

UMZIMVUBU LOCAL MUNICIPALITY

MINUTES of the **Fifth Council Meeting** of Umzimvubu Local Municipality held on **Monday, 29th of May 2017** at the **Municipal Town Hall** in **EmaXesibeni** at **11h18**.

COUNCILLORS PRESENT

1. Cllr. S.K. Mnukwa : Speaker
2. Cllr. F.N. Ngonyolo : Portfolio Head: SP and Communication (**Acting Mayor**)
3. Cllr. N.G Mdzinwa : Chief Whip
4. Cllr. U.G. Makanda : Portfolio Head: Infrastructure and Planning
5. Cllr. H.M. Ngqasa : Portfolio Head: Budget and Treasury
6. Cllr. M. Mataka : Portfolio Head: Corporate Services
7. Cllr. A.N. Garane : Portfolio Head: LED
8. Cllr. N. Sonyabashi : Portfolio Head: Citizens and Community Services
9. Cllr. T.A. Mambi : EXCO Member
10. Cllr. P.K. Thingathinga : EXCO Member
11. Cllr. N.H.Dandala : Member
12. Cllr. S. Dangisa : Member
13. Cllr. N.N.Gcadinja : Member
14. Cllr. N. Gogela : Member
15. Cllr. S. Gqiza : Member
16. Cllr. F.J. Hem : Member
17. Cllr. M. Hlanekela : Member
18. Cllr. T.V. Hlazo : Member
19. Cllr. X. Jona : Member
20. Cllr. N.H. Kolweni : Member
21. Cllr. G.V. Lugongolo : Member
22. Cllr. P. Makhinzi : Member
23. Cllr. M. Maliwa : Member
24. Cllr. S. Mankanku : Member
25. Cllr. A. Mgangatho : Member
26. Cllr. L.S. Maqhashalala : Member
27. Cllr. A.P. Mkhonto : Member
28. Cllr. M. Mquiwane : Member
29. Cllr. C.N. Mnyayiza : Member
30. Cllr. S.P. Myingwa : Member
31. Cllr. T. Ndara : Member
32. Cllr. N.V. Nomaqaqa : Member
33. Cllr. T. Nomkuca : Member
34. Cllr. C.L. Noqhakala : Member
35. Cllr. L.L. Nqatsha : Member
36. Cllr. M. Ntsevu : Member
37. Cllr. N. Ntshayisa : Member

38. Cllr. M. Ramabina : Member
39. Cllr. S. Sifolo : Member
40. Cllr. T. Sokhanyile : Member
41. Cllr. N.S. Soldat : Member
42. Cllr. F.P. Sontsi : Member
43. Cllr. N.C. Tshayisa : Member
44. Cllr. M. Tuku : Member
45. Cllr. A.N. Zongwana : Member

ABSENT COUNCILLORS

1. Cllr. B.P. Mabhengu : Mayor (*Apology*)
2. Cllr. S.A.N. Cekeshe : Member (*Apology*)
3. Cllr. S.O. Madlanga : Member (*Apology*)
4. Cllr. B. Majalamba : Member (*Apology*)
5. Cllr. N.A. Mantshongo : Member (*Apology*)
6. Cllr. N.E. Ngalonkulu : Member (*No Apology*)
7. Cllr. T. Ntsalaze : Member (*No Apology*)
8. Cllr. M. Joloba : Member (*Apology*)

PRESENT TRADITIONAL LEADERS

1. Cllr. M. Nota : Member
2. Cllr N.G. Ncapai : Member
3. Cllr. D. Makaula : Member
4. Cllr. M. Mdutyana : Member
5. Cllr. N. Rolobile : Member
6. Cllr. N. Fikeni : Member
7. Cllr. M. Sogoni : Member
8. Cllr. M Mpakumpaku : Member

ABSENT TRADITIONAL LEADERS

1. Cllr. T. Makaula : Member (*No Apology*)
2. Cllr N. Makaula : Member (*Apology*)
3. Cllr. J.B. Makaula : Member (*No Apology*)

PRESENT OFFICIALS

1. Mr. G.P.T. Nota : Municipal Manager
2. Mrs. N. Kubone : Manager: Corporate Services
3. Mr. S. Ntonga : Manager: Infrastructure and Planning
4. Ms. S.L. Batyi : Manager: LED and Environmental Management
5. Mrs. X. Venn : CFO

6. Ms. P.Nkake : Assistant Manager: Sound Governance
7. Mr. Z.M. Manqumakazi : Senior Administrator: Secretariat Services
8. Ms. N. Boyce : Admin Assistant: Secretariat Services

ABSENT OFFICIALS

1. Mr. N.M. Sineke : Manager: Citizens and Community Services
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MINUTES

1. OPENING/ WELCOME

The meeting was declared open by the Speaker; Councillor S.K. Mnukwa after a Council has observed a moment of silence at 11h18.

2. READING OF THE OFFICIAL NOTICE

The Municipal Manager: Mr. G.P.T. Nota read the official notice.

3. LEAVE OF ABSENCE

There were no applications for leave of absence.

4. APOLOGIES

An apology was tendered for the Mayor: Councillor B.P. Mabengu who was not going to be part of the Council Meeting.

An apology was tendered by Councillor A.N. Garane who requested to be released at 11h00.

An apology was tendered for Councillor N. Sonyabashi who was not going to attend the Council Meeting.

An apology was tendered for Councillor N.A. Mantshongo who was not going to attend the Council Meeting.

An apology was tendered for Councillor M. Joloba who was attending a crisis in his Ward.

An apology was tendered for Councillor N. Makaula who was not going to attend the Council Meeting.

An apology was tendered by Councillor S.A.N. Cekeshe who had family matters to attend to.

An apology was tendered for Councillor B. Majalamba who was attending lectures in Fort Hare University.

An apology was tendered for Councillor S.O. Madlanga who was attending lectures in Fort Hare University.

It was thereafter with Councillor P.K. Thingathinga and Councillor X. Jona proposing and seconding respectively;

RESOLVED

1. That an apology tendered for the Mayor: Councillor B.P. Mabengu is accepted.
2. That an apology tendered for Councillor A.N. Garane is accepted.
3. That an apology tendered for Councillor N. Sonyabashi is accepted.
4. That an apology tendered for Councillor N.A. Mantshongo is accepted.
5. That an apology tendered for Councillor M. Joloba is accepted.
6. That an apology tendered for Councillor N. Makaula is accepted.
7. That an apology tendered for Councillor S.A.N. Cekeshe is accepted.
8. That an apology tendered for Councillor B. Majalamba is accepted.
9. That an apology tendered for Councillor S.O. Madlanga is accepted.

This was carried unanimously.

After apologies were read and accepted it was noticed that the Mayor of the Municipality has submitted an apology. It was noticed that the Council needed to nominate the Mayor of the day. Councillor N. Mdzinwa then moved a motion that Councillor F. Ngonyolo be the Acting Mayor for the duration of the Council Meeting. The motion was duly seconded by Councillor N.N. Gcadinja.

Councillor F. Ngonyolo took the seat as the Acting Mayor for the duration of the Council Meeting.

5. PECUNIARY INTERESTS

The Municipal Manager; Mr. GPT Nota declared a pecuniary interest on **ULMC: 099** and **ULMC: 100** which deals with “**RECRUITMENT PROCESS FOR THE POSITION OF MUNICIPAL MANAGER: UMZIMVUBU LOCAL MUNICIPALITY**” and “**RECRUITMENT PROCESS FOR THE POSITION OF MANAGER: SPECIAL PROGRAMMES AND COMMUNICATION: UMZIMVUBU LOCAL MUNICIPALITY**” respectively.

6. COMMUNICATION STATEMENT

Her Majesty the Honourable Mayor

Chief Whip

Mayoral Committee

Councillors

Esteemed Traditional Leaders

Management and Officials

Distinguished Guests

I hereby take this opportunity to greet you all, and welcome you to the last Council meeting of the 2016/2017 financial year. Leaders of the society I am wretched to inform you that the Honourable Mayor Cllr B.P Mabhengu has been admitted in Hospital at Durban since last week hence her absence today in this Council Meeting. Let us invite the Almighty to be with her during this time and pray for her swift recovery.

Leaders, South Africa has marked Africa Month in May under the theme: “**The Year of OR Tambo: Building a Better Africa and a Better World**”. The month of May has been an opportunity to promote African unity, deeper regional integration and recommit Africa to a common destiny.

This year Africa Month celebrations coincide with the centenary of struggle stalwart Oliver Reginald Tambo who epitomised the struggle for liberation. Tambo was instrumental in rallying support, assistance and solidarity against the oppression of colonialism and apartheid on the continent.

The Month of May is recognised as Africa Month, to celebrate the founding of the Organisation of African Unity on 25 May 1963, it was on this date that the 25 May was declared as Africa Day as a symbol of unity amongst all Africans. South Africa subscribes to the African continent hence the need to be concerned of African issues.

On the 26th May 2017 the Eastern Cape Provincial Legislature was commemorating 20years of Constitutionalism and the National Council of Provinces. This was an

extremely delightful event. On that day we attested a provincial children parliament. Learners from all regions of the Eastern Cape were invited and they represented their regions on an education outlook.

Out of the cries and debates from the children it was acknowledged that the Eastern Cape is falling behind on delivering adequate services to communities in particular, the education sector. The educational issues in the Eastern Cape need to be addressed. It again came into attention that the Chapter 2 of the Constitution which is the cornerstone of South Africa's democracy, a chapter that seeks to protect and affirm the democratic values of human dignity, equality and freedom has been immensely violated.

Even after this era we attest a state where women and children of our country are still abused, abducted, raped and brutally murdered by our fellow brothers. It is of our responsibility as leaders to protect our women and children from this dreadful society and be in the centre of monitoring and implementation of the policies of security in our society and ensuring a non-violation of the human rights in particular the rights of women and children.

The Bolshevik revolutionary Lenin in his seminal work "**What is to be done?**" makes an instructive departure addressing the question of leadership. He concludes that a leader must understand the feelings and attitudes of the masses. The masses need us as councillors to rescue them, safeguard them and provide leadership in times like these.

Leaders, according to the municipal finance management Act no. 56 of 2003, Chapter 4 subsection 1b (1) and (2) indicates that the council of a municipality must per each financial year approve an annual budget for the municipality before the start of that financial year, 16 (2) state that in order for a municipality to comply with subsection 1, the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget.

Comrades, the past few months have been eventful but never the less I was deeply hurt to learn that my fellow councillors were not attending trainings and events that would mould them to be better leaders of society.

Colleagues, the attendance of the Public Participation training was extremely poor initially, the chief whip and myself had to intervene.

Again, in my opening address in the Council Strategic Planning that sat on the 08th – 10th May 2017 in Margate, I had invited you to attend the Agri-Park Social Facilitation that was to be conducted by Alfred Nzo District Municipality but leaders again the attendance was not as per the expectation. Such deeds should never transpire again.

Leaders, The South African Constitution states that municipalities have the responsibility to make sure that all citizens are provided with services to satisfy their basic needs. As part of deepening democracy and public participation in government decision-making processes, community members within Umzimvubu jurisdiction are

given an opportunity yearly to interact with their elected political representatives and as well as municipal administrators.

Such an event is in accordance with Section 4 of the Systems Act which seeks to promote involvement of local communities in decision making in the municipality.

Councillors, I hereby invite you to attend a Service Delivery Imbizo that will be held on the 31st of May 2017 in Ward 3.

In those few words, I thank you.

7. DEPUTATIONS

There were no deputations.

8. OFFICIAL ANNOUNCEMENTS

8.1 It was announced that on the 31st of May 2017 there would be a Service Delivery Imbizo which was going to be held at Msukeni Location in EmaXesibeni.

8.2 It was announced that on the 09th of June 2017 there would be a New Vision Launch of Umzimvubu Local Municipality which was going to be held in KwaBhaca Municipal Town Hall.

8.3 It was announced that on the 09th of June 2017 there would be a Choral Music Competitions which was going to be held in EmaXesibeni Municipal Town Hall.

8.4 It was announced that on the 22nd of June 2017 there would be a Rate Payer's Awards which was going to be held in KwaBhaca Municipal Town Hall.

9. CONFIRMATION OF MINUTES

9.1 MINUTES OF FOURTH ORDINARY COUNCIL HELD 28 MARCH 2017

It was thereafter with Councillor U.G. Makanda and Councillor P.K. Thingathinga proposing and seconding respectively;

RESOLVED

1. That the minutes of the Fourth Council Meeting held on the 28 March 2017 is accepted as the true reflection of the meeting's proceedings.

This was carried unanimously.

10. **BUSINESS OF THE DAY**

10.1 **CONSIDERATION OF THE EXECUTIVE COMMITTEE REPORT FOR THE MEETING HELD ON THE APRIL 2017**

ULMC: 083

10.1.1 **INFRASTRUCTURE & PLANNING DEPARTMENT: BUILDING & HOUSING MONTHLY REPORT ON PROPOSED BUILDING REGULATION BY-LAW**

PURPOSE

To report progress on the building control strategies formulated to promote the Building Developments compliance within the urban area for noting by the Council.

It was thereafter with Councillor H. Dandala and Councillor V. Lugongolo proposing and seconding respectively;

RESOLVED

1. That the report on the Building Control Strategies formulated to promote the Building Developments compliance within the urban area is noted by the Council.

COUNCIL/083/2016/2017

This was carried unanimously.

ULMC: 084

10.1.2 **PROGRESS REPORT ON THE TOWNSHIP ESTABLISHMENT OF ERF 188 MOUNT AYLIFF FOR MIXED USE CORRIDOR**

PURPOSE

To table a report for noting on the progress report on the Township Establishment of Erf 188 Mount Ayliff for Mixed Use Corridor for the month of March 2017.

It was thereafter with Councillor T. Nomkuca and Councillor N.N. Gcadinja proposing and seconding respectively;

RESOLVED

1. That the report for the Township Establishment of Erf 188 Mount Ayliff for Mixed Use Corridor is noted by the Council for the month of March 2017.

COUNCIL/084/2016/2017

This was carried unanimously.

ULMC: 085

10.1.3 PROPOSED SUBDIVISION AND REZONING APPLICATION OF THE REMAINDER OF ERF 351 MOUNT FRERE TO CREATE TWO NEW PORTIONS AND A REMAINDER (NEXT TO THE NEW EDUCATION OFFICE PARK AT SOPHIA)

PURPOSE

To request Umzimvubu Local Municipality Council to approve the application for a subdivision and rezoning of Erf 351 Mount Frere.

It was thereafter with Councillor M. Ntsevu and Councillor N.C. Tshayisa proposing and seconding respectively;

RESOLVED

1. That the Council approves the application for the subdivision of Erf 351 Mount Frere to create two portions in Mount Frere in terms of Section 11 and 18 of TP Ordinance 33 of 1934 and in terms of the Spatial Planning and Land Use Management Act 16 of 2003.

COUNCIL/085/2016/2017

This was carried unanimously.

ULMC: 086

10.1.4 LOCAL ECONOMIC DEVELOPMENT: REPORT ON A MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL DEPARTMENT OF PUBLIC WORKS AND UMZIMVUBU LOCAL MUNICIPALITY FOR THE VUKU'PHILE LEARNERSHIP PROGRAM FOR THE MONTH OF MARCH 2017

PURPOSE

To table the report to Council on a Memorandum of Understanding between the National Department of Public Works and Umzimvubu Local Municipality for the Vuk'uphile Learner ship Program for the month of March 2017.

To request noting and acceptance of the report by the Council.

It was thereafter with Councillor X. Jona and Councillor L.L. Nqatsha proposing and seconding respectively;

RESOLVED

- 1 That the report table on a Memorandum of Understanding between the National Department of Public Works and Umzimvubu Local Municipality for the Vuk'uphile Learnership Program for the Month of March 2017 is accepted by the Council.
2. That the Accounting Officer is mandated to sign the MOU on behalf of the Council.

COUNCIL/086/2016/2017

This was carried unanimously.

ULMC: 087

10.1.5 LOCAL ECONOMIC DEVELOPMENT: REPORT ON A MEMORUNDUM OF UNDERSTANDING BETWEEN LIMA RURAL DEVELOPMENT FOUNDATION AND UMZIMVUBU LOCAL MUNICIPALITY FOR THE MONTH OF MARCH 2017

PURPOSE

To table the report to Council on a Memorandum of Understanding between LIMA RDF and Umzimvubu Local Municipality for the month of March 2017.

To request noting and acceptance of the report by the Council.

It was thereafter with Councillor C.N. Mnyayiza and Councillor A. Mgangato proposing and seconding respectively;

RESOLVED

1. That the report on memorandum of understanding between Lima Rural Development Foundation and Umzimvubu Local Municipality for the month of March 2017 is accepted by the Council.
2. That the Accounting Officer is mandated to sign the MOU on behalf of the Council.

COUNCIL/087/2016/2017

This was carried unanimously.

ULMC: 088

10.1.6 CORPORATE SERVICES DEPARTMENT: SOUND GOVERNANCE DIVISION: SECRETARIAT SECTION MONTHLY REPORT FOR MARCH 2017

PURPOSE

To table a report on Secretariat Section activities for the month of March 2017 to the Council.

To recommend noting and acceptance of the contents of this report by the Council.

It was;

RESOLVED

1. That the monthly report of the Corporate Services Department: Sound Governance Division on Secretariat activities for the month of March 2017 is noted by the Council.

COUNCIL/088/2016/2017

This was carried unanimously.

ULMC: 089

10.1.7 S71 MONTHLY BUDGET STATEMENT AS AT 28 FEBRUARY 2017

PURPOSE

The purpose of this report is to comply with MFMA reporting requirements and the Municipal Budgeting and Reporting Regulations.

To table the report on income and expenditure for February 2017.

It was;

RESOLVED

1. That the report on the Income collected and expenditure incurred for the entire municipality for the period February 2017 is noted by the Council.
2. That it be noted that the report will be forwarded to Provincial and National Treasury as well for compliance purposes.
3. That the Budget and Treasury S71 report for period of February 2017 is noted by the Council.

COUNCIL/089/2016/2017

This was carried unanimously.

10.2 CONSIDERATION OF THE EXECUTIVE COMMITTEE REPORT FOR THE MEETING HELD ON THE MAY 2017

ULMC: 090

10.2.1 CORPORATE SERVICES DEPARTMENT: SOUND GOVERNANCE DIVISION: SECRETARIAT SECTION MONTHLY REPORT FOR APRIL 2017

PURPOSE

To table a report on Secretariat Section activities for the month of April 2017 to the Council.

To recommend noting and acceptance of the contents of this report by the Council.

It was

RESOLVED

1. That the monthly report of the Corporate Services Department: Sound Governance Division on Secretariat activities for the month of April 2017 is noted by the Council.

COUNCIL/090/2016/2017

This was carried unanimously.

ULMC: 091

10.2.2 S71 MONTHLY BUDGET STATEMENT AS AT MARCH 2018 STATEMENT OF FINANCIAL PERFORMANCE, POSITION AND THE IMPLEMENTATION OF THE 2016/17 BUDGET (MFMA SECTION 71) FOR THE MONTH ENDED 31ST MARCH 2017 REPORT

PURPOSE

The purpose of the report is for the Council to consider and note the statement of the financial performance and the implementation of the 2016/17 budget of the Umzimvubu Local Municipality for the financial year ending 30th June 2017.

To also inform Management and Council about ratio analysis of the current financial affairs of the municipality as outlined in MFMA Circular 71.

It was;

RESOLVED

1. That the report on the statement of financial performance, position and the implementation of the 2016/17 budget (MFMA Section 71 Report) for the reporting

month ended 31st March 2017 including supporting documentation attached as Annexure is approved by the Council.

2. That the month ended 31st March 2017 spending rate of 52% on capital and 65% on operating budgets as per financial transactions recorded as at end 31st March 2017 is noted by the Council.
3. That the following aged outstanding debtors balance of R 30 139 163.43 for the month ended 31st March 2017 is noted by Council:
4. That the following categorised outstanding debtors is noted by the Council:
 - Government –R6,431,930.86
 - Businesses – R8,928,222.38
 - Domestic –R14,779,010.19
5. That the cash and cash equivalents of R102, 365,513.67 for the month ended 31st March 2017 is noted by the Council.
6. That Rate Payer's Incentive Scheme is extended to the end of quarter four of 2016-2017 financial year (30 June 2017).
7. That the submission of Section 71 reports and returns to Provincial and National Treasuries before the 10th working day of the month ended 31st March is noted by Council.

COUNCIL/091/2016/2017

This was carried unanimously.

ULMC: 092

10.2.2 BUDGET AND TREASURY DEPARTMENT: MSCOA FINAL ANNUAL BUDGET FOR 2017/18 FINANCIAL YEAR

PURPOSE

The purpose is to report to the Council on 2017/2018 mSCOA Final Annual Budget for compliance with the legislation governing municipal finances.

It was thereafter with Councillor N.S. Soldat and Councillor S.S Dangisa proposing and seconding respectively;

RESOLVED

1. That the 2017/18 Draft Annual Budget is noted by the Council:
2. That the Draft Annual Budget of Umzimvubu Local Municipality for the financial year 2017/2018; and indicative for the two projected years 2018/19 and 2019/20 be approved by Council as follows:
 - 2.1 **Table A2:** Budgeted Financial Performance (Expenditure by standard classification)
 - 2.2 **Table A3:** Budgeted Financial Performance (expenditure by municipal vote)
 - 2.3 **Table A4:** Budgeted Financial Performance (revenue by source)
 - 2.4 **Table A5:** Budgeted Capital Expenditure for both multi-year and single year by vote, standard classification and funding
 - 2.5 **Table A6:** Budgeted Financial Position
 - 2.6 **Table A7:** Budgeted Cash Flows
3. That the budget related policies approved for the budget year 2017/2018
4. That tariffs and charges reflected in **Annexure 3** are approved for the financial year 2017/2018.
5. That the procurement plan reflected in **Annexure 6** is approved for the budget year 2017/2018.

COUNCIL/092/2016/2017

This was carried unanimously.

ULMC: 093

10.2.3 PROGRESS REPORT ON IMPLEMENTATION OF THE SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN – 3RD QUARTELY PERFORMANCE REPORT 2016/2017: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE

To table to the Council the progress report on implementation of the SDBIP – Third Quarter performance report for 2016/2017 Financial Year for consideration.

It was thereafter with Councillor F. Hem and Councillor T.V. Hlazo proposing

and seconding respectively;

RESOLVED

1. That the implementation of SDBIP – 3rd Quarter Performance Report should is noted by the Council.
2. That the 3rd Quarter Performance Report should is approved by Council.

COUNCIL/093/2016/2017

This was carried unanimously.

ULMC: 094

10.2.5 PROGRESS REPORT ON THE IDP DEVELOPMENT 2017-2018: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE

To table progress made on the IDP Development for the Month of April 2017 for noting and consideration.

It was thereafter with Councillor S.S. Dangisa and Councillor L.L. Nqatsha proposing and seconding respectively;

RESOLVED

1. That the progress report on the IDP Development process for the new IDP: 2017-2018 FY is noted by the Council.
1. That the IDP for 2017-2018 should is adopted by the Council.

COUNCIL/094/2016/2017

This was carried unanimously.

ULMC: 095

10.2.6 PROGRESS REPORT ON THE DEVELOPMENT OF THE SDBIP FOR 2017/2018 FINANCIAL YEAR: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE

To table to the Council the progress report on the development of the Service Delivery and Budget Implementation Plan for the period: 2017 to 2018 for noting.

It was;

RESOLVED

1. That the development of the SDBIP for 2017/2018 should be noted by Council.

COUNCIL/095/2016/2017

This was carried unanimously.

ULMC: 096

10.2.7 CORPORATE SERVICES DEPARTMENT: PERFORMANCE ASSESSMENT RESULTS FOR SECTION 56 EMPLOYEES AND FIXED TERM CONTRACT PERFORMANCE BASED EMPLOYEES FOR 2015/2016 FINANCIAL YEAR

PURPOSE

To appraise the Council on the outcomes of the Performance Assessments for all performance based contract employees within the municipality for the 2015/2016 Financial Year.

To report on the outcomes of the Performance Assessment conducted in terms of Performance Management Policy of the municipality and also as per the LG Regulations for Municipal Managers and Managers directly accountable to the Municipal Managers, 2006

To recommend noting and approval of the outcomes of the performance assessments for the performance based contract employees for the 2015/16 financial year.

It was thereafter with Councillor N.G. Mdzinwa and Councillor S.S. Dangisa proposing and seconding respectively;

RESOLVED

1. That the report and its broader implications on performance assessments for the Municipal Manager, section 56 employees and Performance based Contract employees is noted and accepted by the Audit Committee.
2. That the Audit Committee verifies the payable performance bonuses to the qualifying eighteen (18) municipal officials.
3. That the Audit Committee recommends to Council for approval of payment of

performance bonuses to the qualifying eighteen (18) municipal officials as per Annexure A.

4. That the Audit Committee notes that the four (4) individuals who did not qualify for a performance bonus will be subjected to a compulsory performance counselling.
5. It be noted that there are four (4) ex-employees who waived their right for assessments as they were invited but did not attend and did not request for another opportunity for assessments.

COUNCIL/096/2016/2017

This was carried unanimously.

ULMC: 097

10.2.8 REPORT ON THREE YEAR ROLLING AUDIT PLAN AND ANNUAL RISK BASED INTERNAL AUDIT PLAN 2017/2018

PURPOSE

To report on three year rolling audit plan and annual risk based internal audit plan 2017/2018 for review and approval by the Audit Committee.

It was;

RESOLVED

1. That the Council adopts the Umzimvubu Local Municipality Three Year Rolling Audit Plan and Annual Risk based Internal Audit Plan for 2017/2018.

COUNCIL/097/2016/2017

This was carried unanimously.

ULMC: 098

10.2.9 BUDGET AND TREASURY DEPARTMENT: EXTENTION OF DEBTORS INCENTIVE SCHEME

PURPOSE

To present to Council the proposed incentive scheme that will assist both debtors and the municipality equally by means of assisting debtors to clear their outstanding accounts and decreasing amount of outstanding debtors.

It was thereafter with Councillor S. Sifolo and Councillor P. Makhinzi proposing and seconding respectively;

RESOLVED

1. That the Council notes the extension of debtor's incentive scheme to 30 June 2017.
2. That the Council approves extension of debtor's incentive scheme to 30 June 2017.

COUNCIL/098/2016/2017

This was carried unanimously.

ULMC: 099

**10.2.10 RECRUITMENT PROCESS FOR THE POSITION OF MUNICIPAL MANAGER:
UMZIMVUBU LOCAL MUNICIPALITY**

PURPOSE

To table a report on the recruitment process that has taken place for the position of Municipal Manager.

To table the recommendations of the selection panel in respect of the position of Municipal Manager

To table the holistic recruitment report of Municipal Manager for the approval by the Council.

It was with Councillor M. Tuku and Councillor C.L. Noqhakala proposing and seconding respectively,

RESOLVED

1. That the report on recruitment proceedings pertaining to the filling of the post of Municipal Manager is noted by the Council.
2. It be noted by Council that the recruitment process has been done in terms of Rule 6 of Regulations on appointment and conditions of employment of Senior Managers.
3. That the scores and deliberations of the Selection Panel Members pertaining to the candidate's performance is noted by the Council.
4. That the Council notes the information from candidates as required in terms of Rule 11 and section 56A of the Systems Act in terms of holding political offices is attached as Annexure D which has the declaration forms of employment.
5. That Council notes that the screening of candidates which was pertaining to reference check for previous employment; validity of qualifications; verification whether

candidate has been charged for fraud has been done through the services of Veri-Source and the results are attached as Annexure E

6. That Council notes that the information on candidates as required of Section 18 of the MSA Regulations in terms of appointing staff that have been dismissed for misconduct or financial misconduct has been done through the department of Local government and Traditional affairs and it is attached as Annexure H.
7. That Council notes that a competency assessment has been done by candidates as required by clause 17 (1) (a) of the Regulations on the appointment of senior managers and is attached as Annexure F
8. That Council approves the appointment of Mr GPT Nota as Municipal Manager, with effect from 01 July 2017 up to 30 June 2022.
9. That should Mr GPT Nota decline the offer of the position of Municipal Manager, Mr. MF Lepheane be appointed as Municipal Manager.
10. That should Mr. MF Lepheane decline the offer of the position of Municipal Manager, the position be re-advertised.
11. It be noted that the Council must within 14 days of the date of appointment, submit a written report to the MEC for Local Government of the appointment process.
12. It be noted that the approved candidate should sign an employment contract and performance contract within sixty (60) days from the date of appointment facilitated by the Office of the Mayor.
13. That Council approves the extension of the current contract for the Municipal Manager for 1 (one) month (01 June 2017 – 30 June 2017).

COUNCIL/099/2016/2017

This was carried unanimously.

ULMC: 100

10.2.11 RECRUITMENT PROCESS FOR THE POSITION OF MANAGER: SPECIAL PROGRAMMES AND COMMUNICATION: UMZIMVUBU LOCAL MUNICIPALITY

PURPOSE

To table a report on the recruitment process that has taken place for the position of Manager: Special Programmes and Communication.

To table the recommendations of the selection panel in respect of the position of Manager: Special Programmes and Communication

To table the holistic recruitment report of Manager: Special Programmes and Communication for the approval by the Council.

It was with Councillor S. Mankanku and Councillor M. Hlanekela proposing and seconding respectively,

RESOLVED

1. That the report on recruitment proceedings pertaining to the filling of the post of Manager: Special Programmes and Communication is noted by the Council.
2. It be noted by the Council that the recruitment process has been done in terms of Rule 6 of Regulations on appointment and conditions of employment of Senior Managers.
3. That the scores and deliberations of the Selection Panel Members pertaining to the candidate's performance is noted by Council.
4. That the Council notes the information from candidates as required in terms of Rule 11 and section 56A of the Systems Act in terms of holding political offices is attached as Annexure D which has the declaration forms of employment.
5. That Council notes that the screening of candidates which was pertaining to reference check for previous employment ; validity of qualifications; verification whether candidate has been charged for fraud has been done through the services of Veri-Source and the results are attached as Annexure E
6. That Council notes that the information on candidates as required of Section 18 of MSA Regulations in terms of appointing staff that have been dismissed for misconduct or financial misconduct has been done through the department of Local government and Traditional affairs and it is attached as Annexure H.
7. That Council notes that a competency assessment has been done by candidates as required by clause 17 (1) (a) of the Regulations on the appointment of senior managers and is attached as Annexure F
8. That Council approves the appointment of Mrs. N.N Zembe as Manager: Special Programmes and Communication, with effect from 01 July 2017 up to 30 June 2022.
9. That should Mrs. N. N Zembe decline the offer of the position of Manager: Special Programmes and Communication, Mr. M.S Godola be appointed as Manager: Special Programmes and Communication.
10. That should Mr. M.S Godola decline the offer of the position of Manager: Special Programmes and Communication, Mr. L. Ndou be appointed as Manager: Special Programmes and Communication.
11. It be noted that the Council must within 14 days of the date of appointment, submit a written report to the MEC for Local Government of the appointment process.
12. It be noted that the approved candidate should sign an employment contract and performance contract within sixty (60) days from the date of appointment facilitated by the Office of the Municipal Manager.

13. That Council approves the extension of the Acting appointment of Acting Manager: Special Programmes and Communications for 1 (one) month (01 June 2017 – 30 June 2017).

COUNCIL/100/2016/2017

This was carried unanimously.

12. REPORT FROM THE DISTRICT MUNICIPALITY

There was no report from the District Municipality.

13. APPEALS AND PETITIONS COMMITTEE REPORT

Councillor S.S. Dangasa presented the following preliminary report on the grievances by Ward 01 Community:

PRELIMINARY REPORT ON GRIEVANCES BY WARD 1 COMMUNITY

Background:

The office of the Speaker received documents from Ward 1 community, which pertained to several allegations towards the Ward Councillor's on issues affecting them. A task team comprising of three members Cllr Dangisa, Cllr Nomkuca, and Cllr Nkqayi was formed and tasked with the investigation of the following grievances.

1. The issue of mismanagement of Simunye cooperative
2. Selling of paraffin designated for poor
3. Unfinished projects yet payment certificates issued
4. Ward comities benefiting twice against huge unemployment
5. Failure to blade of gravel road to headmen's place
6. RDP houses (67 minutes) promised but were never built (two outstanding)
7. Unhappiness about ANC candidates on procedures followed
8. Tractor allocated to Phepheni cooperative yet taken by one person Mr Tshekela.

FINDINGS:

THE ISSUE OF MISMANAGEMENT

The co-op is poorly managed from the point of the administration and management.

The co-op need assistance from the LED department for capacitation and monitoring.

Therefore it is against this recommendation that LED must be hands on in the project.

According to LED and Simunye report there were that were misused as it was not the year of harvesting for the production.

SELLING OF PARRAFFIN

According to the allegations of the selling of paraffin by the ward Cllr the findings are that the ward Cllr was not involved.

SANITATION UNFINISHED PROJECT YET PAYMENT CERTIFICATES HAVE BEEN ISSUED

The team found that the payment for sanitation project does not involve the ward Cllr as he is not responsible for signing any payment certificate for the District Municipality, it is only the district municipality that was responsible for the payment done.

WARD COMMITTEE BENEFITING TWICE AGAINST HUGE UNEMPLOYMENT

According to the findings, there is a Ward Committee that is benefiting from the EPWP, but the policy of Ward Committee election does not prohibit anyone who is not employed by the municipality, be it local or district to be a member of a Ward Committee. Therefore there is no wrong doing in the appointment of the said person.

FAILURE TO BLADE GRAVEL ROAD TO HEADMAN'S PLACE

According to the report received the ward Cllr facilitated the blading of the road though it was late, the road was bladed a day prior to the inauguration of the headman.

RDP HOUSES THAT WERE PROMISED DURING 67MINUTES PROGRAMME IN 2015

One of the houses has been completely constructed and fully furnished with the assistance from ULM and was officially handed over to the beneficiary.

The remaining two were not built due to non-availability of funds from the Human Settlement Department therefore the team recommends that the municipality should solicit funding to continue building the houses.

UNHAPPINESS ABOUT THE PROCEDURES FOLLOWED ON THE SELECTION OF THE WARD COUNCILLOR

This matter should be dealt with by the relevant structures of the organization as the ward Councillor's was done by them.

TRACTOR ALLOCATED TO PHEPHENI CO-OP YET OWNED BY AN INDIVIDUAL

According to the finding of the team there is a community asset (tractor and its equipment) that is owned by an individual by the name of Mr. S. Tshekela, therefore our recommendation is that the LED dept. must investigate this complaint from the community

SELLING OF PEACH SEEDLINGS BY THE WARD COUNCILLOR

The selling of seedling was the decision made by the co-op in order to enhance their revenue, the ward Councillor was not involved.

CONCLUSION

After the consultations and interviews held with the relevant stakeholders involved, we as the task team believe that from our findings the Ward Councillor should be exonerated from all the allegations against him due to the lack of evidence.

Re-emphasize that the LED dept. must be directly involved in the running of the Simunye co-op up until the co-op can be in a position to run solely.

With regards to the issue of the community asset that is owned by the individual abovementioned, the municipality must do a thoroughly investigation with clear terms of reference.

It was with Councillor S. Mankanku and Councillor M. Hlanekele proposing and seconding respectively,

RESOLVED

1. That the preliminary report on the grievances by Ward 01 Community is noted by the Council.
2. That the preliminary report on the grievances by Ward 01 Community is adopted by the Council.

COUNCIL/101/2016/2017

This was carried unanimously.

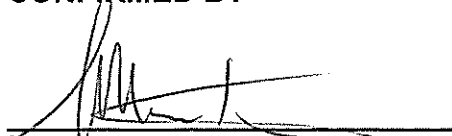
13. DATE OF THE NEXT MEETING

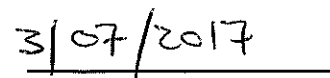
The date of the next Council Meeting is 31st of July 2017.

13. CLOSURE

THERE BEING NO FURTHER BUSINESS TO BE DISCUSSED THE COUNCIL ADJOURNED AT 14H30.

CONFIRMED BY


CLLR. S.K. MNUKWA
SPEAKER OF THE COUNCIL


DATE