UGU DISTRICT MUNICIPALITY

MINUTES OF THE 28TH MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD AT THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 23 MAY 2024, AT 11H21

Cllr SR Ngcobo - Speaker

IS Mqadi (Mayor), VM Chiya (Deputy Mayor), D Nciki (Exco Member), SN Caluza (Exco Member), GD Henderson (Exco Member), NA Njenga (Exco Member), MP Shozi, P Breedt, SP Fica, TT Hlophe, MJ Cele-Luthuli, MA Manyoni, SD Mdluli, SEH Mngoma, NY Mweshe, PZ Mzindle, N Ndovela, SA Ngcece, LMR Ngcobo, FM Ngwane, X Nkasa, B Nyuswa, J Schmidt, PC Shange, BN Shozi and LS Zungu

BY INVITATION:

Inkosi MBW Xolo Inkosi EZ Jali

Ms D Ludick - South Coast Tourism and Investment Entity
Mr S Dlomo - South Coast Tourism and Investment Entity

Mr SB Dube - Umgeni Uthukela Water Mr B Mbambo - Umgeni Uthukela Water

IN ATTENDANCE:

Mr VO Mazibuko - Acting Municipal Manager
Ms D Rankin - General Manager: Economic

Development and Environmental Services

(EDES)

Mr K Audan - General Manager: Budget and

Treasury Office

Ms MP Makhosi - Acting General Manager: Corporate

Services

Mr S Malinga - Acting General Manager: Water

Services

Ms F Mbili - Senior Manager: Corporate Strategy

and Shared Services

Mr F Zama - Senior Manager: Mayoralty and Communications

Ms N Mbambo - Manager: Legal Services
Mr S Kati - Chief Audit Executive

Ms NP Gumbi - Manager: Human Resources

Ms N Surajbally - Administrative Officer: Secretariat Unit

Mr S Madonsela - Committee Clerk
Ms A Mnisi - Committee Clerk

OPENING

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

C 172/05/24 NOTICE OF MEETING

The notice of the meeting was taken as read.

C 173/05/24 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs BE Machi (party commitment), TH Msabala (party commitment) and MP Tenza (party commitment) had requested leave of absence from the meeting.

It was also noted that Cllr BN Shozi had requested to leave the meeting at 11h30.

It was further noted that Inkosi MP Ngcobo was present but had to leave the meeting due to security reasons given that the roads in Port Shepstone were blocked due to a taxi strike.

Following which,

It was unanimously

RESOLVED:

- (a) That Cllrs BE Machi (party commitment), TH Msabala (party commitment) and MP Tenza (party commitment) be and are hereby **GRANTED** leave of absence from the meeting.
- (b) That the request from Cllr BN Shozi to leave the meeting at 11h30 be and is hereby **GRANTED**.
- (c) That, it be **NOTED** that Inkosi MP Ngcobo was present but had to leave the meeting due to security reasons given that the roads in Port Shepstone were blocked due to a taxi strike.

C 174/05/24 DECLARATION OF INTEREST

It was noted that there were none.

C 175/05/24 CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

It was noted that the Agenda Pack consisted of the Main Agenda and the In-Committee Agenda as well as Item 14.6 Performance Bonus for General Managers and Item 14.7 Performance Bonus for Municipal Manager, which was included under In-Committee Matters and that all the Councillors had received the Agenda Pack timeously.

Thereafter, Cllr Fica moved for the adoption of the Agenda and was seconded by Cllr Mngoma.

Following which,

It was

RESOLVED:

That the agenda convening the meeting of the Ugu District Municipal Council be and is hereby **CONFIRMED**; subject to the inclusion of the following Items under In-Committee Matters namely:

- Item 14.6 Performance Bonus for General Managers; and
- Item 14.7 Performance Bonus for Municipal Manager

CONFIRMATION OF MINUTES

C 176/05/24

Minutes of the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024

The Speaker took members through the confirmation of the minutes for the 27th meeting of the Ugu District Municipal Council held on 25 April 2024.

Thereafter, Cllr Nyuswa moved for the acceptance of the minutes and was seconded by Cllr Cele-Luthuli.

Following which,

It was

RESOLVED:

That the minutes of the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024 be and are hereby **CONFIRMED.**

C 177/05/24

Minutes of the Special Meeting of the Ugu District Municipal Council held on 02 May 2024

The Speaker took members through the confirmation of the minutes for the special meeting of the Ugu District Municipal Council held on 02 May 2024.

Thereafter, Cllr MP Shozi moved for the acceptance of the minutes and was seconded by Cllr Hlophe.

Following which,

It was

RESOLVED:

That the minutes of the Special Meeting of the Ugu District Municipal Council held on 02 May 2024 be and are hereby **CONFIRMED.**

C 178/05/24

Minutes of the Special Meeting of the Ugu District Municipal Council held on 09 May 2024

The Speaker took members through the confirmation of the minutes for the special meeting of the Ugu District Municipal Council held on 09 May 2024.

Thereafter, Cllr MP Shozi moved for the acceptance of the minutes and was seconded by Cllr Hlophe.

Following which,

It was

RESOLVED:

That the minutes of the Special Meeting of the Ugu District Municipal Council held on 09 May 2024 be and are hereby **CONFIRMED.**

RESOLUTIONS REGISTER

C 179/05/24

Resolutions Register for the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024

The Speaker took members through the Resolutions Register for the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024.

Following which,

It was unanimously

RESOLVED:

That the Resolutions Register for the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024 be and is hereby **CONSIDERED** and **NOTED**.

C 180/05/24

Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 02 May 2024

The Speaker took members through the Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 02 May 2024.

Following which,

It was unanimously

RESOLVED:

That the Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 02 May 2024 be and is hereby **CONSIDERED** and **NOTED**.

C 181/05/24

Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 09 May 2024

The Speaker took members through the Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 09 May 2024.

Following which,

It was unanimously

RESOLVED:

That the Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 09 May 2024 be and is hereby **CONSIDERED** and **NOTED**.

C 182/05/24 OUTSTANDING MATTERS

It was noted that there were none.

STANDING ITEMS

c 183/05/24 Monthly Birthday Greetings: Councillors, Amakhosi and Senior Managers

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

• Cllr NY Mweshe - 01 May

Following which,

It was unanimously

RESOLVED:

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

[At that stage of the proceedings, Cllr BN Shozi left the meeting.]

c 184/05/24 Water Supply Status Quo Report

The Acting General Manager: Water Services took members through the item.

He apprised the Committee on the current Water Supply Status Quo in the different systems.

He then highlighted the following aspects, namely:

- Water Services Operations;
- Water Tanker Status; and
- Programmes.

Commenting, Cllr Schmidt sought clarity on when the Margate 3A Pump Station would be refurbished. He then requested for a written report on same so that it would be sent to the community.

Cllr Mdluli sought clarity if Ward 16, under the Mandawe Area would also receive water.

The Acting General Manager: Water Services responded that an update on the Margate 3A Pump Station would be included in the written report. He also confirmed that all the areas that received water from the Willow Glen Reservoir, including Ward 16, under the Mandawe Area would receive water.

Following discussion,

It was unanimously

RESOLVED:

(a) That the report on the Water Supply Status Quo be and is hereby **CONSIDERED** and **NOTED.**

(b) That the update on the Margate 3A Pump Station be included in the written report.

C 185/05/24 SALGA Monthly Report

It was noted that there was no report.

c 186/05/24 Human Rights Commission Inquiry

It was noted that a report was not due at this meeting.

C 187/05/24 SECTION 79 REPORTS

It was noted that there were none.

MATTERS FOR DISCUSSION

C 188/05/24 Ncwabeni Dam

Mr Dube gave members a brief introduction by indicating that in July 2020, the DWS Minister issued a directive to Umgeni-Uthukela Water to fund and implement the Cwabeni Off-Channel Storage Dam. He reported that a feasibility study had indicated that during the dry periods, the river flow was insufficient to meet the water demands.

He pointed out that the Cwabeni Off-Channel Storage Dam would integrate into the existing Umzimkulu System. He said that the Dam would store water during the summer months and release it back in winter.

He then informed Council that the Cwabeni Dam was located in the Cwabeni River, a tributary of the Umzimkulu River, 25km upstream of the St Helens Rock abstraction works.

He then highlighted the following aspects namely:

- Scope of Work;
- Project Introduction;
- Status;
- Cwabeni OCS Dam Progress to date and Planned Deliverables; and
- Cwabeni OCS Dam Project Budget;

Commenting, the Deputy Mayor referred to the timeframes and requested that same should be reduced.

The Acting Municipal Manager explained to Council that it was a good start for the Presentation to be done at Council. He emphasised that there were delays in DWS appointing Umgeni Water. He pointed out that now that the funding was completed, the Ugu District Municipality could support the Team from Umgeni Water.

Following which,

It was unanimously

RESOLVED:

That the Presentation on the Ncwabeni Dam be and is hereby **CONSIDERED** and **NOTED**.

c 189/05/24 Ugu District Municipality – Final Budget 2024/2025

At that stage of the proceedings, his Worship, the Mayor delivered the Budget Speech for the 2024/2025 financial year for both the Ugu District Municipality and the South Coast Tourism and Investment Entity (SCTIE).

Commenting, Cllr Njenga pointed out that in the previous years, from 2021, all the political parties worked together in terms of the budget. He emphasised that there used to be a Budget Planning Workshop; but this year, there was no workshop. He expressed his dissatisfaction in that regard. However, he reported that the EFF had approved the Budget for the 2024/2025 Financial Year.

Also, commenting, Cllr LMR Ngcobo appreciated the progress made in terms of the 2024/2025 Financial Year budget as well as all the processes that were followed. However, he pointed out that the issue of the Tariffs remained unaffordable. He indicated that the proposed increase was above the CPI. He further pointed out that the infrastructure or capital projects were for the Umzumbe area whilst the Budget should be for the entire Ugu District; hence projects should be district wide. He then reported that the said budget would not be approved and was seconded by Cllr Breedt.

The meeting then went into a voting process, and it was noted that five (5) Councillors from the Democratic Alliance (DA) had voted not in favour of the budget and that twenty-one (21) Councillors had voted in favour of the budget.

Thereafter, Cllr FM Ngwane moved for the acceptance of the recommendations and was seconded by Cllr Mzindle. Following which,

It was

RESOLVED:

- (a) That the Final Budget Executive Summary for the Financial Year 2024/2025 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Tariff of Charges Schedule for the Financial Year 2024/2025 be and is hereby **APPROVED**.
- (c) That the Final Budget Executive Summary for the Financial Year 2024/2025 and its outer years (A-Schedule) be and is hereby APPROVED as set out in the following schedules:
 - Table A1- Budget Summary
 - Table A2 Budget Financial Performance (Standard Classification)
 - Table A3 Budget Financial Performance (Rev & Exp by municipal vote)
 - Table A4 Budget Financial Position (Revenue & Expenditure)
 - Table A5 Capital Budget
 - Table A6 Budget Financial Position
 - Table A7 Budget Cash Flow
 - Table A8 Cash backed reserves
 - Table A9 Asset Management

- Table A10 Basic Service Delivery
- Other Supporting Tables (Tables SA1 SA37)
- (d) That the following Final Budget related policies be and is hereby APPROVED, namely:
 - Asset Disposal Policy,
 - Asset Management Policy,
 - Borrowing Policy,
 - Budget Policy,
 - Cash Management and Investment Policy,
 - · Cash Management Policies,
 - Cost Containment Policy,
 - · Credit Control and Debt Collection By-Law,
 - · Credit Control and Debt Collection Policy,
 - Expenditure Policy,
 - Free Water Services Policy.
 - Funding & Reserves Policy,
 - Handling of Insurance Claims Procedure and Process,
 - Indigent Policy,
 - Insurance Policies,
 - Pretty Cash Policy,
 - Standard Infrastructure Procurement and Delivery Management,
 - Supply Chain Management Policy,
 - Unauthorized, Irregular, Fruitless and Wasteful Expenditure,
 - Virement Policy.
- (e) That, it be NOTED that the meeting went into a voting process, and that five (5) Councillors from the Democratic Alliance (DA) had voted not in favour of the budget and that twenty one (21) Councillors had voted in favour of the budget.

c 190/05/24 South Coast Tourism and Investment Enterprise (SCTIE) - Final Budget 2024/2025

His Worship, the Mayor took members through the Final Budget for the 2024/2025 financial year for the South Coast Tourism & Investment Enterprise (SCTIE).

Thereafter, Cllr FM Ngwane moved for the acceptance of the recommendations and was seconded by Cllr Mzindle.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the South Coast Tourism & Investment Enterprise: Final Budget 2024/2025 be and is hereby **CONSIDERED.**
- (b) That the South Coast Tourism & Investment Enterprise: Final Budget 2024/2025 be and is hereby **APPROVED**.

c 191/05/24 Ugu District Municipality – April Monthly Budget Statement

The Speaker took members through the item.

It was noted that the purpose of the report was to inform members of the Monthly Budget Statement for the month of April 2024, which was in compliance with Section 71 of the Municipal Finance Management Act (MFMA).

Thereafter, Cllr Nciki moved for the acceptance of the recommendations and was seconded by Cllr Cele-Luthuli.

Following which,

It was

RESOLVED:

- (a) That the report on the Monthly Budget Statements for the month of April 2024 be and is hereby **CONSIDERED**.
- (b) That the Monthly Budget Statements for the month of April 2024 and the supporting documents be and is hereby **APPROVED**.
- (c) That the Monthly Budget Statements for the month of April 2024 and the supporting documents be submitted to both the Provincial and National Treasury in both electronic and hard copies.

c 192/05/24 Assessment of the 2024/2025 Annual Budget tabled in terms of Section 16 (2) of the Municipal Finance Management Act, Act No. 56 of 2003 (MFMA)

The Speaker took members through the item.

It was noted that the rationale of the report was to inform Council of the Letter that was received from Provincial Treasury on the assessment of the 2024/2025 Annual Budget tabled in terms of Section 16(2) of the Municipal Finance Management Act, Act No. 56 of 2003 (MFMA) and it was further noted that the response from Provincial Treasury was that the 2024/2025 Annual Budget was tabled as funded.

Following which,

It was

RESOLVED:

That the Assessment of the 2024/2025 Annual Budget tabled in terms of Section 16 (2) of the Municipal Finance Management Act, Act No. 56 of 2003 (MFMA) be and is hereby **CONSIDERED** and **NOTED**.

c 193/05/24 Quarter 3: Early Warning Signals for the Municipalities Meeting the Criteria of Financial Problems for the 2023/2024 Financial Year

The Speaker took members through the item.

It was noted that the objective of the report was to table to Council the letter from Provincial Treasury on the Early Warning Signals for the Municipalities meeting the criteria of financial problems for the 2023/2024 Financial Year.

Following which,

It was

RESOLVED:

That the report regarding the Quarter 3: Early Warning Signals for the Municipalities meeting the Criteria of Financial Problems for the 2023/2024 Financial Year be and is hereby **CONSIDERED** and **NOTED**.

MATTERS FOR CONSIDERATION FROM COMMITTEES

Extract from the Draft Minutes of the Executive Committee held on 15 May 2024

c 194/05/24 SCM Monthly Performance Report: April 2024

The Speaker took members through the item.

It was noted that the aim of the report was to apprise members of the SCM Monthly Performance Report for the month of April 2024 and for Council to play an oversight role in terms of monitoring and reviewing the spending patterns within the Municipality.

Following which,

It was

RESOLVED:

That the SCM Monthly Performance Report for April 2024 be and is hereby **CONSIDERED**.

C 195/05/24

South Coast Tourism and Investment Enterprise Proposed Reviewed Funding Model 2024

The Speaker took members through the item.

It was noted that the objective of the report was to inform members of the proposed reviewed funding model for the South Coast Tourism and Investment Enterprise (SCTIE).

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

Following which,

It was

RESOLVED:

(a) That the report on the South Coast Tourism and Investment Enterprise Proposed Reviewed Funding Model 2024 be and is hereby **CONSIDERED** and **NOTED**.

- (b) That the South Coast Tourism and Investment Enterprise Proposed Reviewed Funding Model 2024 be and is hereby **APPROVED**.
- (c) That the proposed funding model be **IMPLEMENTED** for the 2024/2025 Financial Year.

c 196/05/24 2024 Reviewed Ugu District Economic Recovery Framework 2022-2032

The Speaker took members through the item.

It was noted that the purpose of the report was to present the 2024 Reviewed Economic Recovery Framework: Strategy and Plan 2022/2032 for consideration and approval.

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

Following which,

It was

RESOLVED:

- (a) That the report on the 2024 Reviewed Ugu District Economic Recovery Framework 2022-2032 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the 2024 Reviewed Ugu District Economic Recovery Framework 2022-2032 be and is hereby **APPROVED**.

MINUTES FROM COMMITTEES

C 197/05/24 Minute

Minutes of the 32^{nd} Meeting of the Ugu District Municipal Council held on 17 April 2024

The Speaker took members through the noting of the Minutes of the 32nd Meeting of the Ugu District Municipal Council held on 17 April 2024.

Following which,

It was

RESOLVED:

That the Minutes of the 32nd Meeting of the Ugu District Municipal Council held on 17 April 2024 be and is hereby **CONSIDERED** and **NOTED**.

C 198/05/24 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 LMR Ngcobo.]

IN-COMMITTEE MATTERS

C 199/05/24

In-Committee Minutes of the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024

The Speaker took members through the In-Committee Minutes of the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024.

Following which,

It was

RESOLVED:

That the In-Committee Minutes of the 27th Meeting of the Ugu District Municipal Council held on 25 April 2024 be and are hereby **CONFIRMED**.

C 200/05/24

In-Committee Minutes of the Special Meeting of the Ugu District Municipal Council held on 02 May 2024

The Speaker took members through the minutes of the Special Meeting of the Ugu District Municipal Council held on 02 May 2024.

Following which,

It was

RESOLVED:

That the In-Committee Minutes of the Special Meeting of the Ugu District Municipal Council held on 02 May 2024 be and are hereby **CONFIRMED**.

C 201/05/24

In-Committee Minutes of the Special Meeting of the Ugu District Municipal Council held on 09 May 2024

The Speaker took members through the minutes of the Special Meeting of the Ugu District Municipal Council held on 09 May 2024.

Following which,

It was

RESOLVED:

That the In-Committee Minutes of the Special Meeting of the Ugu District Municipal Council held on 09 May 2024 be and are hereby **CONFIRMED**.

C 202/05/24

In-Committee Minutes of the 33rd Meeting of the Executive Committee held on 17 April 2024

The Speaker took members through the In-Committee Minutes of the 33rd Meeting of the Executive Committee held on 17 April 2024.

Following which,

It was

RESOLVED:

That the In-Committee Minutes of the 33rd Meeting of the Executive Committee held on 17 April 2024 be and is hereby **CONSIDERED** and **NOTED**.

c 203/05/24 Investigation Report: Fruitless and Wasteful Expenditure for the period 01 July 2023 to 31 March 2024

The Speaker took members through the item.

It was noted that the rationale of the report was to present to Council the results of the Investigations conducted on the Fruitless & Wasteful Expenditure for the period 01 July 2023 to 31 March 2024.

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

Following which,

It was

RESOLVED:

- (a) That the Investigation Report: Fruitless and Wasteful Expenditure for the period 01 July 2023 to 31 March 2024 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the following Fruitless and Wasteful Expenditure for the period 01 July 2023 to 31 March 2024 be and is hereby **WRITTEN OFF:**

| ENTITY | AMOUNT |
|------------------------------|---------------|
| Umgeni Water | R8 411 990.13 |
| Eskom | R1 300 972.82 |
| Auditor-General South Africa | R 137 303.12 |
| Eskom | R 71 936.76 |
| Umuziwabantu Municipality | R 135.90 |
| TOTAL | R9 922 338.73 |

c 204/05/24 Performance Bonus for S56 Managers for the Financial Year 2022/2023

The Acting Municipal Manager took members through the item.

He informed Council on the process of the assessments and to request authorization for the allocation of bonus to the Section 56 Managers.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Performance Bonus for S56 Managers for the Financial Year 2022/2023 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Performance Bonus for the Financial Year 2022/2023 be and is hereby **APPROVED** as follows:
 - Acting General Manager: Corporate Services: Ms MP Gobhozi
 General Manager: Budget and Treasury Office: Mr K Audan
 General Manager: EDES: Ms D Rankin
 12%

[At that stage of the proceedings, the Acting Municipal Manager left the meeting.]

c 205/05/24 Performance Bonus: Acting Municipal Manager for the Financial Year 2022/2023

The Senior Manager: Corporate Strategy and Shared Services took members through the item.

She advised Council that the objective of the report was to request authorisation for the allocation of bonus to the Acting Municipal Manager.

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

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Performance Bonus: Acting Municipal Manager for the Financial Year 2022/2023 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Performance Bonus for the Financial Year 2022/2023 be and is hereby **APPROVED** as follows:
 - Acting Municipal Manager: Mr VO Mazibuko 12%

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

C 206/05/24 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 20 June 2024.

| C 207/05/24 | CLOSURE | | | |
|-------------|------------------------------|-------------------------------|---------------|---------------------------|
| | There being no furfat 13h05. | ther items for discussion, th | ne Speaker de | clared the meeting closed |
| | CHAIRPERSON: | | DATE: | |