

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, 6 DECEMBER 2010** at **15h20**

PRESENT:

Councillors:

Cllr T B Mkhize	(Chairperson – Speaker)
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 D Singh	
Cllr Ms J A Tshabalala	

In Attendance:

Mr J B Maltman	Acting Municipal Manager
Mr S Perumall	Executive Manager Corporate 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 06/12/2010

Reports Of The Executive Committee To The Council

RESOLVED

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

Ordinary Exco Meeting

6 December 2010



C 07/12/2010

Petitions

Nil



C 08/12/2010

Motions

The Speaker advised that he received two Motions which would be considered at the next meeting.



C 09/12/2010

Presentation



ORDINARY MONTHLY MEETING: 6 DECEMBER 2010

PART B

B 01/06/12/10 **EMPLOYEES IN ARREARS FOR RATES AND SERVICE CHARGES** (P3/16; A5/3)



B 02/06/12/10 **LABOUR FORUM COMMITTEE MEETING** {P3/16(a)}

B 02/16/12/10-1 **CLARIFICATION ON POSSIBLE OVERLAPPING OF JOB DESCRIPTIONS: ENDUMENI MUNICIPALITY TRAFFIC DEPARTMENT**



B 02/16/12/10-2 **CARETAKER FORESTDALE**



B 02/16/12/10-3 **BUILDING INSPECTOR**



B 02/16/12/10-4 **ENDUMENI MUNICIPALITY POLICY ON OVERTIME**



B 02/16/12/10-5 **CREATION OF COMMITTEE OFFICERS POSTS**



B 02/16/12/10-6 **FIXED TRAVELLING**



Part C
MATTERS REFERRED
TO COUNCIL
FOR CONSIDERATION

C 01/06/12/10 **BY-LAWS ON STANDING ORDERS** **(C7/1; L3/3/39)**

RESOLVED

THAT

EMCS
SML&E

1. Council takes note that Resolution C 05/14/09/09-5 relating to Standing Orders of Council and Committees be rescinded on implementation of the new Standing Orders;
2. Council notes the workshop presented by COGTA to the Council on 4 November 2010;
3. Council approves the draft Rules & Orders of the Endumeni Council and Committee;
4. The formal procedures relating to the adoption and promulgation of the Rules and Orders as by-laws be commenced with;
5. In terms of Clause 43 of the Standing Orders the Speaker, the Mayor and the following Councillors, one from each political party, be appointed to serve on the Rules Committee:

Cllr D Singh	IFP
Cllr P M Bisram	ANC
Cllr E M Adam	DA



C 02/06/12/10

**APPLICATION FOR A RIGHT OF WAY SERVITUDE
OVER COUNCIL PROPERTY: REMAINDER ERF 1044
AND PORTION 1 OF ERF 1071, DUNDEE** (T3/10)

RESOLVED

THAT

CEO

1. It be noted that an application for the registration of a Right of Way Servitude of approximately 8,00 metres in width over Council property, being the Remainder of Erf 1044 and Portion 1 of Erf 1071, Dundee, has been received from Messrs H S K Simpson & Partners of Dundee, on behalf of their client, Ms L Slabbert;
2. It be noted that the purpose of the servitude is to gain vehicular access to a proposed sectional title development which is to be erected upon Erf 5045/2, Dundee;
3. In view of the fact that the Dundee Golf Club is the current lessee of the proposed *Servient Tenement*, being the Remainder of Erf 1044 and Portion 1 of Erf 1071, the comments of the members representing the Dundee Golf Club be solicited with regard to the feasibility of such a servitude and whether such would affect them in any way;
4. Upon receipt of the comments of the members of the Dundee Golf Club, the matter again be presented to the Council for final consideration.



C 03/06/12/10

**APPLICATION FOR A PORTION OF LAND IN ORDER
TO CREATE AN ENVIRO-PARK: BIGGARSBERG
HONORARY OFFICERS (EZEMVELO KZN WILDLIFE)**

(L1/7)

RESOLVED

THAT

CEO

1. The application from the Biggarsberg Honorary Officers for the utilisation of Council property, being Erven 1418, 1416, 1421 and 1415, Dundee, in order to establish an Enviro-Park, be noted;

2. It be noted that the applicants intend to retain the vegetation existent on the erven, to remove alien plant life and replace the same with indigenous plant life, which it is alleged would improve on the habitat for the animal life in that area;
3. The application be approved in accordance with the business plan as enclosed with their application, but subject to the following conditions:
 - 3.1 the applicants undertake in writing to be liable for all costs incurred in the establishment and maintenance of the Enviro-Park upon the Council land as identified above;
 - 3.2 the Endumeni Municipality be indemnified against any loss or damages that may be suffered as a result of the use of the land for the purposes of establishing the Enviro-Park;
 - 3.3 the applicants accept that Council will make available to them the land at no cost for environmental purposes only, but that the land remains in the ownership and possession of the Council, and that they will have no claim against the Council for reimbursement of any costs incurred by them or any other persons connected therewith;
 - 3.4 that any activities undertaken upon the land will be at their own and sole risk;
 - 3.5 the land shall not be used for any purposes other than that applied for, nor may any permanent or temporary structures be erected, or any excavations of whatever nature be carried out upon the land without the prior written consent of the Council;
 - 3.6 access to the land by any other member of the public shall not be restricted by the applicants;
 - 3.7 the applicants shall liaise with the Council's Technical Services Department prior to the removal of any vegetation or trees so as to ensure controlled removal thereof.



C 04/06/12/10 **CHURCH BUILDING STRUCTURE** (G2/1)

RESOLVED

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



C 05/06/12/10 **REQUEST FOR HOUSE: 153 THEMBA STREET, SITHSEMBILE TOWNSHIP, GLENCOE** (Lot 49)

RESOLVED

SML&E **THAT** Cllr S E Ndimba and the Senior Manager: Legal & Estates discuss the occupation of the house at 153 Themba Street, Sithembile Township, Glencoe with the parties involved in the dispute over the occupation of the dwelling in order to find a solution to same.



C 06/06/12/10 **ASSESSMENT OF THE ENDUMENI MUNICIPALITY 2010/2011 REVIEWED INTEGRATED DEVELOPMENT PLAN** (P3/17)

RESOLVED

AMM **THAT** the letter received from the Ministry of Co-Operative Governance & Traditional Affairs pertaining to the assessment of the Endumeni Municipality 2010/2011 reviewed development plan, be noted.



**DEBT COLLECTION: ENDUMENI MUNICIPALITY
ENFORCEABILITY OF CLAIMS AGAINST
UMZINYATHI DISTRICT MUNICIPALITY (F1/1)**

RESOLVED

THAT

**AMM
CFO**

1. The Endumeni Municipality reaffirms the Resolution taken by the Executive Committee per Resolution No B 01/16/08/10-3;
2. The Endumeni Municipality notes the contents of a document appended per agenda item “B” relating to the enforceability of water and sanitation claims against the Umzinyathi District Municipality;
3. The Endumeni Municipality unanimously affirms correspondence of 25 November 2010 directed to Umzinyathi District Municipality as appended per agenda item “C”;
4. Should the issues not be resolved by 15 December 2010 Endumeni Municipality declare the following disputes with Umzinyathi District Municipality in terms of the Intergovernmental Framework Act 13 of 2005:
 - 4.1 The failure to effect payment by Umzinyathi District Municipality of operational expenditure incurred after the effective date in breach of statutory Notice 841 of 13 June 2003 and contractual provisions of an agreement between the Endumeni Local Municipality and Umzinyathi District Municipality in the amount of R17 068 623.59.
 - 4.2 The failure of the Umzinyathi District Municipality to receive assets and liabilities as at the effective date in breach of statutory Notice 841 of 13 June 2003 and contractual provisions of agreement between the Endumeni Local Municipality and Umzinyathi District Municipality.
5. The Endumeni Municipality furthermore allows a reasonable period of 90 days to achieve for an appropriate resolution of the dispute as contemplated in terms of the Intergovernmental Framework Act 13 of 2005. In the event of the dispute remaining unresolved the Endumeni Municipality’s Attorneys Acutt & Worthington be directed to issue summons in the Provincial Division of the Supreme Court.



C 08/06/12/10 LEAVE: ACTING MUNICIPAL MANAGER (C7/1)

RESOLVED

THAT

- CFO**
1. The application for leave submitted by the Acting Municipal Manager be granted Annual leave between 22 December 2010 to 5 January 2011;
 2. Mr S Perumall, Executive Manager Corporate Services be appointed to the position of Acting Municipal Manager for the period 22 December 2010 to 05 January 2011 and be paid an Acting Allowance as determined by the Council policy.



C 09/06/12/10 COMMUNICATION TECHNICAL SUPPORT (P3/16)

RESOLVED

AMM **THAT** the Endumeni Municipality approve of the action of the Acting Municipality appointing Sabalala Consultants Pty Ltd as per proposal attached to the minutes in the amount of R80 000 excl. V.A.T in terms of Section 36 of the Endumeni SCM policy. The appointment be deemed as urgent as at the request of the Mayor certain key deliverables pertaining Mayoral Imbizo's be implemented in January 2011. The project be financed on the advice of the CFO ex Vote 111/260 520.



C 10/06/12/10 MUNICIPAL INFRASTRUCTURE GRANT: PROJECT REGISTRATION: WATT ROAD COAL TRANSPORTATION ROUTE [T3/1(b)]

RESOLVED

THAT

- AMM**
1. The Endumeni Municipality approve of a project to construct a Coal Transportation Route and said project be included in the Endumeni IDP 2010/2011;
 2. The MIG Municipal Infrastructure Grant Project Registration Form be as appended to Minutes approved subject to the approval of the Ward Six (6) Committee.



C 11/06/12/10 WORKSHOP REPORT (S7/3/16)

RESOLVED

THAT

- AMM**
1. The workshop report on the Endumeni Local Municipality Working Session held on 26 October 2010 by GTZ and COGTA be noted;
 2. It be noted that the name of Cllr Ms D P Nkosi should be added to the names of the workshop participants.



C 12/06/12/10 ENDUMENI LOCAL MUNICIPALITY DISASTER RISK MANAGEMENT FUNDING POLICY (F2/1)

RESOLVED

EMCS **THAT** Council adopts the Endumeni Local Municipality Disaster Risk Management Funding Policy, as attached to the Agenda, with immediate effect.



There being no further matters for consideration, the Chairperson declared the meeting closed at **15h25**

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CHAIRPERSON

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DATE