

MAKANA MUNICIPALITY

MINUTES OF THE FIRST COUNCIL MEETING HELD IN THE CITY HALL (MAKANA MUNICIPALITY) ON THURSDAY, 18 AUGUST 2016 AT 09H00

PRESENT:

Clr. N. Gaga - Executive Mayor
Clr. Y. Vara - Speaker
Clr. T. F Bruintjies
Clr. C. Clark
Clr. B. Fargher
Clr. M. Fatyi
Clr. T. Gaushe
Clr. M. Gojela
Clr. D.B. Holm
Clr. B. Jackson
Clr. M. Khubalo
Clr. E. Louw
Clr. X. G. Madyo
Clr. N. Masoma
Clr. M. Matyumza
Clr. P. Matyumza
Clr. A.J. Meyer
Clr. M. Moya
Clr. N. Mthwa
Clr. L. Nase
Clr. M.A. Nhanha
Clr. N. M Pieters
Clr. M. Qotoyi
Clr. L. Sakata
Clr. T. Seyisi
Clr. S. Sodladla
Clr. M. R. Xonxa

IN ATTENDANCE:

Acting Municipal Manager (Ms. R. Meiring)
Chief Financial Officer (Ms N. Siwahla)
Acting Dir. Corp & Shared. Serv (Mr. E. Mager)
Dir: Eng & Infr. Serv. (Mr. D. Mlenzana)
Dir: Public Safety & Comm. (Mr. Planga)
Legal Manager (Mrs. Mbanjwa)
Manager: MM Officer (Mr. Ganza)
Acting Strategic Manager (Mr. Wali)
Manager: HR. (Mr. Kalashe)
Manager: Libraries (Mrs. P Njilo)
Communications Officer (Mrs. Ramakolo)
Manager: Environmental (Mr. Nongwe)
Manager: IDP (Mr. Pasiya)
Disaster Officer (Mr. Qupe)
Industrial Rel. Officer (Mr. Mapaling)
Internal Auditor (Mr. Ngcawuzele)
Manager: Tourism (Mr. Sindane)
Manager: SMME (Ms Jili)
Manager Agriculture: (Phiwe Gqweta)
Manager: Riebeeck East (Ms. Kulati)
Manager: Fire Services (Mr. Welkom)
Operations Manager (Mr. Gustav)
Acting Manager: Alicedale (Mr. Smayile)
Deputy Director: Tech Serv. (Mr. Siteto)
Committees: (Ms. L. Faltein, Mr. Budaza
and P. Liwani)

FCM 1

OPENING

The acting Municipal Manager welcomed everyone present in the meeting. She made the following statement:

“Good morning Councillors, Guests, representatives from Provincial Government, Senior Managers, Managers, members of the public and the Officials. Welcome to the first Council

meeting for the next five years. We really waited for this day to arrive and we are here. The aim of this Council meeting is to deal with the Ceremonial matters. Hence all the items on the agenda are mostly for information except those where Office Bearers and representatives from Council must be elected or appointed. I would like to suggest with the indulgence of the Speaker when elected that in case that there are any items that the Councillors are off the opinion need in-depth discussion, then those items be taken to the next Council meeting. In this meeting only Councillors are allow to participate in the debate.

There is a Special Council meeting scheduled for 30 August 2016 to consider the Annual Financial Statements as this is a compliance issue. There will also be a Councillor Orientation on the 24 August 2016 in Joza Sports Centre were Councillors will be Orientated about the Municipality. We are committed as the Administration to make sure that our Councillors get fit as soon as possible to bring Gold Medals for Service Delivery.

Mr. Van Vuuren (Senior Magistrate) is here to act as Commissioner of Oath in the absence of Rev. Mvula who has lost his father. Our deepest sympathy to Rev. Mvula and the family. We also have the contingency of four representatives from the IEC who are going to preside over the election of the Speaker, Executive Mayor and Sarah Baartman District Municipality representatives. They are: Nombulelo Tsili, Mpumelelo Dyasi, Luvuyo Ncipi and Nkosinathi Phumane. They will come to the front to preside when it's their time for their items. We have had two session already with Councillors, one was on Monday when Councillors came and completed the Assumption of duty forms. The old Councillors should also come and complete the green form because of the new date of Assumption of duty which is 11 August 2016.

Before allowing time for Councillors and Senior Managers to introduce themselves, the Choir should sing the National Anthem for us. That is Makana Municipality Choir. Thanks to the Officials who has prepared the venue. They have done a wonderful job to prepare this venue as the meeting venue.

After that I will go to the introduction of the Councillors and the Senior Managers. Thank you”.

FCM 2

INTRODUCTION OF COUNCILLORS

The acting Municipal Manager requested all Councillors to introduce themselves.

FCM 3

DISCLOSURE OF INTEREST

Forms for disclosure of interest were distributed to all Councillors.

FCM 4

REPORTS BY THE ACTING MUNICIPAL MANAGER (AS PER AGENDA)

FCM 4.1

OATH/AFFIRMATION OF COUNCILLORS ELECT

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED** that all 27 Councillors present at the meeting swore/affirmed faithfulness to the Republic of South Africa and obedience to the constitution and other laws of the country and thereafter signed the Oath/Affirmation.

FCM 4.2

CODE OF CONDUCT OF COUNCILLORS

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the Code of Conduct for Councillors be ADOPTED in accordance with the **Municipal Systems Act, (Act 32 of 2000)**.

FCM 4.3

STANDING RULES AND ORDERS OF THE COUNCIL

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT an item be DEFERRED to the next Council meeting.

FCM 4.4

ELECTION OF THE SPEAKER

Report dated 08 August 2016 from the acting Municipal Manager.

The Council **NOTED** Councillor Vara was unanimously elected as the Speaker of the Council . Proposed by Councillor M. Matyumza and seconded by Councillor T. Seyisi.

The Council **RESOLVED** THAT Councillor Y. Vara be elected as the Speaker of the Council accordance with the Municipal Structures Act (Act 117 of 1998.)

The Speaker made the following acceptance speech:

“Presiding Officer, Honourable Councillors, Directors, our guests from various Government Departments, members of public, officials and all staff members, ladies and gentlemen, I greet you all in the name of our Lord Jesus Christ, Amen.

Allow me to first congratulate all political parties in Council for a race well run without intimidation and violence. Let me more specifically congratulate the Majority party in Council for having successfully convinced the people of Makana not to only keep it in power, but also and

more importantly, given a mandate to strengthen and build the momentum of a better future for them.

This goal my dear Councillors is a collective responsibility of everyone and as we today begin the journey of the four generation of Local Councils, we must do so knowing that upon our collective shoulders rests the responsibility of deepening local democracy.

We take this baton dear Councillors knowing that those who walked the same road as us before did with dignity and laid a foundation for Makana to prosper. We must be guided by Frantz Fanon as he passed and indictment that "...each generation has a duty to discover its mission, fulfill it or betray it..."

Our mission as this Council in this term must indeed be about strengthening community participation in planning, we must find meaning in reporting to the masses of our people and lastly the concerns of our people must find space in our portfolio agendas, EXCO and Council. The Rules and Orders and Delegations must be reviewed in the next 100 days to give meaning to this.

Honourable members of the Council, Public participation is the central thrust of governance in this democratic dispensation lead by the African National Congress. The empowerment of our staff members with regard to the public participation function is something I will pay special attention to. We will also revive the Moral Regeneration Movement structure.

I lastly wish to thank my political party for the responsibility it has given to me and wish to state now that it is a responsibility I will take guided by the supreme law of the land".

FCM 4.5

ELECTION OF THE EXECUTIVE MAYOR

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED**:

- a) Councillor M. Matyumza proposed the name of Councillor N. Gaga as the Executive Mayor and seconded by Councillor L. Nase.
- b) Councillor B. Jackson proposed the name of Councillor X. Madyo and seconded by Councillor M. Nhanha.
- c) Since there were two proposed named for the Executive Mayor Councillors voted and the results we as follows:

Abstained - 02

Councillor N. Gaga - 17 Votes

Councillor X. Madyo – 8 Votes

The Council **RESOLVED** THAT Councillor N. Gaga be elected as the Executive Mayor of the Council in accordance of the Municipal Structures Act, (Act 117 of 1998).

The Executive Mayor made the following acceptance statement:

- “Madam Speaker,
- Councillors,
- Acting Municipal Manager,
- Directors,
- Invited Guests,
- Representatives from labour unions,
- Municipal officials
- Members of the media and
- Members of the public
- Good Morning to you all.

Ladies and Gentlemen, the people of Makana and the mandated structures of the ruling party have spoken. My standing here in front of you is a testimony to that fact in action. It is therefore befitting that I humbly thank the ruling party for putting their trust in me. I wish to categorically state that I will, with all my might, do what is expected of me to deliver on the mandate bestowed upon me.

When the President of the Republic of South Africa speaks at any official platform, he does not just speak but he pronounces on the policies and programme of government. Today, as the President of Makana Municipality I will be making pronouncements as I deliver my inaugural speech to this first sitting of the Makana Local Council.

Fellow Councillors, to say it will be business unusual will be an understatement. Things will be done differently. With unwavering dedication, commitment, professionalism and, most importantly, accountability must be the order of the day.

Dear Councillors, I need not to remind you that more than 80 thousand population of Makana Municipality have given us not only a political mandate to lead this municipality but most importantly to also lead the socio-economic transformation of this municipality. Hence they voted for us. Today we are signing that obligatory contract to serve them. Politicians together with municipal officials are the servants of the public. The people of Makana are our employers. They literally pay for our salaries. So we are not here to do anything else but to serve them.

Thus we should never underestimate their power to determine our course. We should never, in our wildest of dreams take our people for granted. I dare besiege you that service delivery should be the buzz word during the deliberations in the Council and Portfolio Committee Sittings and in the corridors inside the buildings of the municipality.

Councillors, today we are all new in this Council. So we will have to learn and familiarise ourselves with a very important document called, the Integrated Development Plan. That document is the blueprint of what and how this Council will provide the services to it's people of

Makana. As Councillors we will have to play an oversight role in the implementation of that strategic document.

At this juncture let me explain to you fellow Councillors what I meant earlier when I said things will be done differently. The Premier of Eastern Cape launched the Masiphathisane Programme and recently the MEC for Cooperative Governance and Traditional Affairs was here at the B B Zondani Hall to introduce the programme to the community of Makana.

This is the programme of the National Government that seeks to encourage more participation and accountability at Ward level. One of the key elements of this programme is what is known as Intergovernmental Relations. Thus all the government departments will come together under one roof in each Ward sharing their plans and activities with the people in the various Wards. These sessions will be appropriately called war-room sessions.

Programmes like those of Community Development Workers, Community Health Workers, Masupatsele, etc, will be shared and resulting in partnerships that are geared at changing the lives of the people in those areas.

It will be in these war-room sessions led by the Ward Councillor and a CDW being a Secretary that the issues raised by the communities will be reported on a monthly basis. Councillors will therefore directly account to their constituencies through the Ward war-rooms. This will also reduce the turnaround time when urgent matters are raised by the community to the municipality or the Ward Committees.

Even when any MEC comes to Makana he or she will have to go and meet with the people in that particular Ward should the need arises regarding any matter that affects them. So this programme is taken very serious by the National Government.

Fellow Councillors it should be very clear from the above explanation that we should be accounting and services our communities on a regular basis. If any one of us do not adhere to the above they will have to answer to the Council and the necessary consequence management will follow. That's how things will be done differently, ladies and gentlemen.

During the past financial year we had been priding ourselves by filling the key vacant positions of Senior Managers. Soon after this Council we will be starting the processes to fill the positions of the Municipal Manager and that of the Director: Corporate and Shared Services.

The doing of things differently also applies very strongly to the municipal officials. All the projects in the IDP must be implemented strictly according to the Supply Chain Management Processes and the Supply Chain Management Policy of the municipality must be adhered to throughout out the life-span of the project.

There shall be no projects that will be left half-done or unfinished. The Makana Municipality should not see such happening again. If it needs that the municipality establishes a project team that will solely look at the implementation of all projects, let it be so.

Officials, you must hire or commission competent service providers. We cannot take chances by awarding tenders to companies that cannot even deliver a mere 10% of what they have been

commissioned to do. Thus corruption of any kind or form must be discouraged both on political and administrative level.

It is true Councillors, ladies and gentlemen that the Makana Municipality has just come out of being under the Constitutional provision on Provincial supervision of local government, section 139 (1) (b). This condition was put in place after a municipality had failed to achieve its legislative executive mandate. This has seen the Makana Municipality being led by 2 Administrators who were appointed and seconded to the municipality by the instruction of Eastern Cape Provincial Executive Council (EC-EXCO). Among the key challenges identified that were facing the municipality were :

- Financial management
- Credit control
- Project management
- Lack of organisational capacity
- Lack of organisational performance
- Service delivery backlogs and inability to provide the basic needs

An Intervention Plan was drawn up and was implemented accordingly. According to the Municipal Section 139 (1) (b) Intervention Secondment Final Report indicates that, "The second intervention had to deal with the development and implementation of the strategies, plans, and the recommendations of the first intervention including specific tools, techniques and approaches in improving the municipality status from the first intervention". It is why I can safely say that the municipality has moved from being under administration because of such intervention and the implementation of these strategies and approaches.

All the reports and documents regarding the intervention by the provincial government are available in our Committees Section.

My strong appeal to you Councillors will be to access these documents and familiarise yourselves with them last we embark on a fruitless exercise of unnecessarily re-inventing the wheel.

In closing, and as a reminder, we are about to serve in this Council because the people have voted for us and they have given us the mandate to lead them into a brighter future. They are our masters and we are their servants. Hence we should diligently service their needs. Hence we must do things differently.

Thank you, Baie Dankie, Enkosi".

FCM 4.6

APPOINTMENT OF THE MAYORAL COMMITTEE

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED** the Executive Mayor appointed the Mayoral Committee and referred to the following section of the Municipal Structures Act:

Section 60 of the Municipal Structures Act states that if a municipal council has more than nine members, its executive mayor—

- (a) must appoint a mayoral committee from among the councillors to assist the Executive Mayor:*
- (b) May delegate specific responsibilities to each member of the committee.*
- (c) may delegate any of the executive mayor's powers to the respective members and.*
- (d) may dismiss a member of the mayoral committee.*

The members of a Mayoral Committee remain in office for the term of the executive mayor who appointed them and if the executive mayor vacates office the mayoral committee appointed by that executive mayor dissolves.

The Council **NOTED** the following members were appointed by the Executive Mayor to serve as Mayoral Committee members:

1. Cllr Mthuthuzeli Matyumza as the Portfolio Chairperson of Infrastructural Development.
2. Cllr Phumla Matyumza as Portfolio Chairperson of Social Development.
3. Cllr Malibongwe Khubalo as Portfolio Chairperson of Tourism & Cultural Industries.
4. Cllr Ernest Louw as Portfolio Chairperson of Local Economic Development & Planning.
5. Cllr Nombulelo Masoma as Portfolio Chairperson of Finance, Administration, Monitoring & Evaluation.

The Executive Mayor stated that it is her belief that she and the Members of the Executive Mayoral Committee would make a formidable team going forward, and humbly requested that space be afforded for them to fulfil the mandate.

FCM 4.7

ELECTION OF REPRESENTATIVES OF MAKANA COUNCIL TO THE SARAH BAARTMAN DISTRICT MUNICIPALITY

Report dated 10 August 2016 from the acting Municipal Manger.

The Council **NOTED**:

- a) The Independent Electoral Commission (IEC) representatives conduct the presentation on the election of the representatives of Makana Council to the Sarah Baartman District Municipality.
- b) The African National Congress (ANC) was allocated 3 seats, Democratic Alliance (DA) was allocated one (1) seat and Economic Freedom Fighters (EFF) 0.

The Council **RESOLVED** THAT Councillors T. Seyisi, Councillor L. Nase, Councillor S. Sodladla from the ANC and Councillor X. Madyo from the DA be proportionally nominated as the representatives of Makana Municipality Council to the Sarah Baartman District Municipal Council.

FCM 4.8

APPOINTMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE CHAIRPERSON AND MEMBERS

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED** the Municipal Public Accounts Committee has six (6) members. There should be four (4) members from the ANC, one (1) from DA and 1 one (1) from the EFF.

The Council **RESOLVED**:

- a) THAT ANC Councillors R. Xonxa, Pieters, L. Sakata and T. Seyisi, D. Holm (DA) and N. Mthwa (EFF) be appointed to serve as members of the Municipal Public Accounts Committee members.
- b) THAT Councillor R. Xonxa be appointed as the Chairperson of the Municipal Public Accounts Committee.

FCM 4.9

ESTABLISHMENT OF SECTION 79 COMMITTEES OF COUNCIL

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the proposed names be submitted to the office of the through the Chief Whips of each party.

FCM 4.10

COUNCILLORS SERVING ON OUTSIDE BODIES AND AESTHETICS COMMITTEE

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the proposed names be submitted to the office of the Executive Mayor not later than a week by the Chief Whips of the parties.

FCM 4.11

ELECTION OF COUNCILLOR REPRESENTATIVE ON SALGA WORKING GROUPS

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED**:

- a) On page 54 the word “Chairperson” be replaced with “Councillor”.
- b) The ruling party should consider allocating space for the oppositions to serve on the working groups.

The Council **RESOLVED**:

- a) THAT Council, only send a small delegation consisting of the Mayor, Speaker, Chief Whip and the acting Municipal Manager, because of the adverse financial situation of the Municipality.
- b) THAT with respect to the SALGA representation, Council nominate the appropriate Representatives, to represent Makana at the SALGA Working Groups.

FCM 4.12

ELECTION OF COUNCILLOR REPRESENTATION ON PROVINCIAL AND DISTRICT INTERGOVERNMENTAL RELATIONS FORUMS

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **RESOLVED**:

- a) THAT the Council be represented by the Executive Mayor, the Speaker and the Municipal Manager on the Premier's IGR Forum and the Sarah Baartman IGR Forum.
- b) THAT the Executive Mayor and the acting Municipal Manager represent the Council on the District Mayor's Forum.

FCM 4.13

NUMBER OF COUNCILLORS ALLOCATED

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED** the correct and updated report would be submitted to the next Council meeting.

The Council **RESOLVED** THAT the report on the allocation of seats for Makana Municipality be APPROVED.

FCM 4.14

DETERMINATION OF THE UPPER LIMITS OF THE SALARIES, ALLOWANCES AND BENEFITS OF THE DIFFERENT MEMBERS OF MUNICIPAL COUNCILS FOR THE 2015/2016 FINANCIAL YEAR

Report dated 10 August 2016 from the acting Municipal Manager

The Council **NOTED** any queries regarding salaries should be forwarded to the office of the Chief Financial Officer.

The Council **RESOLVED** THAT the upper limits that were implemented back dated to July 2015, payable to the different members of municipal councils for the 2015/2016 financial year be APPROVED.

FCM 4.15

REPORT ON THE ROLES AND AREA OF RESPONSIBILITY OF COUNCIL, POLITICAL STRUCTURES AND OFFICIALS

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT the Roles and Area of Responsibility of Council, Political Structures and Officials be APPROVED.

FCM 4.16

PROCEDURES TO FOLLOW WHEN ELECTING WARD COMMITTEES

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **RESOLVED** THAT Ward Committees be established as per the procedure outlined in point 4.2 of the report.

FCM 4.17

COUNCILLOR ORIENTATION SESSION: 24 AUGUST 2016

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED** the item on Councillors orientation session.

FCM 4.18

FUTURE COUNCIL MEETING DATES

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED**:

- a) The dates of the Council Orientation Session (24 August 2016) and that of the Special Council meeting (30 August 2016).
- b) The schedule of meetings will be submitted to the next Council meeting.

FCM 4.19

MTREF BUDGET 2016/17 TO 2018/19

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED** the MTREF Budget 2016/2017 to 2018/19.

FCM 4.20

INTEGRATED DEVELOPMENT PLAN (IDP) 2016-2017 AND IDP 2017-2022

Report dated 10 August 2016 from the acting Municipal Manager.

The Council **NOTED**:

- a) The Integrated Development Plan (IDP) 2016-2017 and IDP 2017-2022
- b) Councillors should bring all their documents on the 24 August 2016.

FCM 5

CLOSURE

The Speaker thanked everyone who attended and participated in the meeting and made the following statement:

“Honorable Councilors, ladies and gentlemen, this month, as we all know is one of the Historical months in our calendar... it is Women’s month.

As this is Women’s month, better life for all will only be achieved when the safety of our women and children is guaranteed by none other than ourselves as upright community members. This is a message and I hope we will work together as Councillors, officials, clergy and political parties to send to people.

We should not be those people who create their own storms and be upset when it rains. We are all deployed here by our different political organization, not to serve individuals interest but the interest of the community of Makana.

I hope and trust that we won't be blown away like a dandelion in the midst of a storm, because once it's blown away it won't be put together again. That should be a reminder, that we only get one chance in life to do the right thing. And that could be that one thing that you could be remembered about.

Let's make this Makana Municipality a great one".

The meeting terminated at 12:25

SPEAKER

DATE