

UMZIMVUBU LOCAL MUNICIPALITY

MINUTES of the **Special Council Meeting** of **Umzimvubu Local Municipality** held on **Tuesday, 30 April 2019** at the **Conference Centre** in **EmaXesibeni** at **10h00**.

PRESENT COUNCILLORS

1. Cllr. H.M. Ngqasa : Portfolio Head: Budget and Treasury (**Interim Mayor**)
2. Cllr. S.A.N. Cekeshe : Member (**Interim Speaker**)
3. Cllr. U.G. Makanda : Portfolio Head: Infrastructure and Planning
4. Cllr. M. Mataka : Portfolio Head: Corporate Services
5. Cllr. T.A. Mambi : EXCO Member
6. Cllr V. Bulana : Member
7. Cllr. N.H. Dandala : Member
8. Cllr. S. Dangisa : Member
9. Cllr. N.N. Gcadinja : Member
10. Cllr. S. Gqiza : Member
11. Cllr. F.J. Hem : Member
12. Cllr. M. Joloba : Member
13. Cllr. X. Jona : Member
14. Cllr. S.O. Madlanga : Member
15. Cllr. P. Makhinzi : Member
16. Cllr. B. Majalamba : Member
17. Cllr. M. Mqulwane : Member
18. Cllr. S.P. Myingwa : Member
19. Cllr. T. Ndara : Member
20. Cllr. N.V. Nomaqaqa : Member
21. Cllr. N. Ntshayisa : Member
22. Cllr. L.L. Nqatsha : Member
23. Cllr. S. Sifolo : Member
24. Cllr. T. Sokhanyile : Member
25. Cllr N.C. Tshayisa : Member
26. Cllr. M. Tuku : Member
2. Cllr. A.N. Zongwana : Member

9.2 SPECIAL COUNCIL MEETING: MINUTES 30 APRIL 2019

Attached please find a copy of the minutes of the Special Council meeting of Umzimvubu Local Municipality held on 30 April 2019.

RECOMMENDATION

1. That the minutes of the Special Council meeting of Umzimvubu Local Municipality held on 30 April 2019.

ABSENT COUNCILLORS

1. Cllr. F.N. Ngonyolo : Speaker
2. Cllr. S.K. Mnukwa : Mayor
3. Cllr. N.G Mdzinwa : Chief Whip
4. Cllr. A.N. Garane : Portfolio Head: LED
5. Cllr. N. Sonyabashi : Portfolio Head: Citizens and Community Services
6. Cllr. P.K. Thingathinga : EXCO Member
7. Cllr. N. Gogela : Member
8. Cllr. M. Hlanekela : Member
9. Cllr. T.V. Hlazo : Member
10. Cllr. N.H. Kolweni : Member
11. Cllr. G.V. Lugongolo : Member
12. Cllr. M. Maliwa : Member
13. Cllr. S. Mankanku : Member
14. Cllr. L.S. Maqhashalala : Member
15. Cllr. N.A. Mantshongo : Member
16. Cllr. A. Mgangatho : Member
17. Cllr. A.P. Mkhonto : Member
18. Cllr. C.N. Mnyayiza : Member
19. Cllr. N.E. Ngalonkulu : Member
20. Cllr. T. Nomkuca : Member
21. Cllr. C.L. Noqhakala : Member
22. Cllr. T. Ntsalaze : Member
23. Cllr. M. Ntsevu : Member
24. Cllr. M. Ramabina : Member
25. Cllr. N.S. Soldat : Member
26. Cllr. F.P. Sontsi : Member

PRESENT TRADITIONAL LEADERS

1. Chief. M. Nota : Member
2. Chief. D. Makaula : Member
3. Chief. N.G. Ncapai : Member

4. Chief. M Mdutyana : Member
5. Chief. Z.D Sodladla : Member
6. Chief. M Mpakumpaku : Member
7. Chief. M. Sogoni : Member
8. Chief. M.E Gogela : Member
9. Chief. N. Rholobile : Member

ABSENT TRADITIONAL LEADERS

1. Chief. J.B. Makaula : Member
2. Chief.N.G. Makaula : Member

PRESENT OFFICIALS

1. Mr. G.P.T. Nota : Municipal Manager
2. Mrs. N. Kubone : Manager: Corporate Services
3. Mr. S. Ntinzi : Manager: LED and Environmental Management
4. Mr. T. Fundira : CFO
5. Mrs. N. Zembe : Manager: SP & Communications
6. Mr. N.M. Sineke : Manager: Citizens and Community Services
7. Mr. M. Ngxekana : Assistant Manager: Sound Governance
8. Miss W. Morlock : Senior Admin Officer Committees
9. Miss L. Gxarisa : Intern Sound Governance

ABSENT OFFICIALS

- Mr. L. Moleko : Manager: Infrastructure and Planning
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MINUTES

1. OPENING/ WELCOME

The meeting was declared open by the Interim Speaker; Councillor S.A.N Cekeshe by observing a moment of silence at 10h43.

2. READING OF THE OFFICIAL NOTICE

The Interim Municipal Manager: Mr M. Sineke read the official notice.

3. LEAVE OF ABSENCE

An application for leave of absence was tendered for Councillor N. Mnyayiza who was attending a Municipal Business.

An application for leave of absence was tendered for Councillor A Mgangatho who was attending a Municipal Business.

An application for leave of absence was tendered for Councillor N.F Ngonyolo who was attending a Municipal Business.

An application for leave of absence was tendered for Councillor N. Mdzinwa who was attending a Municipal Business.

An application for leave of absence was tendered for Councillor L. Maqhashalala who was attending a Family business.

It was thereafter with Councillor M. Mataka and Councillor U.G Makanda proposing and seconding respectively;

RESOLVED

1. That an application for leave of absence tendered for Councillor N. Mnyayiza is accepted.
2. That an application for leave of absence tendered for Councillor A. Mgangatho is accepted.
3. That an application for leave of absence tendered for Councillor N.F Ngonyolo is accepted.
4. That an application for leave of absence tendered for Councillor N. Mdzinwa is accepted.
5. That an application for leave of absence tendered for Councillor L. Maqhashalala is accepted.

4. APOLOGIES

An apology was tendered for Councillor T. Nomkuca who was ill.

An apology was tendered for Councillor P.K Thingathinga who had a personal commitment.

An apology was tendered for Councillor V. Hlazo who had personal commitments.

An apology was tendered for Councillor N. Mantshongo who had a doctor's appointment.

An apology was tendered for Councillor N. Soldat who had a doctor's appointment.

An apology was tendered for Councillor V. Lugongolo who was ill.

An apology was tendered for Councillor N. Gogela who had a doctor's appointment.

An apology was tendered for Councillor T. Sokhanyile who was attending a Family matter.

It was thereafter with Councillor U.G Makanda and Councillor S. Myingwa proposing and seconding respectively;

RESOLVED

1. That an apology tendered for Councillor T. Nomkuca is accepted.
2. That an apology tendered for Councillor P.K Thingathinga is accepted.
3. That an apology tendered for Councillor V. Hlazo is accepted.
4. That an apology tendered for Councillor N. Mantshongo is accepted.
5. That an apology tendered for Councillor N. Soldat is accepted.
6. That an apology tendered for Councillor V. Lugongolo is accepted.
7. That an apology tendered for Councillor N. Gogela is accepted.
8. That an apology tendered for Councillor T. Sokhanyile is accepted.

This was carried unanimously.

It was proposed that the interim Mayor be elected.

It was with Councillor M. Mataka and Councillor U.G Makanda proposing and seconding that the Interim Mayor be Councillor S.A.N Cekeshe respectively.

5. **PECUNIARY INTERESTS**

There were no pecuniary interest.

6. **COMMUNICATION STATEMENT BY THE INTERIM SPEAKER**

There was no communication statement delivered.

7. **DEPUTATIONS**

The deputations were declared on the following items:-

- Deputation
- Addendum

8. **OFFICIAL ANNOUNCEMENTS**

- 8.1 An announcement was made that on 02nd May 2019, there will Service Delivery Imbizo in Betshwana Location EmaXesibeni.
- 8.2 An announcement was tendered that there will be a Tractor Hand Over in Lugelweni Location. Councillors are urged to attend.
- 8.3 An announcement was made that MPLC Members are invited to attend a meeting with IEC at 13h00 in the Municipal business.

9. **CONFIRMATION OF MINUTES**

9.1 There were no minutes to be confirmed.

10. **BUSINESS OF THE DAY**

CONSIDERATION OF THE REPORTS

10.1 **BUDGET AND TREASURY DEPARTMENT**

ULMC: 154

10.1.1 **S71 MONTHLY BUDGET STATEMENT AS AT 31 MARCH 2019**

STATEMENT OF FINANCIAL PERFORMANCE, POSITION AND THE IMPLEMENTATION OF THE 2018/19 BUDGET (MFMA SECTION 71) AS AT 31 MARCH 2019 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 2018/19 budget of the Umzimvubu Local Municipality for the financial year ending **31st March 2019**.

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 thereafter with Councillor P. Makhinzi and Councillor N. Nomaqaqa proposing and seconding respectively;

RESOLVED

1. That, the report on the statement of financial performance, position and the implementation of the 2018/19 budget (MFMA Section 71 Report) for the reporting month ended 31st March 2019 including supporting documentation attached as Annexure is noted and approved by Council.
2. That, the month ended 31st March 2019 spending rate of **51%** on capital and **61%** on operating budgets as per financial transactions recorded as at end 31st March 2019 is noted by Council.
3. That, the following aged outstanding debtors balance **R42, 107, 796** as at 31st March 2019 is noted by Council:
4. That, the following categorised outstanding debtors is noted by Council:
 - Government – R8 751 639

- Businesses – R17 001 871
 - Domestic – R17 354 442
5. That, the cash and cash equivalents of R 161 080 099 as at 31st March 2019 is noted by Council.
 6. 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 2019 is noted by Council.
 7. That the Budget and Treasury Unauthorized, Irregular, Fruitless & wasteful expenditure report for the month of 31st March 2019 is noted by the Council.

COUNCIL/154/2018/2019

This was carried unanimously.

ULMC: 155

10.1.2 **BUDGET AND TREASURY DEPARTMENT: STANDARD OPERATING PROCEDURES**

PURPOSE

To solicit Council's noting and approval of standard operating procedures for Budget and Treasury Office.

It was thereafter with Councillor V. Bulana and Councillor N. Zongwana proposing and seconding respectively;

RESOLVED

1. That the Standard Operating Procedures is approved by the Council.

COUNCIL/155/2018/2019

This was carried unanimously.

ULMC: 156

10.1.3 **BUDGET AND TREASURY DEPARTMENT: DEVIATION REGISTER AS AT MONTH END OF MARCH 2019**

PURPOSE

The purpose of the report is to inform Council on limited bidding procurements and gross deviations from the Supply Chain Management Policy as at March 2019, for notification.

It was thereafter with Councillor M. Tuku and Councillor N. Dandala proposing and seconding respectively;

RESOLVED

1. That the Council notes Deviation register as at March 2019

COUNCIL/156/2018/2019

This was carried unanimously.

ULMC: 157

1.4 BUDGET AND TREASURY DEPARTMENT: IRREGULAR EXPENDITURE REPORT AS AT March 2019

PURPOSE

To report to the Committee about unauthorised, irregular, fruitless & wasteful expenditure incurred by the municipality during 2017 /2018 financial year

It was thereafter with Councillor X. Jona and Councillor B. Majalamba proposing and seconding respectively;

RESOLVED

1. That the Budget and Treasury Unauthorized, Irregular, Fruitless & Wasteful expenditure report for the month of March 2019 is noted by the Council.
2. That all tenders awarded by the bid committees appointed from 1st July to 31 March are regularized by Council and the Irregular expenditure incurred thereof are written off through condonation by Council.
3. That Treasury, Office of the Auditor General and MEC for Local government are written to advise them about the irregular expenditure incurred and written off by Council.

COUNCIL/157/2018/2019

This was carried unanimously.

10.2 OFFICE OF THE MUNICIPAL MANAGER

ULMC: 158

10.2.1 PROGRESS REPORT ON THE DEVELOPMENT OF THE SDBIP FOR 2019 TO 2020: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE

To table to the Council the Draft Service Delivery and Budget Implementation Plan for the period: 2019/2020 for noting.

It was thereafter with Councillor F.J Hem and Councillor S. Sifolo proposing and seconding respectively;

RESOLVED

1. That the SDBIP 2018/2019 should is noted by Council
2. That Council is noted that the Mayor is expected to approve the SDBIP within 28 days of approval of the Annual Budget for 2018/2019 FY.

COUNCIL/158/2018/2019

This was carried unanimously.

ULMC: 159

10.2.2 PROGRESS REPORT ON THE DEVELOPMENT OF THE 3rd QUARTER PERFORMANCE REPORT 2018/2019 FINANCIAL YEAR: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE

To table to the Council the progress report on implementation of the SDBIP – Third quarter performance report for 2018/2019 Financial Year for consideration and approval.

It was thereafter with Councillor T.C Tshayisa and Councillor N. Dandala proposing and seconding respectively;

RESOLVED

1. That the implementation of SDBIP – 3rd Quarter Performance Report for 2018-2019 FY is approved by Council.

COUNCIL/159/2018/2019

This was carried unanimously.

10.3 CORPORATE SERVICES DEPARTMENT

ULMC: 143

10.3.1 APPLICATION FOR WAIVER ON THE BURSARY FOR STUDENT TRAINEES IN RARE SKILLS POLICY FOR UMZIMVUBU LOCAL MUNICIPALITY

PURPOSE

To table a report to the Council on the temporal waiver that was done by the Municipal Manager on the Bursary for Student trainees in rare skills policy for noting and approval purposes

It was thereafter with Councillor S.S Dangisa and Councillor X. Jona proposing and seconding respectively;

RESOLVED

1. That the report on temporal waiver that was done by the Municipal Manager on the Bursary for Student trainees in rare skills is noted by the Council.
2. That the reasons cited for the temporal waiver is noted by Council.
3. That the temporal waiver that was done by the Municipal Manager on the Bursary for Student trainees in rare skills is approved by Council.

COUNCIL/143/2018/2019

This was carried unanimously.

ULMC: 144

(This item was discussed in committee)

10.4 INDEPENDENT INVESTIGATION REPORT – UMZIMVUBU LOCAL MUNICIPALITY

PURPOSE

To report on the report done by the independent investigator.

To table report by the independent investigator for consideration by Council.

RESOLVED

1. That the Council acknowledge the report from the independent Investigator as per Regulation 5 of the Disciplinary Regulations for Senior Managers (2011).
2. That the Council notes the findings of the Independent Investigator.

3. That the Council notes the finding that the transactions were made as a result of fraud or misrepresentation activities
4. That the Council notes that there were acts of negligence of municipal officials.
5. That the Council notes that there are no standard operating procedures in the municipality and most specifically relating to change of bank details.
6. That the Council notes that there is no evidence that municipal officials collaborated with the people who defrauded the municipality.

COUNCIL/144/2018/2019

This was carried unanimously.

12. DATE OF THE NEXT MEETING

The date of the next Ordinary Council Meeting is 31 May 2019.

13. CLOSURE

**THERE BEING NO FURTHER BUSINESS TO BE DISCUSSED THE COUNCIL
ADJOURNED AT 12H50.**

CONFIRMED BY



**CLLR. N. NGONYOLO
SPEAKER OF THE COUNCIL**

31-05-2019
DATE