

ENDUMENI MUNICIPALITY

MINUTES of a SPECIAL EXCO MEETING that was held in the COUNCIL CHAMBER, CIVIC CENTRE, 64 VICTORIA STREET, DUNDEE on THURSDAY, 5 MAY 2011 at 15h00

PRESENT:

Executive Committee:

Cllr Ms W N Mbatha	Mayor – Chairperson
Cllr A M Raubenheimer	Deputy Mayor
Cllr Ms R T Nukani	

Councillors:

Cllr E M Adam
Cllr P M Bisram
Cllr T B Mkhize
Cllr A M Mthembu
Cllr S E Ndimba
Cllr Ms P J B Ngobese
Cllr Ms J A Tshabalala

In Attendance:

Mr P G Mabilisa	Acting Municipal Manager
Ms B A Mbatha	Acting Executive Manager Corporate Services
Mr I Grisdale	Chief Financial Officer
Mr C J Carelse	Acting Manager Technical Services
Mr A J van Wyk	Senior Manager: Corporate Services
Mr C J Retief	Senior Manager Legal & Estates



1. **Opening**

Cllr Ms J A Tshabalala opened the Meeting with prayer



2. **Applications for Leave of Absence**

RESOLVED

THAT the apologies received from Cllrs A M Mthembu and D Singh be noted.



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

The Acting Municipal Manager requested that between 9 and 13 May 2011 all Councillors hand in their laptops, modems and printers.

He further requested that the keys of the Mayoral vehicle be handed to the office of the Acting Municipal Manager on the end of the day of 17 May 2011 (16h25).

He further advised that a Special Exco and Council meeting will take place on 13 May 2011 to consider the budget and the reviewed IDP.

He further advised that he travelled to Pietermaritzburg to sign the agreement pertaining to the transfer of the Health Department's staff. The staff will be transferred from 1 June 2011.

In reply to the question by Cllr A M Raubenheimer regarding the health of Cllr D Singh, the Speaker advised that Cllr D Singh was out of ICU and that his health had improved as he was back at his home.



4. **Minutes of Previous Minutes**

Nil



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

Nil



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

Nil



7. **Petitions**

Nil



8. **Motions**

Nil



9. **Presentation**

Nil



Part C
MATTERS TO BE REFERRED
TO COUNCIL
FOR CONSIDERATION

C 01/05/05/11

**SUSPENSION OF THE ACTING MUNICIPAL
MANAGER, MR J B MALTMAN AND THE
EXECUTIVE MANAGER CORPORATE SERVICES, MR
S PERUMALL** [Confidential]

The Acting Municipal Manager tabled a report at the meeting in which a legal opinion of Attorneys Shepstone & Wylie was attached.

He further tabled a proposed Agreement of Contract of Employment which is attached to the Minutes as an annexure.

The Acting Municipal Manager then read his report in which he recommended that:

1. The Council uplift Mr J B Maltman and Mr S Perumall's suspension and permit them to resume their duties with effect from 9 May 2011 as Executive Manager Technical Services and Executive Manager Corporate Services;
2. The Council continue with its investigation regarding the alleged promotion of staff by Messrs J B Maltman and S Perumall without the necessary authorization, with the co-operation of the said gentlemen.

Cllr S E Ndimba supported by Cllr Ms R T Nukani proposed that the document handed out at the meeting to Councillors and officials be returned to the Acting Municipal Manager.

Cllr A M Raubenheimer requested that he be provided with the document as any decision taken by the DA must be based on information supplied to Councillors and that he needs the document to hand to Mr Radley Keys. He further advised that he could not take a decision if he could not prove that the documents were in his possession for consideration.

He further advised that he could not see that this document should be classified as confidential.

He concluded by advising that he could not support the recommendation without being in possession of the necessary documentation.

After further discussion on this matter Cllr A M Raubenheimer advised that as this document was regarded as secret, he handed in the document to the Mayor and then both Cllr A M Raubenheimer and Cllr E M Adam recused themselves from the meeting.

The Acting Municipal Manager advised the Council that he was of the opinion that the document should not be confidential.

The Senior Manager Corporate Services advised that it was normal practice for documents that were tabled at a meeting to be attached to the Minutes.

Cllr Ms R T Nukani was of the opinion that as the investigation was continuing, the matter was *sub judice*.

During the discussion of the contract of the Acting Municipal Manager, the Acting Executive Manager Corporate Services and the Acting Municipal Manager recused themselves from the meeting.

Cllr P M Bisram proposed that clause 5 of the Agreement should be amended so that the Acting Municipal Manager receives the difference of 50% between his salary and that of the Municipal Manager. He further requested that the above principle apply to Mr C J Carelse with effect from the date that he was appointed and that same be applied to Ms B A Mbatha.

In reply to a question regarding clause 7 of the Agreement, the Chief Financial Officer advised that the Municipal Manager was required to utilize his vehicle within the municipal area and that should he be on official business outside of the area, he would be compensated in terms of tariffs prescribed by the Department of Transport.

Cllr P M Bisram proposed that Ms B A Mbatha be promoted to Manager Support Services under the Municipal Manager's Department on Task Level T17 with effect from 9 May 2011.

The Mayor further proposed that Mr B H Zulu, the Disaster Manager, should be accommodated in the Main Municipal Building, as soon as possible.

After further discussion, it was

RESOLVED TO RECOMMEND

THAT

1. The Council uplift Mr J B Maltman and Mr S Perumall's suspension and permit them to resume their duties as Manager Technical Services and Executive Manager Corporate Services respectively from 9 May 2011;

2. The Council continue with its investigation regarding the alleged promotion of staff by Mr J B Maltman and Mr S Perumall without the necessary authorization with the co-operation of the said gentlemen;
3. It be recorded that Cllr A M Raubenheimer and Cllr E M Adam withdrew from the meeting and were not part of the above decisions due to documents handed out at the meeting been handed back to the Acting Municipal Manager at the Committee's request;
4. The Fixed Term Contract of Employment between the Acting Municipal Manager and the Council be amended as follows:
 - 4.1 By substituting clause 5.1 of the Agreement with the following:

“5.1 The Acting Employee will be paid an acting allowance calculated on a 50% basis between his salary and that of the Municipal Manager payable in equal monthly instalments.”
 - 4.2 By amending clause 7.2 to make provision therefore that the Acting Municipal Manager will only be compensated for kilometres travelled outside of the municipal area at a tariff payable to private owners by the Department of Transport.
5. With effect from 9 May 2011 Ms B A Mbatha be promoted to Manager Support Services under the Municipal Manager's Department on Task Level T17 and that the Council's organogram be amended accordingly and further that a job description be compiled;
6. Mr B H Zulu, the Disaster Manager, be accommodated in the main municipal building as soon as possible, and that he only be tasked with the functions of the Disaster Management Department.



There being no further matters for consideration, the Chairperson declared the meeting closed at **16h00**

.....
CHAIRPERSON

.....
DATE