiring)
Legal Manager (Mrs. Mbanjwa)
Manager: Town Planning (Mr. van der Merwe)
Operations Manager: (Mr. Ngandi)
Manager: Support Services (Mr. Ganza)
Act Manager: Alicedale (Mr. Smile)
Manager: Riebeeck East (Ms. Kulati)
Rural Development Officer: (Mr. Madinda)
Communications Officer (Mrs. Ramakolo)
Committees: (Ms. L. Faltein)

ABSENT

Clr. M. Qotoyi

Clr. N. Mthwa

C 1

OPENING

The Speaker after greeting the Executive Mayor, all members of the Mayoral Committee, all Councillors, the acting Municipal Manager and officials, members of the public and the Media welcomed everyone. She thereafter made the following statement:

“It is appropriate to remind the house that this is an Ordinary Council meeting and as such we will have to consider and discuss all the items that necessitated this ordinary seating of Council. Let me also take this opportunity to tender a special apology on behalf of this Council for the Council meeting that was due to seat on the 26th of October 2016 and was subsequently postponed. This was largely due to the induction of the new Councillors. I know such a change of date affected the whole schedule of all other Council meetings. There was also a Provincial Speakers’ Workshop that was organised by the Speaker of the Eastern Cape Legislature Honourable Mama Noxolo Kievit that we had to attend as the Speakers of all the Municipalities in the Province.

I thought that I must also start these opening remarks by pointing out some pertinent issues that I have been observing and they have become a cause for great concern for me. A municipality is a public institution. The public are our employers. The Councillors as well as the officials. We are therefore here to serve the public at all times. From eight o’clock to half-past four in the afternoon. But how many times have I come into the main Administration building and all the offices are closed with officials gone out to lunch. I have observed the same practise is happening at DTIS. In essence **the municipality shuts down during the lunch hour**. This does not make sense because it is exactly during that time of the day when a lot of our clients are on lunch and they use that time to come to the municipality seeking our services. **This must come to an immediate stop**. From now on one or two officials should be remaining behind during the lunch hour to serve our people. Thus a rotational system on how the officials should take their lunch must be worked out and introduced. **Acting Municipal Manager may you facilitate such an initiative as a corrective measure**.

The other matter that is of great concern to many of us is the poor supervision and the subsequent abuse of overtime. Council took a clear decision on overtime with an intent to reduce it. But according to the latest report the expenditure on overtime has reached high and unacceptable proportions. This can only be an indication that supervisors and managers are not properly managing overtime. Thus they are failing the Council on its decision to reduce overtime. **A breakdown by Directorate and Unit on overtime expenditure must be submitted to the next Council in order for Council to ascertain which Directorate is not properly managing overtime**.

This brings me to another matter that is really reflecting badly on the municipality. Which is the abuse of the municipal property. Not that all the others are not serious but **the abuse of municipal vehicles must come to an end**. This does not only happen during day but right into the dead of night. With some of the drivers allegedly drunk. Council should be receiving an **update report on what is happening to reported cases**.

Can I also be informed as to what most of our **staff are doing most of the day all over the town during the pay day**. The pay day is a normal working day. It should be treated as such.

Then you have the unacceptable state of most of our halls. Is it because of the financial challenges we are facing or is it just share neglect by the people responsible for them. Surely **the halls must be cleaned and be made user-friendly**. In the same breath let me applaud all the workers who are doing their work dedicatedly. Keep up the good work.

On that not allow me to move on to what needs to be done by us as Councillors. The starting point for me is the implementation of Back-2-Basics programme. Councillors are encouraged to fully comply with the obligation of calling and seating meetings with their constituencies. The expressed, identified, and prioritised needs of the people must be what is driving the IDP of the municipality. We are about service delivery hence we talk about developmental municipalities. Putting people first.

We have in the meanwhile started with the election of Ward Committees. It has not been easy. The high rate of unemployment in Makana has affected the process in a rather worrisome manner. Our people see the process more as an opportunity to receive a stipend more than rendering a vital service to their community. As a result there is too much jostling about who must serve in the Ward Committee. It is however befitting for me to pass a sincere word of gratitude and appreciation to the Councillors and officials who have been working tirelessly to make it a point that the Ward Committees are established. Even if the Ward Committees have been established, it is clear that in most cases people did not have clear indication of what the Ward Committee is and that must be available 24/7 to serve the people of its area all the times. The Ward Committee member is there to assist the councillor all the time especially in the areas that the ward councillor cannot reach at a certain time.

I also need to remind Council about the Masiphathisane programme. The programme was launched at the newly-merged municipality, Dr Beyers Naude Local Municipality. The programme will be set up in each and every municipality under the Sarah Baartman District Municipality. The second municipality in which the programme will be set up will be the Makana Municipality. Such an initiative will need every possible support from the Councillors. Therefore fellow Councillors I urge you to render the necessary support. On the 8th of November there will be a training conducted by the OTP on Masiphathisane, all Stakeholders are invited and all Cllrs are expected to be there.

From the 31st October to the 1st of November 2016 there was a SALGA Provincial Assembly. We hope that all the resolutions that were taken will be implemented accordingly and within the timeframes agreed upon. This should be a collaborative effort comprising of the politicians, senior and middle management down right to the junior staff. I wish to congratulate the Executive Mayor of Sarah Baartman District Municipality for her election to serve in the NCOP and the Speaker as one of the Deputy Chairs of this Province.

Of importance also is for us as a **new Council to be able to set out a clear programme of action containing what we have set ourselves to do during the first 100 days in office.** This will then be reported on when the appropriate timeframe has been reached.

I cannot emphasise more the fact that all the challenges facing our municipality need all of us to put our shoulder to the wheel. And service delivery is the responsibility of every one of us.” She thereafter declared the meeting open.

C 2

STATEMENT BY THE EXECUTIVE MAYOR

The Executive Mayor welcomed everyone in the meeting and made the following statement:

“Madam Speaker, Makana Municipality is in financial constraints. We are the government, no other institution should govern on our behalf. We therefore have a responsibility to explore new sources of revenue to maximise revenue generation (Short term and Long term strategy).

Madam Speaker, a Revenue Enhancement Committee was established in January this year. All Directorates have a role to play in raising revenue. The Executive Mayor, Mayoral Committee members and the leader of the caucus of the opposition are represented at this meeting. REVCO is responsible for assisting the Municipality with raising revenue and is also represented.

Some of the issues that were facilitated through the committee are:

- a) Issues with Meter Readers were addressed through numerous meetings and drafting target for meter readers.
- b) Analysing debtors’ information revealed that 47% of the total debt of R325 million is recoverable. Deceased/Estates accounts for R71 million or 23% of the debt. I have asked for an item to be submitted to Council to address impairment losses. Indigents and those identified as potential indigent account amounts to R36, 5 million or 13%. I have tasked the Budget and Treasury Office to undertake a critical review of the policy frameworks that govern the administration of indigent support so as to significantly improve access to free basic services, whilst limiting the cost exposure associated with households consuming in excess of the defined subsidised service levels.

It is evident from the aforementioned that apart from writing-off impairment losses as prescribed in the MFMA, a meter audit of both water and electricity meters are essential. This was confirmed by the three day session that was held with the revenue section and infrastructure, facilitated by the Presidential Infrastructure Coordinating Committee to improve revenue collection. Submissions are considered to implement the meter audit. Auditing of meters in apartment blocks have commenced.

- c) At the session facilitated by the PICC it also became evident that billing of bulk users should be investigated and improved. With the implementation of the new financial system these users are already billed for real time use of electricity which will assist the Municipality in terms of penalties when the National Maximum Demand is exceeded. Submissions were submitted to improve metering of the bulk users and these must be finalised.
- d) Debt owned by government departments’ total arrears 2014/15 R 20 211 263 as opposed to debt 2015/16 R 14 450 603. The outstanding arrear account for Government Departments amount to R 9 576 077. EC Treasury was already asked to arrange a

meeting with government departments to collect the arrear amounts. A meeting with Provincial Public Works was held on 21 October 2016 aimed at resolving the arrear balances. The Budget and Treasury Office will be attending to key actions and resolutions emanating from the meeting.

- e) Staff debt was reduced from R606 414.76 to R284 653.97. Payment plans were entered into with relevant staff. Unfortunately for some staff the payment plan exceeds three months because if the norm of three months were applied, the amount to be paid back is bigger than the salary earned by a staff member.
- f) A meeting took place on 26 October 2016 with NERSA to determine the tariff that Waainek should be charged for wheeling power through the Makana network. It is expected that Waainek will receive an account retrospectively to October 2015 for wheeling energy through the Makana network.
- g) The collection rate on the potentially collectable accounts has increased from 65% in the previous financial year to 79.5 % in the 2015/16 financial year.
- h) Encouragingly the first quarter performance for 2016/2017 (July 2016- Sept 2016) has seen the overall collection rate on collectable and non- collectable debts increase by 22.14% in the three months under review, increasing from an average of 53.32% (July 2015 – Sept 2015) to an encouraging average of 75.46% for the period (July 2016- September 2016); this performance bears testament to our resolve to improve the overall collection rate of potentially collectable debts to a target band of 85% - 95% within the 2016/17 fiscal year.
- i) Of the top 20 biggest debtors that amounted to R6 825 721.86 the municipality managed to collect R3 103 128.99. This was possible through negotiation and litigation.
- j) During 15/16 financial year 3 531 formal section 129 notices (demand letters) were served on debtors for their failure to pay arrear debts; the implications of these notices were to communicate Council's intention to restrict electricity supply to sites wherein Council is the servicing authority, and to communicate Council's intention to list defaulters on the credit bureaus, and commence legal actions.
- k) R 47 796 807 was collected during the course of 2015/2016 exclusively in the form of repayment plans successfully negotiated.
- l) REVCO has seconded an additional accountant to the Municipality at no extra cost to assist with data cleansing and arrear accounts. To prevent the prescription of services debt, REVCO is now also working on accounts overdue for 60 days to improve the overall collection rate whilst Council attends to the resourcing of an internal credit control unit to focus on maintaining accounts on current.
- m) Although a decrease is not reflected in the total debt as yet, in reality the total debt did decrease when considering interest. The total debt in 2015/16 is R306 775 298 and in 2014/15 it was R 296 178 300, representing a nett increase of R 10.5 million, which is

significantly less than the increase in debts incurred in the previous financial year of R 50 758 949, which saw debts increase from R 245 419 351 as at June 2014 to R 296 178 300 in June 2015 (comparative period).

Madam Speaker, the Municipality has embarked on R110m fundraising project to pay its creditors with the following projects:

- Reviving all lease contracts and ensure monthly payments are received
- Wind farm Projects
- Disconnections: Illegal Electricity
- Going Paperless
- Implementations of controls on Fleet and Overtime

Madam Speaker we must strive for a sustainable financial solution for the Municipality to survive.”

C 3

OFFICIAL ANNOUNCEMENTS BY THE ACTING MUNICIPAL MANAGER (MM)

Nil.

C 4

ANY PRESENTATION BY OUTSIDE BODIES

Nil.

C 5

APPLICATIONS FOR LEAVE OF ABSENCE (WRITTEN APOLOGIES)

Nil.

C 6

DISCLOSURES OF INTEREST (BY ANY MEMBER ON ANY ITEM THAT FORMS PART OF THE AGENDA)

Ms. R. Meiring – item C9.9. Shortlisting and Interview panels for the position of the Municipal Manager and the Director: Corporate and Shared Services.

C 7

MINUTES OF THE PREVIOUS COUNCIL MEETINGS:

C7.1

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 JUNE 2016

The Council **RESOLVED** THAT the minutes of the Ordinary Council meeting held on 24 June 2016 be CONFIRMED subject to the following correction:

- a) Under C1 (Opening Statement – Speaker) the word “accept” be corrected to “except”.

C7.2

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 22 JULY 2016

The Council **RESOLVED** THAT the minutes of the Special Council meeting held on 22 July 2016 be CONFIRMED.

C7.3

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 29 JULY 2016

The Council **RESOLVED** THAT the minutes of the Special Council meeting held on 29 July 2016 be CONFIRMED.

C7.4

MINUTES OF THE FIRST COUNCIL MEETING HELD ON 18 AUGUST 2016

The Council **RESOLVED** THAT the minutes of the First Council meeting held on 18 August 2016 be CONFIRMED subject to the following corrections:

- a) Under FCM 4.5 (NOTED) the word “we” be corrected to “were”.
- b) Under FCM 4.13 the resolution be corrected to read as follows “The Council **NOTED** the report on the allocation of seats for Makana Municipality”.
- c) THAT a follow up be made on the matter of the allocation of seats for Makana Municipality.

C7.5

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 31 AUGUST 2016

The Council **RESOLVED** THAT the minutes of the Special Council meeting held on 31 August 2016 be CONFIRMED.

C7.6

MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 15 SEPTEMBER 2016

The Council **RESOLVED** THAT the minutes of the Special Council meeting held on 15 September 2016 be CONFIRMED.

C7.7

MINUTES OF MAYORAL COMMITTEE MEETING HELD ON 19 OCTOBER 2016 (FOR NOTING)

The Council **NOTED**:

- a) The minutes of Mayoral Committee meeting held on 19 October 2016.
- b) The Executive Mayor statement will be resubmitted and be corrected at the next Mayoral Committee meeting.
- c) Corrections in the Mayoral Committee minutes will be made in the next Mayoral Committee meeting.

C8

ACTION SHEETS

C8.1

ACTION SHEET OF THE ORDINARY COUNCIL MEETING HELD ON 24 JUNE 2016

CONSIDERED:

Report dated 23 October 2016 from the acting Municipal Manager

The Council **NOTED**:

- a) An amount of R106 million was received to start performing the duties on the landfill site.

The Council **RESOLVED**:

- a) THAT the action sheet of the Ordinary Council meeting held on 24 June 2016 be APPROVED.
- b) THAT a full report on the amount received for landfill site be submitted to the next Council meeting.

C8.2

ACTION SHEET OF THE SPECIAL COUNCIL MEETING HELD ON 22 JULY 2016

The Council **NOTED**:

- a) Item SC 7.6. Progress report in implementation of the Kabuso Internal Audit Investigation report. The Council noted that there is no progress on the Kabuso Internal Audit Investigation.
- b) Item SC8.2. Disposal of Electrical Inventory items. The Chief Financial Officer has arranged with Supply Chain Management Unit to appoint a regulated Service Provider who is regulated to dispose the electrical inventory items.

The Council **RESOLVED**:

- a) THAT the action sheet of the Special Council meeting held on 22 July 2016 be APPROVED.
- b) THAT the acting Municipal Manager make a follow up on the Kabuso Internal Audit Investigation and submit a progress report.

C8.3

ACTION SHEET OF THE FIRST COUNCIL MEETING HELD ON 18 AUGUST 2016

The Council **RESOLVED** THAT the action sheet of the First Council meeting held on 18 August 2016 be APPROVED.

C8.4

ACTION SHEET OF THE SPECIAL COUNCIL MEETING HELD ON 31 AUGUST 2016

The Council **NOTED** any Councillor who does not have a computer in their office should visit the officer of the Speaker.

The Council **RESOLVED** THAT the action sheet of the Special Council meeting held on 31 August 2016 be APPROVED.

C 9.1

FRUITLESS AND WASTEFULL EXPENDITURE IDENTIFIED FOR 2016/17

CONSIDERED:

Report dated 21 October 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the report of Fruitless and Wasteful expenditure amounting to R713 711.19 identified during the first quarter of 2016/17 be **CONDONED** and the amount be written off.

C 9.2

OVERTIME PAID OUT FOR THE PERIOD 1 JULY 2016 TO 30 SEPTEMBER 2016

CONSIDERED:

Report dated 21 October 2016 from the acting Municipal Manager.

The Council **NOTED:**

- a) The report on overtime paid for the first quarter of 2016/17.
- b) The political leadership should meet with labour unions leadership to discuss measures on how to curb overtime.
- c) The overtime budget for the year has been exceeded.

The Council **RESOLVED:**

- a) THAT the report on the implementation and measures of the moratorium on overtime resolution taken by Council on 24 June 2016 be submitted to the next Mayoral Committee and Council meetings.
- b) THAT Directors submit reports on how they are managing and how to curb overtime in their respective Directorates to the next Mayoral Committee and Council meetings.

C 9.3

IMPLEMENTATION REPORT FOR MSCOA – 1ST QUARTER

CONSIDERED:

Report dated 21 October 2016 from the acting Municipal Manager.

The Council **NOTED** the mSCOA progress report for the implementation of the mSCOA regulations.

C 9.4

SUPPLY CHAIN MANAGEMENT 1ST QUARTER REPORT

CONSIDERED:

Report dated 21 October 2016 from the acting Municipal Manager.

The Council **NOTED:**

- a) The deviation report.
- b) In the fuel and diesel usage report for the 1st quarter, vehicle E19 appears in both for fuel and diesel consumption.
- c) In the report under “Assets and Acquisition and Inventory Management report” recommendation 2 be deleted.
- d) On an annual basis an advert is placed inviting all the suppliers to update their information at Finance Directorate.

The Council **RESOLVED** THAT training on Supply Chain Management procedures be organized for Suppliers through the Local Economic Development Directorate.

C 9.5

APPLICATION FOR WRITE OFF OF PRESCRIBED DEBT IN THE ACCOUNT OF Z LINDE
02/020124703

CONSIDERED:

Report dated 31 October 2016 from the acting Municipal Manager.

The Council **NOTED** the item does not have enough information.

The Council **RESOLVED** THAT the writing off of prescribed debt in the account of Z Linde 02/020124703 amounting to R19 787.77 be APPROVED.

C 9.6

DETERMINATION OF THE COST OF LIVING ADJUSTMENTS PAYABLE TO MUNICIPAL
MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS

CONSIDERED:

Report dated 14 October 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the remuneration packages of the Municipal Manager and the Managers reporting to the Municipal Manager be increased by six percent (6%) as recommended in Circular 20/2016 from SALGA.

C 9.7

SUBMISSION OF FIRST QUARTER PERFORMANCE ASSESSMENT REPORT 2016/2017
SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)

CONSIDERED:

Report dated 24 October 2016 from the acting Municipal Manager.

The Council **NOTED** the SDBIP is under review.

The Council **RESOLVED** THAT the First Quarter Performance report 2016/17 Service Delivery and Budget Implementation Plan be APPROVED.

C 9.8

FIRST QUARTER OVERSIGHT REPORT OF THE SECTION 79 STANDING COMMITTEE:
MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

CONSIDERED:

Report dated 20 October 2016 from the acting Municipal Manager.

The Council **NOTED:**

- a) The MPAC report is too summarised.
- b) MPAC should report to the Portfolio Chairpersons if Directors do not submit reports.
- c) Last resolutions taken by previous MPAC should be made available to the new MPAC Chairperson.
- d) SALGA Circular indicated the training for MPAC Councillors will be held on 30 November 2016.

The Council **RESOLVED:**

- a) THAT cognisance be taken of this report.
- b) THAT the reports not tabled to the Committee be submitted in the next MPAC meeting.
- c) THAT training/workshop be organised to empower MPAC members.
- d) THAT more innovative initiatives be taken to increase revenue.
- e) THAT the allowances of Audit Committee members be CONSIDERED.
- f) THAT the Performance Management System (PMS) be cascaded to the lower levels of management.
- g) THAT information be included in the report for the preparation of the next Council meeting.

C 9.9

SHORTLISTING AND INTERVIEW PANELS FOR THE POSITIONS OF THE MUNICIPAL MANAGER AND THE DIRECTOR: CORPORATED AND SHARED SERVICES

CONSIDERED:

Report dated 19 October 2016 from the acting Municipal Manager.

The Council **NOTED:**

- a) Ms. R. Meiring recused herself.
- b) Item was linked with item CC5. Report on litigation – Adv. M.P.G. Notyawa vs Makana Municipality and MEC: COGTA EC.
- c) The two motions on the matter of the establishment of the panel for the shortlisting and interviews of the position of the Municipal Manager and the Director: Corporate and Shared Services.
- d) Motion 01 not to establish the panel. Motion 02 to establish the panel.
- e) Councillor M. Nhanha, Councillor B. Fargher, Councillor X. Madyo, Councillor B. Jackson, Councillor A. M. Holm, Councillor C. Clark, Councillor T. F Brintjies and Councillor A.J. Meyer proposed that the panels be not established.
- f) Since there were two motions Councillors voted and the results were as follows:

Opposing the establishment of the panels - 07 Votes

In favour of establishment of the panels – 17 Votes

The Council **RESOLVED:**

- a) THAT a panel under the Chairpersonship of the Executive Mayor to conduct interviews for the position of Municipal Manager be ESTABLISHED as follows (pending the court outcome):
 - Executive Mayor – Chairperson
 - Councillor M. Matyumza – Designated by the Council.
 - Representative from COGTA

- b) THAT a panel under the Chairpersonship of the acting Municipal Manager to conduct interviews for the position of Director: Corporate and Shared Services be ESTABLISHED as follows:
- Acting Municipal Manager – Chairperson
 - Councillor Masoma – Designated by Council
 - Official from outside Makana Municipality

C 9.10

PROCEDURE ON THE TREATMENT OF SECTION 32 MATTERS – ADVISORY

CONSIDERED:

Report dated 19 October 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT the sub-committee of Council to ensure compliance with Section 32 of the MFMA be established in the next Council meeting.
- b) THAT an Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy be DEVELOPED.
- c) THAT Section 32 Council Committee Terms of Reference be DEVELOPED.
- d) THAT the policy on Unauthorised, Fruitless and Wasteful Expenditure Terms of Reference be SUBMITTED to the next Ordinary Council meeting.

C 9.11

STATUS REPORT ON TOWNSHIP ESTABLISHMENT FOR LOW COST HOUSING IN MAKANA MUNICIPALITY

CONSIDERED:

Report dated 13 October 2016 from the acting Municipal Manager.

The Council **NOTED** errors that need to be corrected in the document.

The Council **RESOLVED**:

- a) THAT recommendations made in the report for township establishment be made a priority in the effort to meet housing demand.
- b) THAT a status report the township establishment be submitted to the next Council meeting.

C 9.12

CATEGORISATION OF APPLICATIONS IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (16 OF 2013)

CONSIDERED:

Report dated 12 October 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the categorisation of applications presented in Section 5.4 be APPROVED.

C 9.13

AMENDMENTS TO THE EXISTING 2014 HOUSING DISPUTE RESOLUTION COMMITTEE (ENHANCED EXTENDED DISCOUNT BENEFIT SCHEME)

CONSIDERED:

Report dated 29 September 2016 from the acting Municipal Manager.

The Council **NOTED** the Council is rescinding the existing resolution adopted on 18 March 2014.

The Council **RESOLVED**:

- a) THAT the composition of the two existing Housing Dispute Resolution Committees which deal with the Enhanced Extended Discount Benefits Scheme is amended to be as follows:

Grahamstown

- Chairperson of the Infrastructural Development Portfolio Committee
- One Ward Councillor of that specific area
- Two Ward Committee members of that specific area
- Director: Technical and Infrastructural Services
- Makana Legal Manager
- Makana Housing Officer

Alicedale

- Chairperson of the Infrastructural Development Portfolio Committee
 - Director: Technical and Infrastructural Services
 - Ward Councillor of that specific area
 - One Ward Committee member of that specific area
 - Manager: Alicedale Administrative Unit
 - Makana Legal Manager
- b) THAT the Committee take decisions on “no match” cases adjudicate relating to the transfer of municipal houses to tenants under the Enhanced Extended Discount Benefit Scheme.
- c) THAT since the Housing Dispute Resolution Committees have delegated authority to perform the tasks in (b) above, any aggrieved title deed applicant can take the Housing Dispute Resolution Committee’s decision directly to court to be reviewed if that applicant believes that such decision is not legally sound.

C 9.14

PLANNING OF THE ELECTRIFICATION OF THE SURROUNDING FARMS WITHIN MAKANA JURISDICTIONS AND THE ELECTRIFICATION OF THE INFILL AREAS BY ESKOM

CONSIDERED:

Report dated 31 October 2016 from the acting Municipal Manager.

The Council **NOTED** the Director: Engineering and Infrastructural Services should include more information in the Executive Summary.

The Council **RESOLVED:**

a) THAT the funds made available by the Department of Energy (DoE) through the INEP programme to Eskom be utilized to electrify the following farms:

- ✓ Castle,
- ✓ Avondale,
- ✓ Ripple,
- ✓ Human Farm,
- ✓ Agri Farm,
- ✓ Mayfield,
- ✓ Fort Brown
- ✓ Makana Infills

C 9.15

DISPOSAL OF RESIDENTIAL SITES SITUATED AT ORSMOND TERRACE: ERVEN 1349; 1353; 1354; 1355; 1356; 1357; 1359; 1360; 1361; 1362; 1368; 1369; 1370; 4705 AND 4709

CONSIDERED:

Report dated 13 October 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT preference be given to first time buyers and Makana residents.
- b) THAT in the event that neither first time buyers nor Makana residents meet the tender specifications, the tender to be opened to any other bidders.
- c) THAT the resolution adopted by Council regarding the disposal of the erven in question of 02 December 2015 be rescinded.

C 9.16

DISPOSAL OF MUNICIPAL HOUSES SITUATED ON ERVEN 7246; 8541; 8539; 5980 GRAHAMSTOWN AND ERVEN 281; 282; 283; 287 EXTENSION 4: RINI RENTED OUT TO EMPLOYEES

CONSIDERED:

Report dated 03 May 2016 from the acting Municipal Manager.

The Council **NOTED:**

- a) No 10 Illchester Road house is supposed to be utilized by the Executive Mayor of the Council.
- b) In the Executive Summary, RECOMMENDATION (c) be deleted and the matter be dealt with separate as the house in 10 Illchester Road has not been discussed with the current Executive Mayor.
- c) The erf number for 2 Old Power Station be corrected to 8539 not 853.

The Council **RESOLVED:**

- a) THAT disposal of Council houses situated on Erven 7246; 8541; 8539; 5980 Grahamstown and Erven 281; 282; 283; 287 EXTENSION 4: Rini by public tender be APPROVED.
- b) THAT the current tenants occupying the property be given first preference when tendered.
- c) THAT the houses be evaluated to determine the current market related value.
- d) THAT the occupants are informed of Council's decision in order for them to seek alternative accommodation and tender for the properties.

C9.17

RESCINDING OF COUNCIL RESOLUTION DATED 02 DECEMBER 2015: ALIENATION OF 30 ERVEN SITUATED IN OATLANDS NORTH: ERVEN 6188 TO 6197; 6240; 6242; 6243; 6250 TO 6259 AND 6261 TO 6267

CONSIDERED:

Report dated 13 October 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT the alienation of Erven 6188 to 6197, 6240, 6242, 6243, 6250 to 6259 and 6261 to 6267 be APPROVED .
- b) THAT preference be given to first time buyers and Makana residents.

- c) THAT in the event that neither first time buyers nor Makana residents meet the tender specifications, the tender be opened to any other bidders.

C 9.18

APPLICATION TO CLOSE ROAD AND PASSAGE OVER ERF 3176 GRAHAMSTOWN

CONSIDERED:

Report dated 19 October 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT the road closure and passage be advertised for comments at the expense of the applicant.
- b) THAT the cost pertaining the closing, consolidation, rezoning, transfer costs, etc. be at the expense of the applicant.
- c) THAT the road passage be closed permanent.

C9.19

APPLICATION TO PURCHASE PORTION OF ERF 1979 ADJACENT TO ERF 1978: KNIGHT STREET: GRAHAMSTOWN

CONSIDERED:

Report dated 23 June 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT the portion of Erf 1979 measuring 240m² be sold to Mr. Human by private treaty.
- b) THAT the market related value of the portion be obtained from the valuers.
- c) THAT the purchaser be responsible for all the costs related to the transaction i.e advertising, consolidation, rezoning, transfer costs, etc.
- d) THAT as long it is within the prescript of the law.

C 9.20

PMU BUSINESS PLAN 2016/17 FINANCIAL YEAR

CONSIDERED:

Report dated 31 October 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the Project Management Unit (PMU) business plan for 2016/17 financial year be APPROVED.

C 9.21

REVIEW DECISION FROM A JOINT DISTRICT PLANNING TRIBUNAL IN FAVOUR OF A MUNICIPAL PLANNING TRIBUNAL IN TERMS OF SECTION 35 OF THE SPATIAL LAND USE MANAGEMENT ACT 16 OF 2013 (16 OF 2013)

CONSIDERED:

Report dated 10 October 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT the motion to review the decision of a District Joint Municipality Planning Tribunal (DJMPT) in favour of a Municipal Planning Tribunal (MPT) be APPROVED.
- b) THAT the responsible Directorate proceeds with the establishment of the Municipal Planning Tribunal in terms of SPLUMA 16 of 2013.
- c) THAT sections and subsections of the Act requiring Council approval/adoption be adhere to.
- d) THAT a letter be forwarded to the Municipal Manager of Sarah Baartman District Municipality noting that Makana Municipality will not be renewing membership of the Joint Municipal Tribunal with the District.

C 9.22

SUBMISSION OF A PROJECT START-UP SUPPORT POLICY FOR SMME'S

CONSIDERED:

Report dated 21 October 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT a Project Start-Up Support Policy for SMME's be APPROVED.

C 9.23

RISK MANAGEMENT POLICY REVIEW

CONSIDERED:

Report dated 20 October 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT the Risk Management Policy and Fraud Prevention Policy be APPROVED.
- b) THAT awareness programme be conducted to all internal stakeholders of the municipality.

C 9.24

MEMORANDUM OF UNDERSTANDING (MOU) WITH CEMAIR TO IMPLEMENT AN AIR PASSENGER SERVICE TO MAKANA

CONSIDERED:

Report dated 17 October 2016 from the acting Municipal Manager.

The Council **NOTED** the number in the MOU need to be corrected.

The Council **RESOLVED:**

- a) THAT the Memorandum of Understanding (MOU) between Makana Municipality and CEMAIR be APPROVED.
- b) THAT a presentation on the proposed air passenger service be arranged for Councillors.

C 9.25

DRAFT LAND DISPOSAL POLICY

CONSIDERED:

Report dated 13 October 2016 from the acting Municipal Manager.

The Council **RESOLVED:**

- a) THAT the draft Land Disposal Policy be ADOPTED.
- b) THAT the acting Municipal Manager organizes a workshop for Councillors on the Draft Land Disposal Policy and all other policies of the Municipality.

C 9.26

APPROVAL OF PROPOSED INTERGRATED LAND USE SCHEME (ILUS)

CONSIDERED:

Report dated October 2016 from the acting Municipal Manager.

The Council **NOTED** the Set Plan presentation.

The Council **RESOLVED:**

- a) THAT the proposed Integrated Land Use Management Scheme, be APPROVED as well as the converted zoning maps, and record any change and/ or amendment to the scheme in the prescribed registers.
- b) THAT there be a proper implementation process.

C 9.27

REPORT ON THE DEVELOPMENT OF A PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL FOR MAKANA MUNICIPALITY

CONSIDERED:

Report dated 21 October 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the draft PAIA Manual for Makana Municipality be ADOPTED.

C 9.28

THE FINANCIAL SITUATION OF THE MUNICIPALITY

CONSIDERED:

Report dated 25 October 2016 from the acting Municipal Manager.

The Council **NOTED** the report on the financial situation of the municipality.

The Council **RESOLVED** THAT the Chairperson of the Portfolio Committee and the Chief Financial Officer develop a detailed plan on how to raise funds for the Municipality.

C 9.29

REQUEST FOR ADDITIONAL FUNDING – PROPOSED MULTI-PURPOSE INDOOR SPORT CENTRE IN WARD 7

CONSIDERED:

Report dated 23 October 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the required additional funding of R4,506,669.84 for the Proposed Multi-Purpose Indoor Sport Centre in Ward 7 be APPROVED.

C 10

CLOSURE

The Speaker made the following statement:

“I would like to appreciate and thank people who are always supporting our Council meetings. In Makana we are faced with high rate of unemployment. Let us try to employ people who qualify in the posts and how I wish Makana Municipality residents should be prioritized because we do have qualified people in our Municipality. I know that in other Municipalities this is being practiced that people from those Municipalities are given first preference. Also other Sectors should try and recruit people from our area because there are vacancies in those Sectors. Councillors should open their ears and engage those Sectors. What is important is to reduce the unemployment rate in Makana.

In the next Council meeting we have to deal with the late coming of people to the Council meetings. It is so disrespecting of people coming in and out in the Council Chamber whilst the Council meeting is in progress. We are to come up with strict measures and implement on how we deal with late coming in Council meetings because even the officials are coming late in the Council meetings and that is disrespectful. Officials should act as Officials and not Politicians and let the Politicians play their oversight role as Politicians. If we can be clear on those two different roles then I think we can be able to move forward. Thank you members of the public for joining us as you will not be joining us for the closed session”.

The meeting terminated at 15:03

SPEAKER

DATE

CONFIDENTIAL

CC.1

CONFIDENTIAL MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER ON FRIDAY, 24 JUNE 2016 AT 09H00

The Council **RESOLVED** THAT the minutes of the Confidential Ordinary Council meeting held on 24 June 2016 be CONFIRMED.

CC.2

CONFIDENTIAL MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER ON WEDNESDAY, 31 AUGUST 2016 AT 09H00

The Council **RESOLVED** THAT the minutes of the Confidential Special Council meeting held on 31 August 2016 be CONFIRMED.

CC.3 ACTION SHEETS

CC 3.1

ACTION SHEET OF THE CONFIDENTIAL ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBER ON FRIDAY, 24 JUNE 2016 AT 09H00

The Council **RESOLVED** THAT the action sheet of the Confidential Ordinary Council meeting held on 24 June 2016 be APPROVED.

CC 3.2

ACTION SHEET OF THE CONFIDENTIAL SPECIAL COUNCIL MEETING HELD IN COUNCIL CHAMBER ON WEDNESDAY, 31 AUGUST 2016 AT 09H00

The Council **RESOLVED** THAT the action sheet of the Confidential Special Council meeting held on 31 August 2016 be APPROVED.

CC 4

REPORT ON LITIGATION – ADV. M.P.G NOTYAWA VS MAKANA MUNICIPALITY AND MEC: COGTA EC

CONSIDERED

Report dated 31 October 2016 from the acting Municipal Manager.

The Council **NOTED**:

- a) The Council received a Notice of Motion from the former Councillor Mbulelo Paul Gladstone Notyawa interdicting the municipality from proceeding with the recruitment process of the post of the Municipal Manager.
- b) The acting Municipal Manager mentioned that this was a new application from Adv. P. Notyawa.
- c) There were two motions, the one supporting the appointment of Whitesides Attorneys to defend the Council and continue with the recruitment processes and the other one supporting the notice of motion by Adv. Notyawa.
- a) The following Councillors requested that their names be recorded as they were opposing the recommendation. Councillor M. Nhanha, Councillor B. Fargher, Councillor X. Madyo, Councillor B. Jackson, Councillor A. M. Holm, Councillor C. Clark, Councillor T. F. Bruintjies and Councillor A.J. Meyer.
- b) Councillors had to vote and the results were as follows:
 - Opposing the recommendation - 08 Votes
 - In favour of the recommendation - 17 Votes

The Council **RESOLVED** THAT the action of the acting Municipal Manager of appointing Whiteside Attorneys and Advocate Paterson in opposing the application by former Councillor Notyawa be **CONDONED**.

C10

CLOSURE

The Speaker in closing mentioned that Councillors should avail themselves when needed by Council because they are still paid by Council and are still Councillors until end of.

She declared the meeting closed.

The meeting terminated at 15:03

SPEAKER

DATE