

UGU DISTRICT MUNICIPALITY

**MINUTES OF THE 52ND MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL
HELD IN THE COUNCIL CHAMBERS, HIBISCUS COAST MUNICIPALITY,
10 CONNOR STREET, PORT SHEPSTONE, ON WEDNESDAY, 02 DECEMBER 2015,
AT 11H05.**

PRESENT:

Cllr SB Cele - Speaker

Cllrs NH Gumede (Exco Member), MA Chiliza (Exco Member), IM Mavundla (Exco Member), JS Mbutuma (Exco Member), Dr SG Nyawuza (Exco Member), E Moosa Bux, TM Cele, YL Duma, JM Ndlela, MB Gavu, ST Gumede, GD Henderson, BE Machi, MA Manyoni, ZA Mhlongo, MJ Mkhize, NP Mpanza, LN Myende, NY Mweshe, Y Nair, JM Ndlela, DH Njoko, VL Ntanza, FB Shezi, D Snashall, MG Sonwabo, J van Vuuren, SM Zuma and MPL Zungu.

IN ATTENDANCE:

Mr DD Naidoo	-	Municipal Manager
Ms L Cele	-	General Manager: Water Services
Ms S Mbili	-	General Manager: Treasury
Ms Z Mbonane	-	General Manager: Infrastructure and Economic Development
Mr VO Mazibuko	-	Acting General Manager: Corporate Services
Mr F Zama	-	Senior Manager: Mayoralty and Communications
Ms N Surajbally	-	Administrative Officer

• **OPENING**

The Speaker requested Cllr Henderson to open the meeting in prayer. Thereafter, he welcomed all to the meeting.

C 311/12/15 NOTICE OF MEETING

The notice of meeting was taken as read.

C 312/12/15 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs NF Shusha (*indisposed*), MP Mtheshane (*council business*), Cllr TN Dzingwa (*council business*) and NA Madlala (*indisposed*) had requested leave of absence from the meeting.

From the Management component, the Municipal Manager informed Council that the General Manager: Corporate Services was away on municipal business and that Mr VO Mazibuko was representing the General Manager: Corporate Services.

He further informed Council that the Manager: Internal Audit was attending to municipal business.

Following which,

It was unanimously

RESOLVED:

- (a) That Cllrs NF Shusha (*indisposed*), MP Mtheshane (*council business*), Cllr TN Dzingwa (*council business*) and NA Madlala (*indisposed*) be and are hereby granted leave of absence from the meeting.
- (b) From the Management component, it was noted that the General Manager: Corporate Services and the Manager: Internal Audit were attending to municipal business.

C 313/12/15 DECLARATION OF INTEREST

It was noted that there were none.

C 314/12/15 CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

The Municipal Manager advised Council that there was a First Addendum.

The Speaker requested that an item on Year End Greetings be included on the agenda under Closure.

Cllr Dr Nyawuza requested that an item on the SALGA Games be included on the agenda.

Following which,

It was unanimously

RESOLVED:

That the agenda convening the Ugu District Municipal Council meeting be and is hereby **CONFIRMED**; subject to the inclusion of the following:

- Item listed on the First Addendum under In-Committee Matters;
- Year End Greetings under Closure; and
- SALGA Games under Urgent Matters

CONFIRMATION OF MINUTES

C 315/12/15 Minutes of the 50th Meeting of the Ugu District Municipal Council held on 26 November 2015

The Speaker took members through the confirmation of the minutes.

Thereafter, Cllr NH Gumede moved for the acceptance of the minutes and was seconded by Cllr Dr Nyawuza.

Following which,

It was

RESOLVED:

That the Minutes of the 50th Meeting of the Ugu District Municipal Council held on 26 November 2015 be and are hereby **CONFIRMED**.

C 316/12/15 MATTERS ARISING

It was noted that there were none.

OUTSTANDING MATTERS

C 317/12/15 SALGA Monthly Report: Councillors Pension Fund

The Speaker informed Council that the Municipality was expecting members from the Pension Fund; however the members were not available due to other commitments; hence the matter would remain under Outstanding Matters.

C 318/12/15 STANDING ITEMS

It was noted that there were none.

MATTERS FOR DISCUSSION

C 319/12/15 Election of Members to Serve on the Recess Committee

The Speaker succinctly informed Council that the objective of the report was to propose that Council should elect members to serve on the Recess Committee from 09 December 2015 to 15 January 2016.

Cllr Ntanza proposed that the Recess Committee comprise Cllr NH Gumede, Cllr MA Chiliza, Cllr IM Mavundla and Cllr Dr SG Nyawuza and was seconded by Cllr Machi.

Following which,

It was

RESOLVED:

- (a) That the report on the Election of Members to Serve on the Recess Committee be and is hereby **NOTED**.
- (b) That the Recess Committee comprise the Cllr NH Gumede, Cllr MA Chiliza, Cllr IM Mavundla and Cllr Dr SG Nyawuza.

C 320/12/15 Notice of Motion

The Speaker informed Council that a Notice of Motion was received from Cllr Snashall.

Thereafter, Cllr Henderson took members through the Notice of Motion.

The Motion enquired of the following:

- (a) What was the extent of the damage to Ugu's Infrastructure caused by the Salt Water, and what would the cost be of repairing the damage?
- (b) What was the position with regard to the damage to appliances owned by the Ugu consumers caused by the salt water?
- (c) Would the consumers be required to pay for the salty water used because there was no alternative?

He explained to Council that he was getting a lot of enquiries from the community; therefore he needed to be updated so that he could respond to the community accordingly.

The Speaker emphasised that knowledge of the Municipal By-Laws was very important. He advised Councillors that if they did not have a copy of the By-Laws then Councillors should obtain same through the Office of the Municipal Manager.

The Speaker read out a response which entailed the following response to (a), (b) and (c) in the Notice of Motion:

- (a) No infrastructure had broken down due to salt water production; however the Municipality would conduct a condition assessment of the affected installation.
- (b) If consumers felt that they had suffered prejudice through the damages to their installations, they could lodge claims with their insurers, for

uninsured consumers unfortunately the maxim “He who alleges must prove” would have to be applied.

- (c) The Municipal By-Laws were clear in that “a consumer shall be responsible for payment for all water and sanitation services provided to the consumer” therefore consumers were expected to pay for all water used before, during and after the salt water production incident.

Cllr Henderson thanked the Speaker for the said reply. He mentioned that at least now he could go back and advise the community accordingly.

He appealed to Council to give the community a 10% discount given that many people had spent huge sums of money to buy water.

The Speaker advised members that the Municipality had to adhere to its By-laws.

Cllr Nair reminded the meeting that it was critical for the Municipality to provide the salty water to the community so that the community could bath and was able to use ablution facilities and so forth.

He emphasised that the Municipality made every effort to make fresh water available and that same was communicated broadly.

Cllr Henderson informed Council that the Notice of Motion was lodged in good faith.

Cllr Snashall sought clarity with regards to a potentially civil matter whereby the provision of salty water could have been through negligence which resulted in damage or injury.

In response, the Municipal Manager informed Council that he had received many requests from the community and that it was clear on how to deal with same. He emphasised that same were administrative issues.

Following much discussion and deliberations,

It was unanimously

RESOLVED:

That the Notice of Motion be and is hereby **NOTED**.

C 321/12/15 ITEMS FROM AMAKHOSI

It was noted that there were none.

MINUTES FROM COMMITTEES

Minutes from the Executive Committee

C 322/12/15 Confirmed Minutes of the Meeting of the Executive Committee held on 11 November 2015

The Speaker took members through the noting of the minutes of the Executive Committee held on 11 November 2015.

Cllr Snashall referred members to page 23 of the agenda and sought clarity with regard to the Overtime Analysis; whereby if one analysed the figures reflected then same meant that employees were working 12 hours of overtime a day, 30 days a month. He pointed out that no human being could work like that. He emphasized that the said information was outrageous.

In response, the Municipal Manager requested that he be given an opportunity to look into the said concern given that he did not have access to the Overtime Schedule.

Cllr Henderson referred members to page 21, second paragraph from the bottom and sought clarity as to when the sms to Ward Councillors would be implemented.

The Speaker assured Council that the sms to Ward Councillors were being implemented but he was not sure whether same was being implemented in stages. He advised Management that same should be implemented across the board.

Cllr Snashall then referred members to page 25 of the agenda and sought clarity if Councillors could have a copy of the Draft Roster of Meetings for 2016.

The Speaker informed Council that the Roster of Meetings would be submitted to the meeting in January 2016.

Following questions of clarity,

It was unanimously

RESOLVED:

- (a) That the Confirmed Minutes of the Meeting of the Executive Committee held on 11 November 2015 be and is hereby **NOTED**.
- (b) That the Municipal Manager be given an opportunity to look into the concern regarding overtime and that same be reported at the next meeting.

**C 323/12/15 URGENT MATTERS
SALGA GAMES**

Cllr Dr Nyawuza stressed concerns for not receiving a report on the SALGA Games.

He emphasized that previously when the Municipality had prepared for such events, Councillors were given detailed reports.

It was noted that the official responsible for providing the said report was away on family responsibility leave.

The Speaker advised Council that the Senior Manager: Mayoralty and Communications would ensure that Councillors received up to date information with regard to the SALGA Games.

Following which,

It was unanimously

RESOLVED:

- (a) That the concern raised regarding the SALGA Games be and is hereby **NOTED**.
- (b) That the Senior Manager: Mayoralty and Communications be tasked to ensure that Councillors receive up to date information with regard to the SALGA Games.

**C 324/12/15 IN-COMMITTEE MATTERS
Annual Salary Increases – Section 56/57 Managers – 2015/2016**

[At that stage of the proceedings, Cllr Shezi proposed that the meeting move in-committee and was seconded by Cllr Snashall.]

The Speaker took members through the item

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Annual Salary Increases – Section 56/57 Managers – 2015/2016 be and is hereby **NOTED**.

- (b) That all Section 56/57 Managers be paid an annual salary increase of 5% with effect from 01 July 2015.

[At that stage of the proceedings, Cllr Henderson proposed that the meeting move out of committee and was seconded by Cllr Gumede.]

C 325/12/15 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for Thursday, 28 January 2016.

C 326/12/15 CLOSURE

At that stage of the proceedings, the Speaker requested the Caucus Chairpersons to convey their Year-End & Seasonal Greetings Remarks:

Democratic Alliance (DA)

Cllr Snashall conveyed their Year-End & Seasonal Greetings.

Inkatha Freedom Party (IFP)

Cllr Machi conveyed their Year-End & Seasonal Greetings.

National Freedom Party (NFP)

Cllr Zuma conveyed their Year-End & Seasonal Greetings.

Amakhosi

Inkosi TC Cele conveyed their Year-End & Seasonal Greetings.

African National Congress (ANC)

Cllr NH Gumede conveyed their Year-End & Seasonal Greetings.

Concluding, the Speaker wished all Councillors as well as Management and officials a well-deserved rest, a merry Christmas and a prosperous New Year.

There being no further items for discussion, the Speaker declared the meeting closed at 12h05.

CHAIRPERSON: -----

DATE : -----