

UGU DISTRICT MUNICIPALITY

MINUTES OF THE 31ST MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 27 JUNE 2019, AT 11H10.

PRESENT:

Cllr NH Gumede - Speaker

Cllrs PH Mthiyane (Acting Mayor), AD Ngubo (Executive Member), SP Mthethwa (Executive Member), L Mzimela (Executive Member), LMR Ngcobo (Executive Member), S Chetty, TB Cele, K Dladla, TW Dube, JJ East, M Gwabe, DMM Hlengwa, GD Henderson, SE Khawula, MA Manyoni, S Mngomezulu, NCP Mqwebu, NY Mweshe, Y Nair, PT Naude, D Nciki, SR Ngcobo, B Ntusi, A Rajaram and MPL Zungu

BY INVITATION:

IN ATTENDANCE:

Mr DD Naidoo	-	Municipal Manager
Mr MS Dlamini	-	General Manager: Budget and Treasury Office
Mr VO Mazibuko	-	General Manager: Corporate Services
Mr S Mbewu	-	General Manager: Water Services
Ms N Walingo	-	General Manager: Economic Development and Environmental Services (EDES)
Mr F Zama	-	Senior Manager: Mayoralty and Communications
Ms N Mbambo	-	Manager: Legal Services
Mr A Mbhele	-	Manager: Administration and Auxiliary Services
Mr K Odoro	-	Acting Manager: Risk and Internal Audit
Ms N Surajbally	-	Administrative Officer: Secretariat Unit
Ms B Malishe	-	Committee Co-ordinator

OPENING

The Speaker welcomed all to the meeting.

She mentioned that Cllr CPN Chiyi, a Councillor from Ray Nkonyeni Municipality, had recently passed on.

She also mentioned that an employee from the Ray Nkonyeni Municipality was shot dead and that there were many other killings within the Ugu District.

Furthermore, she mentioned that on 16 June 2019, 24 people lost their lives in a taxi accident.

In light of the above, she requested Cllr TW Dube to open the meeting in prayer and a moment of silence was observed for all the lives that were lost in the Ugu District.

C 116/06/19 NOTICE OF MEETING

The notice of the meeting was taken as read.

C 117/06/19 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs NT Damini (*sick*), HJ Ngubelanga (*sick*), H Mbatha (*sick*), SN Caluza (*family responsibility*), TA Disane (*sick*), B Ntusi (*sick*), ZZ Msani (*sick*) and BE Machi (*family responsibility*) had requested leave of absence from the meeting.

Cllr SR Ngcobo requested to be excused from the meeting at 12h00 given that he had to attend a meeting of the Audit Committee.

From the Management Component, it was noted that the Senior Manager: Corporate Strategy and Shared Services (*sick*) had requested leave of absence from the meeting.

Commenting, Cllr Mqwebu advised that even if an Official was requesting for leave of absence, same should be submitted in writing as well and that in future, there should be no verbal apologies; only written ones should be accepted.

Following which,

It was unanimously

RESOLVED:

- (a) That Cllrs NT Damini (*sick*), HJ Ngubelanga (*sick*), H Mbatha (*sick*), SN Caluza (*family responsibility*), TA Disane (*sick*), B Ntusi (*sick*), ZZ Msani (*sick*) and BE Machi (*family responsibility*) be and are hereby granted leave of absence from the meeting.
- (b) That from the Management Component, it was noted that the Senior Manager: Corporate Strategy and Shared Services (*sick*) be and is hereby granted leave of absence from the meeting.
- (c) That the request from Cllr SR Ngcobo to be excused at 12h00 be and is hereby **GRANTED**.
- (d) That in future, even if an Official was requesting for leave of absence, same be submitted in writing and also there be no verbal apologies; only written ones be accepted.

C 118/06/19 DECLARATION OF INTEREST

It was noted that there were none.

C 119/06/19 CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

The Municipal Manager informed Council that the Agenda comprised the following:

- Main Agenda;
- In-Committee Agenda;
- First Addendum;
- Second Addendum;
- Item 14.3 Performance Bonus for Section 56 Managers under In-Committee;
- Item 14.4 Performance Bonus for the Municipal Manager under In-Committee; and
- A report on the Investigation: Unauthorised, Irregular, Fruitless and Wasteful Expenditure be included as Item 9.1 under Item 9, Section 79 Reports

Following which,

It was unanimously

RESOLVED:

That the agenda convening the Ugu District Municipal Council meeting be and is hereby **CONFIRMED**, subject to the inclusion of the items on the First and Second Addenda, as well as the inclusion of Item 14.3 Performance Bonus for Section 56 Managers under In-Committee; Item 14.4 Performance Bonus for the Municipal Manager under In-Committee and inclusion of a report on the Investigation: Unauthorised, Irregular, Fruitless and Wasteful Expenditure be included as Item 9.1 under Item 9, Section 79 Reports

CONFIRMATION OF MINUTES

C 120/06/19 Minutes of the 30th Meeting of the Ugu District Municipal Council held on 30 May 2019

The Speaker took members through the confirmation of the minutes for the meeting held on 30 May 2019.

Cllr Ngubo moved for the adoption of the minutes and was seconded by Cllr Mqwebu.

Following which,

It was

RESOLVED:

That the Minutes of the 30th Meeting of the Ugu District Municipal Council held on 30 May 2019, be and are hereby **CONFIRMED**.

RESOLUTION REGISTER

C 121/06/19

Resolution Register for the 30th Meeting of the Ugu District Municipal Council held on 30 May 2019

The Speaker took members through the Resolution Register for the 30th Meeting of the Ugu District Municipal Council held on 30 May 2019.

Following which,

It was unanimously

RESOLVED:

That the Resolution Register for the 30th Meeting of the Ugu District Municipal Council held on 30 May 2019, be and is hereby **NOTED**.

C 122/06/19

OUTSTANDING MATTERS

It was noted that there were none.

STANDING ITEMS

C 123/06/19

SALGA Monthly Report: 07 June 2019

The Municipal Manager took members through the SALGA Monthly Report as of 07 June 2019.

He informed members that the report entailed the following:

- SALGA KZN Membership Levies: Early Settlement Discount;
- Job Evaluation: Deadline for Submission of Job Descriptions;
- Generic Integrated Councillor Induction Programme for Councillors Post 2019 Elections; and
- SALGA Upcoming Events

Following which,

It was unanimously

RESOLVED:

That the SALGA Monthly Report as of 07 June 2019 be and is hereby **NOTED**.

C 124/06/19

Monthly Birthday Greetings: Councillors, Amakhosi and Senior Managers

The Speaker conveyed birthday wishes on behalf of Council to Cllr D Nciki, Cllr DMM Hlengwa, Cllr TB Cele, Cllr NT Dlamini and Cllr SP Mthethwa, who celebrated their birthdays during the month of June 2019.

Following which,

It was unanimously

RESOLVED:

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

SECTION 79 REPORTS

C 125/06/19

Investigation: Unauthorised, Irregular or Fruitless and Waseful Expenditure Expenditure

At that stage of the proceedings, Cllr Ngubo requested for the African National Congress (ANC) to have a five minute caucus session and was seconded by the Acting Mayor.

The African National Congress (ANC) went into caucus from 11h35 to 11h56 and upon return, Cllr SR Ngcobo proposed that the item be deferred to a special meeting of Council to be convened on Friday, 28 June 2019.

In addition, Cllr Nair emphasized that the said item was a critical one and that same was given on the morning of the Council meeting as an urgent item; therefore there was a request for the item to be discussed at a special meeting. He said that the Officials must note that members of Council were not happy receiving items late; especially on the morning of the meeting.

Cllr LMR Ngocobo pointed out with concern that the Municipal Public Accounts Committee (MPAC) had failed to meet three times before to deal with the said item. He emphasized that due to the Committee's failure to meet, Council was in such a predicament.

Cllr East informed Council that he would not be able to attend the special meeting given that Umdoni Council was meeting on Friday, 28 June 2019.

Also, Cllr Henderson informed Council that he was also unavailable due to a community commitment.

He then requested clarity as to why Friday, 28 June 2019 was proposed.

Moreover, Cllr Mthethwa informed Council that the IFP had a party commitment on Friday, 28 June 2019.

The Municipal Manager explained to Council that the item was given to MPAC a month ago but same was only presented to MPAC on Wednesday, 30 May 2019 at 14h00 given that the two previous meetings of MPAC did not sit due to the issue of quorum; therefore it was not the Officials' fault.

He then suggested that the recommendations in the report should be "Condoned" and not "Written Off."

He advised that the said item could be deferred to the next Council meeting in July 2019.

Cllr Chetty emphasized that the proposal to defer the item was to practice good governance; hence more time was required to study the item.

Cllr SR Ngcobo then withdrew his proposal.

Cllr Nair proposed that the item be deferred to the next meeting and was seconded by Cllr Mthethwa.

At that stage of the proceedings, it was observed that some members of Council were recording the proceedings on their cell phones and the Speaker pointed out with concern that such behavior at Council was unacceptable. She advised that in future, the Standing Rules and Order of Council would be strictly adhered to given that same was now questioning the decorum of Council.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Investigation: Unauthorised, Irregular or Fruitless and Wasteful Expenditure be and is hereby **DEFERRED** to the next meeting.
- (b) That the assets in the report be recommended to be "Condoned" and not "Written Off."
- (c) That in future, the Standing Rules and Order of Council be strictly adhered to given that same was now questioning the decorum of Council.

MATTERS FOR DISCUSSION

C 126/06/19

State of Readiness for Ugu Jazz Festival 2019

The Senior Manager: Mayoralty and Communications took members through the item.

He mentioned that the objective of the report was to present to Council the State of Readiness for the 2019 Ugu Jazz Festival.

Following which,

It was unanimously

RESOLVED:

That the report on the State of Readiness for Ugu Jazz Festival 2019 be and is hereby **NOTED**.

C 127/06/19 Election of Members to Serve on the Recess Committee

The Municipal Manager informed Council that the rationale of the report was to propose that the Ugu District Municipal Council should elect members to serve on the Recess Committee given that Council would be on recess from 28 June 2019 to 09 July 2019.

Following which,

It was

RESOLVED:

- (a) That the report on the the Election of Members to serve on the Recess Committee be and is hereby **NOTED**.
- (b) That the Recess Committee be a Committee of the Executive Committee and be chaired by the Deputy Mayor or, in the absence or unavailability of the Deputy Mayor, a member of the Executive Committee be elected to chair same.

C 128/06/19 Ugu District Municipality and Harry Gwala Assets Transfer

The Municipal Manager took members through the item.

He mentioned that the objective of the report was to request Council to approve the transfer of assets from Ugu District Municipality to Harry Gwala District Municipality as affected by the boundaries in terms of the approved demarcations effective on 30th June 2019.

Commenting, Cllr SR Ngcobo pointed out that the Municipality needed to look at the issue of water provided to the Harry Gwala District Municipality.

Following which,

It was

RESOLVED:

- (a) That the report regarding the Ugu District Municipality and Harry Gwala Asset Transfer be and is hereby **NOTED**.
- (b) That the Assets transfer to Harry Gwala District Municipality be and is hereby **APPROVED**.
- (c) That it be noted that the Harry Gwala District Municipality accepts the Assets in the form of a Council resolution and also include the said Assets into their Assets Register as at 01 July 2019.

- (d) That the said Assets be removed from the Ugu District Municipality's Assets Register as at 30 June 2019.

C 129/06/19 Ugu District Municipality Assets Disposal for Auction

The Municipal Manager briefly informed members that the purpose of the report was to seek approval from Council on the assets to be disposed by auction.

Commenting, Cllr Mzimela pointed out with concern that the Municipality kept assets until same became more old, rusted and deteriorated, which lost its value.

He requested that the Fleet Policy should be reviewed so that vehicles and other assets could be auctioned in time.

Cllr SR Ngcobo requested that the replacement vehicles should be purchased quickly so that work could continue.

Cllr Mthethwa sought clarity if there was a plan in place to replace the vehicles.

In response, the Municipal Manager assured Council that most of the vehicles that were being auctioned had already been replaced.

Following which,

It was

RESOLVED:

- (a) That the report regarding the Ugu District Municipality Assets Disposal for Auction be and is hereby **NOTED**.
- (b) That the Ugu District Municipality Assets Disposal for Auction be and is hereby **APPROVED**.

EXTRACTS FROM COMMITTEES

Extracts from the Meeting of the Executive Committee held on 20 June 2019

C 130/06/19 Infrastructure Investment Programmes for South Africa (IIPSA) Grant Funding Approval from Development Bank of South Africa (DBSA) for Umbango and Melville WWTW's

The Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Infrastructure Investment Programme for South Africa (IIPSA) Grant Funding Approval from Development Bank of Southern Africa (DBSA) for Umbango and Melville WWTWs be and is hereby **NOTED**.

- (b) That the Municipal Manager in his capacity be and is hereby **AUTHORISED** as the Accounting Officer to conclude and enter into a Project Preparation Facility Agreement with DBSA.

C 131/06/19 SCM Monthly Performance Report: February 2019

The Speaker took members through the item.

Following which,

It was

RESOLVED:

That the report on the SCM Monthly Performance: February 2019 be and is hereby **NOTED**.

C 132/06/19 Monthly Budget Statement – February 2019

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Monthly Budget Statements for the month of February 2019 and the supporting documents as presented be and is hereby **NOTED**.
- (b) That the Monthly Budget Statements for the month of February 2019 and the supporting documents be submitted to both Provincial and National Treasuries in both electronic and hard copies.

C 133/06/19 Monthly Budget Statement – April 2019

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Monthly Budget Statements for the month of April 2019 and the supporting documents as presented be and is hereby **NOTED**.

- (b) That the Monthly Budget Statements for the month of April 2019 and the supporting documents be submitted to both Provincial and National Treasuries in both electronic and hard copies.

C 134/06/19 Review of Organogram

The Municipal Manager took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report regarding the Review of the Organogram be and is hereby **NOTED**.
- (b) That the Review of the Organogram with the inclusion of the ten (10) Water Tanker Drivers and the Control Centre Schedulers be and is hereby **APPROVED**.

C 135/06/19 Feedback on Public Consultation on the Revised Credit Control and Debt Collection By-Law

The Speaker took members through the item.

Commenting, Cllr East pointed out with concern that the Feedback on Public Consultation on the Revised Credit Control and Debt Collection By-Law was published in the South Coast Herald which covered the southern areas of the Ugu District only and that nothing was published to reach the northern areas of the Ugu District and that in future, Management must ensure that the entire Ugu District was covered.

Following which,

It was

RESOLVED:

- (a) That the report on the Feedback on Public Consultation on the Revised Credit Control and Debt Collection By-Law be and is hereby **NOTED**.
- (b) That the Revised Credit Control and Debt Collection By-Law be and is hereby **ADOPTED** and **APPROVED** for gazetting.
- (c) That, it be noted that the Feedback on Public Consultation on the Revised Credit Control and Debt Collection By-Law was published in the South Coast Herald only which covered the southern areas of the Ugu District and that nothing was published to reach the northern areas of the Ugu District and that in future, Management must ensure that the entire Ugu District be taken into account.

C 136/06/19

Municipal Cost Containment Regulation: 07 June 2019 No. 42514

The Municipal Manager took members through the item.

He mentioned that the objective of the report was to advise Council of the Regulations on the Municipal Cost Containment Regulations.

Following which,

It was

RESOLVED:

- (a) That the report on the Regulations on Cost Containment be and is hereby **NOTED**.
- (b) That all existing policies be revised and / or be developed to ensure compliance with the said regulations by the Municipality and its two Entities.
- (c) That all policies to be revised and / or be developed be presented to Council for adoption.

C 137/06/19

MINUTES FROM COMMITTEES

Minutes of the 37th Meeting of the Executive Committee held on 15 May 2019

The Speaker took members through the minutes of the 37th meeting of the Executive Committee held on 15 May 2019.

Following which,

It was unanimously

RESOLVED:

That the Confirmed Minutes of the 37th Meeting of the Executive Committee held on 15 May 2019, be and are hereby **NOTED**.

C 138/06/19

URGENT MATTERS

Resignation of Cllr SR Ngcobo as a Member of the Municipal Public Accounts Committee (MPAC)

The Municipal Manager took members through the item.

He mentioned that the report served to inform Council of the resignation letter that was received from Cllr SR Ngcobo as a member of the Municipal Public Accounts Committee (MPAC) given that he was a member of the Portfolio Committee on Finance; therefore it was deemed inappropriate for Cllr SR Ngcobo to be a member of MPAC.

The Acting Mayor advised that Cllr Ngubo would submit the name of the replacement Councillor (ANC) to the Office of the Speaker.

Following which,

It was unanimously

RESOLVED:

- (a) That the report regarding the Resignation of Cllr SR Ngcobo as a member of the Municipal Public Accounts Committee (MPAC) be and is hereby **NOTED**.
- (b) That the Resignation of Cllr SR Ngcobo as an ANC member of the Municipal Public Accounts (MPAC) be and is hereby **APPROVED**.
- (c) That pursuant to (b) above, a vacancy be and is hereby **DECLARED**.
- (d) That the African National Congress (ANC) advise the Office of the Speaker of the replacement Councillor.

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

It be noted that all Officials except the Municipal Manager and the Secretariat Unit had left the meeting.]

IN-COMMITTEE MATTERS

C 139/06/19

Appointment of General Manager: Water Services and General Manager: Economic Development

The Manager: Human Resources took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report regarding the Appointment of General Manager: Water Services and General Manager: Economic Development and Environment Services be and is hereby **NOTED**.
- (b) That the employment contracts duration be a five (5) year fixed term performance-based contract with a total remuneration package of R1 156 263.00 (Minimum of Category 06 Municipality).

- (c) That the confirmation by the MEC COGTA on the appointment of General Manager: Water Services and General Manager: Economic Development & Environmental Services be and is hereby **SUPPORTED**.
- (d) That the submissions on the reasons for the increase of the remuneration packages for the Municipal Manager, the Chief Financial Officer and the General Manager: Corporate Services be and is hereby **DEFERRED** in order for the Manager: Human Resources to obtain a legal opinion from CoGTA so that Council can base its resolution on the said legal opinion..

C 140/06/19

Application for Annual Leave for Municipal Manager

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Application for Annual Leave for Municipal Manager be and is hereby **NOTED**.
- (b) That the request for leave from 19 August 2019 to 06 September 2019 (15 days) be and is hereby **APPROVED**.
- (c) That the matter of acting appointment be and is hereby delegated to the Mayor and the Municipal Manager.

C 141/06/19

Performance Bonus for S56 Managers for the 2017/2018 Financial Year

The Speaker took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Performance Bonus for Section 56 Managers for the Financial Year 2017/2018 be and is hereby **NOTED**.
- (b) That the bonus be and is hereby **APPROVED** as follows:
 - General Manager: IED - 0%
 - General Manager: Corporate Services - 0%
 - General Manager: Water Services - 0%

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

C 142/06/19 Performance Bonus for Municipal Manager for the 2017/2018 Financial Year

The Speaker took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Performance Bonus for Municipal Manager for the Financial Year 2017/2018 be and is hereby **NOTED**.
- (b) That no performance bonus be paid due to the adverse audit opinion as recommended by the MEC.

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

C 143/06/19 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 25 July 2019.

C 144/06/19 CLOSURE

There being no further items for discussion, the Speaker declared the meeting closed at 12h50.

CHAIRPERSON: -----

DATE: -----