

UGU DISTRICT MUNICIPALITY

MINUTES OF THE 1ST MEETING OF THE UGU DISTRICT MUNICIPAL COUNCIL HELD IN THE CIVIC CENTRE, 10 CONNOR STREET, PORT SHEPSTONE, ON FRIDAY, 10 JUNE 2011, AT 11H00.

PRESENT:

Cllr S B Cele - Speaker

Cllrs N H Gumede (Mayor), M A Chiliza (Deputy Mayor) I M Mavundla (Exco Member), J S Mbutuma (Exco Member), Dr S G Nyawuza (Exco Member), N F Shusha (Exco Member), S Mahomed (Exco Member), N N Boyce, E Moosa Bux, T M Cele, N Y Dlamini, T N Dzingwa, M B Gavu, S T Gumede, G D Henderson, S A Khawula, , B E Machi, N A Madlala, M A Manyoni, N F Maphumulo, K B M Mbhele, Z A Mhlongo, N P Mpanza, M P Mtheshane, L N Myende, Y Nair, J M Ndlela, D H Njoko, F B Shezi, D Snashall, M G Sonwabo, Jacobus van Vuuren, S M Zuma and M P L Zungu.

BY INVITATION:

Chief Magistrate Nyawo

MEDIA:

Mr S Mchunu - South Coast Herald
Mr G Ndovela - South Coast Fever
Mr T Nkosi - Radio Sunny South
Ms L Dladla - South Coast Rising Sun
Mr M Ncalane - Isolezwe

IN ATTENDANCE:

Mr L Mahlaka - Municipal Manager
Mr M B Mnyandu - Deputy Municipal Manager
Mr T Mnyayiza - General Manager: Operations
Mr M N Pawandiwa - General Manager: Water Services
Ms P P Ntebe - General Manager: Corporate Services
Mr V H Hukum - General Manager: Treasury
Ms Z Mbonane - General Manager: Infrastructure and Economic Development
Ms F Mbili - Manager: Secretariat, ICT and Auxiliary Services
Mr S M Dlamini - Administrative Officer: Secretariat and Languages Services Unit
Ms N Surajbally - Committee Co-ordinator: Secretariat Unit

• **OPENING AND WELCOME**

The Municipal Manager welcomed all to the auspicious occasion.

- **PRAYER**

Pastor Msimang opened the meeting in prayer.

[At this stage of the proceedings, the Municipal Manager introduced himself to all present. Furthermore, he advised all present that the General Managers from all the Departments within the Municipality were also present.]

- **ACKNOWLEDGEMENT OF RETIRING COUNCILLORS**

It was noted that Rev Dr Mgojo made the official recognition of the retiring Councillors.

C01/06/11 NOTICE OF MEETING

The Municipal Manager read the notice of meeting to all Councillors present.

Thereafter, Cllr Maphumulo moved for the acceptance of the notice of meeting and was duly seconded by Cllr S G Nyawuza.

Following which,

It was

RESOLVED:

That, it be noted that the notice of meeting was taken as read.

C02/06/11 APPLICATIONS FOR LEAVE OF ABSENCE

It was noted that no application for leave of absence was received.

However, Cllr E Moosa Bux had requested to be excused at 12h00 for a prayer meeting and would then return to the meeting.

Following which,

It was unanimously

RESOLVED:

That, it be noted that no leave of absence was received.

C03/06/11 WELCOME TO DISTINGUISHED GUESTS AND DIGNATARIES

It was noted that the Municipal Manager welcomed all distinguished guests and dignitaries to the momentous occasion.

Moreover, it must be noted that all protocol was observed by the Municipal Manager.

Also, he welcomed the community of Ugu District.

C04/06/11 INTRODUCTION OF COUNCILLORS

The Municipal Manager took members through this item.

He succinctly advised all present that the Ugu District Municipal Council comprised of a total of 35 Councillors.

In addition, he pointed out that a letter of resignation was received from Cllr N C P Mqwebu on 27 May 2011. However, he advised Council that a replacement had been received from the IEC and the ANC; and that the replacement would now be Cllr M G Sonwabo, who would serve on the Ugu District Municipal Council.

Following which,

It was unanimously

RESOLVED:

- (a) That the introduction of Councillors be and is hereby **NOTED**.
- (b) That Cllr N C P Mqwebu be replaced by Cllr M G Sonwabo.

C05/06/11 OATH OR SOLEMN AFFIRMATION BY MEMBERS OF THE COUNCIL ADMINISTERED BY THE MAGISTRATE

The Municipal Manager took members through this item.

He then requested a group of Councillors at a time to take their oath and solemn affirmation, which was administered by the Chief Magistrate Nyawo.

It must be noted that the groups of Councillors comprised as follows:

- Group 1 : Cllr S B Cele, Cllr N H Gumede, Cllr M A Chiliza, Cllr N F Shusha, Cllr S Mahomed and Cllr I M Mavundla.
- Group 2 : Cllr T N Dzingwa, Cllr M A Manyoni, Cllr N N Boyce, Cllr E Moosa Bux, Cllr Jacobus van Vuuren and Cllr D H Njoko.
- Group 3 : Cllr Y Nair, Cllr N A Madlala, Cllr S T Gumede, Cllr N Y Dlamini, Cllr M P L Zungu and Cllr K B M Mbhele.

- Group 4 : Cllr M P Mpanza, Cllr T M Cele, Cllr S A Khawula, Cllr M B Gavu, Cllr L N Myende and Cllr M G Sonwabo.
- Group 5 : Cllr J S Mbuthuma, Cllr N F Maphumulo, Cllr Z A Mhlongo, Cllr F B Shezi, Cllr S M Zuma and Cllr S G Nyawuza.
- Group 6 : Cllr B E Machi, Cllr M P Mtheshane, Cllr J M Ndlela, Cllr G D Henderson and Cllr D Snashall.

Following which,

It was unanimously

RESOLVED:

That the oath or solemn affirmation by members of the council administered by the magistrate be and is hereby **NOTED**.

REPORTS FROM MANAGEMENT
Rules of Order for the Ugu District Municipal Council

C06/06/11

The Municipal Manager apprised members that the rationale of this report was to present the Standing Rules of Order for the Ugu District Municipal Council for reviewal purposes.

Cllr Mavundla proposed that the report should be noted for now and that same should be sent to the Executive Committee for reviewal and onward submission to Council for approval, and was duly seconded by Cllr Mhlongo.

Following which,

It was

RESOLVED:

- (a) That the report as regards the Rules of Order for the Ugu District Municipal Council be and is hereby **NOTED**.
- (b) That the Rules of Order for the Ugu District Municipal Council be submitted to the Executive Committee for reviewal and onward submission to Council for approval.

C07/06/11

Election of Speaker

The Municipal Manager took members through this item.

He advised Council that he had received one nomination form from Cllr S T Gumede, who had nominated Cllr S B Cele as the

Speaker of the Ugu District Municipal Council, and was seconded by Cllr M G Sonwabo and duly accepted by Cllr S B Cele.

Thereafter, he declared Cllr S B Cele as the Speaker of Ugu District Municipality.

Following which,

It was

RESOLVED:

- (a) That the Election of the Speaker be and is hereby **NOTED**.
- (b) That Cllr S B Cele be and is hereby declared the Speaker of Ugu District Municipality.

C08/06/11 Taking Oath of Office of the Speaker administered by the Magistrate

It must be noted that immediately after the taking of the oath, which was administered by Chief Magistrate Nyawo, the Speaker delivered his acceptance statement.

It was

RESOLVED:

- (a) That the Taking Oath of Office of the Speaker administered by the Magistrate be and is hereby **NOTED**.
- (b) That the acceptance statement by the Speaker be and is hereby **NOTED**.

C09/06/11 Type of Municipality

The Speaker took members through this item.

Cllr Njoko moved for the noting of the report, which was duly seconded by Cllr Mbutuma.

Following which,

It was

RESOLVED:

That the report regarding the Type of Municipality be and is hereby **NOTED**.

C10/06/11 Establishment of an Executive Committee

The Speaker took members through this item.

Thereafter, Cllr Shusha moved for the establishment of an Executive Committee, and was duly seconded by Cllr Machi.

Following which,

It was

RESOLVED:

- (a) That the report regarding the Establishment of an Executive Committee be and is hereby **NOTED**.
- (b) That the Establishment of an Executive Committee be and is hereby **APPROVED**.
- (c) That the Executive Committee of the Ugu District Municipality be composed of seven (7) members.

C11/06/11 Election of Councillors to serve on the Executive Committee

The Speaker took members through this item.

He emphasised that he had received a nomination form from Cllr Madlala from the ANC, who had proposed that Cllr N H Gumede, Cllr M A Chiliza, Cllr N F Shusha, Cllr S Mahomed and Cllr I M Mavundla should serve on the Executive Committee, and was duly seconded by Cllr Khawula.

Furthermore, he informed Council that he had received a nomination form from Cllr N F Maphumulo from the NFP, who had proposed that Cllr J S Mbutuma should serve on the Executive Committee, and was duly seconded by Cllr F B Shezi.

Also, he mentioned that he had received a nomination form from Cllr Machi from the IFP, who proposed that Cllr S G Nyawuza should serve on the Executive Committee, which was duly seconded by Cllr Mtheshane.

Following which,

It was,

RESOLVED:

- (a) That the Election of Councillors to serve on the Executive Committee be and is hereby **NOTED**.

(b) That the Executive Committee comprise of:

- 5 members from the ANC; namely Cllr N H Gumede, Cllr M A Chiliza, Cllr N F Shusha, Cllr S Mahomed and Cllr I M Mavundla.
- 1 member from the NFP being Cllr J S Mbuthuma.
- 1 member from the IFP being Cllr S G Nyawuza.

C12/06/11 Election of the Mayor of the Ugu District Municipality from the Members of the Executive Committee

The Speaker took members through this item.

He informed Council that he had received only one nomination form from Cllr M A Chiliza, who had proposed that Cllr N H Gumede should be the Mayor of the Ugu District Municipal Council, and was duly seconded by Cllr N Y Dlamini.

Following which,

It was

RESOLVED:

- (a) That the Election of the Mayor of the Ugu District Municipality from the Members of the Executive Committee be and is hereby **NOTED**.
- (b) That Cllr N H Gumede be and is hereby declared the Mayor of the Ugu District Municipality.

C13/06/11 Taking Oath of Office of the Mayor administered by the Magistrate

It must be noted that the Mayor took the Oath of Office, which was administered by Chief Magistrate Nyawo.

Following which,

It was

RESOLVED:

That the Taking Oath of Office of the Mayor administered by the Magistrate be and is hereby **NOTED**.

C14/06/11 Acceptance Statement by the Newly Elected Mayor

It must be noted that an acceptance statement was given by the newly elected Mayor.

Following which,

It was

RESOLVED:

That the Acceptance Statement by the Newly Elected Mayor be and is hereby **NOTED**.

C15/06/11 Election of the Deputy Mayor from the Members of the Executive Committee

The Speaker took members through this item.

He informed Council that he had received one nomination form from Cllr M G Sonwabo, who had proposed that Cllr M A Chiliza should be the Deputy Mayor of Ugu District Municipal Council, and was duly seconded by Cllr L N Myende.

Following which,

It was

RESOLVED:

- (a) That the Election of the Deputy Mayor from the Members of the Executive Committee be and is hereby **NOTED**.
- (b) That Cllr M A Chiliza be and is hereby declared the Deputy Mayor of Ugu District Municipality.

C16/06/11 Taking Oath of Office of the Deputy Mayor administered by the Magistrate

It must be noted that the Deputy Mayor took the Oath of Office, which was administered by Chief Magistrate Nyawo.

Following which,

It was

RESOLVED:

That the Taking Oath of Office of the Deputy Mayor administered by the Magistrate be and is hereby **NOTED**.

C17/06/11 Designation of Full Time Councillors

The Speaker took members through this item.

Cllr Mavundla proposed that the Speaker, the Mayor, the Deputy Mayor, and 4 Executive Committee members should be full time Councillors.

He also proposed that of the 4 Executive Committee members; 3 members from the ANC and 1 member from the NFP should be full time Councillors.

With regard to the fifth Executive Committee member to be determined as full time, he suggested that Council should resolve to make an application to the MEC in this regard.

In addition, he explained that the Executive Committee member from the IFP should be on a part time basis pending an application to the MEC to declare him as full time.

Following which,

It was

RESOLVED:

- (a) That the Designation of Full Time Councillors be and is hereby **NOTED**.
- (b) That the Speaker, the Mayor, the Deputy Mayor, and 5 Executive Committee members be full time Councillors.
- (c) That 3 members from the ANC and 1 member from the NFP be full time Councillors.
- (d) That with regard to the fifth Executive Committee member to be determined as full time, an application be made to the MEC in this regard.
- (e) That in the meantime, it be noted that one Executive Committee member be on a part time basis.



C18/06/11 Confirmation of Delegated Powers in terms of Sections 59

The Speaker took members through this item.

Cllr Nair proposed that this report should be noted for now and that same should then be sent to the Executive Committee to review the delegations for onward submission to Council for approval, and was duly seconded by Cllr Manyoni.

It was

RESOLVED:

- (a) That the report with regard to the Confirmation of Delegated Powers in terms of Sections 59 and 60 of the Municipal Systems Act 32 of 2000 be and is hereby **NOTED**.
- (b) That the Confirmation of Delegated Powers in terms of Sections 59 and 60 of the Municipal Systems Act 32 of 2000 be forwarded to the Executive Committee to review the delegations for onward submission to Council for approval.

C19/06/11 Establishment of Portfolio Committees (Section 80)

The Speaker took members through this item.

He succinctly explained to Council that Portfolio Committees must be aligned to the Municipality's powers and functions, and to the administration departments. Furthermore, he emphasised that each Portfolio Committee should be made up of eight members with varying party representation.

Cllr Mahomed proposed that there be five (5) portfolio committees namely:

- Portfolio Committee on Water and Sanitation
- Portfolio Committee on Finance
- Portfolio Committee on Planning and Economic Development be renamed as the Portfolio Committee on Economic Development
- Portfolio Committee on Corporate Services and Special Programmes; but this Committee be renamed as Portfolio Committee on Corporate Services
- Portfolio Committee on Youth Development be named as the Portfolio Committee on Special Programmes.

Furthermore, she proposed that the Chairpersons be as follows:

- Portfolio Committee on Water and Sanitation Portfolio – be chaired by Cllr M A Chiliza
- Portfolio Committee on Finance – be chaired by Cllr N F Shusha
- Portfolio Committee on Economic Development be chaired by Cllr J S Mbutuma
- Portfolio Committee on Corporate Services be chaired by Cllr I M Mavundla
- Portfolio Committee on Special Programmes be chaired by Cllr S Mahomed

Furthermore, she indicated that the list of members' representation from the ANC on the Portfolio Committees was forwarded to the Municipal Manager. She also suggested that the Terms of Reference should be submitted to the

Executive Committee for reviewal and onward submission to Council for approval.

However, it must be noted that when the Speaker was confirming Cllr Mahomed's proposal with regard to the Water and Sanitation Portfolio Committee, he mentioned that the members be as follows:

- 6 members from the ANC; one being Cllr M A Chiliza as the Chairperson and Cllr M P L Zungu, Cllr T M Cele, Cllr Y Nair, Cllr L N Myende and Cllr M G Sonwabo being members.
- 1 member from the NFP being Cllr S M Zuma.
- 1 member from the IFP being Cllr S G Nyawuza.
- 1 member from the DA.

Cllr Mavundla then called for point of order. He informed the Speaker that all Portfolio Committees would comprise of eight (8) members in total. As regards the Water and Sanitation Portfolio Committee, he re-iterated that same would comprise of 6 members from the ANC, 1 member from the NFP and 1 member from the IFP. He advised that there would be no representation from the DA on this Committee.

Cllr Snashall then raised an objection. He emphasised that given that the Portfolio Committee on Water and Sanitation was dealing with the core functions of the Municipality, and that the Portfolio Committee on Finance was also serving as the watchdog of municipal funds being spent, it was vital for members of the DA to be present on these two Portfolio Committees.

The Speaker pointed out that a meeting was held on Thursday; whereby Cllr Snashall had tendered his apologies. He indicated that Cllr Snashall did not make an effort to send a representative to this meeting. He advised that Cllr Snashall should then refer his objections to that meeting of the different political leaders and not at Council.

Thereafter, he took members through the list of the Portfolio Committees and the structures thereof.

Following which,

It was unanimously

RESOLVED:

- (a) That the report in respect of the Establishment of Portfolio Committees (Section 80) be and is hereby **NOTED**.
- (b) That the Portfolio Committee on Water and Sanitation comprise of:

- 6 members from the ANC; one being Cllr M A Chiliza as the Chairperson and Cllr M P L Zungu, Cllr T M Cele, Cllr Y Nair, Cllr L N Myende and Cllr M G Sonwabo being members.
 - 1 member from the NFP being Cllr S M Zuma.
 - 1 member from the IFP being Cllr S G Nyawuza.
- (c) That the Portfolio Committee on Finance comprise of:
- 6 members from the ANC: Cllr N F Shusha as the Chairperson and Cllr S T Gumede, Cllr E Moosa Bux, Cllr Jacobus van Vuuren, Cllr N H Gumede and Cllr S A Khawula being members.
 - 1 member from the NFP being Cllr J S Mbuthuma.
 - 1 member from the IFP being Cllr Dr S G Nyawuza.
- (d) That the Portfolio Committee on Economic Development comprise of:
- 5 members from the ANC: Cllrs M A Manyoni, D H Njoko, I M Mavundla, N N Boyce and N P Mpanza.
 - 1 member from the NFP being J S Mbutuma as the Chairperson.
 - 1 member from the IFP being Cllr B E Machi.
 - 1 member from the DA.
- (e) That the Portfolio Committee on Corporate Services comprise of:
- 5 members from the ANC; one being Cllr I M Mavundla as the Chairperson and Cllr K B M Mbhele, Cllr M B Gavu, Cllr M G Sonwabo and Cllr T N Dzingwa being members.
 - 1 member from the NFP being Cllr F B Shezi.
 - 1 member from the IFP being Cllr M P Mtheshane.
 - 1 member from the DA.
- (f) That the Portfolio Committee on Special Programmes comprise of:
- 5 members from the ANC; one being Cllr S Mahomed as the Chairperson and Cllr Y S Dlamini, Cllr N A Madlala, Cllr M A Manyoni and Cllr T N Dzingwa being members.
 - 1 member from the NFP being Cllr Z A Mhlongo.
 - 1 member from the IFP being Cllr J M Ndlela.
 - 1 member from the DA.
- (g) That the Executive Committee review the Terms of Reference for all Portfolio Committees for onward submission to Council for approval.

C20/06/11 Establishment of Section 79 Committees

The Speaker took members through this item.

Cllr Nair proposed that the report should be noted. Furthermore, he agreed to SCOPA and the Audit Committee. However, with regard to the Rules Committee and the Disciplinary Committee, he proposed that same be forwarded to the Executive Committee for further deliberation and then to Council for approval and this was duly seconded by Cllr T M Cele.

Following which,

It was

RESOLVED:

- (a) That the report in respect of the Establishment of Section 79 Committees be and is hereby **NOTED**.
- (b) That the Municipal Public Accounts Committee (MPAC / SCOPA) comprise of:
 - 5 members from the ANC; namely Cllr E Moosa Bux, Cllr Jacobus van Vuuren, Cllr N A Madlala, Cllr S A Khawula and Cllr S T Gumede.
 - 1 member from the NFP being Cllr S M Zuma.
 - 1 member from the IFP being Cllr M P Mtheshane.
 - 1 member from the DA being Cllr D Snashall.
- (c) That pursuant to (b) above, Cllr S M Zuma, from the NFP be the Chairperson of SCOPA.
- (d) That the Audit Committee and the Performance Audit Committee comprise of:
 - Mr Paul Preston (Chairperson)
 - Ms Chantel Elliot
 - Mr Imraan Lockhat
 - Mr Sipho Nzuz
- (e) That the Rules Committee and the Disciplinary Committee be referred to the Executive Committee for review and onward submission to Council for approval.

C21/06/11 Code of Conduct for Councillors

The Speaker took members through this item.

Thereafter, Cllr Henderson moved for the acceptance of the report and was duly seconded by Cllr Shezi.

It was

RESOLVED:

That the report as regards the Code of Conduct for Councillors be and is hereby **NOTED**.

C22/06/11 Remuneration of Councillors in terms of the Remuneration of Public Office Bearers Act, 1998

The Speaker took members through this item.

Cllr Mavundla moved for the noting of the report and was duly seconded by Cllr Madlala.

Following which,

It was

RESOLVED:

That the report on the Remuneration of Councillors in terms of the Remuneration of Public Office Bearers Act, 1998 be and is hereby **NOTED**.

C23/06/11 Declaration of Interests

The Speaker took members through this item.

It was unanimously

RESOLVED:

- (a) That the report on the Declaration of Interests be and is hereby **NOTED**.
- (b) That the Declaration of Interest Form be submitted to the Office of the Municipal Manager by no later than 30 June 2011.

C24/06/11 Date / Frequency of Future Meetings: 23 June 2011

The Speaker took members through this item.

He advised Council that the frequency of meetings would be dealt with at the next Council meeting scheduled for 23 June 2011.

It was unanimously

RESOLVED:

- (a) That the report as regards the Date / Frequency of Future Meetings: 23 June 2011 be and is hereby **NOTED**.
- (b) That the Frequency of Future Meetings be submitted to the Council meeting scheduled for 23 June 2011.

C25/06/11

CLOSURE

[At this stage of the proceedings, Cllr Maphumulo on behalf of the National Freedom Party took this opportunity to congratulate the Speaker, the Mayor and the Deputy Mayor on their election. He pledged to working together with the ruling party in the implementation of programmes for the Municipality.]

In closing, the Speaker expressed his gratitude to all Councillors for their co-operation. In addition, he also expressed thanks to all officials as well as the officials from the other Municipalities.

There being no further items for discussion, the Speaker requested to close the meeting with the National Anthem at 13h00.

CHAIRPERSON : _____

DATE : _____

