

UGU DISTRICT MUNICIPALITY

**MINUTES OF THE 22ND MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL
HELD AT THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY,
10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 26 OCTOBER 2023,
AT 11H10.**

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 Shoji, P Breedt, TT Hlophe, SE Khawula, MZ Luthuli, BE Machi, SD Mdluli, SEH Mngoma, TH Msabala, N Mweshe, PZ Mzindle, N Ndovela, N Ndadane, SA Ngcece, LMR Ngcobo, FM Ngwane, X Nkasa, SP Ntuli, B Nyuswa, J Schmidt, BN Shoji, MV Vezi, and MP Tenza

BY INVITATION:

S Zondi	-	Road Accident Fund
B Motlhamme	-	Road Accident Fund
D Madonsela	-	Road Accident Fund

IN ATTENDANCE:

Mr VO Mazibuko	-	Acting Municipal Manager
Ms D Rankin	-	General Manager: Economic Development and Environmental Services (EDES)
Mr M Sakha	-	Acting 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 K Oduro	-	Acting Chief Auditor Executive
Ms NP Gumbi	-	Manager: Human Resources
Mr A Mbhele	-	Manager: Administration & Auxiliary Services
Ms N Surajbally	-	Administrative Officer: Secretariat Unit
Mr S Madonsela	-	Committee Clerk
Ms A Mnisi	-	Committee Clerk

• OPENING

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

C 372/10/23

NOTICE OF MEETING

The notice of the meeting was taken as read.

C 373/10/23

APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs MA Manyoni (*council business*), SP Mthethwa (*council business*), JS Ngwane (*council business*), PC Shange (*council business*) and LS Zungu (*council business*) had requested leave of absence from the meeting.

It was also noted that Inkosi MBW Xolo (*council business*), Inkosi EZ Jali (*council business*) and Inkosi MP Ngcobo (*council business*) had requested leave of absence from the meeting.

In addition, it was noted that Cllr NA Njenga and Cllr N Ndadane would join the meeting late.

From the Management Component, it was noted that the General Manager: Budget and Treasury Office (*municipal business*), the Senior Manager: Mayoralty and Communications (*municipal business*) and the Chief Auditor Executive (*municipal business*) had requested for leave of absence from the meeting.

It was further noted that Mr M Sakha was representing the General Manager: Budget and Treasury Office, Ms Z Mpurwana was representing the Senior Manager: Mayoralty and Communications and Mr K Oduro was representing the Chief Auditor Executive.

Following which,

It was unanimously

RESOLVED:

- (a) That Cllrs MA Manyoni (*council business*), SP Mthethwa (*council business*), JS Ngwane (*council business*), PC Shange (*council business*) and LS Zungu (*council business*) be and are hereby **GRANTED** leave of absence from the meeting.
- (b) That Inkosi MBW Xolo (*council business*), Inkosi EZ Jali (*council business*) and Inkosi MP Ngcobo (*council business*) be and are hereby **GRANTED** leave of absence from the meeting.
- (c) That, it be noted that Cllr NA Njenga and Cllr N Ndadane would join the meeting late.
- (d) That General Manager: Budget and Treasury Office (*municipal business*), the Senior Manager: Mayoralty and Communications (*municipal business*) and the Chief Auditor Executive (*municipal business*) be and are hereby **GRANTED** leave of absence from the meeting.

- (e) That, it be **NOTED** that Mr M Sakha was representing the General Manager: Budget and Treasury Office, Ms Z Mpurwana was representing the Senior Manager: Mayoralty and Communications and Mr K Oduro was representing the Chief Auditor Executive.

C 374/10/23

DECLARATION OF INTEREST

It was noted that there were none.

C 375/10/23

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, the In-Committee Agenda, and the First Addendum and that all the Councillors had received the Agenda Pack timeously.

Thereafter, Cllr Machi moved for the adoption of the Agenda and was seconded by Cllr Khawula.

Following which,

It was

RESOLVED:

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

C 376/10/23

CONFIRMATION OF MINUTES

Minutes of the 21st Meeting of the Ugu District Municipal Council held on 28 September 2023

The Speaker took members through the confirmation of the minutes for the 21st meeting of the Ugu District Municipal Council held on 28 September 2023.

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

Following which,

It was

RESOLVED:

That the minutes of the 21st Meeting of the Ugu District Municipal Council held on 28 September 2023 be and are hereby **CONFIRMED**.

RESOLUTIONS REGISTER

Resolutions Register for the 21st Meeting of the Ugu District Municipal Council held on 28 September 2023

The Speaker took members through the Resolutions Register for the 21st Meeting of the Ugu District Municipal Council held on 28 September 2023.

Following which,

It was unanimously

RESOLVED:

That the Resolutions Register for the 21st Meeting of the Ugu District Municipal Council held on 28 September 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 was no report.

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 October, namely:

- | | | |
|------------------|---|-----------------|
| • Cllr NA Njenga | - | 26 October; and |
| • Cllr B Nyuswa | - | 02 October |

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

Thereafter, he highlighted the status in the following areas, namely:

- Area South Central;
- Area South;
- Area North; and

- Area Southwest

Commenting, Cllr Msabala stressed her concern that the area of Umzinto under the Umdoni Local Municipality had no water for several days and that there were no water tankers delivering water to assist the surrounding communities. In addition, she pointed out that the Scholar Amoris did not have water for some time now. She appealed for the said school to have access to water tankers.

Cllr Khawula raised his concern and stated that there was information in the Water Supply Status report which was outdated and requested that same should be corrected so that the updated information would be shared with the communities. Furthermore, he reported that the community of Ward 04 under the Umdoni Local Municipality had water challenges and that the water tankers were not enough to address the water needs of the affected community. He emphasized that the War on Leaks Program should continue given that same had a very positive impact on the ground. Lastly, he stressed his concern with regards to the issue of the municipal infrastructure vandalism, theft, and the illegal connections.

Cllr Mdluli appreciated that the community of KwaCele, Ward 17 under the Umdoni Local Municipality now had water. However, he stressed his concern that the reservoir was pumping brown water to the community.

The Speaker stated that the Ward Councillors working together with the leadership from the Local Municipalities should ensure that the water tankers reached everyone that needed water in their respective wards. Furthermore, he raised concern that there were people who used big water drums to collect water from the water tankers and that same had resulted in other community members not receiving same.

The Mayor appreciated the comments made by the Council and stated that the issue at KwaCele, Ward 17 should be looked at and emphasized that the people should receive clean water from the Ugu District Municipality.

Following much discussion and deliberations,

It was

RESOLVED:

- (a) That the report on the Water Supply Status Quo be and is hereby **NOTED**.
- (b) That Management be and is hereby tasked to attend to the water challenges that the Scholar Amoris School had encountered.

C 382/10/23

SALGA Monthly Report

It was noted that there was no report.

C 383/10/23

SECTION 79 REPORTS

It was noted that there was no report.

MATTERS FOR DISCUSSION

Presentation: Road Accident Fund

Mr Zondi took members through a presentation on the Road Accident Fund.

He informed Council that the Road Accident Fund (RAF) was a statutory body that, in terms of the provisions of the Road Accident Fund Act, 1996 (Act No. 56 of 1996) ("the Act") as amended, existed to provide cover to all persons (referred to in the Act as a "third party") for the loss or damage resulting from the death or bodily injury caused by the negligent-driving of motor vehicles within the borders of the country.

He mentioned that the Act also served to indemnify an insured driver or owner of a motor vehicle (this was the person who was negligent) against liability incurred as the result of loss or damage wrongfully caused to the third party.

He indicated that the RAF only indemnified the insured Driver against claims for damages in respect of bodily injury sustained or the death of a breadwinner. He pointed out that the indemnity did not apply to claims for damage to motor vehicles, personal affects, buildings, luggage or goods conveyed in a vehicle, and so forth.

He then highlighted the following aspects namely:

- Claims Procedure;
- Required Documents;
- How to Claim;
- What you can Claim for;
- Undertaking;
- Patient Outreach;
- Time Period; and
- Contacts

Commenting, Cllr Khawula commended the report and sought clarity on whether the Road Accident Fund (RAF) had a programme to educate the beneficiaries on how to use their monies wisely.

Cllr Mdluli appreciated the report and sought clarity on whether the RAF had their own doctor who verified the medical assessments received from the claimant's medical doctors to avoid fraud and corruption.

Cllr Tenza sought clarity on why the claiming process took so long to conclude given that there were lawyers and medical practitioners involved in the assessment process.

Cllr Nkasa sought clarity on whether the internal body injuries were considered during the medical assessment process.

Cllr Ntuli appreciated the officials from the Road Accident Fund for visiting the Ugu District and for being visible to the public. She added that the communities were going through many challenges with regards to their claims. Furthermore, she requested that the said presentation should be done in the Local Municipalities within the Ugu

District and that the contact numbers should be shared with the Councillors. Lastly, she sought clarity on whether the claims could be done directly to the RAF without the involvement of the lawyers.

In response, Mr Zondi informed members that the claimants could register their claims directly to the Road Accident Fund without the Lawyers intervening on same. However, he mentioned that by law, the claimant had the right to be represented by a Lawyer. With regards to the medical assessment, he mentioned that same was done by a specialist who would then state whether the claimant was more than 30% injured. Furthermore, he stated that the internal body injuries were considered. Lastly, he emphasized that most of the claims were delayed due to outstanding documentation that was required for the claim to be processed.

Concluding, the Speaker thanked the delegation from the Road Accident Fund and requested the delegation to do presentations to the Local Municipal Councils as well.

Following which,

It was unanimously

RESOLVED:

- (a) That the Presentation on the Road Accident Fund be and is hereby **NOTED**.
- (b) That the delegation from the Road Accident Fund do presentations to the Local Municipal Councils.

C 385/10/23

Monthly Budget Statements: September 2023

The Speaker took members through the item.

Cllr Schmidt moved for the acceptance of the recommendation and was seconded by Cllr Tenza.

Following which,

It was

RESOLVED:

- (a) That the report on the Monthly Budget Statements for the month of September 2023 be and is hereby **NOTED**.
- (b) That the Monthly Budget Statements for the month of September 2023 and the supporting documents be submitted to both the Provincial and National Treasury in both electronic and hard copies.

C 386/10/23

SCM Monthly Performance Report: September 2023

The Speaker took members through the item.

Cllr Mzindle moved for the acceptance of the recommendation and was seconded by Cllr Ngcece.

Following which,

It was

RESOLVED:

That the SCM Monthly Performance Report for September 2023 be and is hereby **NOTED**.

C 387/10/23

Umtamvuna Electrical Power Upgrade Progress Report

The Acting Municipal Manager took members through the item.

He reported to Council that he together with the Water Services Department had attended a meeting with the Alread Nzo Municipality on 17 October 2023.

He mentioned that the Alfred Nzo Municipality had to do a presentation to the CPA on when the community was going to receive water. He reported that the said meeting was very fruitful.

He mentioned that the R250 000.00 compensation that was offered was accepted; hence the project could now start.

He informed members that on 27 October 2023, there would be a meeting with all the members of the CPA; whereby the Amakhosi would be present, and that the objective of the said meeting was to introduce the project.

He further reported that on 31 October 2023, there was a meeting with the entire community and that on 03 November 2023, there was a meeting scheduled with all the stakeholders, including Ugu District Municipality and Eskom.

He said that the anticipation date for the commencement of the project was the middle of November 2023.

Following which,

It was unanimously

RESOLVED:

That the report on the Umtamvuna Electrical Power Upgrade Progress Report be and is hereby **NOTED**.

C 388/10/23

Report on Ugu District Municipality Water Shedding Plan – Operation Vula/Vala

The Municipal Manager took members through the item.

It was noted that the objective of the report was to advise members on the Municipality's Water Shedding Plan (Operation Vula/Vala).

Commenting, Cllr Breedts expressed his thanks to Management for the said report.

Following which,

It was unanimously

RESOLVED:

That the report on the Ugu District Municipality Water Shedding Plan – Operation Vula/Vala be and is hereby **NOTED**.

MATTERS FOR CONSIDERATION FROM COMMITTEES

Extracts from the Minutes of the Audit Committee held on 20 July 2023

Draft Schedule of Mayoral Izimbizo 2023

The Speaker took members through the item.

He pointed out that the Umdoni Municipality would start their Imbizo in January 2024.

He appealed to the Local Municipalities not to change the dates, or the venues given that the Schedule was advertised.

Following which,

It was unanimously

RESOLVED:

(a) That the report regarding the Draft Schedule of Mayoral Izimbizo be and is hereby **RECEIVED** and **NOTED**.

(b) That the draft schedule of Mayoral Izimbizo be and is hereby **APPROVED**.

Installation of an Automatic Weather Station

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

She informed Council that the objective of the report was to seek approval to install an Automatic Weather Station at the Ugu Municipal facilities.

Giving members a background to the item, she mentioned that the District Disaster Management had been approached by eThekweni Municipality Procurement and Infrastructure Engineering-Hydrological Technology and the South African Weather Services (SAWS) requesting to install an automated weather station in the Disaster

Management Centre and at the Umuziwabantu Southwest Ugu Offices, to enable a primary increase of network to the existing weather stations and rain gauge stations, river/stream gauging stations, camera stations and other monitoring equipment.

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

Following which,

It was

RESOLVED:

- (a) That the report on the request to install the Automated Weather Station at the Ugu Disaster Management Centre and the Ugu South-West Office in the Umuziwabantu Local Municipality be and is hereby **NOTED**.
- (b) That the request to install the Automated Weather Station at the Ugu Disaster Management Centre and the Ugu South-West Office in the Umuziwabantu Local Municipality be and is hereby **APPROVED**.

C 391/10/23

Application for Overtime Exemption Certificate

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

Cllr Nyuswa moved for the acceptance of the recommendations and was seconded by Cllr Nciki.

Following which,

It was

RESOLVED:

- (a) That the report on the Application of the Overtime Exemption Certificate be and is hereby **NOTED**.
- (b) That the Application of the Overtime Exemption Certificate be and is hereby **APPROVED**.

C 392/10/23

ICT Policy Review

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

Cllr LMR Ngcobo moved for the acceptance of the recommendations and was seconded by Cllr Ngcece.

Following which,

It was

RESOLVED:

(a) That the report on the ICT Policy reviews be **NOTED**.

(b) That the following reviewed policy documents be **APPROVED** namely:

- ICT Digital Strategy 2022-2027;
- ICT Cloud Strategy 2022-2027;
- ICT Governance Charter;
- ICT Governance framework;
- ICT Project and Portfolio Management Framework;
- ICT Security Control Policy;
- ICT User Management Policy;
- ICT Operations Policy; and
- ICT ROI Policy.

(c) That the ICT Steering Committee Terms of Reference be **APPROVED**.

C 393/10/23

Labour Relations Matters and Disciplinary Hearing Progress Report

The Speaker 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**.

MINUTES FROM COMMITTEES

C 394/10/23

Minutes of the 27th Meeting of the Executive Committee held on 20 September 2023

The Speaker took members through the minutes of the 27th Meeting of the Executive Committee held on 20 September 2023.

Following which,

It was

RESOLVED:

That the Minutes of the 27th Meeting of the Executive Committee held on 20 September 2023 be and is hereby **NOTED**.

C 395/10/23

URGENT MATTERS

It was noted that there were none.

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

IN-COMMITTEE MATTERS

C 396/10/23

In-Committee Minutes of the 21st Meeting of the Ugu District Municipal Council held on 28 September 2023

The Speaker took members through the In-Committee Minutes of the meeting of the Ugu District Municipal Council held on 28 September 2023.

Following which,

It was

RESOLVED:

That the In-Committee Minutes of the meeting of the Ugu District Municipal Council held on 28 September 2023 be and is hereby **CONFIRMED** subject to the following amendment being effected to the minutes:

- Page 4, paragraph 1, the second sentence to read as “She requested that in future, the CEO must be part of the Panel, even if it was on an observing capacity.”

C 397/10/23

In-Committee Minutes of the 27th Meeting of the Executive Committee held on 20 September 2023

The Speaker took members through the report.

Following which,

It was

RESOLVED:

That the In-Committee Minutes of the 27th Meeting of the Executive Committee held on 20 September 2023 be and is hereby **NOTED**.

C 398/10/23

Appointment of the Acting General Manager: Corporate Services

The Acting Municipal Manager took members through the item.

Cllr LMR Ngcobo moved for the acceptance of the recommendations and was seconded by Cllr Machi.

Following which,

It was

RESOLVED:

- (a) That the report on the Appointment of the General Manager: Corporate Services be and is hereby **CONSIDERED** and **NOTED**.
- (b) That Ms MP Gobhozi be and is hereby appointed as the Acting General Manager: Corporate Services for a period of three (03) months, effective from 07 November 2023 to 05 February 2024, or until the position of the Municipal Manager was filled, whichever comes first be **APPROVED**.

C 399/10/23

Appointment of the Acting General Manager: Water Services

The Acting Municipal Manager took members through the item.

Cllr Nyuswa moved for the acceptance of the recommendations and was seconded by Cllr Msabala.

Following which,

It was

RESOLVED:

- (a) That the report on the Appointment of the General Manager: Water Services be and is hereby **CONSIDERED** and **NOTED**.
- (b) That Mr S Malinga be and is hereby appointed as the Acting General Manager: Water Services for a period of three (03) months, effective from 01 November 2023 to 31 January 2024, or until the position was filled, whichever comes first be **APPROVED**.

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

C 400/10/23

Request for the Waiver of the General Manager: Corporate Services' Total Remuneration Package

The Speaker took members through the item.

Cllr Mdluli moved for the acceptance of the recommendations and was seconded by Cllr MP Shozi.

Following which,

It was

RESOLVED:

- (a) That the report for the waiver of the General Manager: Corporate Services' Remuneration package be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the waiver of the Total Remuneration Package for the Ugu District Municipality's General Manager: Corporate Services – Mr V.O. Mazibuko, and that he be paid at midpoint remuneration be and is hereby **APPROVED**.
- (c) That His Worship, the Mayor be and is hereby **AUTHORISED** to make a submission to CoGTA MEC to consider the recommendations for assessment and submission to the CoGTA Minister reviewing the Total Remuneration Package for the Ugu District Municipality's General Manager: Corporate Services – Mr V.O. Mazibuko to be paid at midpoint remuneration package for Senior Managers at a category to be determined by the Minister when assessing this application.

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

C 401/10/23

DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 23 November 2023.

C 402/10/23

CLOSURE

The Speaker thanked all members for their participation and contribution in the meeting.

There being no further items for discussion, the Speaker requested Cllr Machi to close the meeting in prayer at 12h37.

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