

UGU DISTRICT MUNICIPALITY

**MINUTES OF THE 15TH MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY,
10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY,
23 NOVEMBER 2017, AT 11H15.**

PRESENT:

Cllr NH Gumede - Speaker

Cllrs MA Chiliza (Exco member), NT Zwane (Exco member), LMR Ngcobo (Exco Member), DMM Hlengwa, TW Dube, SR Ngcobo, S Chetty, M Gcwabe, SN Caluza, TB Cele, NY Mweshe, HJ Ngubelanga, D Nciki, S Mngomezulu, MPL Zungu, L Mzimela, AD Ngubo, PT Naude, ZZ Msani, GD Henderson, A Rajaram, B Ntusi and SE Khawula.

ALSO PRESENT:

Inkosi R Qwabe
Inkosi ZGB Msomi

IN ATTENDANCE:

Mr DD Naidoo	-	Municipal Manager
Ms Z Mbonane	-	Acting General Manager: Economic Development and Environmental Health
Dr J van der Walt	-	Acting General Manager: Water Services
Ms VP Tsako	-	Acting General Manager: Corporate Services
Ms S Ngilande	-	Acting General Manager: Treasury
Mr F Zama	-	Senior Manager: Mayoralty and Communications
Ms F Mbili	-	Senior Manager: Corporate Strategy and Shared Services
Mr K Oduro	-	Acting Manager: Risk and Internal Audit
Mr A Mbhele	-	Manager: Administration and Auxiliary Services
Ms N Mbambo	-	Acting Manager: Legal Services
Ms N Surajbally	-	Administrative Officer: Secretariat Unit
Ms T Kikine	-	Committee Clerk

• **OPENING**

The Speaker welcomed all to the meeting. She then requested Cllr TB Cele to open the meeting in prayer.

Thereafter, she requested that a moment of silence be observed for the passing of Inkosi Mbotho and the mother of the Inkosi Xolo.

C 273/11/17 NOTICE OF MEETING

The notice of meeting was taken as read.

C 274/11/17 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs JJ East (*indisposed*), SP Mthethwa (*political party business*), BE Machi (*political party business*), MA Manyoni (*sick leave*), H Mbatha (*study leave*), PH Mthiyane (*study leave*) and Y Nair (*family responsibility leave*) had requested leave of absence from the meeting.

It was noted that Cllr NCP Mqwebu was currently attending to other council business and would join the meeting late.

It was also noted that Cllr TW Dube requested to be excused from the meeting at 12h00.

From the Management component, it was noted that the General Manager: Water Services (*municipal business*), and the Manager: Risk and Internal Audit (*family responsibility leave*) had requested leave of absence from the meeting.

It was further noted that Dr J van der Walt was the Acting General Manager: Water Services and that Mr K Oduro was the Acting Manager: Risk and Internal Audit.

Following which,

It was unanimously

RESOLVED:

- (a) That Cllrs JJ East (*sick leave*), SP Mthethwa (*political party business*), BE Machi (*political party business*), MA Manyoni (*sick leave*), H Mbatha (*study leave*), PH Mthiyane (*study leave*) and, Y Nair (*family responsibility leave*) be and are hereby granted leave of absence from the meeting.
- (b) That, it be noted that Cllr NCP Mqwebu was currently attending to other council business and would join the meeting late.
- (c) That, it be noted that Cllr TW Dube requested to be excused from the meeting at 12h00.
- (d) That from the Management component, the General Manager: Water Services (*municipal business*), and the Manager: Risk and Internal Audit (*family responsibility leave*) be and are hereby granted leave of absence from the meeting.
- (e) That, it be noted that Dr J van der Walt was the Acting General Manager: Water Services and that Mr K Oduro was the Acting Manager: Risk and Internal Audit.

C 275/11/17 DECLARATION OF INTEREST

It was noted that there were none.

C 276/11/17 CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

The Municipal Manager requested the Items in First, Second and Third Addendum to be included on the agenda. He then apologised for the late submission of the said documents. He further explained that the said items were received after the agenda was already delivered to all members.

Referring to the Third Addendum, Item 11.1 Circular No. 29 of 2017: Local Government: Upper Limits of Total Remuneration Packages to Municipal Managers and Managers Directly Accountable to Municipal Manager, the Mayor advised members that he had received communication from the Department of CoGTA the previous week enquiring if he had received the said Circular.

He then pointed out that the said Addendum could have been avoided if the responsible official had prepared and submitted the item timeously. He further requested that the Municipal Manager should ensure that the issue of the late submission of items resulting to several Addendums should be dealt with accordingly.

Echoing the same sentiments, the Speaker advised that Officials should also check the urgency of the document that was being delivered to save costs.

The Mayor reminded members that in one of the Budget Review Meetings, it was resolved that motorcycles should be purchased for agenda deliveries.

The Municipal Manager advised members that he would follow up on the said resolution and thereafter provide feedback to the Mayor.

Following which,

It was unanimously

RESOLVED:

- (a) That the agenda convening the Ugu District Municipal Council meeting be and is hereby **CONFIRMED**, subject to the inclusion of Items on the First, Second and Third Addenda.
- (b) That the Municipal Manager ensure that the issue of late submission of items resulting to several addendums be dealt with accordingly.

- (c) That officials must also check the urgency of that document that was being delivered to save the municipal resources and costs.

CONFIRMATION OF MINUTES

C 277/11/17

Minutes of the 14th Meeting of the Ugu District Municipal Council held on 26 October 2017

The Speaker took members through the confirmation of the minutes of the meeting held on 26 October 2017.

Thereafter, Cllr Henderson moved for the acceptance of the minutes and was seconded by Cllr Khawula.

Cllr Mzimela referred members to page 4 of the minutes and raised a concern on the accuracy of resolution (b). He then pointed out that after members had made their presentations on the issue of agenda delivery, they did not resolve that the agenda should be delivered to the Councillors' residential addresses instead of Councillors collecting the agendas at their respective Local Municipalities. He reminded members that the Municipal Manager was tasked to check the affordability of the said exercise.

He also referred to the current incident which related to a concern that was raised by members relating to the delivery of the three (3) Addendums. He pointed out that members should follow the suggestion by the Municipal Manager, given that the exercise of delivering agendas to the Councillors residential addresses was not financially viable until such time that there was an alternate mechanism of delivering the agendas which made financial sense. He then proposed that resolution (b) on page 4 of the minutes should be rectified, and should read as follows, and was seconded by Cllr Ngubo.

“(b) That the agendas be delivered to the respective Local Municipalities for part-time Councillors and for full-time Councillors, the agenda be delivered to their offices until such time that an alternative and economically viable means of delivering the agendas was discovered.”

Following which,

It was

RESOLVED:

That the minutes of the 14th Meeting of the Ugu District Municipal Council held on 26 October 2017, be and are hereby **CONFIRMED** subject to the following amendment.

- Resolution (b) on page 4 of the minutes read as follows:

“ That the agendas be delivered to the respective Local Municipalities for part-time Councillors and for full-time Councillors, the agenda be delivered

to their offices until such time that an alternative and economically viable means of delivering the agendas was discovered.”

RESOLUTION REGISTER

C 278/11/17

Resolution Register for the 14th Meeting of the Ugu District Municipal Council held on 26 October 2017

The Speaker took members through the Resolution Register for the 14th Meeting of the Ugu District Municipal Council held on 26 October 2017.

Cllr Henderson referred members to page 19, Resolution No. 261/10/17, resolution (c) Request for Funding Water Infrastructure and advised that he had a telephonic conversation with the Mayor after the recent strike, and enquired if the new pipeline which was installed with the intention of increasing the water supply was affected by the strike. He mentioned that the Mayor confirmed that the said pipe was affected. He then requested an update from the Municipal Manager and enquired if the said pipeline would be connected before 15 December 2017 as promised. He sought clarity in terms of the status quo of the project.

The Municipal Manager reminded members that he had previously advised Council that the project had a duration of 18 to 24 months and that the Municipality had aimed at completing the said project within a period of six months.

He mentioned that there were certain challenges relating to the environmental issues which were being attended to. He also relayed to members that the results of the environmental issues would then determine if the deadline set for 15 December 2017 would be met. He shared with members that the Department of Water Services together with the Province had put in place a Seasonal Risk Mitigation Plan as a “Plan B,” in the event that the project was not completed on time.

Cllr Henderson requested information on the Seasonal Risk Mitigation Plan which was “Plan B”.

In terms of Port Edward, the Municipal Manager confirmed that it was also reported that an amount of R18 million had to be sourced to fix the second line. He mentioned that several attempts were made whereby a visit was made to the Cabinet and several letters were written to the Province with an aim of securing the said amount, and in the absence of funding, a secondary plan had to be put in place.

He also explained to members that the previous year, in December 2016, the water systems had collapsed prior to the season and the said systems could not be replaced which the Municipality had admitted to. He mentioned that in 2015, the Municipality did not face any water challenges. He advised members that the salt water crisis did not occur in the month of December, and that an explanation was given as to what had caused the said problem. He shared with Council that members of the Democratic Alliance (DA) had lodged a complaint with the Public Protector on the issue the of salt water as well as other issues. He

mentioned that on 22 November 2017, the Public Protector visited the Municipality, whereby a response was then made. He informed members that the Public Protector agreed to make a case to Parliament for the funding amount of R18 million on behalf of the Municipality. He advised members that the Seasonal Risk Mitigation Plan would be presented to the next meeting of the Portfolio Committee on Water and Sanitation. He mentioned that emphasis would be made on Port Edward and Ramsgate to ensure that the system did not collapse.

Cllr Cele conveyed sincere gratitude to the Leadership of Ugu District Municipality for a job well done in ensuring that the citizens of the Ugu District were supplied with water irrespective of the challenges that were encountered, although some of those challenges were inherited from the previous regime; bearing in mind that the planned scheme was not sufficient for the entire capacity of the Ugu District.

He also pointed out that there was a proposal of four hundred million (R400 000 000) which was aimed at replacing the pipelines that were aging which were not installed by the current leadership. He then pointed out with concern that the said interventions were not being publicised in the newspapers. He also mentioned that a "What's App Group" was also created to report on the interventions which were put in place by the Municipality. He pointed out with concern that there was no appreciation whatsoever from the opposition.

Following which,

It was unanimously

RESOLVED:

That the Resolution Register for the 14th Meeting of the Ugu District Municipal Council held on 26 October 2017, be and is hereby **NOTED**.

C 279/11/17 OUTSTANDING MATTERS

It was noted that there was none.

STANDING ITEMS

C 280/11/17 Monthly SALGA Report

The Acting General Manager: Corporate Services took members the item.

Cllr Mzimela pointed out that the directly elected Councillors must confirm their attendance to the SALGA Games.

He proposed that if a Councillor confirmed his or her attendance but did not attend then the said Councillor should pay for the expenses incurred by the Municipality and members unanimously agreed to same.

Following which,

It was unanimously

RESOLVED:

- (a) That the Monthly SALGA Report be and is hereby **NOTED**.
- (b) That, in terms of the SALGA Games, if a Councillor confirmed his or her attendance but did not attend then the said Councillor be and is hereby liable to pay for the expenses incurred by the Municipality.

MATTERS FOR DISCUSSION

C 281/11/17 Monthly Budget Statements – September 2017

The Speaker took members through the item.

Cllr Rajaram referred members to page 66 of the agenda and advised that the date should be inserted.

Cllr Henderson raised concerns on the non-sitting of the Portfolio Committee on Finance. He pointed out that since the Mayor was extremely busy, Council should appoint a Deputy Mayor.

At that stage of the proceedings, the Speaker ruled Cllr Henderson out of order.

Following which,

It was unanimously

RESOLVED:

- (a) That the Monthly Budget Statement for the month of September 2017, and the supporting documents as presented be and is hereby **NOTED**.
- (b) That the Monthly Budget Statement for the month of September 2017, and the supporting documents be submitted to both Provincial Treasury and National Treasury in both electronic and hard copies.

EXTRACTS FROM COMMITTEES

Extract from the meeting of the Executive Committee held on 08 November 2017

C 282/11/17 Back to Basics Implementation

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

She advised that as at the end of the first quarter, the Municipality had maintained the functional status.

Cllr Henderson referred to the scoring on Pillar One (1) and sought clarity on what same included since the Ugu District had encountered several challenges regarding the provision of water.

In response, the Mayor explained to members that Cllr Henderson was aware of the water issues within the Ugu District; yet he raised concerns on same.

The Senior Manager: Corporate Strategy and Shared Services then referred members to the new Action Plan to be adopted.

Following discussion,

It was

RESOLVED:

- (a) That the report on the Back to Basics Implementation be and is hereby **NOTED**.
- (b) That the Action Plan be and is hereby **APPROVED**.

C 283/11/17 Investigation of UIFW Expenditure 2016/17

The Municipal Manager took members through the item.

Following discussion,

It was

RESOLVED:

- (a) That the report regarding the Investigation of UIFW Expenditure 2016/17 be and is hereby **NOTED**.
- (b) That the following expenditure incurred in the period from 01 July 2016 to 30 June 2017 be Written-Off:
 - Irregular Expenditure to the value of R9 096 663;
 - Fruitless and Wasteful Expenditure to the value of R200 450; and
 - Unauthorised Expenditure to the value of R113 949 531
- (c) That the document be further submitted to both Provincial Treasury and National Treasury and be condoned.

C 284/11/17 WSIG Non-Revenue Water Reduction Business Plan

The Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the WSIG Non-Revenue Water Reduction Business Plan be and is hereby **NOTED**.
- (b) That the WSIG Non-Revenue Water Reduction Business Plan be and is hereby **APPROVED**.

C 285/11/17 Business Plans – Vulamehlo Crossborder, Harding Weza Regional Bulk, KwaLembe Water Supply Scheme

The Municipal Manager took members through the item.

Following discussion,

It was

RESOLVED:

- (a) That the report on the Business Plans – Vulamehlo Crossborder, Harding Weza Regional Bulk, KwaLembe Water Supply Scheme be and is hereby **NOTED**.
- (b) That the Business Plans – Vulamehlo Crossborder, Harding Weza Regional Bulk, KwaLembe Water Supply Scheme be and is hereby **APPROVED**.

C 286/11/17 Monthly Budget Statement - August 2017

The Acting General Manager: Treasury took members through the item.

Cllr Rajaram pointed out that the Quality Certificate was missing and that Management should ensure that same was included before submitting to Provincial and National Treasury.

Following discussion,

It was

RESOLVED:

- (a) That the Monthly Budget Statement for the month of August 2017, and the supporting documents as presented be and is hereby **NOTED**.

- (b) That the Monthly Budget Statement for the month of August 2017, and the supporting documents be submitted to both Provincial and National Treasury in both electronic and hard copies.

C 287/11/17 Progress on Desalination Projects

The Municipal Manager took members through the item.

Following discussion,

It was

RESOLVED:

- (a) That the report regarding the Progress on the Desalination Projects be and is hereby **NOTED** for onward consideration by the support sector departments.
- (b) That the Desalination Project interventions to be reviewed as Short-Term Interventions to mitigate the water demand in the Ugu Middle North Supply Areas be and is hereby **APPROVED**.
- (c) That the direct application of funding and implementation of the interventions from DWS to realize the desalination projects as short-term interventions be and is hereby **APPROVED**.

MINUTES FROM COMMITTEES

C 288/11/17 Confirmed Minutes of the 16th meeting of the Executive Committee held on 17 October 2017

The Speaker took members through the noting of the minutes.

Following which,

It was unanimously

RESOLVED:

That the Confirmed Minutes of the 16th meeting of the Executive Committee held on 17 October 2017 be and are hereby **NOTED**.

URGENT MATTERS

C 289/11/17 Circular No. 29 of 2017: Local Government: Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to the Municipal Manager

The Municipal Manager took members through the item.

The Speaker stressed that Umzumbe Municipality was in a deep rural area; yet the said Municipality was not reflected in the Circular.

Cllr SR Ngcobo assured Council that the Mayor of Umzumbe Municipality had written to the Minister and that the Mayor was waiting for a response from the Minister.

Following discussion,

It was

RESOLVED:

- (a) That Circular No. 29 of 2017: Local Government: Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to the Municipal Manager received from the MEC for Co-operative Governance and Traditional Affairs be and is hereby **NOTED**.
- (b) That, it be noted that a Workshop on the Notice with all the Municipalities would be conducted on Monday, 27 November 2017 from 10h00 to 13h00 at the Disaster Management Centre, Mkondeni and Council was therefore requested to nominate a maximum of two Officials to attend the Workshop preferably the Chief Financial Officer and the General Manager: Corporate Services.
- (c) That the information as prescribed under Clause 12 be submitted with immediate effect.

IN-COMMITTEE MATTERS

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

C 290/11/17 Application for Annual Leave – Municipal Manager

The Mayor took members through the item.

Following discussion,

It was

RESOLVED:

- (a) That the report on the Application for Annual Leave – Municipal Manager be is hereby **NOTED**.
- (b) That the Municipal Manager be and is hereby authorised to go on Annual Leave from 11 December 2017 to 29 December 2017 (13 days).

- (c) That Ms VP Tsako be and is hereby appointed as Acting Municipal Manager for the above period.

C 291/11/17 Settlement Agreement Ugu District Municipality and SAMWU (Ugu District Municipality)

The Municipal Manager took members through the item.

Following discussion,

It was

RESOLVED:

- (a) That the report on the Settlement Agreement for the illegal strike by employees be and is hereby **NOTED**.
- (b) That the Municipal Manager be and is hereby authorised to sign the settlement agreement.
- (c) That a precedence be not set in the Municipality, in the event that employees had any demands, same would not be allowed to behave in an unacceptable manner or engage in unauthorised strikes.
- (d) That the Shopstewards be further capacitated on Labour Relations matters.
- (e) That, on the issue of allegations from the labour component, the Municipality also conduct an internal investigation to determine if the allegations of the properties that were purchased using the employees' contributions from the Sanlam Group Scheme were valid.

C 292/11/17 Acting Appointment – Chief Financial Officer

The Municipal Manager took members through the item. He then highlighted the rationale of the report.

Following discussion,

It was

RESOLVED:

- (a) That the report on the Acting Appointment – Chief Financial Officer be and is hereby **NOTED**.
- (b) That Mr Fanie van Rooyen be and is hereby appointed as the Acting Chief Financial Officer on a month to month basis for a maximum period of three

(3) months on the same terms and condition as the Chief Financial Officer with effect from 01 December 2017.

C 293/11/17 Request for Extension of the Acting Appointment - General Manager: Corporate Services

The Municipal Manager took members through the item. He then highlighted the rationale of the report.

Following discussion,

It was

RESOLVED:

- (a) That the report on the extension of Appointment of the General Manager Corporate Services (Acting) be and is hereby **NOTED**.
- (b) That the Honourable MEC for KZN CoGTA be requested to grant an extension of the Acting Appointment for a maximum of three (3) months for Ms VP Tsako with effect from 02 January 2017.

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

C 294/11/17 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 07 December 2017.

C 295/11/17 CLOSURE

There being no further items for discussion, the Speaker declared the meeting closed at 12h44.

CHAIRPERSON: -----

DATE : -----