

**MINUTES OF THE SIXTH MEETING OF MAPHUMULO MUNICIPAL COUNCIL
HELD ON 01 NOVEMBER 2016 AT 14:20 AT THE MUNICIPAL COUNCIL
CHAMBER**

PRESENT Councillors: CS Shange (Speaker), ZF Khuzwayo-Dlamini (Mayor), CZ Ncalane (Deputy Mayor), NP Nxumalo (Exco Member), NB Hlongwa, JM Khathi, MH Khoza, DB Luthuli, TP Mchunu, ZG Mthembu, FM Ncalane, ML Ngidi, ZW Ninela, JN Ntuli, NS Ntuli, MF Nzuza, SMZ Nzuza, N Sithole KM Xhakaza and TJ Zungu

PRAYER Cllr DB Luthuli

LEAVE OF ABSENCE None

**ABSENT WITHOUT
LEAVE OF ABSENCE** Councillors: HN Ngcobo and KP Ninela

AMAKHOSI **Inkosi:** SA Hlongwa

ABSENT **Inkosi:** NA Bhengu, BC Khuzwayo and JM Ntuli

OFFICIALS CS Mhlongo (Acting Municipal Manager), WD Mbongwa (Executive Manager Community Services and LED/Planning), SA Thwala (Executive Technical Services), GS Majola (Acting Chief Financial Officer), MH Gumede (Acting Executive Manager Corporate Services/Manager Properties), AL Buthelezi (Manager Technical Services) LN Ntombela (Committee Officer) and TS Dlamini (Ass Committee Officer)

NOTICE CONVENING THE MEETING

The Acting Municipal Manager read the notice convening the meeting

OPENING AND WELCOME

The Speaker greeted and welcomed everyone present and declared the meeting open.

NOTICE CONVENING THE MEETING

The Acting Municipal Manager Mr CS Mhlongo read the notice convening the meeting.

APPLICATION FOR LEAVE OF ABSENCE

NONE

ANNOUNCEMENTS BY CHAIRPERSON

- The chairperson announced that on the 3rd of November 2016 there will be a visit from Police Minister Nathi Nhleko, MEC for Transport, Community Safety & Liaison Kwa-Zulu Natal Thomas Mxolisi Kaunda, Acting Provincial Commissioner Major General Bhekinkosi Langa and other police and stakeholders at Sabuyaze at 08:00 for the launch of safety month against police killings, crime and taxi violence. Councillors are requested to attend the launch.
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ANNOUNCEMENTS BY THE ACTING MUNICIPAL MANAGER

- The Acting Municipal Manager requested the Council to consider the following additional item:

MAPCO: 63/06/17

CONSIDERATION OF CODE OF DELEGATED POWERS OF AUTHORITY

- The Acting Municipal Manager requested another additional item and emphasized that the item will be done in an in-committee meeting.

MAPCO: 64/06/17

ALLEGED CORRUPTION MISCONDUCT REPORTED BY A SERVICE PROVIDER

CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

CONFIRMATION OF MINUTES OF MEETING NO 02 HELD ON THE 29th OF AUGUST 2016

Minutes of the previous meeting held on the 29th of August 2016 were considered. No corrections were made. Cllr JN Ntuli proposed the confirmation of minutes and was seconded by Cllr FM Ncalane. The minutes were confirmed as a true reflection of what transpired in that meeting.

MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

NONE

CONFIRMATION OF MINUTES OF MEETING NO 3 HELD ON THE 20TH OF SEPTEMBER 2016

Minutes of the previous meeting held on the 20th of September 2016 were considered. No corrections were made. Cllr DB Luthuli proposed the confirmation of minutes and was seconded by Her Worship the Mayor Cllr ZF Khuzwayo-Dlamini. The minutes were confirmed as a true reflection of what transpired in that meeting.

MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

NONE

CONFIRMATION OF MINUTES OF MEETING NO 4 HELD ON THE 27TH OF SEPTEMBER 2016

Minutes of the previous meeting held on the 27th of September 2016 were considered. No corrections were made. Cllr ZW Ninela proposed the confirmation of minutes and was seconded by Cllr SMZ Nzuza. The minutes were confirmed as a true reflection of what transpired in that meeting.

MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

The Acting Municipal Manager gave a progress report on “**MAPCO: 45/04/17 REPORT ON PREPARATION FOR SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION GAMES**” he reported that there was an amendment made at Mayors Forum regarding the committees that will attend South African Local Government Association (SALGA) Games. He stated that the Youth Sub-committee and the Executive Committee members were the committees that were task to attend SALGA games.

A. MATTERS FOR CONSIDERATION

MAPCO: 57/06/17

APPOINTMENT OF SHORTLISTING AND INTERVIEWING PANEL FOR DIRECTOR CORPORATE SERVICES VACANT POSITION

Her worship the Mayor proposed that **MAPCO: 57/06/17** and **MAPCO: 60/06/17** be considered combined. The proposal was seconded by Cllr MH Khoza.

The Acting Municipal Manager gave brief background on the matter and stated that the composition of the panel for the Municipal Manager should include the following members;

1. The Mayor - Chairperson
2. Councilor - member designated by the Council.
3. Independent Person – an Expert in the field
4. Minimum of three members but not exceed 5 members.

The Acting Municipal Manager further stated that the composition of the panel for the

Executive Manager Corporate Services should include the following members:

1. Municipal Manager – Chairperson
2. Councillor – Portfolio head of the relevant portfolio
3. Independent Person – an Expert in the field
4. Minimum of three members but not exceed 5 members.

The Deputy Mayor proposed the composition of the panel to appoint the Municipal Manager and the proposal was seconded by Cllr DB Luthuli. The composition was as follows:

1. Her Worship the Mayor – the Chairperson
2. Cllr NS Ntuli – member designated by Council
3. Municipal Manager KwaDukuza Municipality – an expert in the field

Cllr NS Ntuli proposed the composition of the panel to appoint the Executive Manager Corporate Services and the proposal was seconded by Cllr KM Xhakaza. The composition was as follows:

1. Acting Municipal Manager
2. The Deputy Mayor – Head of the relevant Portfolio Committee
3. Director Corporate Services ILembe District Municipality

Cllr ZG Mthembu proposed the composition of the panels for both the Municipal Manager and the Executive Director Corporate Services should include a representative from the IFP to ensure transparency during the interview processes. He stated that this is to ensure that the Council does not fall into the trap of wrong decisions that occurred in the previous term during the attempt to appoint the Municipal Manager of the case that is still pending. His proposal was supported by Cllr TJ Zungu.

Cllr Hlongwa objected the proposal made by the IFP Councillors, he raised concern that the Council decision cannot be based on what occurred in the previous term of Council. He stated that this council should be given an opportunity to make its own decision and its own analysis, without making references of the wrong decisions that occurred in the previous term. He stressed that the interview panels have been proposed and seconded and there is no need to make amendments. He stated that the IFP Councillors should have faith in the appointed panels that the shortlisting and interview processes will be done fair.

Cllr ML Ngidi raised concern that in order for the interview processes to be fair the ANC Councillors should consider the request made by IFP Councillors to include members of the IFP in the panels. He mentioned that the Council should avoid repeating mistakes that were made in the previous term as was previously mentioned by Cllr ZG Mthembu. He requested that the Council should also take into consideration the fact that the issue of Mr B Ngubane one of the candidates that were interviewed when the Municipality attempted to appoint the Municipal Manager in the previous term of Council has not yet been concluded therefore it was unwise for the Council to proceed with the appointment of the Municipal Manager until Mr BR Ngubane's case has been settled. He stated that if the Council does not

consider the request by made by IFP Councillors, he request that it be on record that the IFP Councillors distance themselves from the resolution regarding the interview panel of the Municipal Manager and the Executive Manager Corporate Services.

Cllr ZW Ninela stated that the Council needs to appoint the Municipal Manager and legal advice will be sought regarding the issue of the Municipal Manager. He mentioned that if the IFP member request to distance themselves from the resolutions of the panels it is within their legal right to do so, but it cannot hinder the resolutions taken by the Council regarding the appointed panels.

The Council

RESOLVED THAT

1. It appoints the panel members for the Executive Manager Corporate Services in line with the regulation on appointment and conditions of employment of senior managers gazette no: 37245 as follows:
 - The Acting Municipal Manager
 - The Deputy Mayor - the head of the relevant portfolio committee
 - Director Corporate Services ILembe District Municipality
2. It approves that experience and qualification verification to be done by external independent service provider.

MAPCO: 58/07/17

CONSIDERATION FOR UPPER LIMITS FOR SENIOR MANAGERS

The Acting Municipal Manager gave a back ground on the matter.

Cllr KM Xhakaza proposed that the upper limits for senior manager be approved with retrospective from 1st of July 2016. Cllr ZG Mthembu seconded the proposal.

The Council

RESOLVED THAT

1. It approves the implementation of Senior Managers upper limits 2016 amounting to R18 000.44 for each Executive Manager per annum with effect from 01 July 2016.

MAPCO: 59/06/17

ADOPTION OF 2017-2021 IDP PROCESS PLAN

The Executive Manager Local Economic Development/Planning gave a brief background on the matter.

Cllr SMZ Nzuza proposed the adoption of the 2017-2021 IDP Process Plan. Cllr ZG

Mthembu seconded the proposal.

The Council

RESOLVED THAT

1. It notes that there were no public objections or comments to the draft IDP Process Plan.
2. The 2017-2021 IDP Process Plan is hereby adopted.

**MAPCO: 60/06/17
NOTICE OF MOTION**

The Acting Municipal Manager reported to the Council that his office received a notice of motion from Cllr NP Nxumalo stating her concerns regarding vehicle NM 419 a Municipal property vehicle, which was seen loud hailing for an ANC meeting and was also seen being abused by certain officials. The Acting Municipal Manager stated that the notice of motion is attached in the agenda which gives details of the concerns raised by the above mentioned Councillor.

Cllr NB Hlongwa proposed that the Council tasks the Acting Municipal Manager to investigate the matter and report back to the Council accordingly. The Deputy Mayor seconded the proposal.

Cllr ML Ngidi highlighted some incidents where the said vehicle was abused and pointed out that this vehicle was once dumped in the municipal offices and was left unlocked and with empty beverage containers inside.

The Council

RESOLVED THAT

1. An Acting Municipal Manager was tasked to follow the investigation processes and report back to the Council.

**MAPCO: 61/06/17
APPOINTMENT OF SHORTLISTING AND INTERVIEWING PANEL FOR THE
MUNICIPAL MANAGER VACANT POSITION**

The deliberations of this matter were done combined with **MAPCO: 57/06/17**.

The Council

RESOLVED THAT

1. It appoints the panel members for the panel of the Municipal Manger in line with the regulation on appointment and conditions of employment of senior managers, gazette no: 37245 as follows:
 - Her Worship the Mayor – the Chairperson

- Cllr NS Ntuli – member designated by Council
 - Municipal Manager KwaDukuza Municipality – an expert in the field.
2. It approves the experience and qualification verification to be done by external independent service provider.

MAPCO: 62/06/17

APPOINTMENT OF ACTING DIRECTOR CORPORATE SERVICES

The Acting Municipal Manager reported to the Council that the position of the Executive Manager Corporate Services has been vacant for a while. He explained that Mr WD Mbongwa and Ms TP Sithole were once appointed to act in this position. He stated that the last resolution regarding the acting position of the said post the former Acting Municipal Manager recommended heading this position himself. The Acting Municipal Manager stated that due to responsibilities of the Municipal Manager it will be impossible for him to hold both positions of the Acting Municipal Manager and the position of the Executive Manager Corporate Services as both position require full attention and dedication. He recommended that the Council appoint Mr MH Gumede Manager properties to act in the position of the Executive Manager Corporate Services for a period not exceeding three months to ensure that the all the affairs of this department are attended to on time.

The Deputy Mayor proposed that Mr Gumede Manager Properties be appointed to Act in the position of the Executive Manager Corporate Services for a period not exceeding three months. Her Worship the Mayor seconded the proposal.

The Council

RESOLVED THAT

1. It approves the appointment of Mr MH Gumede, Manager Properties to Act in the position of Director Corporate Services for a period not exceeding three months starting on the 01 November 2016 to 31 January 2016 subject to the appointment of the Executive Manager Corporate Services.

MAPCO: 63/06/17

CONSIDERATION OF THE CODE OF DELEGATED POWERS AUTHORITY

The Acting Municipal Manager requested the Council to consider and approve the code of delegated powers of authority.

Cllr ZG Mthembu proposed the approval of the code of delegated powers of authority. The proposal was seconded by Cllr TJ Zungu.

The Council

RESOLVED THAT

1. It approves the code of delegated powers of authority to be implemented in

the current term of office of the Council.

MAPCO: 64/06/17

ALLEGED CORRUPTION MISCONDUCT REPORTED BY A SERVICE PROVIDER

The following item was discussed in an in-committee meeting.

TERMINATION

The meeting was terminated after an in-committee meeting.

Confirmation on the.....day of2016.

CHAIRPERSON