# UGU DISTRICT MUNICIPALITY

**MINUTES OF THE 21ST MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD AT THE COUNCIL CHAMBERS, RAY NKONYENI MUNICIPALITY, 10 CONNOR STREET, PORT SHEPSTONE, ON THURSDAY, 28 SEPTEMBER 2023, AT 11H10.**

Cllr SR Ngcobo - Speaker

IS Mqadi (Mayor), VM Chiya (Deputy Mayor), GD Henderson (Exco Member), NA Njenga (Exco Member), MP Shozi, P Breedt, TT Hlophe, SE Khawula, MZ Luthuli, BE Machi, MA Manyoni, NO Mazubane, SD Mdluli, SEH Mngoma, TH Msabala, N Ndovela, SA Ngcece, LMR Ngcobo, FM Ngwane, JS Ngwane, X Nkasa, B Nyuswa, J Schmidt, BN Shozi, and MP Tenza

**BY INVITATION:**

Inkosi EZ Jali

**IN ATTENDANCE:**

| | | |
|---|---|---|
| Mr VO Mazibuko | - | Acting Municipal Manager |
| Mr K Audan | - | General Manager: Budget and Treasury Office |
| Ms D Rankin | - | General Manager: Economic Development and Environmental Services (EDES) |
| Ms M Gobhozi | - | Acting General Manager: Corporate Services |
| Mr S Malinga | - | Acting General Manager: Water Services |
| Ms F Mbili | - | Senior Manager: Corporate Strategy and Shared Services |
| Mr F Zama | - | Senior Manager: Mayoralty and Communications |
| Ms N Mbambo | - | Manager: Legal Services |
| Mr S Kati | - | Chief Auditor Executive |
| Ms NP Gumbi | - | Manager: Human Resources |
| Mr A Mbhele | - | Manager: Administration & Auxiliary Services |
| Ms N Surajbally | - | Administrative Officer: Secretariat Unit |
| Ms A Mnisi | - | Committee Clerk |

- **OPENING**

The Speaker extended a warm welcome to all present.

He then requested Council to observe a moment of silence for all the women and children that had passed on due to abuse as well as Inkosi Buthelezi that had also passed on.

The Speaker pointed out with serious concern that there was a child who went missing, and days later was found murdered. He mentioned that the body of the child was found by the river situated in the Umzumbe Local Municipality. He indicated that the Council of Ugu District should urgently address the issue of killing women and young girls in the Ugu District. He requested Councillors to address this serious issue during the Izimbizo; whereby the men should receive a talk on gender violence and child abuse in the Ugu District, which was increasing at an alarming rate. He stated that the Izimbizo should be led by Amakhosi.

C 325/09/23 **NOTICE OF MEETING**

The notice of the meeting was taken as read.

C 326/09/23 **APPLICATIONS FOR LEAVE OF ABSENCE**

It was noted that Cllrs D Nciki *(political commitment)*, SN Caluza *(political commitment)*, SP Mthethwa *(council business)*, MV Vezi *(urgent council business)* and PZ Mzindle *(political commitment)* had requested leave of absence from the meeting.

It was also noted that Inkosi MBW Xolo *(family commitment)* had requested leave of absence from the meeting.

Following which,

It was unanimously

**RESOLVED:**

(a) That Cllrs D Nciki *(political commitment)*, SN Caluza *(political commitment)*, SP Mthethwa *(council business)*, MV Vezi *(urgent council business)* and PZ Mzindle *(political commitment)* be and are hereby **GRANTED** leave of absence from the meeting.

(b) That Inkosi MP Ngcobo and Inkosi MBW Xolo *(family commitment)* be and are hereby **GRANTED** leave of absence from the meeting.

C 327/09/23 **DECLARATION OF INTEREST**

It was noted that there were none.

C 328/09/23 **CONFIRMATION OF AGENDA**

The Speaker took members through the confirmation of the agenda.

It was noted that the Agenda Pack consisted of the Main Agenda, the In-Committee Agenda, Item 10.3 and Item 15.1 and that all the Councillors had received the Agenda Pack timeously.

Thereafter, Cllr Manyoni moved for the adoption of the Agenda and was seconded by Cllr Luthuli.

Following which,

It was

**RESOLVED:**

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

**CONFIRMATION OF MINUTES**

C 329/09/23 **Minutes of the 20th Meeting of the Ugu District Municipal Council held on 24 August 2023**

The Speaker took members through the confirmation of the minutes for the 20th meeting of the Ugu District Municipal Council held on 24 August 2023.

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

Following which,

It was

**RESOLVED:**

That the minutes of the 20th Meeting of the Ugu District Municipal Council held on 24 August 2023 be and are hereby **CONFIRMED.**

**RESOLUTIONS REGISTER**

C 330/09/23 **Resolutions Register for the 20th Meeting of the Ugu District Municipal Council held on 24 August 2023**

The Speaker took members through the Resolutions Register for the 20th Meeting of the Ugu District Municipal Council held on 24 August 2023.

Commenting, Inkosi Jali referred members to Page 4 of the minutes and requested feedback with regard to the Ezinqoleni Strike as well as the Bhobhoyi Strike.

In response, his Worship, the Mayor reported to Council that the said strikes had been dealt with.

He explained to members that whenever there were community protests, the Leadership had attended to same; thereafter a Plan was developed on how to deliver water.

Regarding the Oshabeni Area, he indicated that the District Municipality and the Community had a plan in place and that Management was sticking to the said Plan.

Relating to the Ezinqoleni Area, he pointed out that the Mayor had met with the community and that there were plans that were put in place.

He reported that immediately after the Council meeting, the Mayor was going to meet with the community in the Kwa Madlala area. He pointed out that there were several interventions that were put in place in many areas within the Ugu District.

He stressed that there were service delivery protests across the Ugu District.

Following which,

It was

**RESOLVED:**

That the Resolutions Register for the 20th Meeting of the Ugu District Municipal Council held on 24 August 2023 be and is hereby **NOTED**.

**C 331/09/23** **OUTSTANDING MATTERS**

It was noted that there were none.

**STANDING ITEMS**

**C 332/09/23** **Status on Covid-19 Cases**

It was noted that there was no report.

**C 333/09/23** **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 August, namely:

- Inkosi EZ Jali - 17 September
- Cllr J Schmidt - 25 September
- Cllr X Nkasa - 15 September
- Cllr TH Msabala - 15 September; and
- Cllr FM Ngwane - 28 September

Following which,

It was unanimously

**RESOLVED:**

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

**C 334/09/23** **Water Supply Status Quo Report**

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

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

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

Cllr Breedt stressed a concern and stated that the Councillors had requested for the submission of the water shedding schedules. However, he mentioned that same had not been received and emphasized that the Acting General Manager: Water Services should share same with the Councillors.

Cllr Tenza appreciated the report and sought clarity on whether there was a mechanism in place to monitor the water tankers and to ensure that the water was delivered to the communities.

The Speaker stated that the Ward Councillors should assist in monitoring and ensuring that the communities had received water.

Cllr JS Ngwane emphasized that the number of the water tankers on the ground should be monitored given that same differed from the number that was reported. He emphasized that the boreholes should be built next to the reservoirs.

Cllr Smith reported that in the Margate Area, Extension four (4), the community received water only in the evenings and the water was stopped in the mornings. He added that the Extension seven (7) residents had not received water since Sunday, 24 September 2023.

Concurring, Cllr Njenga raised his concerns and stated that there were complaints received regarding the water tankers. Furthermore, he mentioned that there were areas which did not receive water from the water tankers.

Inkosi Jali commended the good work done by the officials in the KwaJali area. He mentioned that the community had been receiving water for the past two months without any disruptions. Thereafter, he emphasised that the issuing of the boreholes should be monitored closely given that there were some areas which were not allocated boreholes.

The Speaker requested that the information and the location of the boreholes should be communicated to Amakhosi so that Amakhosi would be able to provide information to their communities. Furthermore, he reminded members that Amakhosi had previously requested to be informed if there were boreholes going to be built in their respective areas.

In response, the Acting Municipal Manager informed members that the issue of the water shedding plan played an important role when there was a water crisis. He mentioned that same should be shared with the affected residents. Furthermore, he mentioned that the Area Managers were responsible to monitor and ensure that water was delivered to the communities as expected. He added that the Municipality would ensure that the monitoring and the supervision was strengthened. With regards to the boreholes, he mentioned that CoGTA had approved further budget for the installation of additional boreholes within the Ugu District.

Lastly, he stressed his concern and stated that there were organisations within the Ugu District that ensured that the image of the Ugu District Municipality was tarnished by taking all complaints directly to the National Department of Water and Sanitation without reporting same to the Municipality for intervention.

Cllr Breedt commended the Communications Unit for the good work done. Furthermore, he requested a timeframe for the water shedding schedule.

It was noted that the Acting General Manager: Water Services was tasked to send the Water Shedding Schedule to all the Councillors.

Ensuing discussions,

It was unanimously

**RESOLVED:**

(a) That the report on the Water Supply Status Quo be and is hereby **NOTED**.

(b) That the Acting General Manager: Water Services be and is hereby tasked to send the Water Shedding Schedule to all the Councillors.

**C 335/09/23** **SALGA Monthly Report**

It was noted that there was no report.

**C 336/09/23** **SECTION 79 REPORTS**

It was noted that there was no report.

**MATTERS FOR DISCUSSION**

**C 337/09/23** **Monthly Budget Statements: August 2023**

The Speaker took members through the item.

Thereafter, Cllr FM Ngwane moved for the acceptance of the recommendations and was seconded by Cllr Nyuswa.

Following which,

It was

**RESOLVED:**

(a) That the report on the Monthly Budget Statements for the month of August 2023 be and is hereby **NOTED**.

(b) That the Monthly Budget Statements for the month of August 2023 and the supporting documents be submitted to both the Provincial and National Treasury in both electronic and hard copies.

C 338/09/23 **SCM Monthly Performance Report: August 2023**

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:**

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

C 339/09/23 **Quarter 4: Early Warning Signals for the Municipalities Meeting the Criteria of Financial Problems for the 2022/2023 Financial Year**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Quarter 4: Early Warning Signals for the Municipalities Meeting the Criteria of Financial Problems for the 2022/2023 Financial Year be and is hereby **NOTED**.

(b) That the letter from Provincial Treasury as well as the Remedial Action as per 4.3 of the report be and is hereby **CONSIDERED** and **NOTED**.

C 340/09/23 **Umtamvuna Electrical Power Upgrade Progress Report**

The Mayor reported to Council that three (3) meetings were held in the last two (2) weeks and that the only challenge was the issue of compensation; whereby Eskom had agreed to the amount of R200 000.00; but there was a request for an amount of R500 000.00.

He indicated that hopefully the said issue would be resolved soon, and that Council would then be updated at the next meeting.

Following which,

It was

**RESOLVED:**

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

C 341/09/23 **Review of the Credit Control and Debt Collection Policy**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Credit Control and Debt Collection Policy Review be an is hereby **NOTED**.

(b) That the Reviewed Credit Control and Debt Collection Policy be and is hereby **APPROVED.**

C 342/09/23 **Sanitation Infrastructure Failure Report: Status Quo and Corrective Actions**

The Speaker took members through the report.

Following which,

It was

**RESOLVED:**

That the report on the Sanitation Infrastructure Failure Report: Status Quo and Corrective Actions be and is hereby **NOTED**.

**MATTERS FOR CONSIDERATION FROM COMMITTEES**
**Extracts from the Minutes of the Audit Committee held on 20 July 2023**

C 343/09/23 **Audit Committee Charter 2023/2024**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Audit Committee Charter 2023/2024 be and is hereby **CONSIDERED** and **NOTED**.

(b) That the Reviewed Audit Committee Charter for the financial year 2023/2024 be and is hereby **APPROVED**.

C 344/09/23 **Internal Audit Charter 2022/2023 & Internal Audit Methodology 2023/24**

The Speaker took members through the report.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Internal Audit Charter 2022/2023 & Internal Audit Methodology 2023/24 be and is hereby **CONSIDERED** and **NOTED**.

(b) That the Internal Audit Charter 2022/2023 & Internal Audit Methodology 2023/24 be and is hereby **APPROVED**.

**Extracts from the Minutes of the Executive Committee held on 06 September 2023**

C 345/09/23 **Review of the Organogram of the Water Services Authority**

The Speaker took members through the report.

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

Following which,

It was

**RESOLVED:**

(a) That the report regarding the review of the Organogram of the Water Services Authority be and is hereby **NOTED**.

(b) That the proposed Organogram of the Water Services Authority Section be and is hereby **APPROVED**.

**C 346/09/23** **Governance Support: Proposed GRC Approach – May 2023**

The Speaker took members through the report.

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

Following which,

It was

**RESOLVED:**

(a) That the Presentation on the Governance Support: Proposed GRC Approach – May 2023 be and is hereby **CONSIDERED** and **NOTED**.

(b) That the establishment of the GRC Unit within the Office of the Municipal Manager under the Corporate Strategy and Shared Services Unit be and is hereby **APPROVED**.

(c) That the Internal Audit and Risk Management Functions be separated and that the Risk function resources be allocated to the GRC Structure.

(d) That staff be identified and seconded to support the Governance and Compliance function within the GRC Structure.

(e) That the Manager position for the GRC be and is hereby **SUPPORTED** by the Governance Expert until the expiry of the contract, whilst the Municipality planned for resources to fund the position.

(f) That the GRC KPI’s be included to all S56 Manager’s Performance Targets.

(g) That the Governance Champions within the Departments be identified to ensure sustainability or Continuity of support that had been provided to the Municipality.

(h) That a Good Governance Management Committee be established and same be chaired from the Office of the Municipal Manager (Corporate Strategy and Shared Services Unit) and dedicate a session on the Management Committee Agenda to deal with the GRC matters.

(i) That the Municipality consider seconding an official to the GRC Structure to ensure that the said official had already acquire the necessary skills from the Governance Expert rather than making use of the Interns.

**C 347/09/23** **2023/2024 Ugu DM Service Delivery and Budget Implementation Plan Technical Indicator Descriptions and S54 and S56 Performance Contracts**

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 2023 / 2024 Ugu DM Service Delivery and Budget Implementation Plan, the Technical Indicator Descriptions and the S54 & S56 Performance Contracts be and is hereby **CONSIDERED** and **NOTED**.

(b) That the 2023 / 2024 Ugu DM Service Delivery and Budget Implementation Plan, the Technical Indicator Descriptions and the S54 & S56 Performance Contracts be and is hereby **ADOPTED**.

**C 348/09/23** **2022/2023 PMS Quarter 4 / Year End Report**

The Speaker took members through the item.

Following which,

It was

**RESOLVED:**

That the 2022 / 2023 PMS Quarter 4 / Year-End report be and is hereby **CONSIDERED** and **NOTED**.

**C 349/09/23** **Labour Relations Matters and Disciplinary Hearing Progress Report**

The Speaker took members through the item.

Following which,

It was

**RESOLVED:**

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

**C 350/09/23** **Administration and Auxiliary Services Policies**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Administration and Auxiliary Services Policy be and is hereby **CONSIDERED** and **NOTED**.

(b) That the Administration and Auxiliary Services Policies be and is hereby **APPROVED** namely:

- Reviewed BTS Policy;
- Reviewed Facilities Management Policy;
- Reviewed Records Management Policy; and
- Reviewed Registry Procedure Manual.

**C 351/09/23** **Security Services Policy**

The Speaker took members through the item.

Thereafter, Cllr Luthuli moved for the acceptance of the recommendations and was seconded by Cllr FM Ngwane.

Following which,

It was

**RESOLVED:**

(a) That the report on the Security Services Policy be and is hereby **CONSIDERED** and **NOTED.**

(b) That the Security Services Policy be and is hereby **APPROVED.**

**C 352/09/23** **Review of the Human Resources Policies**

The Speaker took members through the item.

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

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 entailing the Code of Ethics Policy be and is hereby **APPROVED.**

C 353/09/23 **Change of Job Title: From Call Centre Officer to Public Relations Officer**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Change of the Job Title from Call Centre Officer to Public Relations Officer be and is hereby **CONSIDERED** and **NOTED**.

(b) That the Change of the Job Title from Call Centre Officer to Public Relations Officer be and is hereby **APPROVED**.

C 354/09/23 **Re-establishment of the Position of Manager: PMU Finance**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Re-Establishment of the Position of Manager: PMU Finance in the Budget and Treasury Office be and is hereby **CONSIDERED** and **NOTED**.

(b) That the Re-Establishment of the Position of the Manager: PMU Finance in the Budget and Treasury Office be and is hereby **APPROVED**.

**C 355/09/23** **Economic Development Catalytic Project: Port Shepstone Intermodal Transport and Retail Facility Waste-Water Issues**

The Speaker took members through the item.

Following which,

It was

**RESOLVED:**

(a) That the report on the Economic Development Catalytic Project: Port Shepstone Intermodal Transport and Retail Facility Waste-Water Issues be and is hereby **CONSIDERED** and **NOTED**.

(b) That the approved building plan, as per the plan included in the report, for the intermodal facility be strictly adhered to in terms of water and wastewater implementation be Re-Affirmed.

(c) That the General Manager: Water Services in consultation with the relevant stakeholders ensures that the wastewater challenges indicated were addressed and that the environmental health and environmental risks were mitigated.

(d) That a meeting be scheduled in conjunction with the diaries of both the Leadership of both the Ugu District Municipality and the Ray Nkonyeni Local Municipality, and that the said meeting be scheduled in the following week.

**Extracts from the Minutes of the Executive Committee held on 20 September 2023**

**C 356/09/23** **Labour Relations Matters and Disciplinary Hearings**

The Speaker took members through the item.

Following which,

It was

**RESOLVED:**

That the Labour Relations Matters and Disciplinary Hearings Progress Report be and is hereby **CONSIDERED** and **NOTED**.

**C 357/09/23** **Review of Code of Ethics Policy, Harassment, Intimidation and Victimization in the Workplace Policy, Leave Management Policy, Employee Assistance Programme Policy, Training and Development Policy and Subsistence and Travel Policy**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report regarding the Review of Code of Ethics Policy, Harassment, Intimidation and Victimisation in the Workplace Policy, Training and Development Policy, Employee Assistance Programme Policy, Training and Development Policy and Subsistence and Travel Policy be and is hereby **CONSIDERED** and **NOTED**.

(b) That the Review of Code of Ethics Policy, Harassment, Intimidation and Victimisation in the Workplace Policy, Training and Development Policy, Employee Assistance Programme Policy, Training and Development Policy and Subsistence and Travel Policy be and is hereby **APPROVED.**

**C 358/09/23** **Security Checklist 2023 / 2024**

The Speaker took members through the item.

Following which,

It was

**RESOLVED:**

(a) That the report on the Security Checklist for the 2023 / 2024 Financial Year be and is hereby **CONSIDERED** and **NOTED.**

(b) That the Security Checklist for the 2023 / 2024 Financial Year be and is hereby **APPROVED**.

**C 359/09/23** **Building Maintenance 2023 / 2024**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Building Maintenance 2023 / 2024 Financial Year be an is hereby **CONSIDERED** and **NOTED.**

(b) That the Building Maintenance Plan for Quarter 1 of the 2023 / 2024 Financial Year be and is hereby **APPROVED.**

C 360/09/23 **Portfolio Committee Catalytic Projects Focused Session and Site Visits of 01 August 2023 & Matters Arising (SDBIP: LED 15, 27 & 28)**

The Speaker took members through the item.

Following which,

It was

**RESOLVED:**

(a) That the report on the Portfolio Committee Catalytic Projects Focused Session and Site Visits of 01 August 2023 and Matters Arising (SDBIP: LED 15, 27 and 28) be and is hereby **CONSIDERED** and **NOTED**.

(b) That the SCTIE be and is hereby mandated to be responsible and lead in the two of the district wide Catalytic Projects that is renewable energy and connectivity / broadband / Wi-Fi.

C 361/09/23 **Request for a Long-term Lease of 50 Years of Municipal Capital Asset: Farm A & Farm B of Horseshoe No 9288 by a Primary Co-operative of the Ugu Agri-hub Programme (Horseshoe Co-operative), Supported by an Investor**

The General Manager: Economic Development and Environmental Services took members through the item.

The members stressed concerns regarding the request for a lease for a period of fifty (50) years.

It was noted that no lease could be longer than (nine) 9 years and eleven (11) months.

Cllr Machi pointed out with concern that there were very old people which were part of the co-operative. She requested that the co-operative should consist more of the youth.

She reported to Council that the Portfolio Committee on Local Economic Development, Special Programmes and Youth Development visited the site, and the old people were complaining about the physical work. She indicated that money was put into the project; hence more youth should be involved due to the physical work that would be done, and that the youth would be more effective.

She further stressed concern that the tractors were destroyed.

The General Manager: Economic Development and Environmental Services reported to Council that the investor would be invited to the next meeting of the Portfolio Committee on Local Economic Development, Special Programmes and Youth Development; whereby all the concerns would be addressed.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Request for a Long-term Lease of 50 years of Municipal Capital Asset: Farm A and Farm B of Horseshoe No 9288 by a Primary Co-operative of the Ugu Agrihub Programme (Horseshoe Co-operative), Supported by an Investor be and is hereby **CONSIDERED** and **NOTED.**

(b) That, it be noted that the Section 33(3)(c)(ii) of the Municipal Asset Transfer Regulations issued in terms of the Municipal Finance Management Act, provide that the granting of right to use, control or manage of the municipal capital asset, must be dealt with in terms of the Chapter 2, where such right confers on the person to whom the right is granted, the power to use, control or manage the capital asset as if that person is the beneficial (but not legal) owner of the asset.

(c) That the Council makes the following determinations in line with the Provisions of Section 14(2), (3) and (5) of the Municipal Finance Management Act (Act No. 56 of 2003) read together with the Municipal Asset Transfer Management Regulations issued in terms of the aforementioned Act.

(d) That the identified municipal asset (being 500 hectares of Farm Horseshoe A & B No. 9283) was not needed for the duration of the contemplated lease to provide the minimum level of basic municipal services be and is hereby **APPROVED**.

(e) That, it be noted that the decision that the identified municipal immovable asset would not be required for the provision of the minimum level of basic municipal services may not be reversed for the duration of the contemplated lease unless it was due to breaches committed by the prospective lease.

(f) That the asset value of the entire property is R1 325 400 depicted on the Ugu Asset Register be acknowledged.

(g) That the stated economic and community value as indicated by the Potential Investor (Annexure: 2.2) to be received in exchange for the asset and that this will contribute towards economic growth and transformation be acknowledged.

(h) That there were rights-holders over the land, and that the government had invested in a Farmer Production Support Facility (2 hectares with expansion to 4 hectares), as well as 30 ha with irrigation as part of the Agri-Hub Programme of government and resolves that these areas be clearly defined with co-ordinates, mapped and quantified and that the rights holders area, and FPSU area of 4 hectares be excluded from granting rights to use, control or manage be acknowledged.

(i) That the granting of the right to use, control or manage of the identified municipal asset will adhere to the principles of fairness, equity, and transparency be and is hereby **NOTED**.

(j) That the Municipal Manager be and is hereby authorised to proceed with the granting of rights over the subject property, following which to provide an information statement in the local media of the outcome of the process inviting any representations and report back to Council for same to undertake the granting of right to use, control or manage the granting of right to use, control or manage a 500-hectare portion of the municipal immovable asset (the Farm A & Farm B Horseshoe No. 9283).

(k) That the Municipal Capital Asset: Farm A and Farm B of Horseshoe No 9288 by a Primary Co-operative of the Ugu Agrihub Programme (Horseshoe Co-operative), Supported by an Investor be granted 9 years lease.

(l) That the said investor and Cooperative members be invited to the Portfolio Committee on Local Economic Development, Special Programmes and Youth Development to present the said report.

**C 362/09/23** **Ugu Fresh Produce Market: Achieving / Giving Effect to the Strategic of Leveraging the Asset to Stimulate Economic Activity – Contributing towards Inclusive Economic Growth SDBIP: LED 13**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Ugu Fresh Produce Market; Achieving / Giving Effect to the Strategic Objective of Leveraging the Asset to Stimulate Economic Activity – Contributing towards Inclusive Economic Growth SDBIP: LED 13 be and is hereby **CONSIDERED**.

(b) That the following contextual background be and is hereby **NOTED**:

- Ugu District Municipality Strategic Objectives and Programmes with regards to Strategic LED Assets owned by Council;
- Current status of the Ugu Fresh Produce Market; and
- Conceptual Options for Consideration to inform future usage.

(c) That the site visit as part of considering options for the way forward be and is hereby **NOTED**.

(d) That the Portfolio Committee recommends to Executive Committee/Council that a letter be written to the Ray Nkonyeni Local Municipality that the Ugu District Municipality would no longer pursue the ownership of the Ugu Fresh Produce Market land.

(e) That the security guards be removed once the above (d) be implemented at the Ugu Fresh Produce Market.

(f) That the assets be written-off the asset register.

**C 363/09/23** **South African Human Rights Commission (SAHRC) Kwa Zulu-Natal Water Inquiry Report (Final)**

The Speaker took members through the report.

It was noted that the report was submitted to apprise Council on the SAHRC Final Report from the Inquiry on Access to Water in KwaZulu-Natal Province held in Durban from 15 to 19 August 2022 with all the WSA and other relevant Stakeholders and Institutions.

It was also noted that the South African Human Right Commission in terms of Chapter 9 of the Act had received complaints relating to the lack of access to water within the KZN Province.

It was noted that the Acting Municipal Manager and the Management Committee be given an opportunity to peruse the findings and the recommendations contained in the report.

Cllr JS Ngwane requested that a Plan should be submitted to the next meeting.

Following which,

It was

**RESOLVED:**

(a) That the report on the South African Human Rights Commission (SAHRC) – KwaZulu-Natal Water Inquiry Report (Final) be and is hereby **CONSIDERED** and **NOTED**.

(b) That the Acting Municipal Manager and the Management Committee be given an opportunity to peruse the findings and recommendations contained in the report.

(c) That the Acting Municipal Manager be allowed to submit a further report upon of completion of (b) above, which must be submitted through the Portfolio Committee on Water and Sanitation.

**MINUTES FROM COMMITTEES**

C 364/09/23 **Minutes of the 25th Meeting of the Executive Committee held on 16 August 2023**

The Speaker took members through the minutes of the 25th Meeting of the Executive Committee held on 16 August 2023.

Following which,

It was

**RESOLVED:**

That the Minutes of the 25th Meeting of the Executive Committee held on 16 August 2023 be and is hereby **NOTED**.

C 365/09/23 **Minutes of the 26th Meeting of the Executive Committee held on 06 September 2023**

The Speaker took members through the minutes of the 26th Meeting of the Executive Committee held on 06 September 2023.

Following which,

It was

**RESOLVED:**

That the Minutes of the 26th Meeting of the Executive Committee held on 06 September 2023 be and is hereby **NOTED**.

**URGENT MATTERS**

C 366/09/23 **Extension of Sanitation Services (Sanitech) under Umdoni Local Municipality**

The Speaker took members through the item.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Umdoni Mobile Toilets: Contract Extension be and is hereby **CONSIDERED** and **NOTED**.

(b) That the period of the six (6) months extension of the mobile toilets under the Ugu District Administrative be and is hereby **APPROVED**.

(c) That the Irregular Expenditure to be incurred for the period of six months extension for the mobile toilets under the Ugu District Administrative be and is **NOTED**.

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

**IN-COMMITTEE MATTERS**

**C 367/09/23** **In-Committee Minutes of the meeting of the Ugu District Municipal Council held on 24 August 2023**

The Speaker took members through the In-Committee Minutes of the meeting of the Ugu District Municipal Council held on 24 August 2023.

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

Following which,

It was

**RESOLVED:**

That the In-Committee Minutes of the meeting of the Ugu District Municipal Council held on 24 August 2023 be and is hereby **APPROVED.**

**C 368/09/23** **Compliance Circular on 2023 / 2024 Ugu S54 & S56 Performance**

The Speaker took members through the report.

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

Following which,

It was

**RESOLVED:**

(a) That the report on the Compliance Circular on the 2023/2024: Ugu S54 and S56 Performance Agreement be **NOTED** and **CONSIDERED.**

(b) That the implementation of the provision of the Circular on the non-payment of bonuses to the Managers should the Municipality obtain a Qualified Audit Opinion be **NOT SUPPORTED**.

(c) That the provisions of the Circular on the non-payment of bonuses to the Managers should the Municipality incur Unauthorised, Irregular, Fruitless and Wasteful Expenditure be **NOT SUPPORTED**.

**C 369/09/23** **Appointment of the Board of Directors: SCTIE**

The Mayor took members through the item.

Following which,

It was

**RESOLVED:**

(a) That the report from the Mayor on the recommendations of the Interview Panel on the Appointment of five (05) members to serve on the Board of Directors of the South Coast Tourism & Investment Enterprise (SCTIE) be and is hereby **NOTED**.

(b) That the following five (05) highest scoring candidates be and are hereby appointed to the five (05) vacant Board of Directors of the South Coast Tourism & Investment Enterprise (SCTIE) positions**:**

- Mr SC Dlomo
- Ms NV McKenzie
- Mr HTH Sabela
- Dr (Mrs) K Biyela Damoyi; and
- Mr LG Yeni

(c) That pursuant to (b) above, Mr SC Dlomo, as the highest scoring candidate, be and is hereby further appointed to the position of the Chairperson of the Board; and that Ms NV McKenzie being the second highest scoring candidate be and is hereby further appointed to the position of the Deputy Chairperson of the Board and all the other three (03) recommended candidates be appointed as Members of the Board.

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

**C 370/09/23** **DATE OF NEXT MEETING**

It was noted that the date of the next meeting was scheduled for 26 October 2023.

At that stage of the proceedings, Cllr LMR Ngcobo expressed his appreciation that the agenda was dispatched on time. He also thanked both the Speaker and the Management Component for not having late items.

**C 371/09/23** **CLOSURE**

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

He urged all members to read the Amended Municipal Structures Act, especially the Regulations regarding the Code of Conduct.

There being no further items for discussion, the Speaker declared the meeting closed at 13h00.

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