

UGU DISTRICT MUNICIPALITY

MINUTES OF THE 24TH MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD AT THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 25 JANUARY 2024, AT 11H15.

Cllr SR Ngcobo - Speaker

IS Mqadi (Mayor), VM Chiya (Deputy Mayor), D Nciki (Exco Member), GD Henderson (Exco Member), SP Mthethwa (Exco Member), P Breedt, TT Hlophe, SE Khawula, MZ Luthuli, BE Machi, MA Manyoni, NO Mazubane, SD Mdluli, N Mweshe, PZ Mzindle, N Ndadane, N Ndovela, SA Ngcece, LMR Ngcobo, FM Ngwane, SP Fica, B Nyuswa, J Schmidt, PC Shange, BN Shozi, MP Shozi, MV Vezi, and LS Zungu.

BY INVITATION:

Inkosi MBW Xolo

Inkosi EZ Jali

Mr M Twabu

- IEC

Mr K Madlala

- Auditor-General South Africa

Ms C Smith

- Auditor-General South Africa

Ms P Mangcu

- Chief Executive Officer: SCTIE

Mr S Dlomo

- Chairperson: SCTIE

Ms N Sikhutshwa

- CoGTA Expert

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 M Gobhozi

- Acting General Manager: Corporate Services

Mr S Malinga

- Acting General Manager: Water Services

Ms F Mbili

- Senior Manager: Corporate Strategy and Shared Services

Ms Z Mpurwana

- Acting Senior Manager: Mayoralty and Communications

Ms N Mbambo

- Manager: Legal Services

Mr S Kati

- Chief Auditor Executive

Ms NP Gumbi

- Manager: Human Resources

Mr T Putini

- Manager: Community Services

Mr A Mbhele

- Manager: Administration & Auxiliary Services

Ms T Kikine

- Committee Co-ordinator; Secretariat Unit

Ms B Malishe

- Committee Co-ordinator: Secretariat Unit

• **OPENING**

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

NOTICE OF MEETING

The notice of the meeting was taken as read.

APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs NA Njenga (*urgent matter*), X Nkasa (*council business*), MP Tenza (*council business*), and JS Ngwane (*political commitment*) had requested leave of absence from the meeting.

It was also noted that Cllrs BE Machi and BN Shozi (*party commitment*) had requested to leave the meeting early.

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

Following which,

It was unanimously

RESOLVED:

(a) That Cllrs NA Njenga (*urgent matter*), X Nkasa (*council business*), MP Tenza (*council business*), and JS Ngwane (*political commitment*) be and are hereby **GRANTED** leave of absence from the meeting.

(b) That Cllrs BE Machi and BN Shozi (*party commitment*) be and is hereby **GRANTED** permission to be excused from the meeting.

(c) That Inkosi MP Ngcobo (*council business*) be and is hereby **GRANTED** leave of absence from the meeting.

DECLARATION OF INTEREST

It was noted that there were none.

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 as well as the In-Committee Agenda, and that all the Councillors had received the Agenda Pack timeously.

Thereafter, Cllr Mthethwa moved for the adoption of the Agenda and was seconded by Cllr Ngwane.

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 23rd Meeting of the Ugu District Municipal Council held on 23 November 2023

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

Thereafter, Cllr Mthethwa moved for the acceptance of the minutes and was seconded by Cllr LMR Ngcobo.

Following which,

It was

RESOLVED:

That the minutes of the 23rd Meeting of the Ugu District Municipal Council held on 23 November 2023 be and are hereby **CONFIRMED**.

Minutes of the Special Meeting of the Ugu District Municipal Council held on 30 November 2023

The Speaker took members through the confirmation of the minutes for the special meeting of the Ugu District Municipal Council held on 30 November 2023.

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

Following which,

It was

RESOLVED:

That the minutes of the special Meeting of the Ugu District Municipal Council held on 30 November 2023 be and are hereby **CONFIRMED**.

RESOLUTIONS REGISTER

C 07/01/24 Resolutions Register for the 23rd Meeting of the Ugu District Municipal Council held on 23 November 2023

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

Thereafter, Cllr Manyoni moved for the acceptance of the Resolutions Register and was seconded by Cllr MP Shozi.

Following which,

It was unanimously

RESOLVED:

That the Resolutions Register for the 23rd Meeting of the Ugu District Municipal Council held on 23 November 2023 be and is hereby **NOTED**.

C 08/01/24 Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 30 November 2023

The Speaker took members through the Resolutions Register for the 23rd Meeting of the Ugu District Municipal Council held on 30 November 2023.

Thereafter, Cllr Mthethwa moved for the acceptance of the Resolutions Register and was seconded by Cllr BN Shozi.

Following which,

It was unanimously

RESOLVED:

That the Resolutions Register for the Special Meeting of the Ugu District Municipal Council held on 30 November 2023 be and is hereby **NOTED**.

C 09/01/24 OUTSTANDING MATTERS

It was noted that there were none.

STANDING ITEMS

C 10/01/24 Monthly Birthday Greetings: Councillors, Amakhosi and Senior Managers

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

- Cllr SA Ngcece - 16 January

Following which,

It was unanimously

RESOLVED:

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

C 11/01/24

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 in the different systems. He then referred members from pages 43 to 83 of the agenda, and highlighted the following aspects, namely:

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

Commenting, Cllr Mthethwa stated that the KwaNdelu Pump Station was affected, and that same should be attended to. He mentioned that the municipal vehicles could not access the said Pump Station due to the damaged road. He also raised a concern on the issue of sanitation in the Harding, Phase One and Two. He then requested that a written report on how same would be resolved should be submitted to the Executive Committee.

He also appreciated the good work that was done by the officials during the peak season. He mentioned that there were areas that had no water due to the heavy rains. He then requested that the plumbers should intervene on the said matter. He requested for the update on the area of KwaQoloqolo, Ward 09 which had no water. He sought clarity if there was any improvement in the KwaHlongwa Area, whereby the water was closed due to the issue of finance.

Cllr BN Shozi referred members to page 61 of the agenda and requested that the Ugu District Municipality should engage with the Department of Transport with regards to the access road to the Ixopo Water Pump Station that was damaged.

Cllr Vezi stated that the water pressure in the KwaMachi Area was low, and that some areas had no water for two (2) months.

Moreover, Cllr Ngcobo appreciated the good work that was done in the KwaPhungashe Area. He then requested an update on the pipeline replacement for the said area.

Cllr Hendeson expressed thanks to the Acting Municipal Manager and the Officials for the great job that was done during the festive season. Moreover, he requested that the illegal water connections should be dealt with.

Cllr Mdluli stated that the Umdoni, Ward 17 had received bad quality of water. He requested that the water tankers should be sent to the Amandawe area if same had no water.

Cllr Schmidt mentioned that there was a spillage drains into the Nkongweni River. He sought clarity if there were any plans in place to prevent the spillages into the rivers.

In response, the Acting General Manager: Water Services stated that there was a plan with regards to the spillages in the rivers. He also highlighted that there was a plan of upgrading the Wastewater Treatment Works and that the business plan was prepared and approved by the Department of Water and Sanitation.

He mentioned that the issue in the Umdoni, Ward 17 would be attended to. With regards to the pipeline replacement programme in the KwaPhungashe area, he stated that the Department of Water Services was currently dealing with the pipeline replacement in Scottburgh.

Regarding the issue in the KwaQoloqolo Ward 09, he highlighted that there was a huge pipe break at the Mthwalume Bridge, which affected the water supply to the KwaQoloqolo area. He stated that the said issue would be attended to.

Taking over, the Acting Municipal Manager pointed out that the employees had committed themselves, worked very hard and met their target during the peak season. However, he stated that same had not meant that the Municipality had money and resources to perform. He then appreciated the good comments from the Councillors.

Following much discussion and deliberations,

It was

RESOLVED:

That the Water Supply Status Quo Report be and is hereby **CONSIDERED** and **NOTED**.

C 12/01/24 SALGA Monthly Report

It was noted that there was no report.

C 13/01/24 Human Rights Commission Inquiry

It was noted that there was no report.

SECTION 79 REPORTS

It was noted that there was no report.

MATTERS FOR DISCUSSION

C 14/01/24 Presentation by Auditor-General

The Auditor-General (AG) took members through the item.

He presented the Audit Report for the 2022 /2023 Financial Year. He indicated that the Municipality received had an unqualified audit opinion as well as the South Coast Tourism and Investment Enterprise (SCTIE).

He then highlighted the following aspects namely:

- Vision and Mission of the Auditor-General;
- Culture Shift 2030 – Strategic Aspiration;
- Culture Shift 2030 – Critical Success;
- Council Critical Role in the Accountability Ecosystem;
- Audit Outcomes: Areas of Audit;
- Audit Outcomes: Opinions;
- Audit Outcomes Trends;
- Quality of Financial Reporting for the 2022 / 2023;
- Financial Health for the 2022 / 2023;
- Performance Planning and Reporting Had Impact on Service Delivery;
- Achieving Key Performance Targets – Summarised Information from Key Programmes;
- Value-Added Work Performed on Service Delivery;
- Compliance with Key Legislation;
- Irregular Expenditure;
- Fruitless and Wasteful Expenditure;
- Consequence Management – Dealing with Fruitless and Wasteful Expenditure;
- Unauthorised Expenditure;
- Consequence Management – Dealing with Unauthorised Expenditure;
- Material Irregularity;
- Identified MIS Next Steps;
- Root Causes, Recommendations and Commitments;
- Council Message; and
- Activating the Accountability Ecosystem.

The Acting Municipal Manager welcomed the Auditor-General's report. He confirmed that there were issues that should be dealt with or corrected. He indicated that Management knew what to correct and had a Corrective Action Plan in place. He added that same would be submitted to the next meeting after been sent to the other relevant Committees.

Cllr Mthethwa welcomed the presentation and appreciated the AG's effort to assist the Municipality. He further appreciated the improvement for maintaining the audit status. He raised a concern regarding the Corrective Action Plan and sought clarity if it was possible to try and engage effectively by creating a platform whereby the Executive Leadership would hold Management accountable to improve the audit outcome.

Commenting, Ms Sikhutshwa welcomed the audit report and commended the Municipality on the said outcome. She stated that CoGTA had some work done in

trying to assist the Municipality to improve and had been working together with the Audit Committee and the Municipal Public Accounts Committee (MPAC). She indicated that CoGTA had engagements with Management. She concurred with the Auditor-General in terms of concerns around the financial distress of the Municipality and added that the Municipality would require attention and hopefully that would improve from the current status.

Cllr Manyoni also welcomed the report. He stated that Ugu was on the right track to reduce the Unauthorized Irregular Fruitless Expenditure. He noted the recommendations by the AG. He stated that he believed that it was important especially for the Oversight Committee to ensure that same was able to monitor the implementation of the Plans to catch up with all the findings that were picked up by the AG.

The Mayor stated that the AG report brought hope. He pointed out that the Municipality commits itself in dealing with the finding and to achieve the finding. He thanked all the stakeholders for ensuring that the AG received all the documents.

Following discussion,

It was

RESOLVED:

- (a) That the Presentation Auditor-General be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Corrective Action Plan be submitted to the next meeting after been sent to all the other relevant Committees.

C 15/01/24 **Mid-Year Budget & Performance Report for the Year 2023/2024 (S52,S71 and S72)**

The Speaker took members through the item.

Cllr Henderson advised members that there was no need for the Mid-Year Budget and Performance Report for the Year 2023-2024 (S52, S71 and S72) to be presented given that all members received the agenda on time. He mentioned that the said report basically outlined the financial position of the Municipality for the past six (06) months.

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

Following which,

It was

RESOLVED:

- (a) That the Mid-Year Budget and Performance Report for the Year 2023-2024 (S52, S71 and S72) be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Mid-Year Budget and Performance Report for the Year 2023-2024 (S52, S71 and S72) be and is hereby **APPROVED**.

**C16/01/24 South Coast Tourism and Investment (SCTIE) Governance Matters
SDBIP: LED 06)**

It be noted that the said item was withdrawn from the agenda and that same would be updated and resubmitted to the next meeting.

C 17/01/24 Incidents Updates on the Adverse Weather Conditions within the Ugu District

The Acting Municipal Manager took members through the item.

He informed members that the report was submitted to update Council on the incidents that occurred within the Ugu District from 10 January 2024 to 18 January 2024.

Commenting, Cllr Henderson advised members that the Minister of Co-Operative Governance and Traditional Affairs (CoGTA) had declared certain areas in Kwa-Zulu Natal as disaster areas. He then enquired if the Ugu District was also declared as a disaster area, and if so, could the Municipality adjust its budget accordingly.

Responding, the Acting Municipal Manager confirmed that the Ugu District was declared as a disaster area.

Cllr Henderson then requested that the budget should be adjusted accordingly, and that another resolution should be added to declare the Ugu District as one of the disaster areas.

Following which,

It was unanimously

RESOLVED:

- (a) That the report regarding the Incidents Update on the Adverse Weather Conditions within Ugu District be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Ugu District be and is hereby **DECLARED** as one of the disaster areas.

C 18/01/24

Facilitator's Proposal KZN Divisional Conditions of Service

The Acting Municipal Manager took members through the item.

He apprised members on the Proposal that was reported by the Facilitator to facilitate the negotiations between the Unions and the employer i.e. SALGA. He stated that the negotiations were in terms of the services and to have a new Collective Agreement with the Unions as the old one had lapsed.

He pointed out that the Facilitator's mandate was to continue drafting the new Collective Agreement for Council to support same to facilitate the proposal. He then referred members from pages 114 to 115 and highlighted the matters that Council was requested to give a mandate on.

Following which,

It was unanimously

RESOLVED:

- (a) That the report regarding the Facilitator's Proposal on the Amendments on the Sections cited in the Table 4.1.1 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Facilitator's Proposal on the Amendments on the Sections cited in Table 4.1.1 be **APPROVED**, although Ugu District Municipality was still experiencing financial constraints.

C 19/01/24

2022 / 2023 Draft Ugu and SCTIE Annual Report

The Acting Municipal Manager took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report regarding the 2022 / 2023 Ugu and SCTIE Annual Reports be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the 2022/2023 Ugu and SCTIE Annual Reports be and is hereby **APPROVED** for public participation.
- (c) That all the comments be submitted to the Office of the Senior Manager: Corporate Strategy and Shared Services by 15 February 2024.

C 20/01/24

MATTERS FOR CONSIDERATION FROM COMMITTEES

It was noted that there were none.

C 21/01/24 MINUTES FROM COMMITTEES

It was noted that there were none.

C 22/01/24 URGENT MATTERS

It was noted that there were none.

IN-COMMITTEE MATTERS

C 23/01/24 In-Committee Minutes of the Special Meeting of the Ugu District Municipal Council held on 30 November 2023

The Speaker took members through the In-Committee Minutes of the Special Meeting of the Ugu District Municipal Council held on 30 November 2023. Following which,

It was

RESOLVED:

That the In-Committee Minutes of the Special Meeting of the Ugu District Municipal Council held on 30 November 2023 be and is hereby **CONFIRMED**.

C 24/01/24 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 29 February 2024.

C 25/01/24 CLOSURE

There be no further items for discussion, the Speaker declared the meeting closed at 13h20.

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