

UGU DISTRICT MUNICIPALITY

MINUTES OF THE INAUGURAL MEETING OF THE NEWLY ELECTED MUNICIPAL COUNCIL FOR THE TERM 2021 TO 2026 HELD IN THE CIVIC CENTRE, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 02 DECEMBER 2021, AT 10H00.

PRESENT:

Cllr SR Ngcobo - Speaker

Cllr PH Mthiyane (Exco Member), VM Chiya (Exco Member), D Nciki (Exco Member), SP Mthethwa (Exco Member), GD Henderson (Exco Member), SN Caluza (Exco Member), NA Njenga (Exco Member), MA Manyoni, FM Ngwane, MP Shoji, LMR Ngcobo, P Breedts, X Nkasa, BE Machi, MP Mteshane, TH Msabala, LS Zungu, BE Majola, MV Vezi, MP Tenza, EV Baptie, ST Khathi, SHE Mngoma, BN Shoji, B Nyuswa, N Mweshe, MZ Luthuli, PC Shange, GS Shange, SA Ngcece, SP Ntuli, TT Hlophe, SE Khawula, JS Ngwane, J Schmidt, and N Ndovela.

BY INVITATION:

Inkosi MP Ngcobo

Inkosi BS Nzimakwe

Inkosi ZGB Msomi

Inkosi ZR Qwabe

Inkosi EZ Jali

Inkosi B Cele

Mr H Njoko - Entities

Ms P Mangcu - Entities

Ms D Ludick - Entities

Mr S Dlomo - Entities

Ms Barnard - Chief Magistrate

Mr S Duma - Department of Co-operative Governance and Traditional Affairs (CoGTA)

Ms N Zamisa - Department of Co-operative Governance and Traditional Affairs (CoGTA)

IN ATTENDANCE:

Dr EMS Ntombela - Acting Municipal Manager

Mr V.O Mazibuko - General Manager: Corporate Services

Ms T Mwelase - Acting General Manager: Water Services

Ms D Rankin - General Manager: Economic Development and Environmental Services (EDES)

Ms L Sotshede - Acting General Manager: Budget and Treasury Office

Ms F Mbili - Senior Manager: Corporate Strategy and Shared Services

Mr F Zama - Senior Manager: Mayoralty and Communications

Mr S Kati - Manager: Risk and Internal Audit

Ms N Mbambo - Manager: Legal Services

Ms N Surajbally	-	Administrative Officer
Ms B Malishe	-	Committee Co-ordinator
Ms T Kikine	-	Acting Committee Co-ordinator

- **OPENING AND WELCOME**

The Acting Municipal Manager welcomed all to the auspicious occasion.

NATIONAL ANTHEM

It be noted that all members sang the National Anthem.

PRAYER

Pastor Z Maphumulo from the Apostolic Faith Mission opened the meeting in prayer.

[At that stage of the proceedings, the Acting Municipal Manager introduced himself to all present. Furthermore, he advised all present that the General Managers from all the Departments within the Municipality were also present.]

C263/12/21 NOTICE OF MEETING

The notice of meeting was taken as read.

C264/12/21 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that there were none.

C265/12/21 CONFIRMATION OF THE AGENDA

The Acting Municipal Manager took members through the confirmation of the agenda.

He also commended the General Manager: Corporate Services and his team, given that the Ugu District Municipality had received the first position in the country in terms of the ICT Maturity.

Cllr Mthiyane proposed that the following items should be prioritized and discussed after Item 11, namely:

- Item 12.13 Standing Rules and Order of the Ugu District Municipal Council: Physical Meetings;
- Item 12.14 Standing Rules and Order of the Ugu District Municipal Council: Virtual Meetings; and
- Item 12.15 Code of Conduct for Councillors.

The Acting Municipal Manager also requested for the following items to be included on the agenda, namely:

- Item 11.1 Mechanical, Electrical Equipment and Civil Works Replacement /Overhauling and Repairs at the St Helen's Rock for the 2021 / 2022 Financial Year KZN COGTA Grant Funding with the purpose of enhancing equipment reliability and enhance water security under Ray Nkonyeni area of supply; and
- Item 11.2 The Provision of new Boreholes and the Refurbishment of Existing Boreholes.

Cllr Mthethwa referred members to page 2 of the agenda and highlighted the following footnote:

- *[Please note that the Council will terminate after Item 12.9 and will discuss Items 12.10 to 12.20 at a special meeting.]*

He then requested an explanation relating to the above footnote. He also drew the attention of members to Item 12.19 and 12.20 and pointed out that he did not receive the said documents, given that the Councillors had not yet received their tools of trade. He further raised a concern that even the two (2) additional items on the funding were not made available to all Councillors on time.

Cllr MP Shoji proposed that the following items should be deferred to a Special Meeting, namely:

- Item 12.16 Declaration of Interest;
- Item 12.17 Councillor Remuneration;
- Item 12.18 IDP for the 2021 / 2022 Financial Year;
- Item 12.19 Close-Out Report; and
- Item 12.20 Annual Report for the 2019/2020 Financial Year.

Following which,

It was

RESOLVED:

(a) That the agenda convening of the Inaugural Meeting of the Newly Elected Municipal Council for the Term 2021 to 2026 be and is hereby **CONFIRMED**, subject to the following amendments, namely:

- Inclusion of Item 11.1 Mechanical, Electrical Equipment and Civil Works Replacement / Overhauling and Repairs at the at

St Helen's Rock for the 2021 / 2022 Financial Year KZN COGTA Grant Funding with the purpose of enhancing equipment reliability and enhance water security under Ray Nkonyeni area of supply; and

- Inclusion of Item 11.2 The Provision of new Boreholes and the Refurbishment of Existing Boreholes.

(b) That the following items be deferred to a Special meeting, namely:

- Item 12.16 Declaration of Interest;
- Item 12.17 Councillor Remuneration;
- Item 12.18 IDP for the 2021 / 2022 Financial Year;
- Item 12.19 Close-Out Report; and
- Item 12.20 Annual Report for the 2019/2020 Financial Year.

C266/12/21 WELCOME TO DISTINGUISHED GUESTS AND DIGNITARIES

It was noted that the Acting Municipal Manager welcomed all distinguished guests and dignitaries to the momentous occasion.

C276/12/21 ACKNOWLEDGEMENT OF GUESTS

The Acting Municipal Manager acknowledged all guests present.

Moreover, it must be noted that all protocol was observed by the Acting Municipal Manager.

Also, he welcomed the community of Ugu District.

C268/12/21 INTRODUCTION OF DISTRICT CHAMPIONS

The Acting Municipal Manager advised members that invitations were extended to Dr S'funda the LED Champion as well the Honorable MEC Khoza for Social Development Kwa Zulu-Natal.

He also took the opportunity to acknowledge the former Mayors of the Ugu District Municipality, which were as follows:

- Mr M Khawula;
- Mr SB Cele;
- Mr MA Chiliza;
- Ms NH Gumede;
- Mr SR Ngcobo; and
- The late Mr T Mnyayiza

C269/12/21 PUBLIC ACKNOWLEDGEMENT, THANKS AND FORMAL FAREWELL TO NON-RETURNING COUNCILLORS

The Acting Municipal Manager acknowledged all the Non-Returning Councillors and further bid them farewell.

C270/12/21 NOTICE IN TERMS OF SECTION 12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

The Acting Municipal Manager mentioned that the purpose was to inform the meeting of the Notice published in terms of Section 12 of the Local Government: Municipal Structures Act, 1998: Repeal and Replacement of Establishment Notice for the Ugu District Municipality (DC21) and the Umdoni (KZN 212), Umzumbe (KZN 213) and Umuziwabantu (KZN 214) Local Municipalities; the Disestablishment of the Vulamehlo (KZN 211), Ezinqoleni (KZN 215) and Hibiscus Coast (KZN 216) Local Municipalities; and the Establishment of the merged Ray Nkonyeni (KZN 216) Local Municipality; as issued by the MEC for Local Government in KZN on 21 July 2016.

Cllr Henderson referred members to page 3 of the report and drew the attention of member to a list of the proportionally elected Councillors. He then advised that the said list should be corrected accordingly.

The Acting Municipal Manager confirmed that the said error was a misprint and that same would be corrected accordingly.

Mr Duma explained to members that the Section 12 Notice was published in two (2) phases. He confirmed that the said Notice that was reflected on the agenda was a draft document which was later corrected in the final document.

He advised members that the final document stated that there were fifteen (15) proportionally elected Councillors. He further informed members that the said Notice was submitted for noting purposes.

Following which,

It was unanimously

RESOLVED:

- (a) That the report regarding the Notice in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 be and is hereby **NOTED**.

(b) That, it be noted that the Ugu District Municipal Council consisted of thirty-seven (37) Councillors as follows:

- Fifteen (15) proportionally elected Councillors;
- Four (4) Councillors appointed from Umdoni Municipality;
- Five (5) Councillors appointed from Umzumbe Municipality;
- Three (3) Councillors appointed from Umuziwabantu Municipality; and
- Ten (10) Councillors appointed from Ray Nkonyeni Municipality.

(c) That, it be noted that in terms of the Section 12 Notice, the Ugu District Municipal Council may have the following full-time Councillors, namely:

- Speaker;
- Mayor; and
- Deputy Mayor

C271/12/21 INTRODUCTION OF COUNCILLORS AND TRADITIONAL LEADERS

The Acting Municipal Manager took members through the item.

He succinctly advised all present that the Ugu District Municipal Council comprised a total of 37 Councillors and 6 Amakhosi.

Following which,

It was unanimously

RESOLVED:

That the Introduction of Councillors and Traditional Leaders be and is hereby **NOTED**.

C272/12/21 OATH OF OFFICE / SOLEMN AFFIRMATION BY MEMBERS OF THE COUNCIL ADMINISTERED BY THE MAGISTRATE

The Magistrate, Ms Barnard requested all the Councillors to stand at the same time in order to take the Oath of Office without moving from their seats.

Following which,

It was unanimously

RESOLVED:

That the oath or solemn affirmation by members of the council administered by the magistrate be and is hereby **NOTED**.

C273/12/21 **ITEMS FOR CONSIDERATION**
Election of Speaker

The Acting Municipal Manager took members through the item.

He advised members that as per Section 36 of the Local Government: Municipal Structures Act of 1998, the Council must elect the Speaker amongst its Councillors at the first sitting after the Local Government Elections.

Cllr JS Ngwane requested that the Inkatha Freedom Party (IFP) be granted a five (5) minutes caucus break, which was granted.

It be noted that after the five (5) minutes caucus break, the Acting Municipal Manager called for the nominations of the Speaker.

Cllr Nciki nominated the name of Cllr SR Ngcobo as the Speaker of Ugu District Municipality and was seconded by Cllr FM Ngwane.

Cllr GD Henderson also nominated the name of Cllr LMR Ngcobo as the Speaker of Ugu District Municipality and was seconded by Cllr Breedt.

Cllr JS Ngwane proposed that the nominations should be closed and was seconded by Cllr GD Henderson.

At that stage of the proceedings, the Acting Municipal Manager requested the officials from the Electoral Independent Commission (IEC) to assist on the preparation of the voting process.

Mr Duma from CoGTA explained the voting procedure that would be applied, whereby each Councillor would be allowed to vote only once using a secret ballot paper.

He advised members that once the voting process commenced all doors should remain closed during the said duration and that no debates would be allowed.

It was further noted that the Councilors voted using the secret ballot paper issued by the Electoral Independent Commission (IEC) in the presence of the party agents from the African National Congress (ANC) and the Democratic Alliance (DA).

After the voting process, the Acting Municipal Manager announced the results, which were as follows:

- Cllr SR Ngcobo received 19 votes; and
- Cllr LMR Ngcobo received 18 votes.

Thereafter, Cllr SR Ngcobo was declared as the Speaker of Ugu District Municipality.

Following which,

It was

RESOLVED:

- (a) That the Election of the Speaker be and is hereby **NOTED**.
- (b) That Cllr SR Ngcobo be and is hereby declared the Speaker of Ugu District Municipality.

C274/12/21 Taking Oath of Office of the Speaker administered by the Magistrate

It must be noted that immediately after the taking of the oath, which was administered by Magistrate, Ms Barnard, the Speaker delivered his acceptance statement.

It was

RESOLVED:

- (a) That the Taking Oath of Office of the Speaker administered by the Magistrate be and is hereby **NOTED**.
- (b) That the acceptance statement by the Speaker be and is hereby **NOTED**.

C275/12/21 Determination of Councillors to serve on the Executive Committee

The Speaker took members through this item.

The Acting Municipal Manager advised members that the Council had a total of seven (7) seats. He then highlighted the allocation of seats from each political party, namely:

- African National Congress (ANC) - 04 seats;
- Democratic Alliance (AD) - 01 seat;
- Inkatha Freedom Party - 01 seat and
- Economic Freedom Front (EFF) - 01 seat

Cllr MP Shoji nominated the following (04) from the African National Congress (ANC) to serve as members of the Executive Committee, and was seconded by Cllr N Mweshe; namely

- Cllr PH Mthiyane;
- Cllr VM Chiya;

- Cllr D Nciki; and
- Cllr SN Caluza

Mr Duma advised members that in terms of the composition of the Executive Committee members, the Council had the authority to increase or reduce the number of Executive Committee members. He pointed out that the Council must elect a number of Councillors necessary for the effective and efficient government, provided that the elected members were not more than 20 percent of the Councillors or 10 Councillors, whichever was the least, were elected.

Cllr MP Shoji requested that the African National Congress (ANC) be granted a five (5) minutes caucus break, which was duly granted.

After the five (5) minutes caucus break, the Council reconvened, and the Speaker invited Mr Duma to sit next to him in order to advise him on the way forward.

Cllr MP Shoji apprised members that during the five (5) minutes caucus break, the African National Congress (ANC) considered the municipal Structures Act of 1998 and further apologized for any inconveniences that might have been caused and further advised that the meeting should proceed with the nominations.

Cllr LMR Ngcobo from the Democratic Alliance (DA) nominated the name of Cllr GD Henderson to serve as a member of the Executive Committee and was seconded by Cllr Breedt.

Cllr JS Ngwane from the Inkatha Freedom Party (IFP) nominated the name of Cllr SP Mthethwa to serve as member of the Executive Committee and was seconded by Cllr Khawula.

Furthermore, Cllr N Ndovela from the Economic Freedom Fighters (EFF) proposed that Cllr NA Njenga should serve on the Executive Committee and was seconded by Cllr X Nkasa.

Following which,

It was

RESOLVED:

- (a) That the report relating to the Determination of Councillors to serve on the Executive Committee be and is hereby **NOTED**.
- (b) That the Executive Committee comprise the following (07) members namely:
 - Cllr PH Mthiyane (ANC)
 - Cllr VM Chiya (ANC);

- Cllr D Nciki (ANC);
- Cllr SN Caluza (ANC)
- Cllr GD Henderson (DA);
- Cllr SP Mthethwa (IFP); and
- Cllr NA Njenga (EFF)
- Cllr SR Ngcobo: Speaker: (*Ex-Officio*).

C276/12/21 Election of the Mayor of the Ugu District Municipality from the Members of the Executive Committee

The Speaker took members through this item.

Cllr Khathi proposed that Cllr PH Mthiyane should be the Mayor of the Ugu District Municipality and was seconded by Cllr Mweshe.

Following which,

It was

RESOLVED:

- (a) That the Election of the Mayor of the Ugu District Municipality from the Members of the Executive Committee be and is hereby **NOTED**.
- (b) That Cllr PH Mthiyane be and is hereby declared the Mayor of the Ugu District Municipality.

C277/12/21 Taking Oath of Office of the Mayor administered by the Magistrate

It must be noted that the Mayor took her Oath of Office, which was administered by the Chief Magistrate Ms Barnard.

Following which,

It was

RESOLVED:

That the Taking Oath of Office of the Mayor administered by the Chief Magistrate be and is hereby **NOTED**.

C278/12/21 Election of the Deputy Mayor from the Members of the Executive Committee

The Speaker took members through the item.

Cllr Ntuli proposed that Cllr VM Chiya should be the Deputy Mayor of Ugu District Municipal Council and was seconded by Cllr Manyoni.

Following which,

It was

RESOLVED:

- (a) That the Election of the Deputy Mayor from the Members of the Executive Committee be and is hereby **NOTED**.
- (b) That Cllr VM Chiya be and is hereby declared the Deputy Mayor of the Ugu District Municipality.

C279/12/21 Taking Oath of Office of the Deputy Mayor administered by the Magistrate

It must be noted that the Deputy Mayor took the Oath of Office, which was administered by the Chief Magistrate, Ms Barnard.

Following which,

It was

RESOLVED:

That the Taking Oath of Office of the Deputy Mayor administered by the Magistrate be and is hereby **NOTED**.

C280/12/21 Acceptance Statement by the Newly Elected Mayor

It must be noted that an Acceptance Statement was given by the newly elected Mayor.

Following which,

It was

RESOLVED:

That the Acceptance Statement by the Newly Elected Mayor be and is hereby **NOTED**.

C281/12/21 Determination of Full-Time Councillors

The Speaker took members through the item.

He mentioned that the purpose of the report was for Council to determine which Councillors were to be designated as full-time.

In addition, the Acting Municipal Manager advised that in terms of S18(4) of the Local Government Municipal Structures Act, the following Councillors have been determined by the MEC as full-time, subject to the Council designating them:

- Speaker
- Mayor
- Deputy Mayor

He then referred members to the recommendations.

Cllr Mthethwa moved for the acceptance of the recommendations and was seconded by Cllr BE Machi.

Following which,

It was

RESOLVED:

- (a) That the report on the Designation of Full Time Councillors be and is hereby **NOTED**.
- (b) That the Speaker, the Mayor and the Deputy Mayor be and are hereby declared full-time Councillors as determined by the MEC.
- (c) That the Municipal Manager be and is hereby **AUTHORISED** to request the MEC for Local Government in KZN to designate the five (5) Executive Committee members as full time.

C282/12/21 Mechanical, Electrical Equipment and Civil Works Replacement/Overhauling and Repairs at the at ST Helen's Rock for 2021 / 2022 Financial Year KZN COGTA Grant Funding with the purpose of enhancing equipment reliability and enhance water security under the Ray Nkonyeni area of supply

The Acting Municipal Manager took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the St Helen's Rock Mechanical, Electrical Equipment and Civil Works Replacement/Overhauling and Repairs through the 2021/2022 KZN CoGTA Grant Funding, Business Plan and KZN CoGTA acknowledgement letter be and is hereby **NOTED**.

- (b) That the amount of R 15 300 000.00 grant funding for the implementation of the Refurbishment of St Helen's Rock Raw Water Abstraction Pump Station funded by CoGTA through the Accelerated Water Intervention Programme, be and is hereby **APPROVED**.
- (c) That the provisions of DORA, PFMA and conditions of the MOA be and is hereby **ACCEPTED**.
- (d) That, it be noted that the project will form part of the Municipal Integrated Development Plan for the next five 5 years.

C283/12/21 The Provision of new Boreholes and the Refurbishment of Existing Boreholes

The Acting Municipal Manager took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Provision of New Boreholes and the Refurbishment of existing boreholes through the 2021/2022 KZN CoGTA Grant Funding, Business Plan and KZN CoGTA acknowledgement letter be and is hereby **NOTED**.
- (b) That the amount of R 4 000 000.00 grant funding for the implementation of the Provision of New Boreholes and the Refurbishment of existing boreholes funded by CoGTA through the Accelerated Water Intervention Programme, be and is hereby **APPROVED**.
- (c) That the provisions of DORA, PFMA and conditions of the MOA be and is hereby **ACCEPTED**.
- (d) That, it be noted that the project will form part of the Municipal Integrated Development Plan for the next five 5 years.

C284/12/21 Establishment of Committees

It was

RESOLVED:

That the report on the Establishment of Committees be and is hereby **DEFERRED** to a next meeting.

C285/12/21 Election of Representatives to SALGA Provincial and National Conference

It was

RESOLVED:

That the report on the Election of Representatives to SALGA Provincial and National Conference be and is hereby **DEFERRED** to a next meeting.

C286/12/21 Roles and Responsibilities of Councillors, and Delegated Powers

It was

RESOLVED:

That the report on the Roles and Responsibilities of Councillors, and Delegated Powers be and is hereby **DEFERRED** to a next meeting.

C287/12/21 Standing Rules and Order of the Ugu District Municipal Council: Physical Meetings

The Acting Municipal Manager took members through the item.

He apprised members that the report was submitted in order to apprise the Committee on the Standing Rules and Orders of Council and its Committees.

Following which,

It was unanimously

RESOLVED:

(a) That the report on the Standing Rules and Orders of Council and its Committees: Physical Meetings be and is hereby **NOTED**.

(b) That the Standing Rules and Orders for the Municipality: Physical Meetings be and is hereby **ADPOTED**.

C288/12/21 Standing Rules and Order of the Ugu District Municipal Council: Virtual Meetings

The Acting Municipal Manager took members through the item.

He apprised members that the report was submitted in order to apprise the Committee of the Standing Rules and Orders of the Ugu District Municipal Council and its Committees.

Following which,

It was unanimously

RESOLVED:

(a) That the report on the Standing Rules and Order for the Ugu District Municipal Council and its Committees be and is hereby **NOTED**.

(b) That the Standing Rules and Orders for the Ugu District Municipal Council and its Committees be and is hereby **ADOPTED**.

C289/12/21 Code of Conduct for Councillors

The Acting Municipal Manager took members through the item.

He informed members that the report was submitted in order to apprise and issue the Committee with a copy of the Code of Conduct.

Following which,

It was unanimously

RESOLVED:

(a) That, it be noted that a copy of the Code of Conduct Code of Conduct was presented to all Councillors and Amakhosi on 02 December 2021 as part of the Councillor's Pack.

(b) That, it be noted that the said Code of Conduct be applicable to Councillors and Amakhosi for their term of Council i.e from 2021 to 2026.

C290/12/21 Declaration of Interest

It was

RESOLVED:

That the report on the Declaration of Interest be and is hereby **DEFERRED** to a Special meeting.

C291/12/21 Councillor Remuneration

It was

RESOLVED:

That the report on the Councillor Remuneration be and is hereby **DEFERRED** to a Special meeting.

C292/12/21 Close-Out Report

It was

RESOLVED:

That the Close-Out Report be and is hereby **DEFERRED** to the next meeting.

C293/12/21 IDP for the 2021 / 2022 Financial Year

It was

RESOLVED:

That the report on the IDP for the 2021 / 2022 Financial Year be and is hereby **DEFERRED** to a Special meeting.

C294/12/21 Annual Report for the 2019/2020 Financial Year

It was

RESOLVED:

That the report on the Annual Report for the 2019/2020 Financial Year be and is hereby **DEFERRED** to a Special meeting.

C295/12/21 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for Thursday, 27 January 2022.

C296/12/21 CLOSURE

In closing, the Speaker expressed his gratitude to all present for their co-operation.

He also expressed his gratitude to all Councillors who were going on retirement and wished them all the best for their future.

There being no further items for discussion, the meeting was closed at 14h07.

CHAIRPERSON : ----- DATE: -----

