

# ENDUMENI MUNICIPALITY

MINUTES of an ORDINARY MEETING of the ENDUMENI TOWN COUNCIL held in the COUNCIL CHAMBER, CIVIC CENTRE, 64 VICTORIA STREET, DUNDEE on MONDAY, 31 JANUARY 2011 at 16h15

## 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	
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 A J van Wyk	Senior Manager: Corporate Services
Mr C J Retief	Senior Manager: Legal & Estates
Mr P G Mabilisa	Communications Manager



**C 01/01/2011**      **Opening**

As the Mayor opened the Exco Meeting with prayer prior to this meeting, the meeting was declared open.



**C 02/01/2011**      **Applications for Leave of Absence**

Nil



**C 03/01/2011**      **Official Announcements by Speaker/Chairperson  
/Municipal Manager**

Nil



**C 04/01/2011**      **Confirmation of Minutes**

**RESOLVED**

**THAT** the minutes of the following meetings of Council be approved:

Ordinary Meeting	6 December 2010
Special Meeting	15 December 2010



**C 05/01/2011**      **Questions Of Which Notice Has Been Given**

Nil



C 06/01/2011

**Reports Of The Executive Committee To The Council**

**RESOLVED**

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

Ordinary Meeting

31 January 2011



C 07/01/2011

**Petitions**

Nil



C 08/01/2011

**Motions**

Nil



C 09/01/2011

**Presentation**



**ORDINARY MONTHLY MEETING: 31 JANUARY 2011**

**PART A**

A 01/24/01/11-1 KZN TOURISM AMBASSADOR PROGRAMM (S7/3/16)



A 01/24/01/11-2 MINUTES OF WARD 3 WARD COMMITTEE MEETING HELD ON THURSDAY, 18 NOVEMBER 2010 (B3/2)



A 02/24/01/11-1 COUNCILLORS ATTENDANCE OF COUNCIL AND EXCO MEETINGS (C7/1)



A 02/24/01/11 Monthly Reports

A 02/24/01/11-2 MONTHLY REPORT: TRAFFIC (T4/6)



A 02/24/01/11-3 MONTHLY REPORT: TESTING STATION (T4/1)



A 02/24/01/11-4 MONTHLY REPORT: DISASTER MANAGEMENT (F2/1)



A 02/24/01/11-5 MONTHLY REPORT: RURAL METRO (F2/6)



A 02/24/01/11-6 MONTHLY REPORT: TALANA MUSEUM (M4/4)



A 02/24/01/11-7 MONTHLY REPORT: DUNDEE PUBLIC LIBRARY (L4/2/1)



A 02/24/01/11-8 MONTHLY REPORT: SIBONGILE LIBRARY (L4/4)



A 02/24/01/11-9 MONTHLY REPORT: GLENCOE PUBLIC LIBRARY  
(17/4/6)



A 02/24/01/11-10 MONTHLY REPORT: WASBANK PUBLIC LIBRARY  
(L4/3/1)



A 02/24/01/11-11 MONTHLY REPORT: MANAGER CORPORATE SERVICES – GLENCOE TOWN HALL & ACTIVITY ROOM  
(9/1/2/1)



A 02/24/01/11-12 MONTHLY REPORT: MANAGER CORPORATE SERVICES – CLINIC  
(P4/5)



A 03/24/01/11-1 STAFF OVERTIME  
(S7/7/1)



A 03/24/01/11-2 QUARTERLY REPORT ON SCM IMPLEMENTATION  
(L3/3/22)



A 04/24/01/11-1 MONTHLY REPORT: MANAGER TECHNICAL SERVICES  
(R3/8)



A 04/24/01/11-2 THE MINUTES OF A HOUSING FORUM MEETING HELD ON 11 JANUARY 2011 IN THE MAIN COMMITTEE ROOM, 64 VICTORIA STREET, DUNDEE  
(H1/1)



## PART B

B 04/30/12/10-1 CLEANING CAMPAIGNS: SIBONGILE AND SITHEMBILE (C2/3/4)



B 04/30/12/10-2 OVERTIME ON WEEKENDS: STREET CLEANERS (S7/7/1)



B 04/30/12/10-3 SIBONGILE CEMETERY FENCING (C1/1)



B 01/24/01/11-1 DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: REPAIRS TO ROAD GRADER (A6/2)



B 01/24/01/11-2 GRANT-IN-AID DONATION: APPLICATION FROM MRS T HLONGWANE ON BEHALF OF WOMEN'S GROUP CALLED IKENTANGU (G2/1)



B 02/24/01/11-1 LABOUR FORUM COMMITTEE MEETING {P3/16(a)}

B 02/24/01/11-1.2 BUILDING INSPECTOR



B 02/24/01/11-1.2 ENDUMENI MUNICIPALITY POLICY ON OVERTIME



B 02/24/01/11-1.3 CREATION OF COMMITTEE OFFICERS POSTS



B 02/24/01/11-1.4 THE POST OF LED/STRATEGIC PLANNING MANAGER



B 02/24/01/11-2 APPLICATION FOR AN OFFICE SPACE: ENDUMENI LOCAL FOOTBALL ASSOCIATION (M3/6)



B 02/24/01/11-3 WORKFLOW YEARLY PLAN: OFFICE OF SOCIAL DEVELOPMENT (S6/1)



B 03/24/01/11-1 ACCOUNTS PAID (F1/4)



B 04/24/01/11-1 APPLICATION FOR ASSISTANCE: Z S ZULU (C5/1)



B 04/24/01/11-2 SERVICE DELIVERY: SANITATION DEPARTMENT (S2/1)



B 04/24/01/11-3 ENDUMENI MUNICIPAL CIVIC CENTRE DUNDEE: REPAIRS TO ROOF AND STRUCTURE (M3/6)



B 05/24/01/11 PROJECTS FOR WARD 6: R400 000.00 FOR PEACEVALE AND FORESTDALE (B3/2)



B 06/24/01/11 CELLPHONE ALLOWANCES: ACTING MANAGER TECHNICAL SERVICES, COMMUNICATIONS MANAGER & MANAGER MECHANICAL AND ADMINISTRATION SERVICES (T1/1)



B 07/24/01/11 INVITATION TO PUBLIC PARTICIPATION DISTRICT THINK TANK WORKSHOP (S7/3/16)



B 08/24/01/11 REQUEST FOR PERMISSION FOR STREET VENDORS [L5/1(a)]



B 09/24/01/11 PROVISION OF CONCRETE DRAINAGE SLABS: THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS



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**Part C**  
**MATTERS REFERRED**  
**TO COUNCIL**  
**FOR CONSIDERATION**

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C 01/24/01/11-1 ANNUAL PERFORMANCE REPORT 2009/2010 [P3/17(a)]

RESOLVED

THAT

AMM

1. Council note the Endumeni Annual Report for 2009/2010;
2. The report be forwarded to and tabled before the Audit Committee and the Oversight Committee and be further advertised for Public Comment.



C 01/24/01/11-2 ORGANIZATIONAL PERFORMANCE MANAGEMENT SYSTEM [P3/17(a)]

RESOLVED

THAT

AMM

1. The departmental scorecards of the Manager Corporate Services, Chief Financial Officer and Manager Technical Services be noted in terms of the Endumeni Organizational framework for the period 1 July 2010 to 30 December 2010;
2. The Endumeni Organizational scorecard be noted in terms of the Endumeni Organizational framework for the period 01 July 2010 to 30 December 2010.



**C 01/24/01/11-3**    **SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 1<sup>st</sup> & 2<sup>nd</sup> QUARTER REPORTS: SECTION 57 MANAGERS PERFORMANCE REPORTS 1<sup>st</sup> & 2<sup>nd</sup> QUARTER**    **[P3/17/(a)]**

**RESOLVED**

**AMM**                    **THAT** the Endumeni Municipality adopts the 1<sup>st</sup>& 2<sup>nd</sup> Quarter SDBIP Reports and 1<sup>st</sup> & 2<sup>nd</sup> Quarter Section 57 Performance reports for Manager Finance, Manager Corporate Services and Manager Technical Services in respect of fiscal year 2010/2011.



**C 01/24/01/11-4**    **DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: SECTION 36 ENDUMENI SUPPLY CHAIN MANAGEMENT POLICY: PRODUCTION OF ENDUMENI ANNUAL REPORT FILES AND DIVIDERS 2009/2010 (L3/3/22)**

**RESOLVED**

**AMM**                    **THAT** the Endumeni Municipality note the actions of the Accounting Officer acting in terms of Section 36(1)(a)(v) as contained in correspondence directed to the Chief Financial Officer as attached to the minutes in awarding an order for the Production of Endumeni Annual Report files and dividers 2009/2010 in the amount of R15 759.36 to Goodfellows Advertising Pty Ltd. The Accounting officer be deemed to have acted in an exceptional case where it was impractical to follow the official procurement process as Goodfellows Advertising had completed the original graphic design.



**C 01/24/01/11-5**    **DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: PURCHASE 200/KVA 6.6 KV/400V POLE MOUNTED TRANSFORMER**    **(E1/1)**

**RESOLVED**

**AMM**                    **THAT** the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to Sizanani Electrical in the amount of R45 000.00 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 6 January 2011 attached to the minutes.



**C 01/24/01/11-6**    **DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: PURCHASING OF TRYCON 2RF SWITCHGEAR (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 R66 120.00 VAT inclusive as per the provisions of Section 36(1)(a)(ii) of Endumeni SCM Policy. It should be noted that Electronic Assemblies are the sole manufacturer and supplier of Trycon 2Rf Switchgear. The actions of the Accounting Officer be deemed as an emergency as set out in the correspondence from the Manager Electrical of 13 January 2011 attached to the minutes.



**C 01/24/01/11-7**    **MINUTES OF A SIFE DURBAN UNIVERSITY OF TECHNOLOGY MEETING HELD ON 14 DECEMBER 2010 IN THE COUNCIL CHAMBER 64 VICTORIA STREET DUNDEE**                    **(ERF 602 SITHEMBILE)**

**RESOLVED**

**THAT**

- AMM**
1. The Endumeni Municipality note the minutes of a SIFE DUT Meeting held on 14 December 2010 in the Council Chamber and further approve of a project to initiate a Media Centre on Erf 602, Sithembile as initiated by the Durban University of Technology and Department of Education as detailed in the minutes. The Head of Legal Services is to further prepare a lease agreement for approval by Council in due course;
  2. The Endumeni Municipality approve of the procurement of the following items via the Endumeni SCM policy to be financed ex vote No 627/341 061 being the R400 000 allocated to Ward 2 Sithembile in respect of ERF 602 Sithembile.
    - 2.1 Construction of toilet in building located on Erf 602, Sithembile – Estimate;
    - 2.2 Construction of wheel chair ramp – R29 096.90;
    - 2.3 Installation of burglar guards – R7 000.00;
    - 2.4 Installation of alarm system - R 2 689.00;
    - 2.5 Installation: Electrical & Air Conditioning – R50 000;
    - 2.6 Paving around Building - Estimate;
    - 2.7 Install Carports in Building located at Erf 602 – Estimate;
    - 2.8 Install Blinds – R12 000.00
    - 2.9 Total Costs: R100 785.90



**C 01/24/01/11-8**     **THE MINUTES OF 2ND IDP REPRESENTATIVE FORUM HELD IN THE ACTIVITIES ROOM, GLENCOE LIBRARY, GLENCOE ON WEDNESDAY, 12 JANUARY 2011**     **(P3/17)**

**RESOLVED**

**AMM**     **THAT** the Endumeni Municipality note Minutes of the 2<sup>nd</sup> IDP Representative Forum held in the Activities Room, Glencoe Library, Biggar Street Glencoe on Wednesday, 12 January 2011 at 14h00



**C 01/24/01/11-9**     **UMZINYATHI DISTRICT MUNICIPALITY CAPITAL PROJECTS 2010**     **(F1/1)**

**RESOLVED**

**THAT**

- AMM**
1. The Endumeni Municipality note the contents of correspondence recently received from the Umzinyathi District Municipality as attached to the minutes;
  2. The Endumeni Municipality formally accept liability for the Community Hall to be constructed on the Farm Stratford No 2367 Dundee GT and undertake to maintain the asset after transfer.



**C 02/24/01/11-1**     **REPLACEMENT OF TWO AGEING FIRE VEHICLES: FORD F350, NDE 2483 AND TOYOTA HILUX 4x4, NDE 14093**     **(F2/1)**

**RESOLVED**

**THAT**

- EMCS**
1. Council resolution C 05/15/11/10 dated 29 November 2010 be rescinded due to the requirements of Section 33 of the Municipal Finance Management Act No 56 of 2003;
  2. The formal conclusion of the agreement between the Endumeni Municipality and Rural Metro Emergency Management Services (Pty) Limited in respect of which the latter was to replace two ageing and unreliable fire fighting vehicles, be suspended pending compliance with the provisions of Section 33 of the Municipal Finance Management Act No 56 of 2003.





4. In view of the above, the Council approves of the granting in perpetuity of a Right of Way Servitude of approximately 8,00 meters in width over Council property, being the Remainder of Erf 1044 and Portion 1 of Erf 1071, Dundee, as depicted on the sketch plan from Messrs H S K Simpson & Partners as attached to the agenda of the meeting, in favour of the owner of Portion 2 of Erf 5045, Dundee, subject to the following conditions:
  - 4.1 the current owner of Portion 2 of Erf 5045, Dundee shall in writing accept liability for all costs incidental to the survey and registration of the servitude;
  - 4.2 the Council's valuers be requested to provide the Council with a valuation of the proposed servitude right to be granted, and that the value so determined be utilized as the consideration that the current owner of Portion 2 of Erf 5045, Dundee shall pay to the Council as compensation for the Right of Way servitude so granted;
  - 4.3 the owner of Portion 2 of Erf 5045, Dundee shall accept liability for the construction, fencing and future maintenance of an access road on the servitude so granted at their own cost, and agree thereto that they will have no recourse to the Council for reimbursement of any costs incurred incidental thereto;
  - 4.5 the Right of Way servitude so granted shall be subject to an omnibus servitude for services in favour of the Endumeni Municipality, and any future municipal entity or authority entitled to provide such services;
  - 4.4 the employees of the Endumeni Municipality, and other municipal entities providing municipal services, shall have all rights of access to and egress from the property over which the servitude is granted for the purposes of construction, inspection, maintenance and repairs to any municipal infrastructural services that may be laid over or under the land falling within the boundaries of the Right of Way servitude so granted.





3. Council's Valuer being Messrs H S K Simpson & Partners be requested to provide Council with an estimated fair market related sales value for Erf 618, Sithembile;
4. Upon receipt of the aforementioned sales value, the proposed sale of Erf 618, Sithembile, be re-submitted to Council for further consideration.



**C 02/24/01/11-6     APPLICATION FOR PROPERTY OWNERSHIP: ERF 152, SIBONGILE: MR M D MNYANDU                     (L1/7)**

**RESOLVED**

**THAT**

**CEO**

1. The letter from one M D Mnyandu requesting full registered ownership and a title deed for Erf 152, Sibongile, be noted;
2. It be noted that the said Erf 152, Sibongile was sold by the erstwhile Sibongile Town Committee to a Ms T C Mtshali for an amount of R8 297.39 in 1999, but that the full purchase price has never been paid by the purchaser and transfer of ownership to Ms Mtshali has not been effected;
3. It be noted that Mr Mnyandu alleges that he had bought this Erf 152 from a certain Mrs C Mthembu in 2001, but cannot provide any documentary proof thereof, albeit that the said Mrs Mthembu had no legal standing to sell such property;
4. It be noted that Mr Mnyandu has effected improvements on the property in 2001, the current municipal value of which is R194 000.00, and that he has occupied same since December 2001;
5. It be noted that all attempts to trace Ms TC Mtshali or any of her relatives and heirs by the municipal office as well as Mr Mnyandu has proved fruitless as it is alleged that he has passed away;
6. Due to the fact that Ms Mtshali, the original purchaser of Erf 152, Sibongile, has not fulfilled the requirements of the original agreement of sale by paying the full purchase price, the said agreement of sale is declared null and void and the sale be cancelled;

7. Due to the fact that Mr Mnyandu has improved and occupied the property since 2001, and to ensure that he obtains security of tenure of the property, Mr Mnyandu be instated as substitute purchaser of the property at the full outstanding purchase price of R8 897.39, exclusive of 14% Value Added Tax (VAT);
8. Mr M D Mnyandu be held liable for the outstanding property rates due on the property, as property rates are levied on the value of improvements on a property, and such improvements on Erf 152, Sibongile has, by his own admission, been effected by Mr Mnyandu in 2001;
9. Upon settlement of the outstanding arrear rates and services charges, as well as the full purchase price due as above, transfer of Erf 152, Sibongile be effected to Mr MD Mnyandu.



C 02/24/01/11-7 APPLICATION FOR THE DONATION OF PROPERTIES TO THE MELUSI CHRISTIAN COMMUNITY; DUNDEE (L1/6)

**RESOLVED**

**CEO** THAT Council resolution number C 07/15/11/10 dated 29 November 2010 be amended by the substitution in paragraph 2 of the phrase “*a minimal rental fee of R1 200,00 per annum*” with the phrase “*a minimal rental fee of R120,00 per annum*”, it being noted that any increase in the annual rental due by the lessees, being the Melusi Christian Community, can only be effected at the renewal of the current lease agreement in April 2012.



**APPLICATION FOR ERF 1830, SIBONGILE AS  
COMPENSATION FOR ERF 2163, SIBONGILE: MS G A  
ZITHA** (L1/7)

**RESOLVED**

**THAT**

**CEO**

1. The documentation which has been submitted by Ms A Zitha in response to the Council's resolution number C 08/15/11/10 dated 29 November 2010, be noted,
2. It be noted that the said documentation, consisting of a letter from the erstwhile Borough of Dundee dated 3 January 2001, does establish Ms Zitha's right to an alternate site as compensation for Erf 2163, Sibongile due to an encroachment of a building from the neighbouring Erf 2164 upon Erf 2163;
3. It be noted that Erf 1830, Sibongile is currently owned by the Endumeni Municipality, is vacant, and is similar in terms of extent and value to Erf 2163, Sibongile;
4. The obligation established by the letter submitted by Ms Zitha from the erstwhile Borough of Dundee, be the basis upon which Erf 1830, Sibongile is allocated to Ms Zitha, as compensation for Erf 2163, Sibongile;
5. In view of the fact that the problem existent upon Erf 2163 had been identified during early 2001, and an obligation existed upon the Municipality to rectify the matter at the time, Erf 1830, Sibongile be made available to Ms Zitha against the payment of the then municipal value of Erf 1830, being R2 000.00 excluding 14% Value added Tax (VAT);
6. Ms Zitha must furnish a written undertaking expressing her acceptance of liability for all costs incidental to the transfer of Erf 1830, Sibongile onto her name, as well as renouncing all rights to Erf 2163, Sibongile;
7. It being noted that the rates and services account for Erf 2163, Sibongile, being in the name of Ms A Zitha, reflects arrears of R19 790.71 as at end January 2011, but due to the fact that Ms Zitha has not had unhindered possession and occupation of Erf 2163, Sibongile since 1999, as a result of the encroachment of a building from the neighbouring property thereon, and the fact that the said improvements on the property was not effected by her, the pursuance of a claim for payment of these arrears against Ms Zitha be abandoned, but be directed against the owner of the encroaching building from the neighbouring Erf 2164, Sithembile;



**C 03/24/01/11-2**     **DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS**  
**(C8/3)**

**RESOLVED**

**THAT**

**CFO**

1. The contents of Government Notice R 1196 dated 10 December 2010, be noted;
2. Council approve the upper limits of salaries, allowances and benefits allowed for a Grade 3 municipality;
3. Council request the MEC for Local Government and Traditional Affairs to authorise payment of salaries, allowances and benefits at 100% of the upper limits with effect from 1 July 2010; and
4. Council note that adequate funding is available on the operational budget for the current financial year to finance the additional expenditure of R 124 066.



**C 04/24/01/11**     **GRANTS-IN-AID 2010/2011**     **(G2/1)**

**RESOLVED**

**CFO**

**THAT** the Council award the following grants-in-aid to the following organizations as indicated below:

1. To award a grant-in-aid to the following organizations as indicated below:

	<b>NAME OF ORGANIZATION</b>	<b>AMOUNT AWARDED</b>
1.	Asemahle Drum Majorettes	R5 000.00
2.	Open Space Ministries	R15 000.00
3.	SAVF Dundee Dienssentrum	R10.000
4.	Amaghawe Amahle	R25 000.00
5.	Asikhule Youth Development	R10 000.00
6.	The Dundee Tennis Club	R10 000.00
7.	Dundee Adult Care Centre	R10 000.00
8.	Endumeni Olympic Style Boxing Organization	R15 000.00
9.	Zethembe Luncheon Club	R10 000.00
10.	Biltongfees Society	R20 000.00
11.	Ramakrishna Centre of SA – Dundee	R5 000.00
12.	Ramarkishna Centre of SA – Glencoe	R5 000.00







C 12/24/01/11

**BY-LAWS RELATING TO MUNICIPAL FACILITIES  
AND PUBLIC AMENITIES and BY-LAWS RELATING  
TO OFFENCES, PENALTIES AND APPEALS (L3/6)**

**RESOLVED**

**SML&E**

**THAT** the Council of the Endumeni Local Municipality in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with Section 11(3)(m) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) adopt the Endumeni Municipality By-Laws relating to Municipal Facilities and Public Amenities and the By-Laws relating to Offences, Penalties and Appeals for formal promulgation.



**PRIVATE AND CONFIDENTIAL**

C 13/24/01/11

**APPOINTMENT OF MUNICIPAL MANAGER (P3/16)**

**RESOLVED**

**THAT**

**AMM  
CFO**

1. Endumeni Municipality note a legal opinion provided by Advocate PJ Blomkamp dated 17 January 2011 as appended to the minutes and highlighted by proposals to be implemented by the Endumeni Municipality as detailed in paragraphs 17.1, 17.2 and 17.3 of said opinion. The opinion clarified certain questions raised by Councilors inter alia the options open to Council for the appointment of a Municipal Manager, status of current sec 57 Managers contracts who report to the Municipal Manager in light of proposed amendments to Systems Act 32 of 2000, in particular a question whether the proposed amendments contained in the Bill would operate retrospectively when enacted into law and further amendments to the Endumeni Organogram;
2. Mr J B Maltman and Mr C J Carelse be further appointed as Acting Municipal Manager and Acting Manager Technical Services respectively until 30 April 2011.





