

ENDUMENI MUNICIPALITY

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

PRESENT

Executive Committee:

Cllr Ms W N Mbatha	(Chairperson – Mayor)
Cllr A M Raubenheimer	Deputy 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

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



1. **Opening**

Cllr A M Mthembu opened the meeting with prayer.



2. **Applications for Leave of Absence**

RESOLVED

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



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

The Deputy Mayor, Cllr A M Raubenheimer, advised that the Minutes of the previous meeting had not been circulated and that he only became aware of the appointment of Mr P G Mabilisa when he read the local newspaper.

He has not been presented with a Contract of Employment and he has not been involved in any terms and conditions of the appointment.

He requested that he be provided with such a document as soon as possible.

He was further of the opinion that the meeting in which Mr Mabilisa was appointed was not properly constituted and he therefore proposed that that meeting only be regarded as a workshop of the Council.

In conclusion he advised that on 21 April 2011 a letter written by the Provincial Director of the Democratic Alliance of KwaZulu-Natal was addressed and served to the Municipality in which the Council is advised that the membership of Cllr Ms D P Nkosi as a member of the DA had been withdrawn and as such will no longer serve as a DA councillor in the Enduemni Municipality. He requested that she no longer participate in the meeting and join the public in the gallery.

Cllr Ms R T Nukani advised that the Deputy Mayor did not tender an apology for the last meeting when the Acting Municipal Manager was appointed.

She further advised that, at the meeting, Mr P G Mabilisa was appointed as Acting Municipal Manager and that the Mayor informed him. Unfortunately the Deputy Mayor did not attend the meeting and did not apologize for not attending.

The Deputy Mayor responded by advising that no Minutes of that meeting was circulated to Councillors and that he was advised that a motion he wished to table at the meeting would not be entertained and could only be dealt with at a next meeting.

The purpose of the Motion was to challenge the legality of the last meeting.

Cllr P M Bislam advised that according to him the proper procedures were followed when convening the meeting. The notice of the meeting was signed by the Acting Municipal Manager and the attendance register was signed by Councillors as well as officials.

He further advised that as the matter could not be resolved at a Labour Forum meeting, it was referred to a Special Exco meeting for consideration. In his opinion the Special Exco meeting was legally convened.

He was further of the opinion that the IEC would advise the Council in respect of the suspension by the DA of Cllr Ms D P Nkosi.

The Speaker advised that he was of the opinion that only the MEC could declare a councillor's post vacant.

The Deputy Mayor responded by advising that he did not agree with Cllr P M Bisram that the meeting was procedurally correct.

He then quoted the Council's Standing Rules of Order which required that 5 days notice be given for an ordinary meeting and two days notice for a special meeting. The agenda was sent out less than 24 hours before the meeting should have taken place.

He further advised that when a political party terminates the membership of a member the party is by law obliged to advise the Municipal Manager who in turn has seven days to inform the Chairperson of the IEC. He further advised that it was not for the MEC to decide on the membership of a party.

He then quoted the DA Constitution that if a member of the DA makes themselves available as candidate for any other party he/she automatically ceases to be a member of this party.

The Speaker advised that he was advised of the letter of the DA by Mr C J Retief who signed on behalf of the Acting Municipal Manager. He was of the opinion that the letter was given to him in an incorrect manner as the Acting Municipal Manager was not aware of Mr Retief signing on his behalf.

This matter was then further discussed, the outcome being that this matter should be dealt with as prescribed by the Law.



4. **Minutes of the Previous Meeting**

RESOLVED

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

Ordinary Monthly Meeting: 28 March 2011



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

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. **Motions**

A motion submitted by Cllr Ms P J B Ngobese and seconded by Cllr Ms R T Nukani will be tabled at a next meeting



9. **Presentations**



Part A

MATTERS FOR INFORMATION ONLY

A 02/11/04/11-1 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 02/11/04/11 Monthly Reports

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

RESOLVED

THAT the monthly report in respect of Traffic for the month March 2011 be noted.



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

RESOLVED

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



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

RESOLVED

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



A 02/11/04/11-5 **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 March 2011 be noted.



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

RESOLVED

THAT the monthly report in respect of Talana Museum for the month of March 2011 be noted.



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

RESOLVED

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



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

RESOLVED

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



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

RESOLVED

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



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

RESOLVED

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



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

RESOLVED

THAT the monthly reports from the Manager Corporate Services in respect of the Glencoe Town Hall and Activity Room, for the months of February 2011 and March 2011, be noted.



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

RESOLVED

THAT

1. The monthly report in respect of the Manager Technical Services for the month of March 2011 be noted;
2. Permission be given to the refuse staff to work on Monday 25 April 2011 due to the long weekend;
3. The possibility be investigated to appoint a service provider to remove only garden refuse in the townships in the new financial year.



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

RESOLVED

THAT the letter received from the Department of Environmental Affairs stating that consideration was given to our application for grant funding to establish a Regional Landfill Site in Glencoe and also to embark on a clearing programme of alien/ invasive plants, be noted and it be noted that Umzinyathi will be in control of the regional site in Glencoe



A 05/28/04/11 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 March 2011 be noted.



A 06/28/04/11

STAFF OVERTIME

(S7/7/1)

RESOLVED

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



A 07/28/04/11

QUARTERLY REPORT ON SCM IMPLEMENTATION

(F1/1)

RESOLVED

THAT the report as attached to the Agenda, in terms of section 6(3) of the Supply Chain Management Policy, adopted by Council resolution C 02/01/12/08 on 01 December 2008, the accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the SCM Policy to the executive committee, be noted.



A 08/28/04/11

TRAVELLING ALLOWANCES – COUNCILLORS

(C8/3)

RESOLVED

THAT the letter received from COGTA with regards to a Guideline Framework on travelling allowances for Councillors as annexed to the Agenda, be noted.



B 09/28/04/11 **WARD 4 DRAFT BUDGET 2011/2012 MEETING** (F1/1; B3/2)

RESOLVED

CFO **THAT** the minutes of Ward 4 Draft Budget 2011/2012 meeting held in the Sibongile Community Hall, Sibongile Township, Dundee on Wednesday, 6 April 2011 at 10:00, be noted.



B 10/28/04/11 **WARD 5 DRAFT BUDGET 2011/2012 MEETING** (F1/1; B3/2)

RESOLVED

CFO **THAT** the minutes of Ward 5 Draft Budget 2011/2012 meeting held in the Sibongile Community Hall, Sibongile Township, Dundee on Friday, 8 April 2011 at 10:00, be noted.



B 11/28/04/11 **WARD 6 DRAFT BUDGET 2011/2012 MEETING** (F1/1; B3/2)

RESOLVED

CFO **THAT** the minutes of Ward 6 Draft Budget 2011/2012 meeting held in the Civic Hall, McKenzie Street, Dundee on Friday, 8 April 2011 at 14:00, be noted.



B 12/28/04/11 **LABOUR FORUM COMMITTEE MEETING** {P3/16(a)}

RESOLVED

THAT the following recommendations as contained in the minutes of a continuation meeting of the Local Labour Forum, which was adjourned during the consideration of item 10 and was re-convened and was held on 8 April 2011, be adopted as resolutions of the Executive Committee:

B 12/28/04/11-1 **DATES FOR THE LOCAL LABOUR FORUM MEETING**

RESOLVED

MHR **THAT** the list of dates when the Local labour Forum meetings will take place be noted.



B 12/28/04/11-2 **CREATION OF THE POSITION OF ASSISTANT CURATOR**

RESOLVED

MHR

THAT this item be referred back for management to discuss and report back to the meeting for consideration.



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

RESOLVED

THAT

**AMM
MHR**

1. The implementation of a transformation programme be referred to the Council after elections have taken place;
2. The matter be dealt with internally and that, at the discretion of the Municipal Manager, a post be created to deal with the Transformation Programme.



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

RESOLVED

AMTS

THAT this item be referred to a next meeting for consideration.



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

RESOLVED

AMSD

THAT the Sport and Recreation Officer and the Youth, Art and Culture Officer keep a log book for three months on official kilometres travelled.



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

RESOLVED

CFO

THAT the Chief Financial Officer refer the matter to Kwanaloga for advice and a report be submitted to the next meeting for consideration.



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

RESOLVED

AMSD

THAT it be noted that SAMWU withdrew the item.



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

RESOLVED

MHR

THAT this item be deferred to a workshop at a Special Local Labour Forum Meeting to be held on Friday, 15th April 2011 at 10H00.



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

RESOLVED

MHR

THAT this item be deferred to a workshop at a Special Local Labour Forum Meeting to be held on Friday, 15th April 2011 at 10H00.



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

RESOLVED

EMCS

THAT the Executive Manager Corporate Services provide a detailed report motivating the granting of the said cell phone allowance.



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

RESOLVED TO

CFO

THAT payment be made to Mr B H Zulu for emergency overtime worked by him during the months of December and January 2011 as stipulated on his duly submitted overtime monthly claim forms attached to this agenda.



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

RESOLVED

THAT

**MHR
CFO**

1. The post of Driver/Messenger be created in the Safety & Security section, and the said post be included in the Endumeni Organogram;
2. Mr Sibusiso Mbele be appointed to the said post with effect from the 1st May 2011 and commence remuneration on R78 984.00 per annum notch of the salary grade Task Level 6;
3. A new job description be compiled for this post and submitted for evaluation.



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

RESOLVED TO RECOMMEND

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 TO RECOMMEND

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 TO RECOMMEND

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.



C 08/28/04/11 DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: PURCHASE OF BITUMEN PRODUCTS (F1/1)

RESOLVED TO RECOMMEND

AMM **THAT** the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to Hamba Kahle Road Products in the amount of R56 067.48 including 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 acting Municipal Manager attached to the minutes.



C 09/28/04/11

INTERGOVERNMENTAL DISPUTE BETWEEN ENDUMENI LOCAL MUNICIPALITY AND UMZINYATHI DISTRICT MUNICIPALITY (A8/3)

RESOLVED TO RECOMMEND

THAT

AMM

1. The Endumeni Municipality note the contents of Gobodo Inc Internal Audit Report AD Hoc Project No 1 Umzinyathi Debtor review in the verification of Expenditure being claimed by the Endumeni Local Municipality from Umzinyathi District Municipality relating to sewerage and water services to be complete and accurate in the amount of R16 625 795.74 AS detailed in the Gobodo Inc. audit report attached to the minutes;
2. The Endumeni Municipality note the negotiations conducted between the Municipal Managers on the 27 January 2011 and the agreements reached in this regard as detailed in correspondence attached to the minutes as prescribed per Council MFMA No 32.



C 10/28/04/11

QUARTERLY REPORT ON WITHDRAWALS IN TERMS OF THE MFMA (L3/3/22; 1/4/1/30)

RESOLVED TO RECOMMEND

CFO

THAT Council note the withdrawals for the quarter ended 31 March 2011 in terms of Section 11(4) of the Municipal Finance Management Act.



C 11/28/04/11

WRITE OFF OF IRRECOVERABLE DEBT (A1/3)

RESOLVED TO RECOMMEND

THAT

CFO

1. Council write off the amounts as indicated on the schedule, as attached to the agenda, totalling R20,152.84;
2. The amount be written off against the bad debt provision



C 12/28/04/11

DASHBOARD REPORT ON DRIVERS OF INTERNAL CONTROL: 20 APRIL 2011: AUDITOR-GENERAL (A8/1)

RESOLVED TO RECOMMEND

THAT

AMM

1. The Dashboard Report on the Drivers of Internal Control issued by the Auditor-General on 20 April 2011 be noted;
2. The recommendations of the Endumeni External Audit Committee on the qualification of a action plan and identification of individuals responsible for the implementation of each key performance area as detailed in the Minutes, be adopted.



C 13/28/04/11

DASHBOARD REPORT ON DRIVERS OF INTERNAL CONTROL: 31 JANUARY 2011: AUDITOR-GENERAL (A8/1)

RESOLVED TO RECOMMEND

AMM

THAT the Dashboard Report on the Drivers of Internal Control issued by the Auditor-General on 31 January 2011, be noted.



C 14/28/04/11

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

The Deputy Mayor, Cllr A M Raubenheimer wished it to be recorded that he was of the opinion that this item should be discussed at an open meeting.

RESOLVED TO RECOMMEND

AMM

THAT it be noted that this item was discussed In-Committee at the Council meeting.



C 15/28/04/11

DISABILITY AWARENESS EVENT (F3/1)

The Deputy Mayor, Cllr A M Raubenheimer, with the support of Cllr Ms R T Nukani proposed that the money for the proposed event rather be spent on the municipal buildings and the libraries to make them more user friendly.

RESOLVED TO RECOMMEND

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.



RESOLVED TO RECOMMEND

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 **16h30**

Mayor – Chairperson:

Date: