KALULUSHI MUNICIPAL COUNCIL

MINUTES OF THE PROCEEDINGS OF THE FIFTEENTH ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER, PRESIDENT AVENUE, KALULUSHI ON FRIDAY, 27TH DECEMBER, 2024 AT 10:05 HOURS

COUNCILLORS PRESENT: -

His Worship the Mayor	-	Simama Daudi
The Deputy Mayor	-	Hastings Banda
		Chilufya M Collins
		Bulambo Greenwell
		Chanda Christopher
		Chewe C Francis
		Chifunga Shimishi
		Chitundu Dyson
		Kabila Godfrey
		Kabwe Bwalya
		Kameya Preston
		Luwi Richard
		Madziba Elias
		Mulayi Stephen
		Mulenga Bertha
		Mulubwa Davies
		Musukwa Nivel
		M'soni Chepesani
		Namitondo Teddy
		Nanzila P Nasinda
		Silungwe Lewis
		Sikazwe E Sydney
		Zulu Moffat

IN ATTENDANCE:

Ms Betty M Liswaniso	-	Town Clerk
Mr Tresphord K Sichimba	-	Director Finance
Mr Prince Mutampuka	-	Director Engineering Service
Mr Susiku Mwakoi	-	Director Public Health
Ms Ama D Addo	-	Director Development Planning
Ms Towela C Lumai	-	Acting Director Legal Services

Mr Siandunda L	-	District Planning Officer (Education)
Dr Mumba Fortune	-	District Health Director
Ms Lidah Kamanga	-	Assistant Public Relations Manager
Ms Chiti Kangwa Banda	-	District Fisheries and Livestock Coordinator
Mr Davies Kaboboto	-	District Agricultural Coordinator
Mr Lemmy Mantanyani	-	District Forestry Officer
Mr Brian Nkolola	-	Chief Human Resource Officer
Mr Francis Mwewa	-	Chief Internal Auditor
Mr Mulungushi Mutinta	-	Librarian Officer
Ms Kaputo Chishimba	-	Senior Committee Clerk (***Recorder***)
Mr Richard Musonda	-	Committee Clerk ***(Recorder)***

BY INVITATION

Mr. Henry Bwalya	-	Office of the President (OP SD)

NATIONAL ANTHEM / OPENING PRAYER

Prior to the commencement of the meeting, the National Anthem was sung and a word of encouragement was shared by Councillor Godfrey Kabila subsequently he led members in an opening prayer.

KMC/C/389/12/24: **NOTICE OF MEETING**

The Town Clerk read the notice convening the Fifteenth (15th) Ordinary Meeting of the Council in accordance with the Local Government Act No. 2 of 2019 of the Laws of Zambia and Standing Order No. 6 (1).

KMC/C/390/12/24: **APOLOGY FOR ABSENCE**

Apology for absence from attending the meeting was received and accepted from ***Councillor Shiku Pethias***.

KMC/C/391/12/24: **ADOPTION OF THE AGENDA**

On a proposal by ***Councillor M'soni Chepesani*****,** which was duly seconded by Councillor ***Richard Luwi***, it was: -

RESOLVED THAT

The Agenda of the Fifteenth (15th) Ordinary Meeting of the Council be **ADOPTED** as presented.

KMC/C/392/12/24: **MATTERS ARISING FROM MINUTES OF THE FOURTEENTH (14TH) ORDINARY MEETING OF THE COUNCIL**

I. Concern on the exchange visit to Chililabombwe Municipal Council.

Arising from ***Minute No. KMC/CDESS/256/08/24*** (page 32) members wanted to know the progress regarding the application made to **Chililabombwe Municipal Council** on the exchange visit to that municipality.

In response, the Town Clerk informed the Council that an official communication had not yet been received and though the Town Clerk for Chililabombwe Municipal indicated that the Council was occupied with the by-election exercise.

a. Concern on the Kalulushi Municipal Council Street lighting policy

Arising from ***Minute No. KMC/EIAENR/204/09/24*** (page 34) on the "**Kalulushi Municipal Council Street lighting policy**", members wanted to know on the progress over the implementation of the street light policy.

In response, Director Engineering Services informed the House that the policy still had challenges in the formulation process and consultation with other Councils was underway.

b. Concern on the Disposal of ICT equipment

Arising from ***Minute No. KMC/FVCU/138/24*** (page 39) on the "**Disposal of ICT equipment**", members wanted to know on the progress over purchase of new tablets.

In response, the Town Clerk informed the House that Council would soon purchase new gadgets however, members were told that only those Councillors who had returned the earlier gadgets would be given new ones. The Town Clerk further indicated that for those councillors who did not want to return gadgets and Councillors who had lost should put it in written to the office of the Town Clerk.

KMC/C/393/12/24: **CONFIRMATION OF MINUTES OF THE FOURTEENTH (14TH) ORDINARY MEETING OF THE COUNCIL HELD ON FRIDAY, 11TH OCTOBER, 2024**

On a proposal by ***Councillor Elias Madziba*** which was duly seconded by ***Councillor Chepesani M'soni***, it was: -

RESOLVED THAT

The Minutes of the Fourteenth (14th) Ordinary Meeting of the Council held on Friday, 11th October 2024 (Minute Number

KMC/C/359/10/24 – Minute Number ***KMC/C/386/10/24*** be **CONFIRMED** as a correct record of proceedings of Council.

ADOPTION OF MINUTES OF THE FOLLOWING COUNCIL STANDING COMMITTEES

KMC/C/394/12/24: **PUBLIC HEALTH COMMITTEE MEETING HELD ON FRIDAY 7TH NOVEMBR, 2024**

On a proposal by ***Councillor Lewis Silungwe*** which was duly seconded by ***Councillor Sydney Sikazwe***, it was: -

RESOLVED THAT

The Minutes of the Public Health Services Committee Meeting held on Thursday, 7th November, 2024, **Minute Numbers *KMC/PHS/282/11/24 – KMC/PHS/308/11/24*** be **RECEIVED** and **ADOPTED** as part of proceedings of the Council.

KMC/C/395/12/24: **COMMUNITY DEVELOPMENT, EDUCATION AND SOCIAL SERVICES COMMITTEE MEETING HELD ON FRIDAY 15TH NOVEMBER, 2024**

On a proposal by ***Councillor Davies Mulubwa*** *which* was duly seconded by ***Councillor Chepesani M'soni***, it was: -

RESOLVED THAT

The Minutes of Community Development, Education and Social Services Committee Meeting held on Friday 15th November, 2024 ***Minute Numbers KMC/CDESS/276/11/24 – KMC/CDESS/300/11/24*** be **RECEIVED** and **ADOPTED** as part of proceedings of the Council.

KMC/C/396/12/24: **AUDIT COMMITTEE MEETING HELD ON WEDNESDAY 5TH DECEMBER 2024**

On a proposal by ***Councillor Francis C. Chewe*** and seconded by ***Councillor Bertha Mulenga***, it was: -

RESOLVED THAT

The Minutes of the Audit Committee Meeting held on Wednesday 5th December 2024 ***Minute Numbers KMC/AC/120/12/24 - Minute Numbers KMC/AC/131/12/24*** be **RECEIVED** and **ADOPTED** as part of proceedings of the Council.

KMC/C/397/12/24: **ENGINEERING, INFRASTRUCTURE DEVELOPMENT, AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE MEETING HELD ON WEDNESDAY, 13TH DECEMBER, 2024**

On a proposal by ***Councillor Richard Luwi*** which was duly seconded by ***Councillor Dyson Chitundu***, it was: -

RESOLVED THAT

The Minutes of the Engineering, Infrastructure Development, Agriculture, Environment and Natural Resources Committee Meeting held on Wednesday, 13th December, 2024 *Minute Numbers****KMC/EIAENR/216/12/24-KMC/EIAENR/236/12/24*** be **RECEIVED** and **ADOPTED** as part of proceedings of the Council subject to the following:-

Under Minute No. ***KMC/EIAENR/222/12/24*** Council sticks to the resolution of starting road works in wards which were not worked on in the year 2024 and start with the furthest.

KMC/C/398/12/24: **ADOPTION OF MINUTES OF PLANNING AND INFORMATION MANAGEMENT SYSTEMS COMMITTEE MEETING HELD ON TUESDAY 17TH DECEMBER, 2024**

On a proposal by ***Councillor Kabila Godfrey*** duly seconded by ***Councillor Collins M. Chilufya***, it was: -

RESOLVED THAT

The Minutes of the Planning and Information Management Systems Committee Meeting held on Tuesday 17th December, 2024 ***Minute Numbers KMC/PIMSC/308/12/24 - KMC/PIMSC/332/12/24*** be **RECEIVED** and **ADOPTED** as part of proceedings of the Council subject to following amendments: -

i. Inclusion of Councillor Chifunga Shimishi on the attendance list.
ii. The name Ms Betty M. Liswanisa should be corrected to read as Ms Betty M Liswaniso.
iii. Under **Minute *No. KMC/PIMSC/309/12/24*** (page 187) "**election of the chairperson"** the counter proposer should be corrected to read as Chanda Christopher and not Elias Madziba.
iv. Under ***Minute No. KMC/PIMSC/331/12/24*** (page 218) Members wanted to know how much

the farmers would be required to pay to the Council for them to obtain documentations.

In response, His Worship the Mayor guided the area Councillor to engage the Director Planning for further guidance regarding the amount farmers were supposed pay.

KMC/C/399/12/24: **FINANCE, VALUATION AND COMMERCIAL UNDERTAKING COMMITTEE MEETING HELD ON WEDNESDAY 18TH DECEMBER, 2024**

On a proposal by ***Councillor Moffat Zulu*** and seconded by ***Councillor Davies Mulubwa***, it was: -
RESOLVED THAT

The Minutes of the Finance, Valuation and Commercial Undertaking Committee Meeting held on Wednesday 18th December, 2024 ***Minute Numbers FVCU/140/12/24 – FVCU/147/12/24*** be **RECEIVED** and **ADOPTED** as part of proceedings of the Council.

REPORT OF THE TOWN CLERK

KMC/C/400/12/24: **DECLARATION OF THE INTEREST**

Pursuant to Section 20 (1) of Local Government Act No. 2 of 2019, declaration of interest was recorded from Councillor Bertha Mulenga who accordingly left the meeting at a time when matters in which she had a direct pecuniary interest was discussed.

NB: ***At around 11:10 hours all officers were exempted from the meeting, only the Town Clerk and Councillors remained.***

KMC/C/401/12/24: **COUNCIL COURT PROCEEDINGS AS A FINAL RESOLUTION FOR LAND IN LUKOSHI**

The Town Clerk reported to Council that Kalulushi Municipal Council in July 2019 under minute number ***KMC/227/07/19*** created plots in Chambishi area (referred to as Lukoshi plots) consisting of residential, commercial and church plots. The land was previously a conservation area under Ministry of Agriculture but later allocated to the Council for planning and

numbering of plots. Subsequently Council created a plan comprising 364 plots which were numbered by the Ministry of lands and offered to would be developers on a *first come first serve basis.*

She explained that Kalulushi Municipal Council in 2022 engaged private surveyors to beacon and survey the plots in preparation for showing the successful applicants their land and a payment of K417,600 was made for services rendered. However, during the course of the survey three settlers in the area arose claiming ownership of the said land and that resulted in a halting of the process.

The Town Clerk stated that the claimants did not have any ownership documents to support their claim but relied on the fact that their parents used to be freedom fighters. It turned out one of the three claimants had sold all the plots out even without documentation.

Following the investigations carried out it was discovered that the claimants did not have any right to claim the land as they had no documents and they were not even settled within the boundaries of the land in question. In that regard Council under Minute number ***KMC/C/224/09/23*** resolved that: -

1. *The Kalulushi Municipal Council should go ahead and offer the Lukoshi plots to the 364 applicants who had initially bought land on first come, first serve basis*
2. *That the affected farmers should be allocated a plot as compensation*

Following the Council resolution, management initiated the process of opening up of the main roads to allow clients be shown their plots. However due to threats emanating from the claimant to burn down the machine, the Council could not proceed with the activity. One of the claimants was alleged to have mobilised the community to rise against any attempts by Council to take possession of the land.

She explained that a physical inspection of the site by the building inspectors found that whilst the issues were going on, one of the Claimants had allegedly instructed

the people she is said to have sold the land to start building. The claimant in question had also built a house that was at roof level, whilst other structures were at different stages of development. She did this without an approved site plan, planning permission to develop nor approved subdivision as required by the Urban and Regional Planning Act.

Repercussions on the side of Council

- *The Kalulushi Municipal Council would have lost out on the payment made to the surveyor of K417,600*
- *The people offered land paid the Council in full and have been waiting for two years to be shown their plots, this may lead to several law suits.*
- *The Council would set a precedence and give rise to more illegalities if the people who have illegally sold the land were allowed to continue to do so.*

Kalulushi Municipal Council resolved that the Department of Engineering services opened up the main roads in the area to enable surveyors from Planning Department begin showing holders of offer letters the plots. This activity has not yet to been undertaken as the Engineering Department was fearing for the safety of their employees and the machinery. We await guidance on the matter.

Having being threatened each time an attempt to work on the roads was made to have access to the land in order to start allocating land to the people who paid to the Council, management took the matter to the Police but no action has been done.

It was for that reason that the Town Clerk informed the Council that management was proceeding to sue all the people involved in that land issue. She further explained that the matter was not to be personalised as if management was trying to punish people but the reality was that the Council had spent colossal amounts of money and the Council was being taken to court by the people who paid for the plots a long time ago and management was no longer willing to continue losing

money in court as a result of how the land was wrongly acquired and sold out by people outside the Council.

After a lengthy discussion, it was: -

RESOLVED THAT

1. Members of Plans, Works & Information Management should go on site and assess the area to ascertain how many plots are incumbent and those that are spared in order to make a rational decision.
2. One of the claimants who should be sat down and repercussions explained to her.

KMC/C/402/12/24: **COMMENCEMENT OF COURT PROCEEDINGS FOR CHIBOTE PLOTS**

The Town Clerk reported that Kalulushi Municipal Council in June 2004 allocated 60ha of land to Chibote Multipurpose Cooperative meant for their members to undertake farming activities. She stated that the Cooperative later in 2006 applied for additional 240Ha of land from the Council. However, there was no record to show that the second application was approved by the Council. The Cooperative members however insisted that the Council allocated them 300ha of land and not the 60 ha that was on record. That had caused a lot of confusion in the area as the members of the cooperative had been harassing the developers who were legally given letters of offer for plots by the Council in the area.

In an effort to try and find an ending to the matter, in July 2022, a meeting was called for between my office and the Cooperative. The area Councilor was also in attendance. Following several discussions on the matter the following resolutions were arrived at: -

- That a register of the cooperative members recorded at the time they were allocated sometime in 2004 be availed to the Council
- A headcount of the current members be done to compare with the register
- A plan should be created where the land allocated to the members be incorporated in the existing plan for the area.

- That the plan to be prepared by the Council will alienate the land into smaller parcels according to the number of members that will be captured by the Council
- That the size of the plots will be created according to the developments made
- Those whose plots have been given away or developed on by members outside the cooperative will be apportioned a reasonable size of plot that will be agreeable by the cooperative and the Council.

The above resolutions were implemented to a point that the plan was agreed upon and submitted to the Council for consideration.

Surprisingly the Cooperative members opted to disregard the agreement and allegedly started selling the land. Efforts to engage the Cooperative members has proved futile as they have continued selling land and harassing the people with offer letters from the Council. management has advised those with offer letters or title deeds to report such cases to the police as it is trespass, but the Police keep sending them back to the Council saying these were Council matters and because of the frustrations, the developers were now claiming refunds with interest from the Council while some are taking the Council to court.

After discussion on the matter, it was: -

RESOLVED THAT

The Plans, Information management systems Committee should go on site and appreciate the situation in Chibote.

KMC/C/403/12/24: **INTRODUCTION OF NEXUS ERNEGY AND WATER PROGRAM FOR ZAMBIA**

It was reported that the office of the Town Clerk was visited by a team of officers from NEXUS ENERGY AND WATER PROGRAM funded by three agencies namely European Union, Germany Government and UNICEF to support 5 Water Utilities of which Nkana Water where Kalulushi subscribes to in one of them.

1. KFW – under the European Union would deal with Capital water supply infrastructure like installation of solar power to water plants, upgrading and expansion of water reticulation systems and establishing stand-alone tanks.
2. UNICEF. On the other hand, would deal with Rural Water Supply and Sanitation as usual by providing portable water to rural communities.
3. GIZ. Germany Govt would deal with provision of technical support to the water utility companies and Local Authorities, support in provision of water equipment like lab equipment and maintenance tools. They will also procure water meters.

   Further the program would run for 36 months from May, 2024 to April, 2027 with an objective of assisting Water Utilities and Local Authorities in collection efficiency.

The Council would be informed when the program would commence here in Kalulushi District.

After discussion on the matter, it was: -

RESOLVED THAT

The report on the introduction of the Nexus Energy and Water program for Zambia be **NOTED.**

KMC/C/404/12/24: **APPLICATION FOR GENERATION OF NEW RECOMMENDATION LETTER FOR SUB J9 OF FARM 1848 IN KALULUSHI BY MR KENNETH ZALOUMIS**

It was reported that the Council was in receipt of application for generation of new recommendation letter from ZALOUMIS KENNEDY KENNETH of NRC number 102652/35/1 of stand Sub J9 of farm 1848. The applicant was omitted from the minute book and therefore wished to be recommended to the Ministry of lands to enable them to acquire a certificate of title on the aforementioned stand number.
The land in question was verified by both the Town Planners and the Surveyor to be sure that it was not incumbent.

The documents pertaining to the same land were attached.

After discussion on the matter, it was: -

RESOLVED THAT

The application for generation of a new recommendation letter for SUB J9 OF FARM 1848 by Mr. Zaloumis Kennedy Kenneth be **DEFERRED** to Planning Information and Management System (PIMS) Committee for consideration.

KMC/C/405/12/24: **CLAIM OF 25 HA OF LAND BY MR SHAMBO NTAKASIME OF CHEMBE EAST IN KALULUSHI DISTRICT**

It was reported that the Town Clerk's office had received a claim of 25 HA from Mr. Shambo Ntakasime of Chembe East whom the Council engaged in 2012 to surrender his 25HA of land to construct Chati Boarding School on the premise that the Council would allocate him the same size of land.

Details of the documentation like Minutes, agreement form and a letter from the Town Clerk written in 2019 reassuring the law firm which Mr. Shambo engaged to push his matter.

He then came to my office to try to negotiate the following: -

1. That the Council quickly looks for land for him from within Kalulushi.
2. That the Council buys land for him equivalent to what he surrendered within Kalulushi or elsewhere.
3. That he takes the matter to court by suing the Council.

It was now the onus of the Council to decide which route should be taken considering that the Council committed itself and left the issue hanging despite creating a lot of land which they could have sorted his issue out.

All the necessary documents were attached to the report for easy reference.

After discussion on the matter, it was: -

RESOLVED THAT

The Council should look for 25 Ha land in Lufwanyama and buy it for Mr. Shambo.

There being no other business to discuss the meeting was declared closed after the National Anthem followed by the prayer

SIGNED THIS……14TH…… DAY OF ……APRIL……2025

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MAYOR