

UMZIMVUBU LOCAL MUNICIPALITY

MINUTES of the **Fourth Ordinary Council Meeting** of **Umzimvubu Local Municipality** held on **Tuesday, 30th of January 2018** at the **Municipal Town Hall** in **EmaXesibeni** at **10h10**.

COUNCILLORS PRESENT

1. Cllr. S.K. Mnukwa : Speaker
2. Cllr. B.P. Mabhengu : Mayor
3. Cllr. N.G Mdzinwa : Chief Whip
4. Cllr. A.N. Garane : Portfolio Head: LED
5. Cllr. M. Mataka : Portfolio Head: Corporate Services
6. Cllr. F.N. Ngonyolo : Portfolio Head: SP and Communication
7. Cllr. H.M. Ngqasa : Portfolio Head: Budget and Treasury
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. S.A.N. Cekeshe : Member
12. Cllr. N.H.Dandala : Member
13. Cllr. S. Dangisa : Member
14. Cllr. N. Gogela : Member
15. Cllr. S. Gqiza : Member
16. Cllr. F.J. Hem : Member
17. Cllr. T.V. Hlazo : Member
18. Cllr. M. Hlanekela : Member
19. Cllr. M. Joloba : Member
20. Cllr. X. Jona : Member
21. Cllr. N.H. Kolweni : Member
22. Cllr. S.O. Madlanga : Member
23. Cllr. S. Mankanku : Member
24. Cllr. B. Majalamba : Member (a)
25. Cllr. P. Makhinzi : Member
26. Cllr. M. Maliwa : Member
27. Cllr. N.A. Mantshongo : Member
28. Cllr. L.S. Maqhashalala : Member
29. Cllr. A. Mgangatho : Member
30. Cllr. A.P. Mkhonto : Member
31. Cllr. C.N. Mnyayiza : Member
32. Cllr. M. Mquiwane : Member
33. Cllr. S.P. Myingwa : Member
34. Cllr. T. Ndara : Member
35. Cllr. N.E. Ngalonkulu : Member
36. Cllr. N.V. Nomaqaqa : Member

37. Cllr. T. Nomkuca : Member
38. Cllr. C.L. Noqhakala : Member
39. Cllr. L.L. Nqatsha : Member
40. Cllr. M. Ntsevu : Member
41. Cllr. M. Ramabina : Member
42. Cllr. S. Sifolo : Member
43. Cllr. T. Sokhanyile : Member
44. Cllr. N.S. Soldat : Member
45. Cllr. F.P. Sontsi : Member
46. Cllr. N.C. Tshayisa : Member
47. Cllr. M. Tuku : Member
48. Cllr. A.N. Zongwana : Member

ABSENT COUNCILLORS

1. Cllr. U.G. Makanda : Portfolio Head: Infrastructure and Planning
2. Cllr. G.V. Lugongolo : Member (*Apology*)
3. Cllr. T. Ntsalaze : Member (*Apology*)
4. Cllr. N. Ntshayisa : Member (*Apology*)
5. Cllr. N.N. Gcadinja : Member

PRESENT TRADITIONAL LEADERS

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

ABSENT TRADITIONAL LEADERS

- None

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.Ī. Batyi : Manager: LED and Environmental Management
5. Mr. N.M. Sineke : Manager: Citizens and Community Services
6. Mrs. N. Zembe : Manager: Special Programmes and Communications
7. Mrs. X. Venn : CFO

- 8. Ms. P. Nkake : Assistant Manager: Sound Governance
- 9. Mr. Z.M. Manqumakazi : Senior Administrator: Secretariat Services
- 10. Mr. S. Nonjojo : Intern: Sound Governance

ABSENT OFFICIALS

- **None.**

(a) Arrived during item 6 of the agenda.

MINUTES

1. OPENING/ WELCOME

The meeting was declared open by the Speaker; Councillor S.K. Mnu kwa after a moment of silence was observed at 10h10.

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 Councillor N. Ntshayisa who was having an appointment with her Medical Doctor.

An apology was tendered for Councillor T. Nstalaze who was off sick.

An apology was tendered for Councillor G.V. Lugongolo who was attending another meeting at Lutateni Komkhulu.

An apology was tendered for Councillor B. Majalamba who was going to join the Council Meeting at a later stage.

It was thereafter with Councillor N.H. Dandala and Councillor X. Jona proposing and seconding respectively;

RESOLVED

- 1. That an apology tendered for Councillor N. Ntshayisa is accepted.
- 2. That an apology tendered for Councillor T. Ntsalaze is accepted.
- 3. That an apology tendered for Councillor G.V. Lugongolo is accepted.

4. That an apology tendered for Councillor B. Majalamba is accepted.

This was carried unanimously.

5. **PECUNIARY INTERESTS**

There were no pecuniary interest declared.

6. **COMMUNICATION STATEMENT**

There was no communication statement by the Speaker of the Council.

7. **DEPUTATIONS**

7.1 **SASSA**

Mrs. H.N. Khasa from the afore-mentioned Department made a presentation on Social Grants Payment Transition for Alfred Nzo District which was as follows:

Purpose

To inform the community leaders and beneficiaries about the transition on payment of social grants.

To give clarity on how SASSA is going to introduce the payment transition.

To explain the rights of social grant beneficiaries and procedures to be followed.

Payment transition

SASSA was ordered by the Constitutional Court to appoint a new service provider or take over payment of social grants. A committee was established and mandated to report to the Constitutional Court on regular basis. It was announced that South African Post Office (SAPO) will take over the payment as Government entity.

An agreement reached has got phases:

In January 2018 SASSA took over payment of 100 beneficiaries as a Pilot (they were paid directly by SASSA, not via CPS). In February 2018 two (2) million and in March 2018 five (5) million beneficiaries will be piloted. The difference is that money will be paid directly to their cards and they will go to the banks, pay points and merchants as usual and in April 2018 SASSA will take over all beneficiaries. SASSA card will remain active until December 2018 and the discussions with SAPO are still underway about the date of issuing the new payment cards. There letters issued to beneficiaries advising them to open bank accounts if they want to be paid through commercial bank accounts (it is not compulsory). Beneficiaries have the right to choose method of payment (they should not be forced). Negotiations with commercial banks are

underway by SASSA working National Treasury, the Committee and the Reserve Bank to discuss that the bank accounts for social grants beneficiaries be treated as special accounts with lower or no charges. SASSA is aware that elderly people do not want to go to town, they want to get money nearer to their homes and the option to go to pay points still remains. One of the reasons for SASSA to take over payment is the issue of illegal deductions, therefore there are no deductions will be allowed to go through the SASSA card except only one funeral policy that does not exceed 10% of the grant amount (for this to happen beneficiaries must authorise deductions by signing a mandate at SASSA in line with Regulation 26A).
No deductions allowed on all children's grants or temporary grants.

There is only one SASSA card.
SASSA does not have cash loans or funeral policies.

Beneficiaries must not be confused by people who claim to be representing SASSA. Beneficiaries are free to visit the nearest SASSA office for enquiries and clarity seeking questions. Or contact 0800 601011 or 043 707 6300.

Councillors were afforded a slot to ask questions of clarities and those questions were responded to accordingly.

- ***Noted.***

7.2 AUDIT COMMITTEE

Mr. M.A. Nkosi, the Chairperson of the Audit Committee presented a bi-annual report which was as follows:

BI-ANNUAL REPORT OF THE AUDIT COMMITTEE FOR THE PERIOD JULY 2017 TO JANUARY 30, 2018

The Speaker – Cllr Mnu kwa

Mayor Cllr – Mabhengu

Chief Whip – Cllr Mdzinwa

Exco members and councillors

The Municipal Manager and the entire Management

Introductions

The Audit Committee of the Umzimvumbu Local Municipality has pleasure in submitting its 4th bi-annual report. This report is submitted in terms of the provisions of

sections 121(3) (j), 166(2) (b) and 166(2) (c) of the Municipal Finance Management Act of 2003 ("the MFMA") and covers the period from July 2017 to January 30, 2018.

The report records the outcome of the work done by the Audit Committee. The committee from time to time made recommendations as preventative or corrective measures to the weaknesses identified by Internal Audit Unit in the municipality based on reports and information supplied to the Audit Committee.

The recommendations or advice in this report have been made based on certain information at a point in time and supplied to the Audit Committee and are subject to change after due consideration of new information received as well as subsequent deliberations with the municipality.

In addition to the two meetings held during the past six months, the Audit Committees held a special audit Committee to address the Audit findings raised by the Auditor General during the regularity audit of 2016/17 Financial year. The Audit Committee further participated in the in the Council Strategic Planning Session held from the 8th to the 10th of January 2018.

Members

The Audit Committee consist of the three members listed hereunder and as a minimum requirement will have to meet at least four times a year as per the approved Audit Committee Charter. This then means that the Audit Committee should meet at least twice during the six month period. The composition of the committee is as follows:

NAME OF MEMBER	ROLE	NO OF MEETINGS
Mr. M.A. Nkosi	Chairperson – PMS	3 & Strategic Planning session
Mr. S. Mnguni CA (SA)	Member – Finance	3 & Strategic Planning session
Mr. S. Nqwala	Member – Governance	3 & Strategic Planning session

OVERVIEW OF ACTIVITIES

The Committee held 3 meetings and attended a Strategic planning session during the six month period.

- a) The first meeting took place on the 17th of August 2017;
- b) The second meeting took place on the 27th of November 2017;
- c) A special meeting was held on the 9th of December 2017 and
- d) The Audit Committee participated in the Council Strategic Planning Session which took place from the 8th to the 10th of January 2018.

In the meetings referred to above, the Audit Committee dealt with matters as follows:

FIRST MEETING OF THE YEAR – 17 AUGUST 2017

- 1. BUDGET AND TREASURY OFFICE: REPORT ON DRAFT ANNUAL FINANCIAL STATEMENTS** – after consideration, the audit committee resolved to adopt the draft Annual financial statements and mandated the Municipal Manager to submit the Annual Financial Statement for regularity audit by the office of the Auditor General.
- 2. PROGRESS REPORT ON IMPLEMENTATION OF THE SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN –QUARTER THREE PERFORMANCE INFORMATION REPORT: OFFICE OF THE MUNICIPAL MANAGER** – this report was noted by the Audit Committee.
- 3. PROGRESS REPORT ON IMPLEMENTATION OF THE SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN – ANNUAL PERFORMANCE REPORT 2016/2017 FY: OFFICE OF THE MUNICIPAL MANAGER** - after consideration, the audit committee resolved to adopt the draft Annual Performance Report and mandated the Municipal Manager to submit the Annual Performance Report for audit by the office of the Auditor General.
- 4. CORPORATE SERVICES DEPARTMENT: DISASTER RECOVERY PLAN REPORT** – this report was noted by the Audit Committee. However, the Audit Committee recommended that Management should develop the Business Continuity Plan in addition to the Disaster Recovery Plan.

INTERNAL AUDIT REPORTS

- 5. OFFICE OF THE MUNICIPAL MANAGER INTERNAL AUDIT: 2016/2017 ANNUAL FINANCIAL STATEMENTS REVIEW REPORT** - this report was noted by the Audit Committee and it was resolved that all matters raised by the internal audit should be addressed prior to the submission of the Annual Financial Statements to the Auditor General.
- 6. OFFICE OF THE MUNICIPAL MANAGER – INTERNAL AUDIT: 2016/2017 ANNUAL PERFORMANCE INFORMATION REVIEW REPORT** - this report was noted by the Audit Committee and it was resolved that all matters raised by the internal audit should be addressed prior to the submission of the Annual Performance Report to the Auditor General.
- 7. OFFICE OF THE MUNICIPAL MANAGER – INTERNAL AUDIT: REPORT ON 2017/2018 AUDIT AND PERFORMANCE COMMITTEE CHARTER** – this report was noted by the Audit Committee and it was resolved that the same be submitted to the council for its consideration and adoption.
- 8. OFFICE OF THE MUNICIPAL MANAGER – INTERNAL AUDIT: REPORT ON 2017/2018 INTERNAL AUDIT CHARTER** - this report was noted by the Audit Committee and it was resolved that the same be submitted to the council for its consideration and adoption.

9. **OFFICE OF THE MUNICIPAL MANAGER – INTERNAL AUDIT RISK MANAGEMENT REPORT** - this report was noted by the Audit Committee
10. **OFFICE OF THE MUNICIPAL MANAGER – INTERNAL AUDIT: REPORT ON MSCOA PROGRESS IMPLEMENTATION REVIEW** - this report was noted by the Audit Committee
11. **OFFICE OF THE MUNICIPAL MANAGER – INTERNAL AUDIT: DASHBOARD REPORT – FOURTH QUARTER** - this report was noted by the Audit Committee and the Audit Committee further resolved that the Accounting Officer and the Mayor should attend to the yellow and red faces from the final Dashboard from the Auditor General.

SECOND MEETING 27TH OF NOVEMBER, 2017

1. **AUDITOR GENERAL 2016/2017 AUDIT STATUS REPORT** - prior to the start of this meeting, the Audit Committee had a closed session meeting with the Office of the Auditor General. The primary purpose of the meeting was to get an updated status of the audit, enquire about the outstanding information and where possible provide the office of the Auditor general with the information that remained outstanding. At the open meeting, the Auditor general presented their preliminary findings and the recommended audit opinion.
2. **S71 MONTHLY BUDGET STATEMENT AS AT 30 SEPTEMBER 2017 STATEMENT OF FINANCIAL PERFORMANCE, POSITION AND THE IMPLEMENTATION OF THE 2017/18 BUDGET (MFMA SECTION 71) FOR THE MONTH ENDED 30 SEPTEMBER 2017 REPORT 1ST QUARTER PERFORMANCE INFORMATION REPORT AS AT 30 SEPT 2017** - this report was noted by the Audit Committee
3. **PROGRESS REPORT ON THE DEVELOPMENT OF THE 1ST QUARTER PERFORMANCE REPORT 2017/2018 FINANCIAL YEAR: OFFICE OF THE MUNICIPAL MANAGER** - this report was noted by the Audit Committee

INTERNAL AUDIT REPORTS

4. **INFORMATION TECHNOLOGY GENERAL CONTROLS REVIEW REPORT** - this report was noted by the Audit Committee
5. **HUMAN RESOURCE MANAGEMENT REVIEW REPORT** - this report was noted by the Audit Committee
6. **PROGRESS REPORT ON MSCOA IMPLEMENTATION** - this report was noted by the Audit Committee
7. **RISK MANAGEMENT REPORT** - this report was noted by the Audit Committee
8. **2017/2018 - 1ST QUARTER DASHBOARD REPORT** - this report was noted by the Audit Committee

THIRD MEETING – SPECIAL AUDIT COMMITTEE DECEMBER 09, 2017

The Office of the Auditor General concluded the audit of Umzimvubu Local Municipality's Annual Financial Statements (AFS) and Performance Information Audit for the 2016/2017 financial year and presented its Management Report to Management and Audit Committee. The Internal Audit designed a tool for the implementation of the Audit Action plan. The tool encapsulates the findings and all issues raised by the Office of the Auditor General. This recovery plan was presented to the Audit Committee at its Special meeting held on the 9th of December 2017.

After consideration, the Audit Committee adopted the turnaround strategy for the Audit Opinion and that it be included in the Senior Managers' performance agreements to ensure implementation thereof. The turnaround Strategy was presented by the Internal Auditor at the Council Strategic Planning Session held from the 8th to the 10th of January 2018.

In order to ensure the successful implementation of the turnaround strategy, the Audit Committee recommends that the council has the progress report on implementing the turnaround strategy as a standing item on all council meetings.

FOURTH MEETING –COUNCIL STRATEGIC PLANNING SESSION 08-10 JANUARY 2018

And this meeting the Council had to deal with two matters of strategic importance, firstly to assess the mid-term performance of the council as well as to consider the mid-term budget review in terms of section 72 of the MFMA. Secondly to deal with the Audit opinion for the 2016/17 financial year and consider the Turnaround Strategy prepared by Management in response thereto.

The Audit Committee would recommend that when receiving section 72 report from the management, the council should focus on areas where pre-determined objectives are below 50% in terms of achievement and insist on corrective measures to be taken that include realistic timelines. In addition, the Audit Committee would recommend that the council have a progress report on dealing with Auditor General findings as a standing item of the council meetings as well as all council committees where matters raised are relevant.

1. AUDIT COMMITTEE RESPONSIBILITIES AND COMPLIANCE

The Audit Committee has complied with its responsibilities arising from section 166 of the MFMA and clause 14(2) (a) of the Municipal Planning and Performance Management Regulations of 2001. The Audit Committees' work was guided and regulated by an Audit Committee Charter, as presented at its inaugural meeting held on the 12th of May 2016 and discharged all its responsibility as contained therein

2. INTERNAL AUDIT INSTITUTIONAL ARRANGEMENT

The Internal Audit Charter as adopted by the Audit Committees on the 12th of May 2016 regulates the work of the Internal Audit Activities. At its meeting held in August 2017, both the Internal Audit and Audit Committee Charter were reviewed and recommended for adoption by the council.

3. INTERNAL AUDIT FUNCTION

During this financial year internal audit reports with management comments were presented to the Audit Committee meetings. Issues raised were deliberated on and recommendations made to Management.

4. SYSTEM OF INTERNAL CONTROL

The system of internal control are designed to provide reasonable assurance that the assets are safeguarded and the liabilities and working capital are effectively and efficiently managed and they remain a management responsibility. The internal audit reports in all areas audited over the past six months indicated that there were weaknesses in the system of internal control due to a number of reasons. Management has been advised to attend to these matters as soon as practically possible. In addition, management has been requested to attend to the following as a matter of urgency:

- I. Develop the Business Continuity Plan;
- II. Revise and submit for consideration by the Audit Committee the Disaster Recovery Plan;
- III. Factor in the Audit Action Plan into the Performance Agreements of all Senior Managers.

5. PARTICIPATION OF THE MPAC CHAIRPERSON ON THE AUDIT COMMITTEE

The Audit Committee wishes to record and convey its appreciation of the MPAC Chairperson's attendance of the Audit Committee meetings. We would further request that the finance portfolio committee adopts similar interest in the work of the Audit Committee.

6. CONCLUSION

Despite the recent Audit Opinion obtained by the Council, the Audit Committee is of the view that the Municipality has sufficient internal controls to ensure good governance, accountability as well as effective and efficient service delivery.

In conclusion, the Audit Committee wishes to convey its gratitude and appreciates the support afforded by the office of the Municipal Manager, Internal Audit and the entire

Senior Management. We also wish to thank the MPAC Chair Cllr Myingwa as well as his committee for its participation in the work of the Audit Committee.

It was thereafter with Councillor P.K. Thingathinga and Councillor S.S. Dangisa proposing and seconding respectively;

RESOLVED

1. That the Audit Committee bi-annual report for July 2017 to December 2017 is noted by the Council.
2. That the Audit Committee bi-annual report for July 2017 to December 2017 is accepted by the Council.

This was carried unanimously.

8. OFFICIAL ANNOUNCEMENTS

- 8.1 It was announced that on the 23rd of February 2018 there would be a Fashion Show which was going to be held in KwaBhaca Town Hall at 18h00.
- 8.2 It was announced that on the 06th of February 2018 there would be Prayer Day which was going to be held in KwaBhaca Municipal Town Hall.
- 8.3 It was announced that on 30th of January 2018, there will be visit to the home of Mrs Zonke Sokhanyile who was a General Worker.

9. CONFIRMATION OF MINUTES

9.1 MINUTES OF THIRD ORDINARY COUNCIL MEETING: MINUTES 28th OF NOVEMBER 2017

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

RESOLVED

1. That the minutes of the Second Ordinary Council Meeting held on the 28th of November 2017 is accepted as the true reflection of the meeting's proceedings.

This was carried unanimously.

9.2 SPECIAL COUNCIL MEETING: MINUTES 18th OF JANUARY 2018

It was thereafter with Councillor F. Ngonyolo and Councillor N.H. Dandala proposing and seconding respectively;

RESOLVED

1. That the minutes of the Special Council Meeting held on the 18th of January 2018 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 MONTH OF JANUARY 2018

ULMC: 40

10.1.1 REPORT ON APPOINTMENT OF MEMBERS OF DISCIPLINARY BOARD AND TERMS REFERENCE

PURPOSE

The purpose of this report is to ensure that the Council appoint members of the disciplinary board and approve the terms of reference for the board.

It was thereafter with Councillor T. Hlazo and Councillor N.V Nomaqaqa proposing and seconding respectively;

RESOLVED

1. That the report on approval of Terms of Reference and Appointment of Disciplinary Board is noted by the Council.
2. That the Terms of Reference for Disciplinary Board is approved by the Council.
3. That the Name of Mr. S. Ngqwala is approved to be a member of the Disciplinary Board.
4. That the Name of Mrs N. Kubone is approved to be a member of the Disciplinary Board.
5. That the name of PWC representative is approved to be a member of the Disciplinary Board.
6. That the name of Provincial Treasury representative is approved to be a member of the Disciplinary Board.

COUNCIL/40/2017/2018

This was carried unanimously.

ULMC: 41

10.1.2 REPORT ON DRAFT ANNUAL REPORT - FOR 2016/ 2017: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE

To table to Council the Draft Annual Report for 2016/2017 for noting.

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

RESOLVED

1. That the Draft Annual Report for 2016/2017 is noted by the Council.

COUNCIL/41/2017/2018

This was carried unanimously.

ULMC: 42

10.1.3 MID-TERM PERFORMANCE ASSESSMENT REPORT IN ACCORDANCE WITH - SECTION 72 OF THE MFMA: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE

To table the Mid-term Performance Assessment Report (half year report for 2017/2018) to Council for consideration and approval.

To obtain approval for the submission of the Mid-Year Assessment report to both the National and Provincial Treasuries as required by Section 72 of the Municipal Finance Management Act No. 56 of 2003.

It was thereafter with Councillor B. Majalamba and Councillor M. Tuku proposing and seconding respectively;

RESOLVED

1. That the Mid-Year Performance Report (Section 72 report) on the assessment of the municipality's performance for the first half of 2017/2018 financial year is noted by Council.

2. That the Mid-Year Performance Report for 2017/2018 be approved by Council and subsequently that any essential amendments be effected to the Strategic Objectives and Indicators Chapter of the IDP and the revised SDBIP for the period January – June 2018.
3. That the Council note that upon approval of the Mid-Year Performance Report as per Section 72, the report will be submitted by the Accounting Officer to both the National and Provincial Treasuries as required by the Municipal Finance Management Act No 56 of 2003.
4. That the Council should note that upon approval of the Mid-Year Performance Report for 2017-2018, the report will be submitted to Internal Audit and Municipal Public Accounts Committee (MPAC) for further scrutiny.

COUNCIL/42/2017/2018

This was carried unanimously.

ULMC: 43

10.1.4 LABOUR COURT MATTER: PUMZA VITSHIMA AND UMZIMVUBU LOCAL MUNICIPALITY

PURPOSE

To table report on the processes that have unfolded with regards to the Labour Court matter of former LED Manager, Ms Pumza Vitshima versus Umzimvubu Local Municipality

To seek approval of the Council in implementing the out of Court settlement.

It was thereafter with Councillor N. Mantshongo and Councillor F. Sontsi proposing and seconding respectively;

RESOLVED

1. That the report on the labour court matter of Ms P. Vitshima versus Umzimvubu Local Municipality is noted by the Council.
2. That Council authorises the payment of R338 874.72 which is equivalent to six (6) months remuneration at the time of dismissal of Ms Vitshima.
3. That an amount of R100 000 be paid to Siya Cokile Inc Attorneys in respect of legal costs.

4. That the interest paid to the remuneration for a period not exceeding three (3) years from the date of award.
5. That the total amount be paid once Tax directive from SARS has been solicited.

COUNCIL/43/2017/2018

This was carried unanimously.

ULMC: 44

10.1.5 ADOPTION OF NEWLY DEVELOPED POLICIES, REVIEWED POLICIES AND BY-LAWS FOR UMZIMVUBU LOCAL MUNICIPALITY

PURPOSE

To table reviewed policies for adoption by the Council.

To table the newly developed policies for adoption by the Council.

To table the reviewed by-laws for adoption by the Council.

To table the developed by-laws for adoption by the Council.

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

RESOLVED

1. That the report on the new and amended policies is noted by the Council.
2. That the following new and amended policies from Budget and Treasury is approved by the Council:
 - SCM Policy (Amendment)
 - Asset Management Policy (Amendment)
 - Build Operation Transfer Policy (new)
 - Disposal Policy (new)
 - Fleet Management Policy (Amendment)
 - Inventory Management Policy (Amendment)
 - Contractor Development Programme (New)

3. That the following new and amended policies from Corporate Services is approved by Council:

- Human Resources Strategy (Amendment)
- Acting Policy (Amendment)
- Municipal Night Shift Allowance Policy (Amendment)
- Employment Policy (Amendment)
- Leave Policy (Amendment)
- Termination of Service Policy (Amendment)
- Occupational Health and Safety Policy (Amendment)
- Employee Assistance Policy (Amendment)
- HIV and Aids Policy (Amendment)
- Labour Relations Policy (Amendment)
- Training and Development Policy (Amendment)
- Bursary on Students in Rare Skills Policy (Amendment)
- Employment Equity and Affirmative Action Policy (Amendment)
- Capacity Building and Training for Councillors Policy (Amendment)
- Placement Management Policy (Amendment)
- Performance Management Policy (Amendment)
- Organizational Development Policy (Amendment)
- Retention Strategy (Amendment)
- Municipal Bereavement Policy (Amendment)
- ICT Disaster Recovery Plan (Amendment)
- Accounts Password Management Policy (Amendment)
- Records Management Policy (Amendment)

4. That the following By-laws and policy from Citizen and Community Services is approved by Council:

- Impoundment of Animals By-laws (Amendment)
- Street trading bylaw (Amendment)
- CCTV Policy (New)

5. That the following new policy from Infrastructure and Planning is approved by Council:
 - Maintenance Policy (New)

7. That the following amended policies from Local Economic Development and Environment Management is approved by Council:
 - Business regulation and Compliance Licence Policy (Amendment)
 - Climate Change Policy (New)

COUNCIL/44/2017/2018

This was carried unanimously.

ULMC: 45

10.1.6 BUDGET AND TREASURY DEPARTMENT: IRREGULAR EXPENDITURE REPORT AS AT JANUARY 2018

PURPOSE

To report to the Council about Unauthorized, Irregular, Fruitless and Wasteful Expenditure incurred by the municipality during 2017/2018 financial year.

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

RESOLVED

1. That the Budget and Treasury Unauthorized, Irregular, Fruitless & wasteful expenditure report for the month of December 2017 is noted by the Council.
2. That all tenders awarded by the bid committees appointed from 1st July to 15 January be regularized by Council and the irregular expenditure incurred thereof be written off by the Council.
3. That irregular expenditure resulting from appointment of bidder through regulation 32, for electrification projects, be written off by Council, as Nyandeni Local Municipality was affected by the same regulation 29 non-compliance.
4. That Treasury, Office of the Auditor General and MEC for Local Government be written to, to advise them about the Irregular Expenditure incurred and written off by the Council.

COUNCIL/45/2017/2018

This was carried unanimously.

ULMC: 46

**10.1.7 OFFICE OF THE MUNICIPAL MANAGER – INTERNAL AUDIT:
AUDITOR GENERAL AUDIT ACTION PLAN ON MANAGEMENT REPORT
FINDINGS FOR THE 2016/2017 FINANCIAL YEAR**

PURPOSE

To present to the Council the action plan tracker template on the Auditor General's 2016/2017 Audit Management Report findings.

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

It was thereafter with Councillor T. Nomkuca and Councillor M. Tuku proposing and seconding respectively;

RESOLVED

1. That the Council notes the content of the Action Plan to address Auditor General issues.
2. That Council approves implementation of the Audit Action Plan.
3. That Management should include action plan as part of their performance plan and report on action issues on a monthly basis until the end of the financial year.
4. That the Internal Audit unit must provide assurance on the implementation of plan.
5. That the Audit Committee and MPAC must also monitor the implementation of the Action Plan.

COUNCIL/46/2017/2018

This was carried unanimously.

11. REPORT FROM THE DISTRICT MUNICIPALITY

There was no report from the District Municipality.

12. REPORT FROM THE PETITIONS COMMITTEE

**PETITIONS AND COMPLAINTS MANAGEMENT REPORT FOR THE SECOND
QUARTER 2017/18**

Background and reasoning

The municipality has the responsibility of developing a culture of community participation through the creation of mechanisms that allow the "voice" of the community to be heard, According to Section 17(2) of the Municipal Systems Act 32 of 2000 "A municipality must establish appropriate mechanisms processes and procedures to enable the local community to participate in the affairs of the municipality, and must for this purpose provide for the receipt, processing and consideration of petitions and complaints lodged by members.

In the second quarter we received one complaint from Ward 23 regarding the electrification of Mpondomise village. The matter was supposed to be attended on December 2017 by the Petitions Committee, but due to Council recess the matter was rescheduled for the 23rd of January 2018.

We met with the community of Mampondomiseni in ward 23 on the said date. The municipality led by Councilor Makanda (Portfolio Head for Infrastructure and Planning) responded to their complaint. He informed them that according to the Integrated Development Plan (IDP) that was presented in November 2017, their village is number one in ward 23 electrification priorities for 2018/19 financial year. He further explained that the financial year starts in July of the current year and ends in June of the following year which means their project will be done during that period. Actual dates of the electrification start and completion has not yet been issued. This explanation was accepted by that community.

On the 17th of January 2018 we received a letter of complaint from ward 20 Ngxabaxha village. The complaint was about the non-availability of electricity, access road and water. Petitions committee sat on the 26th of January 2018 to deal with the matter and recommended that the Municipal Leadership and Petitions committee has to re-visit that village to clarify their IDP priorities within 14 Days, bearing in mind that the Mayor and the Chief Whip had already attended the matter on the 21st of January but as an attempt to normalize the situation in that village.

There were two pending complaints from the previous petitions committee meeting for ward 9 and 17 and both were regarding the replacement of ward committee members without following proper municipal procedures.

The petitions committee held three meetings with regards to resolving these complaints and have been successfully attended and solved them in the last petitions committee which was held on the 26th of January 2018 at EmaXesibeni Municipal Board room

CHALLENGES

- The committee has the challenge of not attending complaints /petitions within the turnaround time prescribed in the petitions policy because some of the complaints were dealt with by council upper structures.

RECOMMENDATIONS

- Due to challenges the committee encounters in dealing with the petitions it has requested to have the twinning sessions with other municipalities for learning good practices in terms of how they address the petitions.
- All the complaints must be submitted to the office of the Speaker.
- The office of the Speaker to arrange a workshop on petitions management for all Councilors so that they can be able to educate communities on petitions.
- The committee recommended that in ward 9 the existing ward committee member Mrs. Nomda must be retained as she was elected by the community.
- All the S&T claim forms for Ward committee sittings must be submitted to Public Participation for verification by the 22nd of every month, Public Participation to submit to Budget and Treasury Expenditure Unit.
- All Ward Councilors were requested to submit their annual ward committee meeting schedule for 2017/18 to the office of the Speaker/ Public Participation by 30th of June 2017.
- The committee recommended that all the municipal funds that were paid to the people who were not the elected ward committees must be recovered in both wards
- In ward 17 the Ward Councilor must set the date for the ward committee bi – elections and submit it to the office of the Speaker before the end of January 2018.
- Both complaints were closed.

There were no complaints or petitions received that fall outside the scope of the Jurisdiction and powers of the Municipality. This report is tabled for consideration by the Council of Umzimvubu Local Municipality.

It was thereafter with Councillor T. Nomkuca and Councillor M. Tuku proposing and seconding respectively;

RESOLVED

1. That the report on the investigations conducted by the Petitions Committee is noted by the Council.
2. That the report on the investigations conducted by the Petitions Committee is accepted by the Council.

This was carried unanimously.

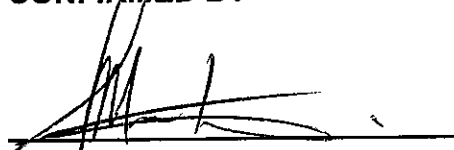
13. DATE OF THE NEXT MEETING

The date of the next Council Meeting is of 27 March 2018.

13. CLOSURE

THERE BEING NO FURTHER BUSINESS TO BE DISCUSSED THE COUNCIL
ADJOURNED AT 13H27.

CONFIRMED BY



CLLR. S.K. MNUKWA
SPEAKER OF THE COUNCIL

27/03/2018
DATE