

UGU DISTRICT MUNICIPALITY

MINUTES OF THE 14th MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 23 FEBRUARY 2023, AT 11H10.

Cllr SR Ngcobo - Speaker

VM Chiya (Deputy Mayor), D Nciki (Exco Member), GD Henderson (Exco Member), FM Ngwane, SN Caluza, X Nkasa, BE Machi, MA Manyoni, SHE Mngoma, SP Mthethwa, NY Mweshe, SP Ntuli, SE Khawula, MV Vezi, TH Msabala, B Nyuswa, TT Hlophe, PC Shange, ST Khathi, LMR Ngcobo, P Breedt, J Schmidt, N Ndovela, N Ndadane, NA Njenga, SA Ngcece, NO Mazubane, and SD Mdluli, LS Zungu, MP Shoji, MP Tenza

BY INVITATION:

Inkosi EZ Jali

IN ATTENDANCE:

Mr VO Mazibuko	-	Acting Municipal Manager
Mr S Mbewu	-	General Manager: Water Services
Mr K Audan	-	General Manager: Budget and Treasury Office
Ms M Gobhozi	-	Acting General Manager: Corporate Services
Ms V Manawer	-	Acting General Manager: Economic Development and Environmental Services (EDES)
Mr F Zama	-	Senior Manager: Mayoralty and Communications
Ms F Mbili	-	Senior Manager: Corporate Strategy and Shared Services
Mr S Kati	-	Manager: Risk and Internal Audit
Ms N Mbambo	-	Manager: Legal Services
Mr A Mbhele	-	Manager: Administration and Auxiliary Services
Ms NP Gumbi	-	Manager: Human Resources
Ms N Surajbally	-	Administrative Officer: Secretariat Unit
Ms B Malishe	-	Committee Co-ordinator: Secretariat Unit
Ms T Kikine	-	Committee Co-ordinator: Secretariat Unit
Ms A Mnisi	-	Committee Clerk

• OPENING

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

NOTICE OF MEETING

The notice of the meeting was taken as read.

C 29/02/23

APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs BN Shozi (*family commitment*) and IS Mqadi (*council business*) had requested leave of absence from the meeting.

It was noted that Amakhosi MBW Xolo and MP Ngcobo had requested leave of absence from the meeting.

It was further noted that the General Manager: Economic Development and Environmental Services (EDES) (*annual leave*) had requested leave of absence from the meeting and that Ms V Manawer was representing the General Manager: Economic Development and Environmental Services (EDES).

Following which,

It was unanimously.

RESOLVED:

- (a) That Cllrs BN Shozi (*family commitment*) and IS Mqadi (*council business*) be and are hereby granted leave of absence from the meeting.
- (b) That Amakhosi MBW Xolo and MP Ngcobo be and are hereby granted leave of absence from the meeting.
- (c) That, it be noted that from the Management component, the General Manager: Economic Development and Environmental Services (EDES) (*annual leave*) be and is hereby granted leave of absence from the meeting.
- (d) That, it be noted that Ms V Manawer was the Acting General Manager: Economic Development and Environmental Services (EDES).

C 30/02/23

DECLARATION OF INTEREST

It was noted that there were none.

C 31/02/23

CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

Thereafter, Cllr Machi moved for the acceptance of the agenda and was seconded by Cllr MP Shozi.

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 13th Meeting of the Ugu District Municipal Council held on 24 January 2023

The Speaker took members through the confirmation of the minutes for the 13th meeting of the Ugu District Municipal Council held on 24 January 2023.

Following which,

It was

RESOLVED:

That the minutes of the 13th Meeting of the Ugu District Municipal Council held on 24 January 2023, be and are hereby **CONFIRMED**.

RESOLUTIONS REGISTER

Resolutions Register for the 13th Meeting of the Ugu District Municipal Council held on 24 January 2023

The Speaker took members through the Resolutions Register for the 14th Meeting of the Ugu District Municipal Council held on 24 January 2023.

Following which,

It was

RESOLVED:

That the Resolutions Register for the 13th Meeting of the Ugu District Municipal Council held on 24 January 2023, be and is hereby **NOTED**.

OUTSTANDING MATTERS

It was noted that there were none.

STANDING ITEMS

Status on Covid-19 Cases

It was noted that there were none.

Monthly Birthday Greetings: Councillors, Amakhosi and Senior Managers

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

- Cllr PC Shange - 22 February;
- Cllr LS Zungu - 08 February;
- SN Caluza - 06 February
- Cllr N Ndadane - 27 February; and

- Mr S Kati - 13 February

Following which,

It was unanimously

RESOLVED:

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

Water Supply Status Quo Report

The Deputy Mayor introduced the item.

Taking over, the General Manager: Water Services took members through the item.

He highlighted the following, namely:

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

Cllr Ngcobo mentioned that there was a burst pipe in KwaMphungashe Area which affected Wards 3 and 4, the said pipe kept on breaking. He then requested that the technicians should do a survey on same.

Cllr Mdluli stated that in the Amandawe Area, the KwaHlongwa Area, the Dudu Area, the Umzinto area and the KwaCele area had serious water challenges for months, and he was informed that same was due to the load shedding. However, he said that the areas had been receiving water in the Scottburgh even if there was load shedding. He also reminded members that there was a request from the Umdoni Local Municipality to meet with the Ugu District Municipality to discuss the issue of water challenges. He informed members that the areas in the Umdoni Local Municipality had planned to protest.

Cllr Breedts requested that the item on the update of the wastewater plants should be under Standing Matters on the agenda.

The Speaker requested that the said item should be submitted to the next meeting.

Cllr Nkasa stated that the water tankers had not delivered water to the communities (Ray Nkonyeni Local Municipality, Ward 24) and that same should be dealt with.

Cllr Henderson mentioned that it was not easy for the Councillors to do or play an oversight given that the update on the Wastewater Plants was not presented.

Cllr Tenza raised a concern regarding the communities who had not received water for months e.g., the KwaVulindlela Area.

Cllr Khawula stated that the Ugu District Municipality was not represented in the meetings of the IDP Forum in the Ray Nkonyeni Local Municipality. He mentioned

that the reason for same was that the Ugu District Municipality Officials had indicated that same were bullied by the Ray Nkonyeni Local Municipality on the issues of water supply. He requested that it should be confirmed whether the Ugu District Municipality officials had attended the IDP Forum meetings of the local municipalities.

Furthermore, he pointed out that most communities had complained that the Drivers of the water tankers had sometimes collected water directly from the river and supplied the communities.

In response, the Deputy Mayor confirmed that the Ugu District Municipality was present in the IDP Forum meeting in the Ray Nkonyeni Local Municipality. He stated that he would verify if the Ugu District Municipality had attended the said meetings. He highlighted that the issue of the water tankers would be investigated.

Regarding the issue in the KwaVulindlela Area and other areas, he pointed out that the areas would be visited. He stated that there were water tanks that were placed in the Ray Nkonyeni Local Municipality in Ward 24. He requested that Cllr Nkasa should submit the names of the areas that had no water in the said Municipality.

Taking over, the General Manager: Water Services mentioned that the issue in the KwaSathane Area would be considered. He also stated that there were two systems to supply water in the Scottburgh Area, hence the other system was able to supply water during the load shedding.

Furthermore, the Acting Municipal Manager stated that since he was the Acting Municipal Manager, he would focus more on the water supply. He mentioned that the Ugu District Municipality would improve on its communication to their customers. Moreover, he highlighted that the boreholes would be built in the areas that had more water challenges to reduce the water tankers. He also indicated that when reporting on the water supply, the status of sanitation should be included on the said report.

Concluding, the Speaker assured Council that the meeting with the Umdoni Local Municipality would be considered.

Following which,

It was

RESOLVED:

- (a) That the report on the Water Supply Status Quo be and is hereby **NOTED**.
- (b) That the item on the Update of the Wastewater Plant be submitted to the next meeting.
- (c) That the Ugu District Municipality meet with the Umdoni Local Municipality to discuss the issue of water challenges to avoid a community protest.

SALGA Monthly Report

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

That the SALGA Monthly Report be and is hereby **NOTED**.

SECTION 79 REPORTS

It was noted that there were none.

MATTERS FOR DISCUSSION

Umtamvuna Electrical Power Upgrade Progress Report

The Speaker took members through the item.

The Deputy Mayor reported that the Municipality would engage the Office of the MEC for CoGTA for intervention of the crucial matter and request for a physical meeting for assistance.

In addition, the Speaker advised the Deputy Mayor to also consider updating the Premier and the National Champion of the Ugu District in order for the said matter to be dealt with nationally.

Cllr LMR Ngcobo raised a concern that the amount of R14 million that was received from CoGTA which was transferred to Eskom was accumulating interest for Eskom, instead of the Municipality, due to the delay.

Cllr Henderson raised a concern that the said matter was long overdue and that the Minister of CoGTA, Dr N. Dlamini-Zuma committed to take the matter personally, as the National Champion for the Eastern Cape side; however, there was no response from her Office. He added that the Municipality had to apply for exemption to Eskom for the Umtamvuna System.

Responding, the Speaker advised that the Municipality had applied for all the Systems; however, the applications were rejected except for one (1) System that was exempted and the reasons were explained. He then suggested that the Municipality should consider re-applying for the exemption of the Umtamvuna Wastewater Treatment Plant.

With regards to the funds that were transferred, the Deputy Mayor reported that CoGTA had deposited the said funds directly to Eskom.

Following which,

It was

RESOLVED:

- (a) That the progress report on the Umtamvuna Electrical Power Upgrade be and is hereby **NOTED**.

- (b) That the Municipality re-apply for the exemption of the Umtamvuna Wastewater Treatment Plant.
- (c) That the Office of the MEC of CoGTA be engaged for a meeting to sit as committed by the MEC.

Status of Management Corrective Action Plans 21/22

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report regarding the Status of the Management Corrective Action Plans for the 2021 / 2022 Financial Year be and is hereby **NOTED**.
- (b) That the Management Corrective Action Plans for the 2021 / 2022 Financial Year be and is hereby **ADOPTED**.

MATTERS FOR CONSIDERATION FROM COMMITTEES

Extracts from the Minutes of the Meeting of the Executive Committee and the Portfolio Committee held on 21 February 2023

Ugu District Municipality: Adjustment Budget for the 2022/2023 Financial Year

At that stage of the proceedings, His Worship, the Deputy Mayor delivered his budget speech for the Ugu District Municipality's Budget Adjustment for the 2022/2023 financial year.

Following which,

It was

RESOLVED:

- (a) That the Ugu District Municipality mid-year adjustments budget for the 2022/23 financial year be and is hereby **NOTED**.
- (b) That the Ugu District Municipality mid-year adjustments budget for the 2022/23 financial year be and is hereby **APPROVED** as set out in the following schedules:
- Table B1 – Adjustments Budget Summary
 - Table B2 – Adjustments Budget Financial Performance (classification)
 - Table B3 – Adjustments Budget Financial Performance (Municipal vote)
 - Table B4 – Adjustments Budget Financial Performance (Revenue & Expenditure)

- Table B5 – Adjustments Budget Capital Expenditure
 - Table B6 – Adjustments Budget Financial Position
 - Table B7 – Adjustments Budget Cash Flows
 - Table B8 – Adjustments Budget Cash Backed Reserves
 - Table B9 – Adjustments Budget Assets Management
 - Table B10 – Adjustment Budget Service Delivery
 - Other Supporting Tables (Table SB1-SB20);
- (c) That the Letter from Provincial Treasury – Early Warning Signals for the Municipalities meeting the Criteria of Financial Problems be and is hereby **NOTED**.
- (d) That the budget speech for the Ugu District Municipality's Budget Adjustment for the 2022/2023 financial year delivered by his Worship, the Deputy Mayor be and is hereby **NOTED**.

C 43/02/23

South Coast Tourism and Investment Enterprise: Adjustment Budget for the 2022/2023 Financial Year

His Worship, the Deputy Mayor took members through the South Coast Tourism Investment and Enterprise: Adjustment Budget for the 2022/2023 Financial Year.

Following which,

It was

RESOLVED:

- (a) That South Coast Tourism Investment and Enterprise: Adjustment Budget for the 2022/2023 Financial Year be and is hereby **NOTED**.
- (b) That the South Coast Tourism Investment and Enterprise: Adjustment Budget for the 2022/2023 Financial Year be and is hereby **APPROVED**.

Extracts from the Minutes of the Meeting of the Executive Committee held on 22 February 2023

ICT Continuity Service Delivery and Environmental Program Report (MTD2)

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the ICT Continuity, Services Delivery and Environment Program Report (MTID 2) including the following be and is hereby **NOTED**:

C 44/02/23

- the Analysed Service Desk Incidents;
- the ICT Licence and Agreements for Core Systems; and
- the ICT Maintenance Plan Progress for Q2

(b) That the Disaster Recovery Plan and Disaster Recovery SOP be and is hereby **APPROVED**.

(c) That the Disaster Recovery Test Action Plan for 2022/23 be and is hereby **APPROVED**.

C 45/02/23

Requirements for the Functionality of the ICT Section in Alignment with the ICT Digital Strategy and SALGA Assessment

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on Requirements for the Functionality of the ICT Section in Alignment with the IC Digital Strategy and SALGA Assessment be and is hereby **NOTED**.
- (b) That the report on the ICT Organogram Review be and is hereby **NOTED**.
- (c) That the position of ICT Governance, Websites and Training Administrator be and is hereby **APPROVED**.
- (d) That the renaming of Telecommunications Support Technical Assistant, the Technical Assistant (Desktop Support) and Information Systems Technical Assistant to ICT Technical Assistant be and is hereby **APPROVED**.

C 46/02/23

2022/2023 PMS Quarter 2 Report

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

That the 2022/2023 PMS Quarter 2 Report be and is hereby **NOTED**.

C 47/02/23

Labour Relations Matters and Disciplinary Hearings

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

That the report regarding the Labour Relations Matters and Disciplinary Hearings be and is hereby **NOTED**.

C 48/02/23

Review of the Bursary Policy

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

(a) That the report on the Review of the Bursary Policy be and is hereby **NOTED**.

(b) That the Review of the Bursary Policy be and is hereby **APPROVED**.

C 49/02/23

Report on Issues that were raised during the Mayoral Izimbizo

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

(a) That the report on the Issues and Public Comments raised during the Mayoral Izimbizo be and is hereby **RECEIVED** and **NOTED**.

(b) That the issues regarding Water as well as the issues for the Sector Department be responded to and that the said response be submitted to the relevant Stakeholders.

C 50/02/23

Review of the Human Resources Policies

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Review of the Human Resources Policies be and is hereby **NOTED**.
- (b) That the Review of the following Human Resources Policies be and is hereby **APPROVED** namely:
- Car Allowance Policy;
 - Compensation for Occupational Injuries and Diseases Policy;
 - Death of a Staff Member Policy;
 - Hours of Work Policy;
 - In-Service Training Policy;
 - Internship Policy;
 - Occupational Health and Safety Policy; and
 - Staff Termination Policy

C 51/02/23

To Facilitate Growth and Development of the District Economy through Access to Development Funding / Finance: Receipt of R2.5 million: Beach Development Grant: (SDBIP: LED 7)

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report To Facilitate Growth and Development of the District Economy Through Access to Development Funding / Finance: Receipt of R2.5 million: Beach Development Grant: (SDBIP: LED 7) be and is hereby **NOTED**.
- (b) That the Adjustment Budget includes the Beach Development Grant of R2.5 million to be received as per Gazette Notice.
- (c) That the Grant Funding for the specified purposes of Beach Development be and is hereby **APPROVED**.
- (d) That the Acting Municipal Manager be and is hereby **AUTHORISED** on behalf of Council, to enter into an Agreement with Umdoni Municipality to enable the Beach Development as per proposal / Business Plan.

C 52/02/23

Decision Dockets from the Harding SAPS on Alleged Ongoing Environmental Pollution – CAS: 139/07/2019 and CAS: 77/06/2020

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

That the report on the Decision Dockets from Harding SAPS on Alleged Ongoing Environmental Pollution – CAS: 139/07/2019 and CAS: 77/06/2020 be and is hereby **NOTED**.

C 53/02/23

MINUTES FROM COMMITTEES

It was noted that there were none.

URGENT MATTERS

C 54/02/23

Restructuring of the Rules and Ethics Committee

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Restructuring of the Rules and Ethics Committee be and is hereby **NOTED**.
- (b) That the Rules and Ethics Committee be and is hereby **RESTRUCTURED**.
- (c) That the members of the Rules and Ethics Committee consist of:
 - Speaker;
 - Mayor;
 - Cllr MP Shoji;
 - Cllr LMR Ngcobo;
 - Cllr MP Tenza; and
 - Cllr NA Njenga

C 55/02/23

Proposed Legal Class Action Against NERSA and ESKOM to Interdict them against Implementing the 18.65% Increase

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Proposed Legal Class Action against NERSA and ESKOM to Interdict them against Implementing the 18.65% Increase be and is hereby **NOTED**.
- (b) That the Acting Municipal Manager be and is hereby **DELEGATED** to institute the class action.

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

IN-COMMITTEE MATTERS

Replacement of the Deceased Audit Committee Member

The Acting Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Replacement of the Deceased Audit Committee Member be and is hereby **NOTED**.
- (b) That the Acting Municipal Manager be and is hereby mandated to fill the vacancy of a Legal Expert within the Audit Committee.

Acting Appointment for the General Manager: Corporate Services

The Deputy Mayor took members through the item.

Following discussion,

It was

RESOLVED:

- (a) That the report regarding the Acting Appointment of the General Manager: Corporate Services be and is hereby **NOTED**.
- (b) That Ms MP Gobhozi - Manager: Disaster Management and Fire Services be and is hereby appointed as the Acting General Manager: Corporate Services for a period of three (03) months, effective from 07 February 2023 until 06 May 2023.

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

The Acting Municipal Manager took members through the item.

Following discussion,

It was

RESOLVED:

- (a) That the report on the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils be and is hereby **NOTED**.

- (b) That the implementation of the provision of Gazette No.46470 on the Determination on Upper Limits of Salaries, Allowances, and Benefits of Different Municipal Councils at 100% for Ugu District Municipal Council be and is hereby **APPROVED**.
- (c) That his Worship, the Deputy Mayor writes to the MEC for Cooperative Governance and Traditional Affairs (CoGTA) requesting same to give concurrence to the Council resolution on the implementation of the provisions of Gazette No.46470 on the Determination of Upper Limits Salaries, Allowances and Benefits of Different Members of the Municipal Councils, at 100% for Ugu District Municipality given that the 2022/2023 budget was funded.

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

C 59/02/23

CLOSURE

There being no further items for discussion, the Speaker declared the meeting closed at 13h42.

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