

UGU DISTRICT MUNICIPALITY

MINUTES OF THE 29TH MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 27 JUNE 2024, AT 11H15

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, SP Fica, TT Hlophe, MJ Cele-Luthuli, SE Khawula, MA Manyoni, SD Mdluli, SEH Mngoma, TH Msabala, NY Mweshe, PZ Mzindle, N Ndovela, N Ndadane, NO Mazubane, SA Ngcece, LMR Ngcobo, FM Ngwane, JS Ngwane, X Nkasa, B Nyuswa, J Schmidt, MP Tenza, LS Zungu and MV Vezi

BY INVITATION:

Inkosi MP Ngcobo
Inkosi EZ Jali

IN ATTENDANCE:

Mr VO Mazibuko	-	Acting Municipal Manager
Mr K Audan	-	General Manager: Budget and Treasury Office (BTO)
Ms MP 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 Audit Executive
Mr BB Khumalo	-	Manager: Environmental Services
Mr ME Ngcobo	-	Manager: Public Participation
Ms SP Ndwane	-	Acting 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 Nciki to open the meeting in prayer. He then extended a warm welcome to all present.

C 208/06/24

NOTICE OF MEETING

The notice of the meeting was taken as read.

C 209/06/24

APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs SP Mthethwa (*council business*), BN Shoji (*council business*) and PC Shange (*council business*) had requested leave of absence from the meeting.

It was also noted that Cllr LMR Ngcobo had requested to leave the meeting at 13h30.

In addition, it was noted that Cllr PZ Mzindle would join the meeting shortly.

It was further noted that Inkosi MBW Xolo (*council business*) had requested leave of absence from the meeting.

Following which,

It was unanimously

RESOLVED:

- (a) That Cllrs SP Mthethwa (*council business*), BN Shozi (*council business*) and PC Shange (*council business*) be and are hereby **GRANTED** leave of absence from the meeting.
- (b) That the request from Cllr LMR Ngcobo to leave the meeting at 13h30 be and is hereby **GRANTED**.
- (c) That Inkosi MBW Xolo (*council business*) be and is hereby **GRANTED** leave of absence from the meeting.
- (d) That, it be **NOTED** that Cllr PZ Mzindle would join the meeting late.

C 210/06/24

DECLARATION OF INTEREST

It was noted that the Acting Municipal Manager had declared his interest in the following item namely:

- Item 14.6 Appointment of the Acting Municipal Manager

Following which,

It was

RESOLVED:

That, it be and is hereby **NOTED** that the Acting Municipal Manager had declared his interest in the following item namely:

- Item 14.6 Appointment of the Acting Municipal Manager

C 211/06/24

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

It was further noted that Items 10.1, 10.2, 10.3, 10.4, 10.5 and 10.6 were part of the Main Agenda and were duplicated in the First Addendum.

It was also noted that Item 14.5 was withdrawn from the Agenda.

Following which,

It was unanimously

RESOLVED:

- (a) That the agenda convening the meeting of the Ugu District Municipal Council be and is hereby **CONFIRMED**; subject to the inclusion of the items listed on the First Addendum; and Item 14.5 being **WITHDRAWN** from the Agenda.
- (b) That, it be and is hereby **NOTED** that Items 10.1, 10.2, 10.3, 10.4, 10.5 and 10.6 were part of the Main Agenda and were duplicated in the First Addendum.

CONFIRMATION OF MINUTES

C 212/06/24

Minutes of the 28th Meeting of the Ugu District Municipal Council held on 23 May 2024

The Speaker took members through the confirmation of the minutes for the 28th meeting of the Ugu District Municipal Council held on 23 May 2024.

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

Following which,

It was

RESOLVED:

That the minutes of the 28th Meeting of the Ugu District Municipal Council held on 23 May 2024 be and are hereby **CONFIRMED**.

RESOLUTIONS REGISTER

C 213/06/24

Resolutions Register of the 28th Meeting of the Ugu District Municipal Council held on 23 May 2024

The Speaker took members through the Resolutions Register for the 28th meeting of the Ugu District Municipal Council held on 23 May 2024.

Following which,

It was unanimously

RESOLVED:

That the Resolutions Register for the 28th Meeting of the Ugu District Municipal Council held on 23 May 2024 be and are hereby **NOTED**.

C 214/06/24

OUTSTANDING MATTERS

It was noted that there were none.

STANDING ITEMS

C 215/06/24

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 June, namely:

- | | | |
|--------------------|---|--------------|
| • Cllr D Nciki | - | 01 June; |
| • Cllr JS Ngwane | - | 04 June; |
| • Cllr VM Chiya | - | 06 June; and |
| • Cllr SP Mthethwa | - | 09 June |

Following which,

It was unanimously

RESOLVED:

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

C 216/06/24

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 29 to 77 of the agenda, and highlighted the following aspects, namely:

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

Cllr Schmidt stressed his concern and stated that the water challenges around the area of Margate Extension Three (3) had not been resolved and that the residents had not received water for almost two consecutive weeks. Furthermore, he raised concerns with regards to the 3A Pumpstation and stated that the Councillors were told that same would be commissioned and would start pumping water. However, he mentioned that the said pumpstation was not pumping water and requested a timeframe as to when the issues would be resolved.

Cllr LMR Ngcobo reported that there was a water leak at Ngcengesi Reservoir in the Mhlabatshane Area that was more visible when the water was released from the said reservoir down to the KwaMadlala Area. He added that if the said water leak was not resolved then same would eventually damage the road infrastructure. Thereafter, he requested the Water Services Department to address the said challenge.

Commenting, Inkosi EZ Jali sought clarity on when the outstanding Emergency Boreholes were going to be completed. He referred to the completed boreholes and sought clarity on when the said boreholes were going to be handed over to the communities.

Cllr Msabala raised her concern and disagreed with regards to the report made regarding the area of Amahlongwa, Ward 13. She mentioned that the said area had experienced water challenges and that it had been eighteen (18) months since the

said the community had received water. Furthermore, she mentioned that recently, there had been few areas within Amahlongwa that had received water.

Cllr Henderson raised his concerns and stated that the Uvongo and the Manaba Reservoirs still did not have water. Furthermore, he sought clarity on why No. 2 Uvongo Reservoir was grouped together with the 3A Pump Station given that same was not damaged during the April 2024 floods. He added that the issue with the Uvongo Pump Station was due to the lack of maintenance and that there was raw sewerage flowing into the ocean which resulted in an awful and unpleasant smell.

In response, the Acting General Manager: Water Services informed members that previously he had assured Council that the Margate 3A Pumpstation would be almost completed by the end of June 2024. He added that the said pump station was tested and that same had worked perfectly. However, he mentioned that same could not reach the Margate 4A pumpstation, which led to the pipeline being investigated to identify the cause.

Following which,

It was

RESOLVED:

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

C 217/06/24 SALGA Monthly Report

It was noted that there was no report.

C 218/06/24 Human Rights Commission Inquiry

The Speaker took members through the item.

It was noted that a request was received that the Human Rights Commission would like to meet with the Ugu District Municipal Council for one day and that a date be chosen between 14 October to 18 October 2024.

The Speaker indicated that Management was currently dealing with securing a date from the stipulated timeframe and that Councillors would be notified once the date was confirmed.

Commenting, Cllr JS Ngwane requested that the issues raised by the Human Rights Commission needed to be looked at and that the said issues should be resolved before the Human Rights Commission could meet with the Councillors.

It was noted that an item would be submitted to Council to inform Council on the progress made in terms of the issues that were raised by the Human Rights Commission.

Also, it was noted that plans would be looked at on how to get the stakeholders to meet quarterly including the Operation Sukuma Sakhe (OSS).

Following which,

It was

RESOLVED:

- (a) That the report on the Human Rights Commission Inquiry be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the progress to address the recommendations that were made by the Human Rights Commission during the Inquiry into the access to water in the Province of Kwa Zulu-Natal be and is hereby **NOTED**.
- (c) That a report be submitted to Council to inform Councillors on the progress made in terms of the issues that were raised by the Human Rights Commission before the Human Rights Commission meet with the Ugu District Municipal Council in October 2024.

C 219/06/24 **SECTION 79 REPORTS**

It was noted that there were none.

MATTERS FOR DISCUSSION

C 220/06/24 **Ugu District Municipality – May Monthly Budget Statements**

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 May 2024, which was in compliance with Section 71 of the Municipal Finance Management Act (MFMA).

Thereafter, Cllr Zungu 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 Monthly Budget Statements for the month of May 2024 be and is hereby **CONSIDERED**.
- (b) That the Monthly Budget Statements for the month of May 2024 be and is hereby **APPROVED**.
- (c) That the Monthly Budget Statements for the month of May 2024 and the supporting documents be submitted to both the Provincial and National Treasury in both electronic and hard copies.

C 221/06/24 **SCM Monthly Performance Report: May 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 May 2024 and for Council to play an oversight role in terms of monitoring and reviewing the spending patterns within the Municipality.

Thereafter, Cllr Khawula moved for the acceptance of the recommendations and was seconded by Cllr Tenza.

Following which,

It was

RESOLVED:

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

C 222/06/24

Write-Off of Ugu District Municipality Moveable Assets

The Speaker took members through the item.

It was noted that the objective of the report was to request approval for the moveable assets to be written-off.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Write-Off of the Ugu District Municipality Moveable Assets be and is hereby **CONSIDERED**.
- (b) That the moveable assets be and is hereby **WRITTEN-OFF** given that the said assets were assessed as scrap during the physical verification.
- (c) That the total assets as per the disposal list for moveable assets be **WRITTEN-OFF** and moved from the Ugu District Municipality Asset Register.

C 223/06/24

Ugu Margate Sanitation Infrastructure Status, Progress Report and Required Intervention

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Ugu Margate Sanitation Infrastructure Status, Progress Report and Required Intervention be and is hereby **CONSIDERED and NOTED**.

- (b) That, it be **NOTED** that the incidents occurring which were in breach of the applicable legislation and specific to Environment: Section 30(1)(a) of NEMA, an “incident” means an unexpected sudden occurrence which affects the environment.
- (c) That the impact of the April 2024 floods on the water and sanitation infrastructure as well as the funding requirements be and is hereby **NOTED**.

C 224/06/24 Refurbishment and Upgrade of Margate Storm-Damaged Infrastructure, WWTW and Effluent Main-Phase 1

The Speaker took members through the item.

Thereafter, Cllr Zungu moved for the acceptance of the recommendations and was seconded by Cllr Mazubane.

Following which,

It was

RESOLVED:

- (a) That the report on the Refurbishment and the Upgrade of Margate Storm - Damaged Infrastructure, WWTW and Effluent Main-Phase 1 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Refurbishment and the Upgrade of Margate Storm -Damaged Infrastructure, WWTW and Effluent Main-Phase 1 be and is hereby **APPROVED**.

C 225/06/24 Refurbishment and Upgrade of Margate Storm-Damaged Infrastructure, WWTW and Effluent Main-Phase 2

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Refurbishment and the Upgrade of the Margate Storm - Damaged Infrastructure, WWTW and Effluent Main-Phase 2 be and is hereby **NOTED** and **CONSIDERED**.
- (b) That the Refurbishment and the Upgrade of the Margate Storm-Damaged Infrastructure, WWTW and Effluent Main-Phase 2 be and is hereby **APPROVED**.

Extract from the Draft Minutes of the Executive Committee held on 05 June 2024

C 226/06/24

Acquisition of Fleet on a Finance Lease Agreement

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Acquisition of Fleet on a Finance Lease Agreement be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the request for the Acquisition of Fleet on a Finance Lease Agreement be and is hereby **APPROVED**.

C 227/06/24

Umtamvuna Electrical Power Upgrade Progress Report

The Speaker took members through the item.

Commenting, Cllr Henderson requested a latest update on the Umtamvuna Electrical Power Upgrade.

In response, the Acting Manager: Water Services reported that there were two (2) contractors. He mentioned that one contractor was estimated at 65% done with the work, which was from Umtamvuna to mid-way. He mentioned that the said contractor would continue with the work.

He further reported that the other contractor had completed 75% of the work and had now stopped the work.

He pointed out that Management had written to Eskom given that the Municipality, which was a customer to Eskom had paid for the services; hence the services should be completed without any problems or setbacks.

He reported that the Leadership, which consisted of the Mayor, the Deputy Mayor as well as Inkosi Xolo and Inkosi Nzimakwe together with the Acting General Manager: Water Services was going to visit and conclude the discussions with the Mayor from Alfred Nzo Municipality.

He said that the expectation was for the Mayor from Alfred Nzo to invite their Amakhosi.

His Worship, the Mayor concurred with the Acting General Manager: Water Services' report and advised that Management was going to deal with the logistics of the said meeting.

He further reported that he had tried contacting the Mayor from Alfred Nzo Municipality, but he could not get hold of the said Mayor.

He informed Council that the Legal Services Unit had also written to Eskom.

Cllr Henderson sought clarity if it was possible to get an urgent court interdict against the community.

He said that if the said engagement failed; then there was an interdict ready.

The Speaker requested that given that there was political intervention, Council should wait for the said engagement; hence at this stage, an interdict was not necessary.

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

Following which,

It was

RESOLVED:

That the progress report on the Umtamvuna Electrical Power Upgrade be and is hereby **CONSIDERED** and **NOTED**.

Extract from the Draft Minutes of the meeting of the Executive Committee held on 24 June 2024

C 228/06/24 SCM Monthly Performance Report: May 2024

It was noted that this item was discussed under Item 10.2 of the Agenda.

C 229/06/24 Ugu District Municipality – May Monthly Budget Statement

It was noted that this item was discussed under Item 10.1 of the Agenda.

C 230/06/24 Write-Off of Ugu District Municipality Moveable Assets

It was noted that this item was discussed under Item 10.3 of the Agenda.

C 231/06/24 Ugu Sanitation Infrastructure Status, Progress Report and Required Intervention

It was noted that this item was discussed under Item 10.2 of the Agenda.

C 232/06/24 Refurbishment and Upgrade of Margate Storm-Damaged Infrastructure, WTTWW and Effluent Main – Phase 1

It was noted that this item was discussed under Item 11.2.5 of the Agenda.

C 233/06/24 Refurbishment and Upgrade of Margate Storm-Damaged Infrastructure, WTTWW and Effluent Main – Phase 2

It was noted that this item was discussed under Item 11.2.6 of the Agenda.

C 234/06/24 New Base Telecommunication Application

The Speaker took members through the item.

Thereafter, 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 New Base Telecommunication Application for Portion 1 of ERF 3396 Margate Wavel be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the report on the New Base Telecommunication Application for Portion 1 of ERF 3396 Margate Wavel be and is hereby **APPROVED**.

C 235/06/24

Application for Overtime Exemption Certificate and the Determination of Earning Threshold – Basic Conditions of Employment Act (BCEA) No. 75 of 1997: 01 April 2024

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report regarding the Application for Overtime Exemption Certificate and the Determination of Earning Threshold – Basic Conditions of Employment Act (BCEA) No. 75 of 1997: 01 April 2024 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Application for Overtime Exemption Certificate and the Determination of Earning Threshold – Basic Conditions of Employment Act (BCEA) No. 75 of 1997: 01 April 2024 be and is hereby **APPROVED** for the said application to be made to the South African Local Government Bargaining Council (SALGBC) for overtime exemption.

C 236/06/24

Policy Management Policy and Procedure – Review 2023/2024 Financial Year

The Speaker took members through the item.

Thereafter, Cllr Nyuswa 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 Review of the Policy Management Policy and Procedure for the 2023 / 2024 Financial Year be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the proposed changes on the Policy Management Policy and Procedure for the 2023 / 2024 Financial Year be and is hereby **CONSIDERED** and **ADOPTED**.

C 237/06/24 POPIA Compliance Report

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the POPIA Compliance Report be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the POPIA Compliance report be and is hereby **APPROVED**.

C 238/06/24 2024/2025 Draft Services Delivery and Budget Implementation Plan (SDBIP)

The Speaker took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the 2024 / 2025 Draft Service Delivery and Budget Implementation Plan (SDBIP) be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the full compliance with all the PMS and deadline dates be and is hereby **NOTED**.

C 239/06/24 Report on Strategic Risk Assessment and Strategic Risk Register

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Strategic Risk Assessment and Strategic Risk Register be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Strategic Risk Assessment and Strategic Risk Register be and is hereby **APPROVED**.

C 240/06/24

Review of Human Resources Policies: Homeowners and Rental Allowance Policy

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Review of the Human Resources Policies be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Review of the Human Resources Policies be and is hereby **APPROVED** and **ADOPTED**, namely:
 - Homeowners and Rental Allowance Policy.

C 241/06/24

2023/2024 Policy and Procedural Framework for the Implementation of the Organisation Performance Management System

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the 2023/ 2024 Policy and Procedural Framework for the Implementation of the Organisation Performance Management System be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the 2023/ 2024 Policy and Procedural Framework for the Implementation of the Organisation Performance Management System be and is hereby **APPROVED** and **ADOPTED**.

C 242/06/24 2023/2024 PMS Quarter 3 Report

The Speaker took members through the item.

Following which,

It was

RESOLVED:

That the 2023/2024 PMS Quarter 3 Report be and is hereby **CONSIDERED** and **NOTED**.

C 243/06/24 Review of the Death of a Staff Member Policy, Staff Termination Policy and Occupational Health and Safety Policy and Individual Performance Management Policy

The Speaker took members through the item.

Thereafter, Cllr LMR Ngcobo moved for the acceptance of the recommendations and was seconded by Cllr Nciki.

Following which,

It was

RESOLVED:

- (a) That the report on Review Death of a Staff Members Policy, Staff Termination Policy and Occupational Health and Safety Policy and Individual Performance Management Policy be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Review of the Death of a Staff Members Policy, Staff Termination Policy and Occupational Health and Safety Policy and Individual Performance Management Policy be and is hereby **APPROVED** and **ADOPTED**.

C 244/06/24 Labour Relations Matters and Disciplinary Hearings Progress Report

The Speaker took members through the item.

It was noted that the objective of the report was to present the status of the Labour Relations Matters and Disciplinary Matters within the Municipality.

Following which,

It was

RESOLVED:

That the progress report on the Labour Relations Matters and Disciplinary Hearings be and is hereby **CONSIDERED** and **NOTED**.

C 245/06/24 2022-27 ICT Digital Strategy Implementation Report (Year 2 2023/24) (MTID 1)

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the ICT Digital Strategy Implementation Progress up to Quarter 3 of the 2023/2024 Financial Year, Year 2 of the 5 Year Strategy be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Draft Municipal Enterprise Architecture Framework be and is hereby **ADOPTED**.

C 246/06/24 Peak Season Preparedness Plan Report for June 2024

The Speaker took members through the Peak Season Preparedness Plan Report for June 2024.

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

Following which,

It was

RESOLVED:

- (a) That the Peak Season Preparedness Plan report for June 2024 be and is hereby **CONSIDERED** and **NOTED**.
- (b) That the Peak Season Preparedness Plan report for June 2024 be and is hereby **APPROVED**.

MINUTES FROM COMMITTEES

C 247/06/24 Minutes of the 34th Meeting of the Executive Committee held on 15 May 2024

The Speaker took members through the noting of the minutes of the 34th Meeting of the Executive Committee held on 15 May 2024.

Following which,

It was

RESOLVED:

That the Minutes of the 34th Meeting of the Executive Committee held on 15 May 2024 be and is hereby **CONSIDERED** and **NOTED**.

URGENT MATTERS

C 248/06/24

Resignation of Cllr BE Machi (IFP PR Councillor)

The Speaker took members through the item.

At that stage of the proceedings, the Acting Municipal Manager pointed out with elation that this Council had produced several Councillors that either joined the Legislature or National Assembly.

He pointed out that Cllr Machi was an outstanding Councillor and he wished her all the best in her new chapter.

Commenting, Cllr Nciki expressed her appreciation for Cllr Machi's support. She mentioned that Cllr Machi was always eager to help without any complaints.

His Worship, the Mayor congratulated the Inkatha Freedom Party (IFP). He was also grateful that the Ugu District Municipal Council had produced such a leader. He beamed with pride echoing that at Parliament, Cllr Machi would be representing the people of the Ugu District. He thanked Council under the auspices of Cllr SR Ngcobo for the guidance and leadership.

Commenting, Cllr JS Ngwane requested that a meeting should be convened for all the Councillors that were from the Ugu District and had now joined either the Legislature or the National Assembly and that the Mayor should deal with the said request.

It must be noted that all the Councillors had agreed to the said request.

At that stage of the proceedings, it was noted that Cllr JS Ngwane was now the Chief Whip of the Inkatha Freedom Party (IFP).

Following which,

It was

RESOLVED:

- (a) That the report on the Resignation of Cllr BE Machi (IFP PR Councillor) be and is hereby **CONSIDERED** and **NOTED**.
- (b) That a vacancy for an IFP PR Councillor be and is hereby **DECLARED**.
- (c) That a meeting be convened for all the Councillors that were from the Ugu District and had now joined either the Legislature or the National Assembly and that His Worship, the Mayor deal with the said request.

C 249/06/24

Recess Committee

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Recess Committee be and is hereby **CONSIDERED** and **NOTED**.
- (b) That, it be **NOTED** that the Council and its Committees would be on recess from 28 June 2024 to 12 July 2024.
- (c) That the Recess Committee be a Committee of the Executive Committee and be chaired by the Mayor or in the absence or unavailability of the Mayor, the Deputy Mayor.

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

IN-COMMITTEE MATTERS

Investigation Report on Irregular Expenditure

The Chairperson of the Municipal Public Accounts Committee (MPAC), Cllr Manyoni took members through the item.

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

Following which,

It was

RESOLVED:

That the Irregular Expenditure incurred in the 2023 – 2024 financial year as detailed in the investigation report be **WRITTEN-OFF**:

No.	Finding	Value
1.	Non-Compliance with CIDB Grading requirements	R5,280,798.10
2.	Extension of Contracts over S36	R464,197.50
3.	Accommodation & Travel Services	R25,418.84
4.	Supply and Delivery of Disaster Management Relief Stock Local Content not complied with during tendering	R2,125,320.00
5.	Rural Sanitation (VIP Toilets) Local Content not complied with during tendering	R38,749,548.76
6.	Provision of Mechanical & Electrical Components (M&E) Local Content not complied with during tendering	R7,001,708.69
7.	Borehole Implementation	R3,918,760.87

	Local Content not complied with during tendering	
8.	Request For A Panel For Construction of Boreholes C98 Non- Compliance to PPPFA Reg 8 - Local Content	R14,498,326.58
9.	Non-compliance with SCM Regulation 44	R261,400.75
10.	Non-compliance SCM Reg door to poor planning	R79,295.00
11.	Procurement irregularities not identified on attorney deviations	R1,195,917.91
	TOTAL	R73,600,693.00
	IRREGULAR EXPENDITURE NOT WRITTEN OFF 2022	
1.	No Procurement irregularity on Preparation of AFS 2019/2020	R1,477,597.11
2.	Irregular expenditure incurred due to Poor Planning	R4,749,811.00
3.	Expenditure does not qualify as irregular expenditure - Procurement irregularities not identified	R7,557,099.00
4.	Finding - Irregular Expenditure incurred due to poor management of tender processes and poor planning	R10,601,530.00
5.	Finding - Irregular Expenditure incurred due to poor Contract Management	R1,574,655.00
6.	No Procurement irregularity - attorneys' deviations -2022	R1,010,016.00
7.	Pump Construction	R4,908,843.00
8.	Expenditure does not qualify as irregular expenditure - Procurement irregularities not identified – CIDB	R2,162,712.00
9.	CAATS	R 1,889,964.60
	TOTAL	R35,932,227.71

C 251/06/24

Investigation Report on Unauthorised Expenditure as at June 2023

The Chairperson of the Municipal Public Accounts Committee (MPAC), Cllr Manyoni took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the unauthorised expenditure for the financial year 2023-2024 be and is hereby **WRITTEN-OFF** as detailed in the investigation report:

Unauthorised Expenditure – Current Period		
	Cash Items	
1	Employee Related (Overtime Related Expenditure)	R267 731 905.00
2	Remuneration of Councillors	R0
3	Contracted Services	R82 030 292.00
4	Contracted Services adjustment for prior year identified in current year	R19 614 152.00
5	Operational Costs	R80 611 423.00
6	Finance Costs	R23 916 152.00
7	Bulk Purchases	R61 649 010.00
8	Transfers and Subsidies	R0
9	Lease rentals on operating lease	R7 114 170.00
10	Lease rentals on operating lease – adjustment for prior year identified in current year	R0
11	Capital expenditure	R4 796 493.00
		R547 463 597.00
	Non-Cash Items	
1	Depreciation adjusted for prior year identified in current year	R0
2	Actuarial loss	R0
3	Loss on disposal of assets	R0
4	Debt impairment	R41 015 275.00
5	Bad debts written off	R3 623 006.00
6	Loss on disposal of assets -adjusted for prior year identified in current year	R0
7	Impairment of property, plant and equipment	R0
8	Impairment of property, plant and equipment – adjusted for prior year identified in current year	R0
		R44 638 281.00
	TOATAL	R592 101 878.00

- (b) That the financial improvement plans be aggressively implemented to improve the cashflow challenge.

C 252/06/24 Provincial Mandate Meeting: Salary and Wage Agreement, Main Collective Agreement, Categorisation Wage Curves and Compensation Framework

The Speaker took members through the item.

Following which,

It was

RESOLVED:

That the report on the Provincial Mandate Meeting: Salary and Wage Agreement, Main Collective Agreement, Categorisation Wage Curves and Compensation Framework be and is hereby **CONSIDERED** and **NOTED**.

C 253/06/24 Amendment Determination of Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers

The Speaker took members through the item.

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

Following which,

It was

RESOLVED:

- (a) That the report on the Amendment Determination of Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers be and is hereby **NOTED** and **CONSIDERED**.
- (b) That the payment of 3.3% cost of living adjustment of the upper limits of the total remuneration packages payable to Senior Managers for the 2023/24 Municipal Financial Year be paid for the period effective 01 July 2023; and that the Senior Managers be back dated and paid in July 2024, be and is hereby **APPROVED**.

C 254/06/24 Acting Appointment of the General Manager: EDES

It was noted that the item was withdrawn from the Agenda.

C 255/06/24 Appointment of the Acting Municipal Manager

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

His Worship, the Mayor took members through the item.

Following which,

It was

RESOLVED:

- (a) That the report on the Appointment of the Acting Municipal Manager be and is hereby **CONSIDERED** and **NOTED**.
- (b) That a request be made to CoGTA to extend the secondment of Mr VO Mazibuko as the Acting Municipal Manager for a period of three (3) months whilst the recruitment and selection process was being concluded.

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

C 256/06/24 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 25 July 2024.

C 257/06/24 CLOSURE

There being no further items for discussion, the Speaker declared the meeting closed at 13h50.

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