

UGU DISTRICT MUNICIPALITY

MINUTES OF THE 46TH MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD VIA MICROSOFT OFFICE TEAMS VIDEO CONFERENCING, ON THURSDAY, 28 JANUARY 2021, AT 11H00.

PRESENT:

Cllr NH Gumede - Speaker

SR Ngcobo (Mayor), LMR Ngcobo (Exco Member), NT Dlamini (Exco Member) AD Ngubo (Exco Member), L Mzimela (Exco Member), SN Caluza, SH Cele, SR Cele, TB Cele, S Chetty, TA Disane, K Dladla, TW Dube, JJ East, GD Henderson, SE Khawula, BE Machi, MA Manyoni, H Mbatha, S Mngomezulu, NCP Mqwebu, ZZ Msani, NY Mweshe, Y Nair, PT Naude, D Nciki, and MPL Zungu.

BY INVITATION:

Inkosi MP Ngcobo
Inkosi EZ Mkhize
Inkosi BS Nzimakwe
Inkosi ZGB Msomi
Inkosi ZR Qwabe
Inkosi EZ Jali
Inkosi B Cele

IN ATTENDANCE:

Mr S Sithole	-	Acting Municipal Manager
Mr S Mbewu	-	General Manager: Water Services
Ms N Grobler	-	Acting General Manager: Corporate Services
Ms L Sotshede	-	Acting General Manager: Budget and Treasury Office
Ms N Msomi	-	Acting General Manager: Economic Development and Environmental Services
Mr F Zama	-	Senior Manager: Mayoralty and Communications
Ms F Mbili	-	Senior Manager: Corporate Strategy and Shared Services
Mr S Kati	-	Manager: Risk and Internal Audit
Ms N Mbambo	-	Manager: Legal Services
Ms N Surajbally	-	Administrative Officer: Secretariat Unit
Ms B Malishe	-	Committee Co-ordinator
Ms T Kikine	-	Committee Clerk: Secretariat Unit

OPENING

The Speaker welcomed all to the meeting. She then requested Cllr Zungu to open the meeting in prayer.

The Speaker requested that a moment of silence be observed for the Minister of Transport in the Province, Mr Ntuli as well as Mr Mthembu, who was in the office of the President, including other lives that have been lost by the COVID-19 pandemic.

At that stage of the proceedings a moment of silence was observed for the lives that had been lost by the COVID-19 pandemic.

He reminded members that this meeting was actually scheduled for Thursday, 21 January 2021 but had to be postponed to Thursday, 28 January 2021 due to unforeseen circumstances.

C 01/01/21 NOTICE OF MEETING

The notice of the meeting was taken as read.

C 02/01/21 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that Cllr A Rajaram (*family responsibility*) had requested leave of absence from the meeting.

It was also noted that Cllr SH Cele had requested to be excused from the meeting for a short period of time to attend to a Ward Committee Meeting.

From the Management Component, it was noted that the General Manager: Corporate Services (*annual leave*) had requested leave of absence from the meeting and Ms N Grobler was the Acting General Manager: Corporate Services.

Following which,

It was unanimously

RESOLVED:

- (a) That Cllr A Rajaram (*family responsibility*) be and is hereby granted leave of absence from the meeting.
- (b) That, the request from Cllr SH Cele to be excused from the meeting for a short period of time to attend to a Ward Committee Meeting and thereafter rejoin the meeting be and is hereby **GRANTED**.
- (c) That from the Management Component, the General Manager: Corporate Services (*annual leave*) be and is hereby granted leave of absence from the meeting.
- (d) That, it be noted that Ms N Grobler was the Acting General Manager: Corporate Services.

C 03/01/21 DECLARATION OF INTEREST

It was noted that there were none.

C 04/01/21 CONFIRMATION OF AGENDA

The Speaker took members through the confirmation of the agenda.

The Acting Municipal Manager requested for the inclusion of Item 8.1 and Item 10.1 and pointed out that the said reports were emailed to all the members. He also informed members that Items 14.2 and 14.3 had already been presented to the Recess Committee meeting held on 20 January 2021 and that the said items were submitted for noting purposes.

Following which,

It was unanimously

RESOLVED:

(a) That the agenda convening the Ugu District Municipal Council meeting be and is hereby **CONFIRMED**, subject to the inclusion of the following:

- Item 8.1 SALGA Monthly Report; and
- Item 10.1 Mid-Year Budget & Performance Assessment Review 2020-2021.

(b) That, it be noted that Items 14.2 and 14.3 were submitted for noting purposes.

**C 05/01/21 CONFIRMATION OF MINUTES
Minutes of the Special Meeting of the Ugu District Municipal Council held on
20 November 2020**

The Speaker took members through the confirmation of the minutes of the special meeting of the Ugu District Municipal Council held on 20 November 2020.

Cllr Henderson moved for the acceptance of the minutes and was seconded by Cllr Zungu.

Following which,

It was

RESOLVED:

That the minutes of the Special Meeting of the Ugu District Municipal Council held on 20 November 2020, be and are hereby **CONFIRMED**.

C 06/01/21 Minutes of the 45th Meeting of the Ugu District Municipal Council held on 26 November 2020

The Speaker took members through the confirmation of the minutes for the 45th meeting of the Ugu District Municipal Council held on 26 November 2020.

Following which,

It was unanimously

RESOLVED:

That the minutes of the 45th Meeting of the Ugu District Municipal Council held on 26 November 2020, be and are hereby **CONFIRMED**, subject to the following amendment:

- Under Present, the name of Cllr NT Dlamini be reflected.

C 07/01/21 Resolution Register for the Special Meeting of the Ugu District Municipal Council held on 20 November 2020

The Speaker took members through the Resolution Register for the Special meeting of the Ugu District Municipal Council held on 20 November 2020.

Cllr Henderson enquired if there were any comments that were received on the new Adjustment Budget. He further requested for the said comments to be submitted to the next meeting.

Responding, the Acting Municipal Manager confirmed that feedback was received from Provincial Treasury indicating that they were satisfied with the payment plan in relation to the high debts that the Municipality was supposed to be paying, particularly Umgeni Water.

Following which,

It was unanimously

RESOLVED:

- (a) That the Resolution Register for the Special Meeting of the Ugu District Municipal Council held on 20 November 2020, be and is hereby **NOTED**.
- (b) That the comments received relating to the new Adjustment Budget be submitted to the next meeting.

C 08/01/21 Resolution Register for the 45th Meeting of the Ugu District Municipal Council held on 26 November 2020

The Speaker took members through the Resolution Register for the 45th meeting of the Ugu District Municipal Council held on 26 November 2020.

Following which,

It was unanimously

RESOLVED:

That the Resolution Register for the 45th Meeting of the Ugu District Municipal Council held on 26 November 2020, be and is hereby **NOTED**.

C 09/01/21 OUTSTANDING MATTERS

It was noted that there were none.

STANDING ITEMS

C 10/01/21 SALGA Monthly Report to Members as of 21 January 2021

The Acting Municipal Manager took members through the SALGA Monthly Report as at 21 January 2021.

In terms of the outstanding levies, he apprised members that the Ugu District Municipality still owed SALGA R148,000.00. He mentioned that the Municipality was currently paying the outstanding debt monthly. He further confirmed that the Municipality was in good standing in terms of the membership levies.

He also highlighted the following on the report:

- Request for Confirmation of Approved 2020/21 Annual Salary Budget;
- Update Re: Issuing of Annual Benefit Statements for the Year Ended 30 June 2020; and
- Implementation of the National Spatial Planning Data Repository in Municipalities in KZN.

Also adding, the Mayor pointed out that the Municipality was not part of the National Meeting because Ugu did not pay. He advised members that the Chairperson of SALGA, Ms Mkhulisi was hospitalized and was in the high care intensive unit and requested that the members should keep her in their prayers.

In terms of the agreement between SALGA, CoGTA and the Department of Education, he reported that the agreement was signed, and that the monies owed by the Department would be paid prior to the Municipality submitting the invoices.

Following which,

It was unanimously

RESOLVED:

That the SALGA Monthly Report as of 21 January 2021, be and is hereby **NOTED**.

C11/01/21

Monthly Birthday Greetings: Councillors, Amakhosi and Senior Managers

The Speaker conveyed birthday wishes on behalf of Council to the Councillor and Amakhosi who celebrated their birthdays during the month of January namely:

- Cllr MPL Zungu - 15 January;
- Cllr ZZ Msani - 23 January; and
- Cllr S Chetty - 04 January

Following which,

It was unanimously

RESOLVED:

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

C 12/01/21

Water Supply Challenges

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

He then reported on the following:

- Area South: Ray Nkonyeni and Umzumbe Local Municipality;
- Area Umdoni: Local Municipality;
- Area South West;
- Area North; and
- Ixopo pumpstation, Isonti and Pennington pumpstation.

Cllr Naude requested an update on the Harding Dam that was 15% to 20% full, but the said dam had not been functioning for weeks.

Cllr Henderson requested an update on the Rising Main, he raised a concern that in December 2020, there were sewerage trucks that were speeding and damaging the roads. He stated that he had visited the Rising Main and he could not see any progress.

Cllr Ngubo raised a concern regarding the Harding Dam; he stated that the said dam should be full due to the current rain. He then requested that the General Manager: Water Services to look into the said issue and to report back to the next meeting.

Cllr Chetty reported that in the past few weeks, he had received calls regarding the issue of water disruptions from the community in Umtwentweni. He shared with members that the community had complained that they had been phoning the Call Centre on several occasions but were not assisted.

He stated that he had called an official from the Municipality asking for assistance, and within 20 minutes the said employee arrived with the team and had fixed the problem. He stated that two (2) days later, he had received another complaint from one of the churches at Umtwentweni and the same official attended and resolved the problem. He indicated that the said church wanted to write to the Mayor to commend the said official, by the name of Russel.

Inkosi Jali sought clarity on when the areas in Kwambotho and Jali would receive water.

Cllr SR Cele thanked the officials for providing water tankers at the Ndelu Skim Pumpstation.

In response, the General Manager: Water Services pointed out that the Harding Dam was in operation from 15th January 2021, however there was a schedule for 7 days a week.

He informed members that he had noted the concern on the Harding Dam level that was not increasing and would provide a report to the next meeting.

He then indicated that he would convey the message to the official Mr Russel Mzelemu.

Furthermore, he stated that the areas in Kwambotho and Jali were back online and operational and pointed out that the issue of vandalism and sabotage had moved to the northern side. In terms of Kwambotho and KwaFodo, he pointed out that there was nothing new that was done on the said two (2) water plants. He mentioned that in December 2020, the said plants were operating with the Vula - Vala system.

Lastly, he informed members that there was an emergency break on Pioneer Road. He explained that upon the execution of the work at the said road, a problem was uncovered whereby a mini tender had to be put in place. He assured members that the Municipality was controlling the spilling of the sewer.

Cllr Henderson appreciated the feedback from the General Manager: Water Services and asked same to advise the truck drivers not to speed on the roads.

Following which,

It was unanimously

RESOLVED:

- a) That the Water Supply Challenges be and is hereby **NOTED**.

- b) That the General Manager: Water Services be and is hereby tasked to submit a report on the Harding Dam level to the next meeting.

C 13/01/21

COVID-19

The Acting Municipal Manager took members through the item.

He apprised members that the report would be presented in two (2) parts, namely:

- Covid-19 within the Municipality; and
- General Report on Covid-19.

He reminded members that on 28 November 2020, the President, Cyril Ramaphosa officially placed the country back on Lockdown Level 3. He mentioned that the second wave of the pandemic had begun.

He apprised members that the Ugu District was declared as one of the hot spots with the leading deaths due to COVID-19. He mentioned that the funeral parlors were raising concerns due to the high demand.

He mentioned that the Ugu Sport and Leisure Centre was identified and would be prepared as one of the field hospitals in the Ugu District. He pointed out that the Department of Health had also sourced other private facilities to accommodate the new positive cases.

He shared with members that the research had showed that the infection rate had increased by 39%. He advised members that the National level had put in place a plan whereby all the structures of the OSS would be playing their roles in terms of ensuring the enforcement of the regulations.

He pointed out that funeral gatherings had been identified as one of the super spreaders of COVID-19. He informed members that all the Wards within the Ugu District were supposed to report on all the infected cases.

He advised that government needed to demonstrate a caring attitude towards the infected persons. He also shared with members that there were vouchers that were made available to the vulnerable people within the Ugu District by the Department of Social Development through the involvement of the Ward Councillors.

He further pointed out that the Government could not win the Covid-19 pandemic alone, hence there was a need for the involvement of the NGO's, the Business Sectors, the Community Based Structures, and the Traditional Leaders in order to minimize the pandemic.

The Mayor emphasized that all Councillors representing the Local Municipalities should cascade the information to their Wards in order to ensure that the said information reaches all corners of the Ugu District. He requested the Acting

Municipal Manager to revisit the report relating to the number of deaths within the Municipality.

Moreover, he requested the Councillors that were representing the Local Municipalities to share the said information with their respective Local Municipalities as well.

Following which,

It was unanimously

RESOLVED:

- (a) That the Status of the COVID-19 Pandemic within the Municipality be and is hereby **NOTED**.
- (b) That the Acting Municipal Manager be and is hereby tasked to revisit the report relating to the number of deaths within the Municipality.
- (c) That all Councillors representing the Local Municipalities be and is hereby tasked to cascade the said information to their Wards in order to ensure that the said information reaches all corners of the Ugu District.
- (d) That the all the Councillors representing the Local Municipalities be and is hereby tasked to also share the said information with their respective Local Municipalities as well.

SECTION 79 REPORTS

C14/01/21

Minutes of the Meeting of the Municipal Public Accounts Committee held on 25 September 2020

The Speaker took members through the confirmation of the minutes for the meeting of the Municipal Public Accounts Committee held on 25 September 2020.

Following which,

It was unanimously

RESOLVED:

That the Minutes of the Meeting of the Municipal Public Accounts Committee held on 25 September 2020 be and are hereby **CONFIRMED**.

MATTERS FOR DISCUSSION

C15/01/21

Mid-Year Budget & Performance Review 2020/21

The Acting Municipal Manager requested the Senior Manager: Corporate Strategy and Shared Services to take members through the item.

Taking over, the Senior Manager: Corporate Strategy and Shared Services reported that the Municipality received a total score of 71% for the KPI's that had been achieved. She mentioned that the organization achieved 218 KPI's out of 306 KPI's and that only 88 KPI's were not achieved.

She then highlighted the following scores that were received by each Department for the current term, namely:

- Department of Corporate Services - 98%;
- Department of Economic Development and Environmental Services - 93%;
- Department of Water Services - 47%; and
- Development Agency - 43%.

She also pointed out that other Departments had received an average score of 60%. She also indicated that the COVID-19 Pandemic and the financial position of the Municipality affected the performance in this term.

Adding, the Acting General Manager: Budget and Treasury Office reported on the summary of the financial performance in terms of the first half of the year. She appraised members that the expenditure incurred in the first half of the year was in line with the approved budget. She pointed out that the Municipality had incurred an unauthorized expenditure of 0.85% and indicated that same would be corrected in the Adjustments Budget.

She mentioned that the said percentage had resulted in the verification of assets, whereby the Municipality had extended the scope of works in order to ensure that the project was completed, including the insurance that was higher than what the Municipality had anticipated as well as another two (2) projects that were rolled over from the previous financial year and were not budgeted for in the 2020/2021 Financial Year. She also assured members that the said expenditure would be corrected in the next Adjustments Budget.

In terms of the financial performance, she compared the revenue against the expenditure, and reported an amount of R684 million of revenue and the expenditure at R491 million with a surplus of R192 million.

She shared with members that the Municipality was expecting an improvement on collections through the implementation of the Financial Recovery Plan that was adopted by Council.

In terms of the Capital Expenditure, she pointed out that the Municipality had underperformed due to the challenges that would now be resolved with the assistance of the Acting Municipal Manager in order to ensure improvement in the second quarter.

The Acting Municipal Manager reported that the Municipality was reporting expenditure at 14.5% in terms of the Municipal Infrastructure Grant (MIG) budget and pointed out an improvement in January 2021.

He advised members that the Municipal Public Account Committee (MPAC) should play its oversight role to the said report and that all the Portfolio Committees should also look into the areas that were pertinent to their Terms of Reference in order for the Municipality to start holding officials accountable for non-performance.

He further suggested that the Mid-Year Budget & Performance Review 2020/21 should also be presented to the Audit Committee in order for the said Committee to review the issues contained in the report and also provide Council with direction and suggestions on the areas that the Municipality had to improve on going forward.

The Mayor advised that the PMS Unit should be able to identify within the Departments, the Units that were not performing in order for same to be assisted accordingly.

In terms of the issue of the unfunded budget, he pointed out that the performance on the spending would be slow. He advised members that the Council should play an oversight role on such matters, using the limited resources that were available. He also informed members that the Senior Management should also perform their responsibility to holding junior staff accountable that were not performing.

Cllr East pointed out that the collections for a period of six (6) months was R100 million short and that the CAPEX budget was R107 million unspent and enquired if the Municipality was using DORA. He further enquired if the surplus indicated in the report was due the unspent CAPEX budget.

The Acting Municipal Manager indicated that the Mid-Year Budget & Performance Review 2020/21 also comprised the reports from both entities. He raised a concern that the said entities have not performed due to financial constraints. He shared with members that a meeting was scheduled for the following week, with the Local Municipalities in order to deliberate on the issue of paying the levies to both the entities.

Following which,

It was unanimously

RESOLVED:

- (a) That the Mid-Year Budget and Performance Assessment Review Report 2020-2021 for the period ended 31 December 2020 as referred to in S72 of the MFMA be and is hereby **NOTED**.
- (b) That the Monthly Budget Statement for the month of December 2020 and the supporting documents as referred to in S71 of the MFMA be and is hereby **NOTED**.

- (c) That the Quarterly Budget Implementation Report and then supporting documents as referred to in S52(a) of the Act be and is hereby **NOTED**.
- (d) That the Mid-Year Budget & Performance Assessment 2020-2021 be and is hereby submitted to both Provincial and National Treasury in both electronic and hard copies.
- (e) That the Municipal Public Accounts Committee (MPAC) be and is hereby tasked to play its oversight role to the Mid-Year Budget and Performance Assessment Review Report 2020-2021.
- (f) That all the Standing Committees, i.e. the Portfolio Committees be and are hereby tasked to look into the areas that were pertinent to their Terms of Reference in order for the Municipality to start holding officials accountable for non-performance.
- (g) That the report on the Mid-Year Budget & Performance Review 2020/21 be also presented to the Audit Committee in order for the said Committee to review the issues contained in the report and to also provide Council with direction and suggestions on the areas that the Municipality had to improve on going forward.

C 16/01/21 EXTRACTS FROM COMMITTEES

It was noted that there were none.

C 17/01/21 MINUTES FROM COMMITTEES

It was noted that there were none.

C 18/01/21 URGENT MATTERS

It was noted that there were none.

IN-COMMITTEE MATTERS

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

C 19/01/21 In-Committee Minutes of the 45th Meeting of the Ugu District Municipal Council held on 26 November 2020

The Speaker took members through the confirmation of the In-Committee minutes for the 45th meeting of the Ugu District Municipal Council held on 26 November 2020.

Following which,

It was unanimously

RESOLVED:

That the In-Committee Minutes of the 45th Meeting of the Ugu District Municipal Council held on 26 November 2020, be and are hereby **CONFIRMED**, subject to the following amendment:

- Under Present, the name of Cllr NT Dlamini be reflected.

C 20/01/21

Request for Acting Appointment: General Manager: Economic Development and Environmental Services (EDES)

The Acting Municipal Manager took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report regarding the Acting Appointment of the General Manager: Economic Development and Environmental Services be and is hereby **NOTED**.
- (b) That the Acting Appointment of Ms N Msomi as the General Manager: Economic Development and Environmental Services (EDES) on a month-to-month basis for a maximum period of three (3) months with effect from 01 February 2021 be and is hereby **APPROVED**.

C 21/01/21

Appointment of Officers for Disciplinary Process of the Municipal Manager

The Acting Municipal Manager took members through the item.

Following which,

It was unanimously

RESOLVED:

- (a) That the report on the Appointment of Officers for Disciplinary Process of the Municipal Manager be and is hereby **NOTED**.
- (b) That, it be noted that Mhlanga Incorporated be appointed as the Evidence Leader.
- (c) That, it be noted that Dr. Hildar Grobler be appointed as the Independent External Presiding Officer.

- (d) That the Acting General Manager: Budget and Treasury Office be and is hereby authorised for sourcing the budget for (b) and (c) above.

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

C 22/01/21 DATE OF NEXT MEETING

It was noted that the date of the next meeting was scheduled for 25 February 2021.

C 23/01/21 CLOSURE

There being no further items for discussion, the Speaker declared the meeting closed at 13h12.

CHAIRPERSON: -----

DATE: -----