

UGU DISTRICT MUNICIPALITY

MINUTES OF THE 16th MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 20 APRIL 2023, AT 11H17.

Cllr SR Ngcobo - Speaker

D Nciki (Exco Member), GD Henderson (Exco Member), SN Caluza (Exco Member), MP Shoji, P Breedts, TT Hlophe, SE Khawula, MZ Luthuli, BE Machi, MA Manyoni, NO Mazubane, SD Mdluli, SEH Mngoma, IS Mqadi, TH Msabala, NY Mweshe, N Ndadane, SA Ngcece, LMR Ngcobo, FM Ngwane, JS Ngwane, X Nkasa, SP Ntuli, B Nyuswa, J Schmidt, PC Shange, BN Shoji, MV Vezi and MP Tenza

BY INVITATION:

Inkosi EZ Jali

Inkosi MP Ngcobo

Ms CN Khanyile - CoGTA Governance Expert

IN ATTENDANCE:

Mr VO Mazibuko

Mr K Audan

Ms D Rankin

Dr T Mwelase

Ms M Gobhozi

Ms F Mbili

Ms S Maharaj

Ms N Surajbally

Mr P Vezi

Mr S Madonsela

- Acting Municipal Manager
- General Manager: Budget and Treasury Office
- General Manager: Economic Development and Environmental Services (EDES)
- Acting General Manager: Water Services
- Acting General Manager: Corporate Services
- Senior Manager: Corporate Strategy and Shared Services
- Acting Manager: Administration and Auxiliary Services
- Administrative Officer: Secretariat Unit
- Committee Clerk
- Committee Clerk

• OPENING

The Speaker extended a warm welcome to all present. He then requested Cllr Mazubane to open the meeting in prayer.

C 112/04/23

NOTICE OF MEETING

The notice of the meeting was taken as read.

C 113/04/23

APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that the Deputy Mayor (*council business*), Cllrs SP Mthethwa (*family commitment*), BN Shoji (*family commitment*), NA Njenga (*family commitment*) had requested leave of absence from the meeting.

It was noted that Inkosi Ngcobo (*council business*) had requested leave of absence from the meeting.

It was noted that from the Management Component, the General Manager: Water Services (*sick leave*) had requested leave of absence from the meeting.

Moreover, it was noted that the Senior Manager: Water Services Operations was the Acting General Manager: Water Services.

Following which,

It was unanimously.

RESOLVED:

- (a) That the Deputy Mayor (*council business*), Cllrs SP Mthethwa (*family commitment*), BN Shoji (*family commitment*) and NA Njenga (*family commitment*) be and are hereby **GRANTED** leave of absence from the meeting.
- (b) That Inkosi Ngcobo (*council business*) be and is hereby **GRANTED** leave of absence from the meeting.
- (c) That, it be noted that from the Management component, the General Manager: Water Services (*sick leave*) be and is hereby granted leave of absence from the meeting.
- (d) That, it be noted that the Senior Manager: Water Services Operations was the Acting General Manager: Water Services.

C 114/04/23

DECLARATION OF INTEREST

It was noted that there were none.

At this stage of the proceedings, Cllr JS Ngwane sought clarity if the Declaration of Interest applied to the Councillors only or if the Management Component also had to declare their interest.

In response, the Speaker explained to Council that the matter is then dealt with In-Committee whereby the Management Component is excused from the said session.

C 115/04/23

CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

The Acting Municipal Manager informed Council that the complete Agenda Pack was e-mailed to all members on time and that same consisted of the following:

- Main Agenda;

- In-Committee Agenda;
- In-Committee Items 14.2, 14.3 and 14.4

The Speaker informed Council that there were items from the meeting of the Executive Committee that was held on 19 April 2023; but due to there being not enough time to study the said items; he then advised the Acting Municipal Manager to call a special meeting via the Hybrid Platform to deal with the items that were deemed urgent.

Thereafter, Cllr Henderson moved for the acceptance of the agenda and was seconded by Cllr Ntuli.

Following which,

It was

RESOLVED:

That the agenda convening the meeting of the Ugu District Municipal Council be and is hereby **CONFIRMED**.

CONFIRMATION OF MINUTES

Minutes of the 15th Meeting of the Ugu District Municipal Council held on 23 March 2023

The Speaker took members through the confirmation of the minutes for the 15th meeting of the Ugu District Municipal Council held on 23 March 2023.

Thereafter, Cllr Schmidt moved for the acceptance of the minutes and was seconded by Cllr Manyoni.

Following which,

It was

RESOLVED:

That the minutes of the 15th Meeting of the Ugu District Municipal Council held on 23 March 2023, be and are hereby **CONFIRMED** subject to Item 10.3 being **WITHDRAWN** from the Agenda.

RESOLUTIONS REGISTER

Resolutions Register for the 15th Meeting of the Ugu District Municipal Council held on 23 March 2023

The Speaker took members through the Resolutions Register for the 15th Meeting of the Ugu District Municipal Council held on 23 March 2023.

Following which,

It was

RESOLVED:

That the Resolutions Register for the 15th Meeting of the Ugu District Municipal Council held on 23 March 2023, be and is hereby **NOTED**.

C 118/04/23

OUTSTANDING MATTERS

It was noted that there were none.

STANDING ITEMS

C 119/03/23

Status on Covid-19 Cases

It was noted that there was no report.

C 120/04/23

Monthly Birthday Greetings: Councillors, Amakhosi and Senior Managers

The Speaker conveyed birthday wishes on behalf of Council to the following Councillor who celebrated their birthday during the month of March, namely:

- Cllr TT Hlophe - 28 April

Following which,

It was unanimously

RESOLVED:

That the Monthly Birthday Greetings for Councillors, Amakhosi and Senior Managers be and is hereby **NOTED**.

C 121/04/23

Water Supply Status Quo Report

The Speaker introduced the item.

Taking over, the Acting Municipal Manager took members through the item.

He highlighted the following, namely:

- Area South Central;
- Area South;
- Area North; and
- Area Southwest.

Cllr Henderson commended the report and stated that the Acting Municipal Manager had provided a good summary of the Water Supply Status Quo. He mentioned that one of the officials posted on the Ugu District Municipality information WhatsApp Group a very interesting information from the Umgeni Water regarding their challenges experienced on the water provision during the loadshedding Stage 6.

Furthermore, he pointed out that the said post was deleted and requested that same should be reposted on the said group.

Cllr Ngcece (31:39) appreciated the report and emphasised that the communication should be improved between the Ugu District Municipality and the communities. He added that the ongoing issue of the loadshedding affects service delivery and that same should be communicated with the communities. Furthermore, he requested that the implementation of the Business Plan for the installation of the Boreholes should be fast-tracked to address the water issues at the Area North.

Cllr Breedt sought clarity if there were any remedial interventions planned for the Umtamvuna area given their current water challenges experienced. He stressed with concern that the Implementation of the Power Upgrade at the Umtamvuna WTW by Eskom was taking too long to be implemented and that same was unacceptable. Furthermore, he expressed his disappointment that the KwaNzimakwe Area only received water from yesterday after there was a community protect planned for the following day.

Commenting, Cllr JS Ngwane commended the Acting Municipal Manager and appreciated same for providing such an honest report regarding the status of the water supply within the Ugu District. He referred members to page 50 of the agenda and pointed out with concern that the number of the water tankers indicated in the said report was not a true reflection of the available water tankers on the ground. Furthermore, with regards to the Boreholes, he proposed that same should be placed in strategic positions and should be linked to the reservoirs to pump and provide water to the communities.

Commenting, the Speaker informed members that he had engaged the Acting Mayor regarding the issue of the Boreholes and agreed that a detailed report regarding the placement location of same should be submitted in the next Council meeting.

Concurring, Cllr Khawula referred members to page 58 of the agenda and expressed his disappointment with regards to the issue of the water tankers and also mentioned that the communities were not satisfied with the water tanker service rendered by the Ugu District Municipality. He added that the Municipality should ensure water supply especially in areas where they already had the water infrastructure available.

In response, the Acting Municipal Manager assured members that all the inputs had been noted and would be attended. He stated a progress report would be submitted in the next meeting and that the Water Supply Status was always changing and that they would ensure that the information provided to Council was always current and updated.

Following which,

It was

RESOLVED:

That the report on the Water Supply Status Quo be and is hereby **NOTED**.

C 122/04/23

SALGA Monthly Report

The Speaker took members through the item.

Following which,
It was

RESOLVED:

That the SALGA Monthly Report as at 24 March 2023 be and is hereby **NOTED**.

C 123/04/23

SECTION 79 REPORTS

It was noted that there were none.

MATTERS FOR DISCUSSION

C 124/04/23

Status of the Wastewater Treatment Works within the Ugu District

The Speaker introduced the item.

Commenting, Cllr Breedt expressed his disappointment with regards to the appalling conditions of the Wastewater Treatment Works within the Ugu District. Furthermore, he proposed that an investigation should be conducted on whether the Ugu District Municipality could establish a separate Portfolio Committee on Sanitation. He added that same was neglected and same had a potential future negative impact to the Ugu District Municipality.

Commenting, the Speaker sought clarity on whether Cllr Breedt proposed that there should be another Sanitation Committee established under the currently existing Portfolio Committee on Water and Sanitation or whether a new separate Committee should entirely be established.

In response, Cllr Breedt stated that a new Committee should be established.

The Speaker indicated that an investigation should be conducted with regards to the abovementioned.

Following which,

It was

RESOLVED:

That the report on the Status of the Wastewater Treatment Works within the Ugu District be and is hereby **NOTED**.

C 125/04/23

Peak Season Preparedness Contingency Plan April 2023

The Speaker took members through the item.

Following which,

It was

RESOLVED:

That the Peak Season Preparedness Contingency Plan April 2023 be and is hereby **NOTED**.

C 126/04/23 **Feedback on the Public Consultation on the Proposed Water User Agreement with Umgeni Water in respect of the Phase 1 of the Umkomazi Water Project – Raw Water Component (“uMWP-1” / the “Project” (The “Draft Contract”) in terms of S33 of the MFMA read in conjunction with S21 and S21A of the MSA**

It was noted that the item was withdrawn from the Agenda.

C 127/04/23 **Monthly Budget Statements: March 2023**

The Speaker took members through the item.

He reminded members that the Agenda was dispatched timeously; hence members had enough time to study the Agenda. He then sought clarity if members had any questions or needed explanations with regard to the Monthly Budget Statements for March 2023.

Given that there were no questions of clarity, Cllr LMR Ngcobo moved for the acceptance of the recommendations and was seconded by Cllr MP Shoji.

Following which,

It was

RESOLVED:

(a) That the report on the Monthly Budget Statement for the month March 2023 be and is hereby **NOTED**.

(b) That the Monthly Budget Statement for the month of March 2023 and the supporting documents be submitted to both Provincial and National Treasury in both electronic and hard copies.

C 128/04/23 **Total Overtime Paid**

The Speaker took members through the item.

Commenting, Cllr Machi pointed out that overtime needed to be strictly monitored. She stressed that it seemed as though the overtime was created purposely. She appealed to Council that there was a need for an employee lifestyle audit to be done.

Following which,

It was

RESOLVED:

That the report on the Total Overtime Paid be and is hereby **NOTED**.

C 129/04/23

SCM Monthly Performance Report: March 2023

The Speaker took members through the item.

Following which,

It was

RESOLVED:

That the SCM Monthly Performance Report: March 2023 be and is hereby **NOTED**.

C 130/04/23

Termination of the National State of Disaster (Impact of Severe Electricity Supply Constraint)

The Speaker took members through the item.

Following which,

It was

RESOLVED:

That the Termination of the National State of Disaster (Impact of Severe Electricity Supply Constraint be and is hereby **NOTED**.

MATTERS FOR CONSIDERATION FROM COMMITTEES

Extracts from the Minutes of the Meeting of the Executive Committee held on 05 April 2023

C 131/04/23

Business Plan for the Upgrading of KwaFodo Bulk Water Supply Infrastructure and Water Reticulation

The Speaker took members through the item.

Thereafter, Cllr Schmidt moved for the acceptance of the recommendations and was seconded by Cllr Henderson.

Following which,

It was

RESOLVED:

(a) That the Business Plan for the Upgrading of the KwaFodo Bulk Water Supply Infrastructure and Water Reticulation be and is hereby **NOTED**.

- (b) That Business Plan for the Upgrading of the KwaFodo Bulk Water Supply Infrastructure and Water Reticulation be and is hereby **APPROVED**.

C 132/04/23

Business Plan for the Upgrade of KwaMbotho Bulk Water Infrastructure

The Speaker took members through the item.

Thereafter, Cllr MP Shoji moved for the acceptance of the recommendations and was seconded by Cllr Caluza.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Business Plan for the Upgrade of KwaMbotho Bulk Water Infrastructure be and is hereby **NOTED**.
- (b) That the Business Plan for the Upgrade of the KwaMbotho Bulk Water Infrastructure be and is hereby **APPROVED**.

C 133/04/23

Business Plan for the Upgrade of KwaNositha and Game Reserve Bulk Water Infrastructure and Reticulation Network

The Speaker took members through the item.

Thereafter, Cllr Nyuswa moved for the acceptance of the recommendations and was seconded by Cllr Ngcece.

Following which,

It was

RESOLVED:

- (a) That the report on the Business Plan for the Upgrade of KwaNositha and Game Reserve Bulk Water Infrastructure and Reticulation Network be and is hereby **NOTED**.
- (b) That the Business Plan for the Upgrade of KwaNositha and Game Reserve Bulk Water Infrastructure and Reticulation Network be and is hereby **APPROVED**.

MINUTES FROM COMMITTEES

Minutes of the 18th Meeting of the Executive Committee held on 15 March 2023

The Speaker took members through the item.

Following which,

C 134/04/23

It was

RESOLVED:

That the minutes of the 18th Meeting of the Executive Committee held on 15 March 2023 be and is hereby **NOTED**.

C 135/04/23

URGENT MATTERS

It was noted that there were none.

[At that stage of the proceedings, Cllr Schmidt moved for the meeting to move in-committee and was seconded by Cllr Breeds.]

IN-COMMITTEE MATTERS

C 136/04/23

Extension of the Acting General Manager: Corporate Services

The Speaker took members through the item.

Thereafter, Cllr Machi moved for the acceptance of the recommendations and was seconded by Cllr Breedt.

Following which,

It was

RESOLVED:

- (a) That the report on the Extension of the Acting Appointment for the General Manager: Corporate Services be and is hereby **NOTED**.
- (b) That the Extension of the Acting Appointment for the General Municipal: Corporate Services for a further period of three (3) months effective 07 May 2023 to 06 August 2023 or until the position is filled, whichever comes first, be and is hereby **APPROVED**.
- (c) That the Deputy Mayor be and is hereby **AUTHORISED** to submit the resolutions of the Ugu District Municipal Council to the MEC for CoGTA, for concurrence.

C 137/04/23

Confirmation of the Recruitment and Selection Panel for the position of the General Manager: Corporate Services

The Speaker took members through the item.

Thereafter, Cllr Shoji moved for the acceptance of the recommendations and was seconded by Cllr Mngoma.

Following which,

It was

RESOLVED:

- (a) That the report on the Confirmation of the Recruitment and Selection Panel for the position of the General Manager: Corporate Services be and is hereby **NOTED**.
- (b) That the Recruitment and Selection Panel for the position of the General Manager: Corporate Services comprise as follows namely:
 - The Municipal Manager of a Local Municipality within Ugu District, who would be appointed as the Chairperson;
 - A member of the Mayoral Committee or Councillor who is the Portfolio Head of the relevant Portfolio Committee; and
 - At least one person who is not a Councillor or Staff Member of the Municipality and has expertise or experience in the area of the advertised post.

C 138/04/23

Acting Appointment for the General Manager: Water Services

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Acting Appointment for the General Manager: Water Services be and is hereby **NOTED**.
- (b) That Mr S Malinga be and is hereby **APPOINTED** as the Acting General Manager: Water Services for a period of three (3) months effective 01 May 2023 to 31 July 2023 or until the position is filled, whichever comes first.

C 139/04/23

Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of the Municipal Council

The Speaker took members through the item.

Thereafter, Cllr Henderson moved for the acceptance of the recommendations and was seconded by Cllr Manyoni.

Following which,

It was

RESOLVED:

- (a) That the report on the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of the Municipal Council be and is hereby **NOTED**.
- (b) That the CoGTA MEC approval of the implementation of provisions of Gazette No. 46470 on the Determination on Upper Limits of Salaries, Allowances, and Benefits of different municipal councils at 95% for the Ugu District Municipal Council be and is hereby **NOTED**.

[At that stage of the proceedings, Cllr Nciki moved for the meeting to move out of committee and was seconded by Cllr Schmidt.]

C 140/04/23

DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 25 May 2023.

C 141/04/23

CLOSURE

The Speaker reminded Council that the Budget for the financial year 2023/2024 would be dealt with at the next meeting.

He urged all Councillors and Amakhosi to study the budget thoroughly.

There being no further items for discussion, the Speaker requested Cllr Nciki to close the meeting in prayer at 12h55.

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