

ENDUMENI MUNICIPALITY

MINUTES of an ORDINARY MEETING of the ENDUMENI TOWN COUNCIL held in the COUNCIL CHAMBER, CIVIC CENTRE, 64 VICTORIA STREET, DUNDEE on THURSDAY, 28 APRIL 2011 at 16h35

PRESENT:

Councillors:

Cllr T B Mkhize	(Speaker - Chairman)
Cllr Ms W N Mbatha	Mayor
Cllr A M Raubenheimer	Deputy Mayor
Cllr E M Adam	
Cllr P M Bisram	
Cllr A M Mthembu	
Cllr S E Ndim	
Cllr Ms P J B Ngobese	
Cllr Ms D P Nkosi	
Cllr Ms R T Nukani	

In Attendance:

Mr P G Mabilisa	Acting Municipal Manager
Mr C J Carelse	Acting Manager Technical Services
Mr G Esterhuizen	Senior Financial Officer
Mr A J van Wyk	Senior Manager: Corporate Services
Mr C J Retief	Senior Manager: Legal & Estates



C 01/04/2011

Opening

As Cllr A M Mthembu opened the Exco Meeting with prayer prior to this meeting, the meeting was declared open.



C 02/04/2011

Applications for Leave of Absence

RESOLVED

THAT the apologies received from Cllr Ms J A Tshabalala and Cllr D Singh (sick) be noted.



C 03/04/2011

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

The Speaker advised that Cllr D Singh was very ill and taken to hospital and was presently in ICU. He then said a prayer for Cllr Singh.

The Acting Municipal Manager requested that a workshop for the budget be held on 5 May 2011. After discussion, it was agreed that the workshop would take place on 5 May 2011 at 13h00.



C 04/04/2011

Confirmation of Minutes

RESOLVED

THAT the minutes of the following meeting of Council be approved:

Ordinary Meeting 28 March 2011



C 05/04/2011

Questions Of Which Notice Has Been Given

Nil



C 06/04/2011

Reports Of The Executive Committee To The Council

RESOLVED

THAT the following reports of the Executive Committee to the Council be noted:

Ordinary Meeting

28 April 2011



C 07/04/2011

Petitions

Nil



C 08/04/2011

Motions

It was noted that a Motion would be submitted to the Council at its next meeting.



C 09/04/2011

Presentation



ORDINARY MONTHLY MEETING: 28 APRIL 2011

PART A

A 02/11/04/11-1 **COUNCILLORS ATTENDANCE OF COUNCIL EXCO
AND PORTFOLIO COMMITTEE MEETINGS** (C7/1)

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A 02/11/04/11 **Monthly Reports**

A 02/11/04/11-2 **MONTHLY REPORT: TRAFFIC** (T4/6)

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A 02/11/04/11-3 **MONTHLY REPORT: TESTING STATION** (T4/1)

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A 02/11/04/11-4 **MONTHLY REPORT: DISASTER MANAGEMENT**
(F2/1)

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A 02/11/04/11-5 **MONTHLY REPORT: RURAL METRO** (F2/6)

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A 02/11/04/11-6 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)

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A 02/11/04/11-7 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY**
(L4/2/1)

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A 02/11/04/11-8 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)

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A 02/11/04/11-9 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY**
(17/4/6)

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A 02/11/04/11-10 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY**
(L4/3/1)

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A 02/11/04/11-11 MONTHLY REPORT: MANAGER CORPORATE SERVICES – GLENCOE TOWN HALL & ACTIVITY ROOM (9/1/2/1)



A 04/11/04/11-1 MONTHLY REPORT: MANAGER TECHNICAL SERVICES (R3/8)



A 04/11/04/11-2 DEPARTMENT OF ENVIRONMENTAL AFFAIRS [T3/1(b)]



A 05/28/04/11 MONTHLY REPORT: MANAGER CORPORATE SERVICES – CLINIC (P4/5)



A 06/28/04/11 STAFF OVERTIME (S7/7/1)



A 07/28/04/11 QUARTERLY REPORT ON SCM IMPLEMENTATION (F1/1)



A 08/28/04/11 TRAVELLING ALLOWANCES – COUNCILLORS (C8/3)



PART B

B 02/11/04/11-1 REQUEST OF THE GRAND PIANO – MOTH HALL (M1/1)



B 02/11/04/11-2 QUARTERLY CAMPS FOR MAIDENS PREPARING FOR THE PROVINCIAL REED DANCE (S6/1)



B 03/28/04/11 REQUEST FOR REMOVAL OF ILLEGAL FOOD VENDORS INC CBD [L5/1/(a)]



B 12/28/04/11-3 ENDUMENI TRANSFORMATION PROGRAMMES

B 12/28/04/11-4 MECHANICS UPGRADING OF POST (C/02/11)

B 12/28/04/11-5 APPLICATION FOR SUBSIDIZED VEHICLES: SPORTS AND RECREATION OFFICER & YOUTH, ART AND CULTURE OFFICER

B 12/28/04/11-6 APPLICATION FOR ADDITIONAL PAID SICK LEAVE: MS CECILIA

B 12/28/04/11-7 IMPLEMENTATION OF THE TASK JOB EVALUATION SYSTEM

B 12/28/04/11-8 DEMOTION, PROMOTION AND TRANSFER POLICY

B 12/28/04/11-9 EMPLOYEE PERFORMANCE APPRAISAL SYSTEM

B 12/28/04/11-10 REQUEST FOR CELL PHONE ALLOWANCE

B 12/28/04/11-11 PAYMENT FOR OVERTIME WORKED: MR B H ZULU

B 12/28/04/11-12 CREATION OF DRIVER/
MESSENGER POST FOR SAFETY
AND SECURITY SECTION AT
THE CORPORATE SERVICES
DEPARTMENT



B 12/28/04/11-13 REALIGNMENT OF DUTIES TO
THE DISASTER MANAGEMENT
COMPONENT



B 13/28/04/11 ACCOUNTS PAID (F1/4)



B 14/28/04/11 RURAL HORSE RIDING PREPARATIONS [S6/1(b)]



B 15/28/04/11 APPOINTMENT OF TEMPORARY BUILDING
CONTROL OFFICER (P3/16)



4. The ward committee specify where the JoJo tanks will be placed
5. The ward Councillors explain at the Exco Meeting where the palisade fence will be erected.



C 05/28/04/11 AUDIT COMMITTEE MINUTES – 30/03/2011 (A8/4)

RESOLVED

CFO **THAT** the minutes for the Audit Committee Meeting held on 30 March 2011 to be noted and adopted by Council.



C 06/28/04/11 REPORT ON BUDGET IMPLEMENTATION AND FINANCIAL STATUS FOR THE QUARTER ENDED 31 MARCH 2011 (F1/1)

RESOLVED

CFO **THAT** Council notes the report on budget implementation and the financial status for the period ended 31 March 2011.



C 07/28/04/11 DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: REFURBISHMENT OF DAMAGED 315 KVA 6600/420V MINI SUBSTATIONS (E1/1)

RESOLVED

AMM **THAT** the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to Electronic Assemblies in the amount of R61 294.00 . VAT and transport as per the provisions of Section 36(1)(a)(ii) 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 29 March 2011 attached to the minutes.



**APPOINTMENT OF ACTING MUNICIPAL MANAGER
AND OTHER ACTING APPOINTMENTS** (P3/16)

Cllr P M Bislam seconded by Cllr Ms R T Nukani proposed that this item be discussed in-committee.

The Deputy Mayor, Cllr A M Raubenheimer was of the opinion that this item should be discussed in open meeting.

It was proposed that Mr P G Mabilisa be appointed for six months as Acting Municipal Manager and that thereafter the post be advertised in three month's time and that the Provincial Administration be involved in the appointment.

The Deputy Mayor advised that Mr J B Maltman had been employed with the Council since 1989 and has acted as Municipal Manager since September 2006 until June 2008 for a period of 22 months during that period he scored on his performance management 140% and that further he also acted as Municipal Manager from July 2010 to April 2011, a period of 10 months. He scored 150% on his performance scorecard during that period. He acted as Municipal Manager for a total of 2 years and 10 months therefore his candidate as Acting Municipal Manager was Mr Maltman for a period not exceeding six months.

The Deputy Mayor's proposal was seconded by Cllr E M Adam.

The Mayor advised that there were two names and that the Council should vote on the matter.

Cllr Ms R T Nukani was of the opinion that there should be no vote as Mr Maltman was presently suspended.

The Speaker advised that he was not going to allow the proposal by the Deputy Mayor as Mr P G Mabilisa had already been appointed and that the only matter to be discussed was the period of appointment.

The Mayor advised that she was advised by the Council's legal advisor that Mr P G Mabilisa had to sign a contract but when Mr Maltman was appointed as acting Municipal Manager he did not sign any contract.

The Mayor advised that the contract completed by the Council's legal advisor was discarded by her.

The Legal Advisor advised the Council that the agreement that was to be entered into was prescribed in terms of legislation and the reason why a contract was not entered into

with Mr Maltman is that he has already entered into an agreement with the Council as a Section 57 Manager.

In terms of the Delegation of Authorities it is expected that a Section 57 Manager will act as a Municipal Manager when necessary. That was the reason why there was no agreement with Mr Maltman.

The Legal Advisor further enlightened the Council on this matter. Cllr P M Bislam was of the opinion that the agreement should be compiled by Attorneys Shepstone & Wylie and submitted to the Council.

Cllr Ms R T Nukani proposed that Ms B A Mbatha act as Corporate Services Manager for six months.

The Deputy Mayor advised that he cannot agree with the proposal as it was not an item on the agenda.

He however advised the Council that he was of the opinion that it would be incorrect to appoint Ms Mbatha for six months as Mr Perumall could resume his duties before this period lapsed and that this would result in Ms Mbatha being paid for a period in which she no longer acted as Corporate Service's Manager.

After further discussion, it was

RESOLVED

THAT

1. Mr P G Mabilisa be appointed as Acting Municipal Manager until the end of October 2011 (six months) and that Attorneys Shepstone & Wylie be appointed to compile a contract for Mr P G Mabilisa;
2. The position of Municipal Manager be advertised within three months and filled in consultation with the Provincial Administration;
3. Ms B A Mbatha be appointed as Acting Executive Manager Corporate Services until such time as Mr S Perumall returns to work;
4. Mr C J Carelse (Snr) be appointed as Acting Manager Technical Services until such time as Mr J B Maltman returns to work.



C 15/28/04/11 **DISABILITY AWARENESS EVENT** (F3/1)

RESOLVED

AMM **THAT** the amount proposed to be spend on a Disability Awareness event not be utilized for such purposes but be utilized to improve the Council's buildings and libraries in order to make them more user friendly.



C 16/28/04/11 **FILLING OF VACANCIES: COGTA** (P3/16)

RESOLVED

AMM **THAT** the letter received from the Ministry: Co-Operative Governance & Traditional Affairs advising Council to pend all actions in the recruitment process for all positions, be noted and complied with.



There being no further matters for consideration, the Chairperson declared the meeting closed at **16h45**

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CHAIRPERSON

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DATE