UGU DISTRICT MUNICIPALITY

MINUTES OF THE 56TH MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, HIBISCUS COAST MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 28 APRIL 2016, AT 11H10.

PRESENT:

Cllr SB Cele - Speaker

Cllrs NH Gumede (Exco Member), MA Chiliza (Exco Member), JS Mbutuma (Exco Member), Dr SG Nyawuza (Exco Member), E Moosa Bux, TN Dzingwa, MB Gavu, ST Gumede, GD Henderson, BE Machi, NA Madlala, MA Manyoni, ZA Mhlongo, MJ Mkhize, TD Mthuli, LN Myende, Y Nair, JM Ndlela, DH Njoko, VL Ntanza, D Snashall, MG Sonwabo, J van Vuuren and SM Zuma.

ALSO PRESENT:

Inkosi NV Mbotho

BY INVITATION:

Mr WA Maree - Afriforum

IN ATTENDANCE:

Mr DD Naidoo	-	Municipal Manager
Ms L Cele	-	General Manager: Water Services
Ms S Mbili	-	General Manager: Treasury
Ms Z Mbonane	-	General Manager: Infrastructure and Economic Development
Mr VO Mazibuko	-	Acting General Manager: Corporate Services
Ms F Mbili	-	Senior Manager: Corporate Strategy and Shared Services
Mr F Zama	-	Senior Manager: Mayoralty and Communications
Ms Z Dlamini	-	Manager: Internal Audit
Mr M Ngcobo	-	Manager: Public Participation
Ms MS Olivier	-	Manager: Legal Services
Ms N Surajbally	-	Administrative Officer

- **OPENING**

  The Speaker requested Cllr Dr Nyawuza to open the meeting in prayer.

  Thereafter, he welcomed all to the meeting.

  He expressed his gratitude to Council for their thoughts and prayers for him while he was indisposed.

Also, he expressed his appreciation to Cllr Nair for standing in as the Acting Speaker whilst he was indisposed.

C 79/04/16 NOTICE OF MEETING

The notice of meeting was taken as read.

C 80/04/16 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllrs IM Mavundla *(bereavement)*, NF Shusha *(indisposed)*, NY Mweshe *(memorial service)*, Cllr MP Mtheshane *(party business)*, YL Duma *(indisposed)* and FB Shezi *(municipal business)* had requested leave of absence from the meeting.

With regard to the leave of absence for Cllr MP Mtheshane, the Speaker raised a concern that the form for leave of absence was not filled in.

He explained to Council that there is an Office Clerk in the Office of the Executive Committee, who assisted Councillors in filling in their leave of absence forms and that in future Councillors must liaise with the said Official.

Cllr Machi sincerely apologized for not submitting a leave of absence form for Cllr MP Mtheshane.

It was further noted that Inkosi BS Nzimakwe had requested leave of absence from the meeting.

From the Management component, it was noted that the General Manager: Corporate Services *(bereavement)* and that the Senior Manager: Human Resources was representing the General Manager: Corporate Services.

It was noted that a Councillor from Umzumbe Municipality had passed on; however the message did not escalate to the District; yet the District had a role to play.

The Speaker tasked Cllr ST Gumede to liaise directly with the Mayor in order for the Mayor to delegate an Ugu representative to attend the memorial service, which was scheduled for Thursday, 21 April 2016.

Following which,

It was unanimously

RESOLVED:

(a) That Cllrs IM Mavundla *(bereavement)*, NF Shusha *(indisposed)*, NY Mweshe *(memorial service)*, Cllr MP Mtheshane *(party business)*, YL Duma *(sick)* and FB Shezi *(municipal business)* be and are hereby granted leave of absence from the meeting.

(b) That Inkosi BS Nzimakwe be and is hereby granted leave of absence from the meeting.

(c) That from the Management component, it was noted that the General Manager: Corporate Services *(family bereavement)* and that Senior Manager: Human Resources was representing the General Manager: Corporate Services.

C 81/04/16 DECLARATION OF INTEREST

It was noted that there were none.

C 82/04/16 CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

The Municipal Manager advised Council that there was a First Addendum and an Urgent Item on the Allocation of Portfolio Chairpersons, which should be included on the agenda as Item 13.2.

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 an item on Allocation of Portfolio Chairpersons, to be included on the agenda as Item 13.2. under Urgent Matters.

CONFIRMATION OF MINUTES

C 83/04/16 Minutes of the 55th Meeting of the Ugu District Municipal Council held on 24 March 2016

The Speaker took members through the confirmation of the minutes.

Cllr Machi moved for the acceptance of the minutes and was seconded by Cllr Snashall.

Following which,

It was

RESOLVED:

That the Minutes of the 55th Meeting of the Ugu District Municipal Council held on 24 March 2016 be and are hereby **CONFIRMED**; subject to the following amendment being effected to the minutes:

- Page 5, Paragraph 4 from below, the sentence to read *“He then sought clarity with regard to the increase in an amount of R54 500 to the amount of R2.2 million for the Executive Committee expenditure.”*

MATTERS ARISING

C 84/04/16 Presentation: Ugu District Municipality: Draft Budget: 2016/2017

Cllr Snashall referred members to Page 7, paragraph 6 and sought clarity as to which Councillors qualify for vehicles.

In response, the Speaker explained to Council that in terms of the Upper Limits and in terms of the Gazette, the Mayor, the Deputy Mayor and the Speaker qualify for vehicles.

In addition, the Municipal Manager reported that both the Deputy Mayor and the Speaker would not purchase vehicles for this financial year.

Also, he said that the Office of the Municipal Manager had budgeted for a medium vehicle to transport Councillors in order for costs to be cut on individual travel claims.

Cllr Nair applauded the Officials for the initiative to curtail expenditure; however he requested that same should be done for the officials.

The Municipal Manager assured Council that two (2) medium vehicles would be purchased; one for the Councillors and the other for the Officials.

Following which,

It was unanimously

RESOLVED:

That clarity regarding the Presentation: Ugu District Municipality: Draft Budget: 2016/2017 in terms of the provision of vehicles for Councillors be and is hereby **NOTED**.

OUTSTANDING MATTERS

C 85/04/16 SALGA Monthly Report: Councillors Pension Fund

The Speaker informed Council that the Deputy Mayor had attended a meeting of the Municipal Councillors Pension Fund on 17th and 18th March 2016.

He reported that due to challenges regarding the logistical arrangements, the Deputy Mayor could not be present for the entire meeting.

He pointed out that Officials were liaising with the Pension Fund for the Pension Fund to send the Executive Summary of the meeting.

He reported that the Pension Fund was also requested to attend a Council meeting in order for their representatives to do a presentation to Council.

Following which,

It was unanimously

RESOLVED:

(a) That the feedback regarding the Councillors Pension be and is hereby **NOTED**.

(b) That, it be noted that the item would remain under Outstanding Matters until the representatives from the Pension Fund did a presentation to Council.

STANDING ITEMS

C 86/04/16 SALGA Monthly Report

The Speaker took members through the report.

Following which,

It was unanimously

RESOLVED:

That the SALGA Monthly Report for March 2016 be and is hereby **NOTED**.

MATTERS FOR DISCUSSION

C 87/04/16 Irregular Removal of Municipal Office Bearers and Suspension of Section 54 and 56 Manager

The Speaker took members through the item.

Cllr Snashall referred members to page 29, No. 3.5 which read "It should be noted that if Councillors vote in a Committee or a Council meeting for a resolution that is in conflict with legislation, those Councillors are in breach of the Code of Conduct for Councillors. Councillors may be held liable for their actions including recovery of any fruitless and wasteful expenditure the Municipality might incur on legal fees" and sought clarity if the Municipal Manager would advise Council.

In response, the Municipal Manager assured members that he would advise Council accordingly.

Following which,

It was unanimously

RESOLVED:

(a) That the report regarding the Irregular Removal of Municipal Office Bearers and Suspension of Section 54 and 56 Manager be and is hereby **NOTED**.

(b) That Circular 1 of 2016 from DCOGTA be and is hereby **NOTED**.

C 88/04/16 MFMA Circular No. 82 Cost Containment Measures

The Speaker mentioned that the objective was to inform Council of the MFMA Circular No. 82 Cost Containment Measures.

Commenting, Cllr Snashall sought clarity on the oversight mechanism that would be used or who would be the appropriate oversight body.

In response, the Municipal Manager informed members that ultimately Council would play oversight.

Cllr Henderson reminded members that during the last meeting when the budget was presented, he sought clarity as to what Council was doing to tighten their belts as per the appeal made by the Minister of Finance. He said that the Municipal Manager informed members that the General Manager: Treasury would prepare a plan for fiscal austerity measures and that same would be submitted to Council. He sought clarity if the Circular 82 would be incorporated into the said plan.

The Speaker explained to Council that there was a Committee called TROIKA, which comprised the Mayor, the Deputy Mayor and the Speaker and that the said Committee played an oversight role.

The Municipal Manager reminded Council that from 2013, as per the Turn Around Strategy most of the measures were already implemented.

Following discussion and after questions of clarity had been answered,

It was unanimously

RESOLVED:

(a) That the MFMA Circular No. 82 Cost Containment Measures be and is hereby **NOTED**.

(b) That the content of the Circular should inform the 2016/17 Annual Budget.

(c) That the MFMA Circular 82 be **ADOPTED** with the 2016/17 Annual Budget.

(d) That the MFMA Circular 82 be referred to the Portfolio Committee on Finance and the Municipal Public Accounts Committee (MPAC) for further discussion and implementation.

C 89/04/16 ITEMS FROM AMAKHOSI

It was noted that there were none.

EXTRACTS FROM COMMITTEES

Extract from the meeting of the Executive Committee held on 13 April 2016

C 90/04/16 Waste Water Risk Abatement Plans

The Speaker took members through the item.

Following which,

It was unanimously

RESOLVED:

(a) That the report regarding the Waste Water Risk Abatement Plans for the five (5) Waste Water Treatment Plants be and is hereby **NOTED**.

(b) That Waste Water Risk Abatement Plans for the five (5) Waste Water Treatment Plants be and is hereby **ADOPTED**.

C 91/04/16 Vendor Performance Report

The Speaker took members through the item.

Following which,

It was unanimously

RESOLVED:

That the report on Vendor Performance be and is hereby **NOTED**.

C 92/04/16 Expression of Interest to Host the SALGA KZN DSR Games 2016

The Speaker took members through the item.

Cllr Henderson referred members to page 41, last bullet, last sentence, which read "The number of municipal officials attending such conferences and workshops must be limited" and emphasised that the Municipality should not hold the SALGA Games; same should be cancelled; or else the Municipality would be contravening the said Circular.

The Speaker explained to Council that whatever amount was going to be spent on hosting the SALGA Games; the said amount would not outweigh the economic spin-offs. He emphasised that the SALGA Games would boost the local economy of Ugu District. He stressed that the Municipality needed to contribute to the economic growth.

The Municipal Manager advised Council that Cllr Henderson's comment was noted. He explained to Council that it was cheaper to host the Games instead of travelling to another destination for the SALGA Games. He pointed out that both the Department of Sports and Recreation and SALGA would bear most of the costs. He emphasised that the said Games would contribute to the economic growth of Ugu District.

Following which,

It was unanimously

RESOLVED:

(a) That the report on the Expression of Interest to Host the SALGA KZN DSR Games 2016 be and is hereby **NOTED**.

(b) That correspondence indicating acceptance and commitment to the hosting of the SALGA KZN DSR Games 2016 be submitted to SALGA.

MINUTES FROM COMMITTEES

C 93/04/16 Minutes of the 74th Meeting of the Executive Committee held on 16 March 2016

The Speaker took members through the noting of the minutes.

Cllr Snashall referred to page 92, resolution (b) and sought clarity as to who was responsible for the said expenditure.

In response, the General Manager: Treasury explained to members that the Municipality was supposed to check on the arrears of the municipal accounts. She pointed out that if they were tenants, then the Municipality had to request a copy of the lease agreements and that same should be done irrespective of which Municipality they were located.

After questions of clarity had been answered,

It was unanimously

RESOLVED:

That the minutes of the meeting of the Executive Committee held on 16 March 2016 be and is hereby **NOTED**.

URGENT MATTERS

C 94/04/16 SALGA Monthly Report: April 2016

The Speaker took members through the item.

Cllr Snashall referred members to Page 5, Conditional Grant Stoppages; whereby assistance was being offered and sought clarity if the Municipality needed assistance.

In response, the Speaker informed Council that the Municipality did not need any assistance for now.

In addition, the Municipal Manager reported to Council that there was one Grant that the Municipality was dealing with at the moment and due to the technicalities of the said Grant, there was a Plan A and Plan B in place. He explained to members that if Plan A did not work, then Plan B would be put in place.

Following which,

It was unanimously

RESOLVED:

That the SALGA Monthly Report for April 2016 be and is hereby **NOTED**.

C 95/04/16 Allocation of Portfolio Chairpersons

The Speaker took members through the item.

He pointed out that the rationale of the report was to request Council to resolve on the re-allocation of the Portfolio Chairpersons to the Portfolio Committee on Sound Governance and Human Resources as well as the Portfolio Committee on Special Programmes.

Following which,

It was unanimously

RESOLVED:

(a) That the report regarding the Allocation of Portfolio Chairpersons by the Municipal Manager be and is hereby **NOTED**.

(b) That the following Councillors be and are hereby allocated as follows:

- Cllr MA Manyoni – Chairperson of the Portfolio Committee on Sound Governance and Human Resources; and
- Cllr JS Mbutuma - Chairperson of the Portfolio Committee on Special Programmes.

(c) That pursuant to (b) above, the said allocation be with effect from 03 May 2016.

IN-COMMITTEE MATTERS

C 96/04/16 In-Committee Minutes of the Ugu District Municipal Council meeting held on 24 March 2016

[At that stage, Cllr E Moosa Bux moved for the proceedings to move to in-committee and was seconded by Cllr Machi.]

The Speaker took members through the item.

Following which,

It was unanimously

RESOLVED:

That the In-Committee Minutes of the Ugu District Municipal Council meeting held on 24 March 2016 be and are hereby **CONFIRMED**.

C 97/04/16 In-Committee Minutes of the Meeting of the Executive Committee held on 16 March 2016

The Speaker took members through the item.

Following which,

It was unanimously

RESOLVED:

That the In-Committee Minutes of the Meeting of the Executive Committee held on 16 March 2016 be and are hereby **NOTED**.

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

C 98/04/16 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for Thursday, 26 May 2016.

C 99/04/16 CLOSURE

There being no further items for discussion, the Speaker declared the meeting closed at 11h55.

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