



Tel: 015 307 8000
Fax: 015 307 8049

**GREATER TZANEEN MUNICIPALITY
GROTER TZANEEN MUNISIPALITEIT
MASIPALA WA TZANEEN
MASEPALA WA TZANEEN**

P.o Box 24
Tzaneen, 0850



Tropical Paradise

**MINUTES OF THE 3RD COUNCIL MEETING FOR 2020/2021
FINANCIAL YEAR OF THE GREATER TZANEEN MUNICIPALITY
HELD VIRTUAL ON THURSDAY THE 04TH FEBRUARY 2021 AT
12H00.**

PRESENT

The Speaker

Councillor DJ Mmetle

COUNCILLORS

As per attached attendance register (Annexure "X")

OFFICIALS

The Municipal Manager	Mr BS Matlala
The Director Corporate Services	Mr W Shibamba
The Director Electrical Engineering	Mr S Lelope
The Director Engineering Services	Mr W Molokomme
The Act Director Community Services	Ms M Machumele
The Chief Financial Officer	Ms P Makhubela
The Director PED	Mr MB Mathebula
The Manager Admin and Council Support	Mrs MW Baloyi
The Legal Advisor	Mr T Mampane
The Committee Clerk	Ms MB Maake
The Committee Clerk	Mrs FS Makhubele
The MPAC Researcher	Mrs M Sekopana

TRADITIONAL AUTHORITIES

The Maake Traditional Authority Representative	None
The Muhlava Traditional Authority Representative	None
The Bathlabine Traditional Authority Representative	None
The Mankweng Traditional Authority Representative	None
The Modjadji Traditional Authority Representative	None
The Valoyi Traditional Authority Representative	None
The Nyavana Traditional Authority Representatives	None

1. OPENING AND WELCOME

1.1 The Speaker, Councillor DJ Mmetle declared the meeting officially opened and welcomed everyone present in the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE AND THE SIGNING OF THE ATTENDANCE REGISTER

The applications for leave of absence were received from the following:

- The Muhlava Traditional Authority Representative, Mr E Nkuna
- The Mankweng Traditional Authority Representative, Mr RA Sehlapelo
- The Modjadji Traditional Authority Representative, Mr C Modjadji
- The Valoyi Traditional Authority Representative, Mr MV Mhlongo
- The Nyavana Traditional Authority Representative, Mr P Mabunda
- The Bakgaga /Maake Tribal Authority Representative, Mr MN Moagi
- The Bathlabine Tribal Authority Representatives, Ms L Mogoboya
- Director Community Services, Mr A Nkuna

RESOLVED

That the applications for leave of absence received be granted as follows:

- The Muhlava Traditional Authority Representative, Mr E Nkuna
- The Mankweng Traditional Authority Representative, Mr RA Sehlapelo
- The Modjadji Traditional Authority Representative, Mr C Modjadji
- The Valoyi Traditional Authority Representative, Mr MV Mhlongo
- The Nyavana Traditional Authority Representatives, Mr P Mabunda
- The Bakgaga /Maake Tribal Authority Representative, Mr MN Moagi
- The Bathlabine Tribal Authority Representative, Ms L Mogoboya
- Director Community Services, Mr A Nkuna

3. OFFICIAL NOTICES

3.1 The Municipal Manager, Mr. SB Matlala announced that the Mid-year report has been completed and was subsequently submitted to

COGHSTA and Provincial Treasury, and it will be submitted in the next Council for noting.

- 3.2 The Municipal Manager, Mr. SB Matlala further indicated that the municipality is in the process of finalizing the Budget Adjustment and will be submitted to the Budget Steering Committee for discussion and finally to Council end of February 2021.
- 3.3 The Mayor, Councillor M Mangena announced that the South African Local Government Bargaining Council (SALGBC) has written a letter to the municipality due to the industrial action taken by workers last year on leave encashment. The letter was indicating that the decision taken by the municipality to end the leave encashment was in order.

4. GIFTS AND FAVORS

None

5. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- 5.1 The Speaker, Councillor DJ Mmetle expressed her gratitude to God for the rain received and the decrease in the COVID-19 infections.
- 5.2 The Speaker, Councillor DJ Mmetle indicated that the vaccine has arrived in the country, and encouraged all to send one message to the community that it is important that all get vaccinated to be safe.
- 5.2 The Speaker, Councillor DJ Mmetle further requested the Public Participation Unit to lead the process of guiding the four (4) clusters in activating the Ward Command Councils.
- 5.3 The Speaker, Councillor DJ Mmetle expressed her gratitude on the positive result from Judge Phatudi on the case between the GTM and Tshiameso.
- 5.5 The Speaker, Councillor DJ Mmetle further welcomed the Mayor, Councillor M Mangena for recovering from Covid-19 infection.

6. PRESENTATION by the IDP Officer, Mr H Mkhari

Resolved

- a) That the presentation made by Mr H Mkhari on the hand over report framework and process plan be noted.
- b) That the draft Handover Report will be workshopped to councilors to be inclusive of the inputs from councilors and community members.
- c) That the timelines from COGHSTA be adhered to until the final Handover Report is submitted to Council for approval.

7. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS

- 7.1 That the minutes of the **1st Council Meeting** for 2020/2021 financial year of the Greater Tzaneen Municipality held on **Wednesday** the **29th July 2020** at 12h00 be approved and confirmed.
- 7.2 That the minutes of the **1st Special Council Meeting** of the Greater Tzaneen Municipality held on **Friday**, the **31st July 2020** at 14h00 be approved and confirmed.

8. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

None

9. MOTIONS OR PROPOSALS DEFERRED FROM THE PREVIOUS MEETINGS

None

10. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE CHAIRPERSON

- 10.1 The Speaker, Councillor DJ Mmetle expressed her condolences to the Mayor, Councillor M Mangena who lost his mother.
- 10.2 The Speaker, Councillor DJ Mmetle further expressed her condolences to the community of Tzaneen for losing their loved ones due to Covid-19.

10.3 The Speaker, Councillor DJ Mmetle further expressed her condolences to the family of the former Chief Whip of Greater Tzaneen Municipality, Ms Joyce Nkwinika, who was buried in the morning of Tuesday, 2 February 2021.

10.4 The Speaker, Councillor DJ Mmetle further indicated that the Municipality should review the Councillors Bereavement Policy to accommodate former Councillors.

10.5 The Speaker, Councillor DJ Mmetle further expressed her condolences to Councillor MS Tiba for losing her brother.

11. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY OTHER MEMBERS

11.1 The Mayor, Councillor M Mangena expressed his condolences to the three (3) families of Ward 33 who lost 4 people due to an accident at N1 road on Sunday 31 January 2021, and that the funeral will be held on Saturday 6 February 2021.

11.2 The Mayor, Councillor M Mangena expressed his condolences to Councillor A Makwala who lost his brother.

A moment of silence was observed by all in the virtual Meeting.

12. OUTSTANDING MATTERS

None

13. PETITIONS

None

14. MOTIONS

None

15. REPORT FROM ETHICS COMMITTEE

None

16. REPORT FROM AUDIT COMMITTEE

Item A 32 and A33 were approved by Council

17. REPORT FROM MPAC COMMITTEE

Item A 34 was approved by Council

18. REPORT ON WARD COMMITTEE

None

19. REPORT FROM GTEDA

None

20. REPORT ON SALGA ACTIVITIES

None

21. INPUTS BY THE TRADITIONAL LEADER

None

22. REPORTS IN COMMITTEES (Item A31)

23. URGENT REPORT – ALLOWED ONLY WITH THE CONSENSUS OF THE CHAIRPERSON

None

24. RECOMMENDATIONS OF THE EXECUTIVE COMMITTEE MEETINGS FOR THE PERIOD NOVEMBER; DECEMBER 2020 AND JANUARY TO FEBRUARY 2021.

25. CLOSURE

A 24 FEEDBACK ON THE MATTER BETWEEN THE GREATER TZANEEN MUNICIPALITY VERSUS TSHIAMISO TRADING

(E/C 2020 11 09)

(7/2/3)

The Municipal Manager, Mr. BS Matlala reported verbally on the outcome of the Judgement on the Court case, between GTM and Tshiamiso Trading.

RESOLVED

That the Court ORDER presented by the Municipal Manager be noted as follows:

- (a) The decision of the Applicant to award Tender SCMU 15/2018 (“The Mulati Tender”) and Tender SCMU 21/2018 (“The Codesa Street Tender”) respectively, to the Respondent, is declared unlawful and constitutionally invalid;*
- (b) The agreements concluded between the Applicant and the Respondent pursuant to the awarding of the Mulati Tender and Codesa Street Tender respectively, are set aside; and*
- (c) That it is declared that notwithstanding the setting aside of the agreements referred to in (b) above concluded pursuant to the awarding of Mulati Tender and Codesa Street Tender in (a) above, the Respondent is entitled to claim the actual expenses incurred excluding any profits that the Respondent actually made in executing its obligations in terms of the said tenders. (Mulati Tender and Codesa Street Tender).*
- (d) Further that, the Applicant in so far as it has paid the Respondent, is entitled to recover from the Respondent an amount that exceeds the actual expenses on either Mulati Tender and the Codesa Street Tender referred to in (a) above.*
- (e) Further that, the Respondent is ordered to pay the Applicant’s costs on attorney and client scale, such costs shall include the costs of two counsel where employed.*

Signed by the Speaker

Councillor DJ Mmetle

**A 25 REPORT ON UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL
EXPENDITURE FOR THE YEAR AND 2014/2015, 2015/2016 AND 2017/2018 (REVISED)**

(E/C 2020 11 27; C 2021 02 04)

(5/1/3)

RESOLVED

That the item be withdrawn.

Signed by the Speaker

Councillor DJ Mmetle

**A 26 REPORT ON UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL
EXPENDITURE FOR THE YEAR 2020/2021 -1ST QUATER**

(E/C 2020 11 27; C 2021 02 04)

(5/1/3)

RESOLVED

That the item be withdrawn.

Signed by the Speaker

Councillor DJ Mmetle

A 27 (1ST QUARTER SDBIP REPORT FOR 2020/21)

(E/C 2020 11 27, C 2021 02 04)

(8/1/2/1)

RESOLVED

- a) That Council note the 1st Quarter SDBIP report for 2020/21.
- b) That the 1st Quarter SDBIP report for 2020/21 be submitted to MPAC.
- c) That the 1st Quarter SDBIP report for 2020/21 be submitted to CoGHSTA.
- d) That the 1st Quarter SDBIP report for 2020/21 be uploaded onto the GTM website.

Signed by the Speaker

Councillor DJ Mmetle

A 28 (1ST QUARTER BACK TO BASICS REPORT 2020-21)

(E/C 2020 11 27, C 2021 02 04)

(8/1/2)

RESOLVED

- a) That Council adopts the 1st Quarter Back to Basics Report for 2020/21.
- b) That B2B 1st Quarter reports be submitted to CoGHSTA.

Signed by the Speaker

Councillor DJ Mmetle

A 29 REPORT ON THE DEVIATION FROM LEGAL TARIFFS OF GREATER TZANEEN MUNICIPALITY.

(E/C 2020 11 27, C 2021 02 04)

(File No)

RESOLVED TO RECOMMEND

That the item be referred back for further deliberations.

Signed by the Speaker

Councillor DJ Mmetle

A 30 CONFIDENTIAL ITEM
(E/C 2020 12 18, C 2021 02 04)

()

The item was not discussed.

Signed by the Speaker

Councillor DJ Mmetle

A 31 CONSIDERATION OF THE RESOLUTIONS OF THE PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS

(E/C 2021 02 02; C 2021 02 04)

(confidential)

RESOLVED

- (a) That Council notes the Portfolio Committee on COGHSTA resolutions of its meeting held on 23 October 2020 and communicated to the Mayor through a letter dated 27 October 2020.
- (b) That Council notes that the Judgement handed out on 28 January 2021 in the matter between the Greater Tzaneen Municipality and Tshiamiso Trading 135 (PTY) LTD is favourable to the municipality.
- (c) That Council notes that the Portfolio Committees on COGTA and COGHSTA have agreed to jointly meet to discuss Greater Tzaneen Municipal matters.
- (d) That, having considered the committee resolutions and legal implications thereof, Council is unable to implement the resolutions of the Portfolio Committee on COGHSTA because some are under investigations by various organs of state on basis of the reasons provided in the Mayor's report to Council.
- (e) *That Council mandates the Mayor, Councillor MG Mangena to communicate the resolutions of Council as raised by the Portfolio Committee of COGHSTA.*

Signed by the Speaker

Councillor DJ Mmetle

**A 32 AUDIT COMMITTEE REPORT TO COUNCIL FOR THE FOURTH QUARTER OF
2019/2020 FINANCIAL YEAR**

(E/C 2020 02 04, C 2021 02 04)

(12/2/3/1/9)

RESOLVED

- (a) That Council notes the GTM Audit Committee report for the fourth quarter of 2019/2020 financial year.
- (b) That Council notes the GTEDA Audit Committee report for the fourth quarter of 2019/2020 financial year.
- (c) That Council notes the GTM Performance Audit Committee report for the fourth quarter of 2019/2020 financial year.
- (d) That Council notes the GTEDA Performance Audit Committee report for the fourth quarter of 2019/2020 financial year.
- (e) That Council notes the GTM Risk Management Committee report for the fourth quarter of 2019/2020 financial year.
- (f) That Council notes the GTM Audit Committee report on the review of the draft Annual Financial Statements and draft Annual Performance Report.
- (g) That Council notes the GTM Audit Committee report on the review of the draft Annual Financial Statements and draft Annual Performance Report.

**Signed by the Speaker
Councillor DJ Mmetle.....**

A33 AUDIT COMMITTEE REPORT TO COUNCIL FOR THE FIRST QUARTER OF 2020/2021 FINANCIAL YEAR

(E/C 2021 02 04; C 2021 02 04)

(12/2/3/1/9)

RESOLVED

- (a) That Council notes the GTM Audit Committee report for the first quarter of 2020/2021 financial year.
- (b) That Council notes the GTEDA Audit Committee report for the first quarter of 2020/2021 financial year.
- (c) That Council notes the GTM Risk Management Committee report for the first quarter of 2020/2021 financial year.
- (d) That Council notes the GTM Performance Audit Committee report for the first quarter of 2020/2021 financial year.
- (e) That Council notes the GTEDA Performance Audit Committee report for the first quarter of 2020/2021 financial year.
- (f) That Council notes the GTM AGSA Audit Strategy.
- (g) That Council notes the GTEDA AGSA Audit Strategy.

Signed by the Speaker

Councillor DJ Mmetle

A34 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MPAC OVERSIGHT REPORT ON THE 2019/2020 1ST QUARTER PROGRESS & 2019/2020 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT QUARTERLY SDBIP REPORTS.

(E/C 2021 02 04; C 2021 02 04)

(12/2/3/1/1)

RESOLVED

1. That Council approves the oversight report on the 2019/2021 1st quarter progress report & Mid- Year Budget and Performance Assessment Reports with the following recommendations:
 - a) That the Municipal manager ensures that performance and risk management reports are tabled in Council quarterly without delay.
 - b) That the Chief Financial Officer ensures that performance on meter readings is monitored and correct billing is done to improve collection.
 - c) That the Municipal Manager ensures that monitoring of projects that are implemented is intensified to ensure that quality service is rendered.
 - d) That the Corporate Service Director ensures that the Website content management is in line with the legislated requirements.
 - e) That the Chief Financial officer ensures that all properties on the valuation roll are being billed for assessment rates.
 - f) That the Community Services Director ensures that the under spending on solid waste management compared to the budgeted amount is looked at, to ensure that the service to the community is rendered.
 - g) That the Municipal Public Accounts Committee will conduct the project site visit, to verify the physical progress against the provided information by management

on the INEP projects for 01/07/2019 to 30/06/2020 financial year, and report back to Council on the committee's findings.

- h) The project site visit will be conducted when the restriction on the face to face meetings has been lifted (Disaster Management Legislation) to ensure compliance with the Covid-19 protocols.

Signed by the Speaker

Councillor DJ Mmetle

B 22 CONSENT TO GRANT REBATES FOR PAYMENT OF MUNICIPAL PROPERTY RATES AND TAXES AND LAND EXCHANGE: TZANEEN EXTENSION 90 TOWNSHIP.

(E/C 2020 12 18; C 2020 02 04)

15/3/1/90/1

RESOLVED

- a) That Council approves a rebate of 20% and 30% on the market value of the completed development (to be done by the appointed municipal valuer) to recover the contribution from the municipality for the infrastructure developed by the Developer as per the approved Greater Tzaneen Municipality Property Rates Policy (herein referred to as the Rates Policy).
- b) That the rebates shall be applied for a period of five (5) years after the completion of the development.
- c) That the Developer complies with the Services Contributions Policy as adopted by Council.
- d) That the Deed of Exchange be signed between the Greater Tzaneen Municipality and Razoflash (Pty)Ltd in respect of the exchanges in paragraph 6 of the report (See attached Deed of Exchange agreement) (ANNEXURE B) with the following condition/s:
 - That the developer shall be responsible for all the costs relating to the Land Exchange and including the transfer costs of the properties.
- e) That the Agreement with Township owner for the provision and installation of Engineering be signed between Greater Tzaneen Municipality and Smokey Mountain Trading 15 (PTY) LTD (ANNEXURE C).
- f) That Council authorizes the Accounting Officer of Greater Tzaneen Municipality to sign the attached Deed of Exchange with Razoflash (Pty) Ltd.

- g) That Council authorizes the Accounting Officer of Greater Tzaneen Municipality to sign the Standard Service Agreement with Smokey Mountain Trading 15 (PTY) LTD.
- h) That the development commences within the period of 6 months after approval and be completed within a period of thirty-six (36) months subject to an option of extension due to acts of nature.

Signed by the Speaker

Councillor DJ Mmetle

**B 23 DEVELOPMENT OF NKOWANKOWA PLAZA ON THE REMAINING EXTENT OF
ERF 2952 NKOWANKOWA-B TOWNSHIP.**

(E/C 2021 02 04; C 2021 02 04)

(ERF 2952)

RESOLVED

- a) That Council enter into partnership agreement with Masingita Group of Companies for the development of Nkowankowa Plaza

- b) That Council approve that the Accounting Officer be authorized to apply for the Critical Infrastructure Grant from the National Department of Trade, Industry and Competition in collaboration with Masingita Group of Companies.

- c) That Council authorize the Accounting Officer to attend to the necessary signatures and/or administration of all documents and any other instrument required that are incidental to or connected with the Critical Infrastructure Grant to be applied for from National Department of Trade, Industry and Competition.

- d) That Council approve that the Accounting Officer sign any other documents, including Critical Infrastructure Programme Funding Agreement for the upgrade of bulk infrastructure connected with the development of new Neighbourhood Retail Destination in Nkowankowa.

Signed by the Speaker

Councillor DJ Mmetle

**C 15 MONTHLY REPORT- DEPARTMENT OF THE CHIEF FINANCIAL OFFICER
FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2020
(E/C 2020 11 27; C 2021 02 04) (8/1/3/3)**

RESOLVED

That the monthly reports be presented in the next Council meeting.

Signed by the Speaker

Councillor DJ Mmetle

C 16 MONTHLY REPORT- DEPARTMENT OF THE DIRECTOR COMMUNITY SERVICES FOR THE MONTH OF OCTOBER 2020

(E/C 2020 11 27; C 2021 02 04)

(8/1/3/5)

RESOLVED

That the monthly report be presented in the next Council meeting.

Signed by the Speaker

Councillor DJ Mmetle

**C 17 MONTHLY REPORT- DEPARTMENT OF THE DIRECTOR ENGINEERING SERVICES FOR THE MONTH OF OCTOBER 2020
(E/C 2020 11 27; C 2021 02 04) (8/1/3/7)**

RESOLVED

That the monthly report be presented in the next Council meeting.

Signed by the Speaker

Councillor DJ Mmetle

**C 18 MONTHLY REPORT- DEPARTMENT OF THE DIRECTOR ELECTRICAL
ENGINEERING SERVICES FOR THE MONTH OF OCTOBER 2020
(E/C 2020 11 27; C 2021 02 04) (8/1/3/4)**

RESOLVED

That the monthly report be presented in the next Council meeting.

Signed by the Speaker

Councillor DJ Mmetle

C 19 MONTHLY REPORT- DEPARTMENT OF THE DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT FOR THE MONTH OF OCTOBER 2020 (E/C 2020 11 27; C 2021 02 04) (8/1/3/6)

RESOLVED

That the contents of the monthly report of the Director PED for the month of **OCTOBER 2020** be noted.

Signed by the Speaker

Councillor DJ Mmetle

C 20 MONTHLY REPORT- DEPARTMENT OF THE DIRECTOR CORPORATE SERVICES FOR THE MONTH OF OCTOBER 2020

(E/C 2020 11 27; C 2021 02 04)

(8/1/3/2)

RESOLVED

That the contents of the monthly reports of the Director Corporate Services for the month of **OCTOBER 2020** be noted.

Signed by the Speaker

Councillor DJ Mmetle

**C 21 MONTHLY REPORT- DEPARTMENT OF THE MUNICIPAL MANAGER FOR
THE MONTH OF OCTOBER 2020
(E/C 2020 11 27; C 2021 02 04) (8/1/3/1)**

RESOLVED

That the contents of the monthly reports of the Municipal Manager for the month of **OCTOBER 2020** be noted.

Signed by the Speaker

Councillor DJ Mmetle

RECOMMENDATIONS OF THE PORTFOLIO COMMITTEES IN CONNECTION WITH MATTERS WHICH HAVE BEEN DEALT WITH IN TERMS OF DELEGATED AUTHORITY FOR THE PERIOD FEBRUARY 2021.

The chairpersons of the relevant clusters informed the Council verbally of the recommendations of the Portfolio Committee taken by virtue of delegated powers and duties to the Executive Committee in terms of the provisions of Section 44 of the Local Government Municipal Structures Act 117 of 1998, which resolutions form part of the agenda of this meeting.

On proposal of the Mayor: Councillor MG Mangena, it was:

RESOLVED

That the contents of the resolutions taken by the Portfolio Committee for the period FEBRUARY 2021 be APPROVED.

THE MEETING ADJOURNED AT 14H53

APPROVED AND CONFIRMED

CHAIRMAN