

ENDUMENI MUNICIPALITY

MINUTES of an **ORDINARY MONTHLY** meeting of the **EXECUTIVE** Committee held in the Council Chamber, Civic Centre, 64 Victoria Street, DUNDEE on **MONDAY, 28 FEBRUARY 2011** at **15h00**

PRESENT

Executive Committee:

Cllr Ms W N Mbatha (Chairperson – Mayor)
Cllr Ms R T Nukani

Councillors:

Cllr E M Adam
Cllr P M Bislam
Cllr T B Mkhize
Cllr A M Mthembu
Cllr S E Ndimba
Cllr Ms P J B Ngobese
Cllr Ms D P Nkosi
Cllr D Singh
Cllr Ms J A Tshabalala

In Attendance:

Mr J B Maltman	Acting Municipal Manager
Mr S Perumall	Executive Manager Corporate Services
Mr C J Carelse	Acting Manager Technical Services
Mr I Grisdale	Chief Financial Officer
Mr C J Retief	Senior Manager: Legal & Estates



1. **Opening**

The Mayor, Cllr Ms W N Mbatha opened the meeting with prayer.



2. **Applications for Leave of Absence**

RESOLVED

THAT the apology received from the Deputy Mayor, Cllr A M Raubenheimer, be noted.



3. **Official Announcements by Speaker/Chairperson/Municipal Manager**

None



4. **Minutes of the Previous Meeting**

RESOLVED

THAT the minutes of the following meetings of Exco be approved:

Ordinary Monthly Meeting:	31 January 2011
Special Meeting	7 February 2011



5. **Questions of Which Notice Has Been Given**

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. **Motions**

Nil



9. **Presentations**



Part A

MATTERS FOR INFORMATION ONLY

A 02/14/02/11-1 COUNCILLORS ATTENDANCE OF COUNCIL EXCO AND
PORTFOLIO COMMITTEE MEETINGS (C7/1)

RESOLVED

THAT the report regarding the Councillors attendance of Council, Exco and Portfolio Committee meetings be noted.



A 02/14/02/11 Monthly Reports

A 02/14/02/11-2 MONTHLY REPORT: TRAFFIC (T4/6)

RESOLVED

THAT

1. The monthly report in respect of Traffic for the month January 2011 be noted;
2. The Traffic Department be complimented for the good work performed during the month.



A 02/14/02/11-3 MONTHLY REPORT: TESTING STATION (T4/1)

RESOLVED

THAT the monthly report in respect of the Testing Station for the month of January 2011 be noted.



A 02/14/02/11-4 MONTHLY REPORT: DISASTER MANAGEMENT (F2/1)

RESOLVED

THAT the monthly report in respect of Disaster Management for the month of January 2011 be noted.



A 02/14/02/11-5 **MONTHLY REPORT: RURAL METRO** (F2/6)

RESOLVED

THAT the monthly report, received from Rural Metro, in respect of Fire and Disaster Management for the month of January 2011, be noted.



A 02/14/02/11-6 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)

RESOLVED

THAT the monthly report in respect of Talana Museum for the month of January 2011 together with the Minutes of the Board of Trustees of Talana Museum, held on Thursday, 3 February 2011, be noted.



A 02/14/02/11-7 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (L4/2/1)

RESOLVED

THAT the monthly report in respect of the Dundee Public Library for the month of January 2011 be noted.



A 02/14/02/11-8 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)

RESOLVED

THAT the monthly report in respect of the Sibongile Library for the month of January 2011 be noted.



A 02/14/02/11-9 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/6)

RESOLVED

THAT the monthly report in respect of the Glencoe Public Library for the month of January 2011 be noted.



A 02/14/02/11-10 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY** (L4/3/1)

RESOLVED

THAT the monthly report in respect of the Wasbank Public Library for the month of January 2011 be noted.



A 02/14/02/11-11 MONTHLY REPORT: MANAGER CORPORATE SERVICES –
GLENCOE TOWN HALL & ACTIVITY ROOM (9/1/2/1)

RESOLVED

THAT the monthly report from the Manager Corporate Services in respect of the Glencoe Town Hall and Activity Room, for the month of December 2010, be noted.



A 02/14/02/11-12 MONTHLY REPORT: MANAGER CORPORATE SERVICES –
CLINIC (P4/5)

RESOLVED

THAT the monthly report in respect of the Manager Corporate Services – Clinic Services for the month of January 2011 be noted.



A 03/14/02/11 STAFF OVERTIME (S7/7/1)

RESOLVED

THAT the overtime for the month of January 2011 as approved by the respective Heads of Departments under delegated powers, be noted.



A 04/14/02/11 MONTHLY REPORT: MANAGER TECHNICAL SERVICES (R3/8)

RESOLVED

THAT the monthly report in respect of the Manager Technical Services for the month of January 2011 be noted.



B 05/28/02/11

WARD 2 WARD COMMITTEE MEETING

(B3/2)

RESOLVED

**AMM
CFO**

THAT the following amount be allocated for the following projects in Ward 2:

1.	Grass cutting	R100 000-00
2.	Shelter for Taxi Rank	R50 000-00
3.	Ramp and Taxi Parking Sithembile	R50 000-00
4.	Subsoil drains stormwater Phase 1 2011	R100 000-00
5.	Repair Roads Sithembile	<u>R100 000-00</u>
	TOTAL	R400 000-00



B 06/28/02/11

WARD 1 WARD COMMITTEE MEETING

(B3/2)

RESOLVED

AMM

THAT this item be withdrawn and re-submitted to a Special Exco meeting.



B 07/28/02/11

ACCOUNTS PAID

(F1/4)

RESOLVED

CFO

THAT the bank reconciliation for the month of January 2011 together with the schedule of accounts paid for the month of January 2011, as well as the reports submitted in terms of Government Gazette No. 18435 be approved and confirmed.



B 08/28/02/11

WARD 6 WARD COMMITTEE MEETING

(B3/2)

RESOLVED

AMM

THAT the Minutes of the Ward 6 Ward Committee meeting be tabled at a Special Exco meeting.



C 01/14/02/11-4 DEVIATION AND RATIFICATION OF MINOR BREACHES OF
PROCUREMENT PROCESS: MV FEEDER SWITCH GLENCOE
MAIN SUB (E1/1)

RESOLVED TO RECOMMEND

AMM THAT the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to ABB South Africa (Pty) Ltd in the amount of R498 666.00 ex. VAT and transport as per the provisions of Section 36(1)(a)(i) of Endumeni SCM Policy. The actions of the Accounting Officer be deemed as an emergency as set out in the correspondence from the Manager Electrical of 20 January 2011 attached to the agenda.



C 02/28/02/11 AUDIT COMMITTEE MINUTES MEETING – 16 FEBRUARY
2011 (A8/4)

RESOLVED TO RECOMMEND

CFO THAT items AC 8(1) – AC 8(16) of the Minutes of the Audit Committee meeting held on 16 February 2011, be formally adopted by Council.



C 03/28/02/11 UTHUKELA WATER NEW DEVELOPMENT IN THE
ENDUMENI MUNICIPAL AREA (W1/4)

RESOLVED TO RECOMMEND

AMM THAT due to the urgency of the matter, Mr R Gillmer from uThukela Water as well as Mayor and senior officials from the Umzinyathi District Council be invited to the next Council meeting to resolve the issue of restriction to new developments in the Endumeni municipal area.



C 04/28/02/11 MUNICIPAL INFRASTRUCTURE GRANTS FUNDS ANNUAL
REPORT 1 APRIL 2009 – 31 MARCH 2010 [T3/1(b)]

RESOLVED TO RECOMMEND

AMM THAT the Endumeni Municipality note the contents of the MIG Annual report.



C 05/28/02/11

PERFORMANCE EVALUATION: SECTION 57 EMPLOYEES
(Confidential: Performance Bonus)

RESOLVED TO RECOMMEND

AMM

THAT the Endumeni Municipality Council note the contents of the minutes of the evaluation committee as attached to the minutes. The matter be referred to a future Special Exco and Council Meeting to be determined by the Mayor, to further consider the adoption of a resolution in the foregoing regard.



C 06/28/02/11

DLAMINI VILLAGE HOUSING PROJECT

[L1/5(b)]

RESOLVED TO RECOMMEND

THAT

AMM

1. The Endumeni Municipality is of the view that the report tabled in respect of an application made in terms of Chapter 1 of the Less Formal Townships Establishment Act, Act 113 of 1991 for:

1.1 The establishment of a Less Formal Township as shown on Drawing no. Dlamini 1 (Layout Plan – Document 1.2) comprising:

Proposed Use	Number of Erven
Residential	44
Mixed Use (including commercial)	11
Open Space	5
Square	1
Roads and lanes	4
TOTAL	62

2. All situate on a portion of Rem of Erf 10 000 Sibongile GT has adequately demonstrated that there is a need for the proposed land uses, that the development as proposed is desirable on this particular site and that the development proposal is acceptable in terms of:

- The Environmental Conservation Act
- Sound Town Planning Principles, and
- Chapter I of the Less Formal Townships Establishment Act.

3. It has been further demonstrated that there is an urgent need to provide additional formal low income housing in Dundee. The layout decision making process for Dlamini Village was an inclusive, transparent and fair process.

4. It is also emphasised that the Department of Housing has supported the development and approved funding for the development of Dlamini Village as detailed in the application.



C 07/28/02/11

**DEVIATION AND RATIFICATION OF MINOR BREACHES OF
PROCUREMENT PROCESS: 5 YEAR FINANCIAL PLAN FOR
THE IMPLEMENTATION OF THE INTEGRATED
DEVELOPMENT PLAN (IDP)** (P3/17)

RESOLVED TO RECOMMEND

AMM

THAT the Endumeni Municipality note the actions of the Accounting Officer in awarding a contract to Innovative Government Solutions Consulting in the amount of R118 580.00 ex. VAT but including disbursements and transport as per the provisions of Section 36(1)(a)(i) of Endumeni SCM Policy. The actions of the Accounting Officer be deemed as an emergency as set out in the proposal to Endumeni Municipality.



C 08/28/02/11

**DEVIATION AND RATIFICATION OF MINOR BREACHES OF
PROCUREMENT PROCESS: APPOINTMENT OF MAXIMUM
PROFIT RECOVERY (PTY) LTD (MAXPROF) TO PERFORM A
VALUE ADDED TAX (VAT) REVIEW** (F1/19)

RESOLVED TO RECOMMEND

THAT

**AMM
CFO**

1. The Endumeni Municipality note the actions of the former Accounting Officer, Mr D B Cebekhulu in awarding a contract to Max Prof, Maximum Profit Recovery (Pty) Ltd as per the provisions of Section 36(1)(a)(v) of Endumeni SCM Policy. The actions of the former Accounting Officer be deemed as an exceptional case where it is impractical or impossible to follow the official procurement process;
2. Max Prof is to perform the Value Added Tax Review on a monthly basis for the period 01 July 2007 to 30 June 2011 and provide regular reports to Endumeni Executive Committee and Endumeni External Audit Committee. On the advice of the Council's Legal Advisor the Endumeni Municipality is of the view that Section 33 of the Municipal Finance Management Act No 56/2003 does not have application.



RESOLVED TO RECOMMEND

THAT

AMM

1. The Endumeni Municipality is of the view that the application made in terms of Chapter 1 of the Less Formal Townships Establishment Act, Act 113 of 1991 for:
 - 1.1 The establishment of a Less Formal Township as shown on Drawing Forestdale 1 (Layout Plan – Document 1.2) comprising:

PROPOSED USE	NUMBER OF ERVEN
Residential (lower density)	217
Residential (Medium density)	3
Mixed Use (including commercial)	1
Community Facility (Administration)	1
Open Space	3
Roads and lanes	
TOTAL	225

2. All situate on Rem of Erf 642 Dundee, Erf 3770 and Portion Erf 4139 Dundee all within Registration Division GT has adequately demonstrated that there is a need for the proposed land uses, that the development as proposed is desirable on this particular site and that the development proposal is acceptable in terms of:
 - The Environmental Conservation Act
 - Sound Town Planning Principles, and
 - Chapter I of the Less Formal Townships Establishment Act.
3. It has been demonstrated that there is an urgent need to provide additional formal low income housing in Dundee. The layout decision making process for Forestdale Extension was an inclusive, transparent and fair process.
4. It is also emphasised that the Department of Housing has supported the development and approved funding for the development of Forestdale Extension as detailed in the application.



RESOLVED TO RECOMMEND

AMM

THAT the Endumeni Municipality Council note the contents of the foregoing correspondence. It is suggested that a Sub Committee be appointed to further deal with the matter.



RESOLVED TO RECOMMEND

THAT

**AMM
CFO**

1. Council note the adjustments contained in Annexure A of the Agenda;
2. Council approve the adjustments budget as per Annexure B to the Agenda;
3. It be noted that the adjustments budget has no material effect on the Service Delivery and Budget implementation Plan;
4. It be noted that no amendments to budget-related policies is necessitated by the adjustments budget;
5. It be noted that the Acting Municipal Manager and Cllr E M Adam expressed their concern regarding short notice of this item which may have a legal impact on the validity of Council's decision. The CFO furthermore recommended the adjustment budget be tabled and further considered at a meeting to be convened at a later date.



There being no further matters for consideration, the Chairperson declared the meeting closed at **16h40**

Mayor – Chairperson:

Date: