

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, 28 JULY 2010** at **16h45**

PRESENT:

Councillors:

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

In Attendance:

Mr J B Maltman	Acting Municipal Manager
Mr S Perumall	Manager Corporate Services
Mr C J Carelse	Acting Manager Technical Services
Mr I Grisdale	Chief Financial Officer
Mr A J van Wyk	Head: Administration
Mr C J Retief	Head: Legal & Estates



C 01/07/2010

Opening

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



C 02/07/2010

Applications for Leave of Absence

RESOLVED

THAT the leave of absence received from Cllr E M Adam be noted



C 03/07/2010

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

Nil



C 04/07/2010

Confirmation of Minutes

Nil



C 05/07/2010

Questions Of Which Notice Has Been Given

Nil



C 06/07/2010

Reports Of The Executive Committee To The Council

RESOLVED

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

Special Meeting

28 July 2010



C 07/07/2010

Petitions

Nil



C 08/07/2010

Motions

Nil



C 09/07/2010

Presentation

See Item B 05/19/07/10



ORDINARY MONTHLY MEETING: 28 JULY 2010

PART A

A 02/19/07/10-1 **COUNCILLORS ATTENDANCE OF COUNCIL AND EXCO MEETINGS** (C7/1)



A 02/19/07/10 **Monthly Reports**

A 02/19/07/10-2 **MONTHLY REPORT: TRAFFIC** (T4/6)



A 02/19/07/10-3 **MONTHLY REPORT: TESTING STATION** (T4/1)



A 02/19/07/10-4 **MONTHLY REPORT: RURAL METRO** (F2/6)



A 02/19/07/10-5 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)



A 02/19/07/10-6 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY**
(L4/2/1)



A 02/19/07/10-7 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)



A 02/19/07/10-8 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY**
(17/4/6)



A 02/19/07/10-9 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY**
(L4/3/1)



A 02/19/07/10-10 **MONTHLY REPORT: MANAGER CORPORATE SERVICES – GLENCOE TOWN HALL & ACTIVITY ROOM**
(9/1/2/1)



A 02/19/07/10-11 MONTHLY REPORT: MANAGER CORPORATE SERVICES – CLINIC (P4/5)



A 02/19/07/10-12 CONFIRMATION OF MUNICIPAL WARD BOUNDARIES, K241, ENDUMENI MUNICIPALITY (B3/2)



A 03/19/07/10-1 STAFF OVERTIME (S7/7/1)



A 04/19/07/10-1 MONTHLY REPORT: MANAGER TECHNICAL SERVICES (R3/8)



A 04/19/07/10-2 ENDUMENI LOCAL MUNICIPALITY CLEANUP CAMPAIGN (C2/3/4)



A 04/19/07/10-3 SIFE SOUTH AFRICA (P3/18)



A 05/19/07/10 MINUTES OF THE MEETING WITH THE KWAZULU-NATAL PROVINCIAL LEGISLATURE (P3/18)



PART B

B 01/19/07/10-1 COMPENSATION FOR OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEMBERS (C7/12)



B 01/19/07/10-2 WARD 2 WARD COMMITTEE MEETING (B3/2)



B 02/19/07/10-1 LABOUR FORUM COMMITTEE MEETING {P3/16(a)}

B 02/19/07/10-1.1 FILLING OF VACANCIES



B 02/19/07/10-1.2 RECRUITMENT AND SELECTION POLICY



B 02/19/07/10-2 HIV/AIDS EVENTS FOR FINANCIAL YEAR 2010/2011
[P4/7/1(a)]



B 02/19/07/10-3 PROVINCIAL RURAL HORSE RIDING FESTIVAL
[S6/1(b)]



B 02/19/07/10-4 INDIGENOUS SPORTS AND GAMES (S6/1)



B 02/19/07/10-5 THE INSTITUTE OF LICENCE OFFICIALS OF SOUTHERN AFRICA: ELECTION OF HEAD SAFETY AND SECURITY MR M E NDLOVU ON THE EXECUTIVE COMMITTEE (C4/7/1)



B 03/19/07/10-1 ACCOUNTS PAID (F1/4)



B 04/19/07/10-1 PRIMEDIA OUTDOOR (PTY) LTD: STREETNAME SIGNS CONTRACT (A2/2)



B 04/19/07/10-2 FELLING OF TREES: TENDER NO : 21/2009 (S2/1)



B 04/19/07/10-3 INDLU YAMANDLA LAND ASSOCIATION (M3/13)



B 05/19/07/10

LIQUOR LICENCE APPLICATION PROCEDURES

(L5/1)



B 06/19/07/10

PETTY CASH: KWANALOGA GAMES- 2009

(S6/1)



C 01/19/07/10-4 MINUTES OF ENDUMENI MUNICIPALITY'S MANAGEMENT COMMITTEE RELATING TO ENDUMENI AUDIT REPORT RECEIVED FROM AUDITOR GENERAL 2008/2009 (A8/2)

RESOLVED

MM **THAT** the Endumeni Municipality note a report of the Management Committee in respect to responses to the Auditor General's report for the fiscal year 2008/2009 and the aforesaid Minutes be tabled for the consideration of the external Audit Committee.



C 01/19/07/10-5 IDP PROCESS PLAN 2010/2011: ENDUMENI MUNICIPALITY (P3/17)

RESOLVED

MM **THAT** the IDP Review/Budget Process plan as attached to the Minutes for the Review of IDP 2011/2012 be approved and published in the Northern KwaZulu-Natal Courier under Notice Number 52/2010.



C 01/19/07/10-6 COMMUNICATION STRATEGY (P3/18)

RESOLVED

MM **THAT** the Committee support the adoption of the Communication Strategy and that the Council adopt same.



C 01/19/07/10-7 ORGANIZATIONAL PERFORMANCE MANAGEMENT SYSTEM [P3/17(a)]

RESOLVED

THAT

MM 1. The departmental scorecards of the Manager Corporate Services, Chief Financial Officer and Manager Technical Services be adopted in terms of the Endumeni Organizational framework for the period 01 July 2009 to 30 June 2010 as per Section 72 of the MFMA;

2. The Endumeni Organizational scorecard be adopted in terms of the Endumeni Organizational framework for the period 01 July 2009 to 30 June 2010 as per Section 72 of the MFMA;
3. The Reports of Gobodo Pty Ltd External Auditor to Endumeni Municipality, pertaining 1st, 2nd & 3rd Quarter performance Audit and Minutes of the Endumeni Audit Committee in respect of Endumeni Organizational Performance Review for the period 01 July 2009 to 30 June 2010 be noted.



C 01/19/07/10-8 **SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 3rd & 4th QUARTER REPORTS: SECTION 57 MANAGERS PERFORMANCE REPORTS 3rd & 4th QUARTER** **[P3/17/(a)]**

RESOLVED

MM **THAT** the Endumeni Municipality adopts the 3rd & 4th Quarter SDBIP Reports and 3rd & 4th Quarter Section 57 Performance reports for Manager Finance, Manager Corporate Services and Manager Technical Services in respect of fiscal year 2009/2010.



C 02/19/07/10-1 **PROPOSED PURCHASE OF ERF 1458 – SIBONGILE: MR J ZULU** **[L1/6(a)]**

RESOLVED

AHL&E **THAT** Council’s Valuers, being Messrs H S K Simpson & Partners of Dundee, be requested to assess the subject property, being Erf 1458, Sibongile, in order to provide Council with an estimated fair market related sales price for the said property, based on the land value thereof only, as the improvements thereon had been effected by the occupant, being Mr J Zulu, at his own cost.



C 02/19/07/10-2 PROPOSED DISPOSAL OF NON-CORE TRANSNET IMMOVABLE PROPERTY: ERF 724, GLENCOE (L1/7)

RESOLVED

THAT

AHL&E

1. The letter from Transnet Limited, referenced TP/EC(D) 1/12/3/6103/3 dated 10 April 2010, offering Council the opportunity to purchase non-core Transnet immovable property known as Erf 724, Glencoe, as a market related value be noted;
2. Due to Council not having any immediate or future urgent need for such premises, and the considerable financial investment it would require to render the building upon the property suitable for further use, the offer be declined.



C 02/19/07/10-3 OPTION TO PURCHASE: PORTION 105 OF THE FARM UITHOEK NO. 1335 (L1/1)

RESOLVED

THAT

AHL&E

1. It be noted that a Mr J Grobler has approached the Municipality, enquiring whether it would be interested in the purchase of a farm adjacent to the Sithembile township, being Portion 105 of the Farm Uithoek No. 1335;
2. The Council express its provisional interest in the acquisition of the land, which could be utilized to assist the residents of Sithembile with grazing land for livestock, or for cultivation and vegetable gardening projects;
3. The Departments of Agriculture and Land Affairs be approached to ascertain whether they would have any grants or other programmes available that could assist Council in acquiring such land for these purposes.



C 02/19/07/10-4 APPLICATION TO RENT/LEASE ERF 1955, GLENCOE FOR PURPOSES OF VEGETABLE GARDENING: KYMERO MEATS (L1/6)

RESOLVED

THAT

AHL&E

1. The application from Kymero Meats for the lease of Erf 1955, Glencoe, be noted;
2. The applicants be advised that the rental of Council property is, in terms of the Council's Supply Chain Management Policy, read with Section 14 of the Municipal Finance Management Act No 56 of 2003, to be conducted by public bid process only;
3. Erf 1955, Glencoe be leased via a Public Bid Process as provided for in the Municipal Finance Management Act No 56 of 2003 and the Municipality's Procurement Policy;
4. Council's valuers, being Messrs H S K Simpson and Partners of Dundee, be requested to provide Council with a fair market related monthly rental amount for the subject property;
5. The aforementioned monthly rental be included in the advertising procedures should Erf 1955, Glencoe become available for lease via the public bid process.



C 02/19/07/10-5 APPLICATION TO PURCHASE ERF 266 SITHEMBILE FOR THE ESTABLISHMENT OF A PLAZA (L1/7)

RESOLVED

AHL&E

THAT this item be withdrawn from the agenda.



**REQUEST FOR EXCHANGE OF ERF 690,
SITHEMBILE FOR ERF 3416, SITHEMBILE: SAINT
JOHN'S APOSTOLIC FAITH MISSION (L1/5/23)**

RESOLVED

THAT

AHL&E

1. It being noted that the Saint John's Apostolic Faith Mission had, in terms of a Council resolution dated 12 March 2001, purchased certain Erf no. 690, Sithembile for an amount of R1368,00 inclusive of VAT, specifically for Worship purposes;
2. It further being noted that the said property is not suitable for building purposes as a result of the presence of rocks and unsuitable terrain features;
3. The letter from the Saint John's Apostolic Faith Mission dated 15 October 2009, wherein they request another site to be allocated to them, be noted;
4. It being noted that a more suitable property, being Erf 3416, Sithembile, has been found and that the said congregation has expressed their satisfaction therewith;
5. The sales agreement between the Council and the Saint John's Apostolic Faith Mission, in respect of the purchase of Erf 690, Sithembile, be cancelled, and a new sales agreement be entered into in respect of Erf 3416, Sithembile, whereby the said congregation purchases the new property for the same amount as what had been paid for Erf 690, Sithembile, thereby confirming the exchange of Erf 690, Sithembile in favour of Erf 3416, Sithembile as requested by the congregation.



C 02/19/07/10-7 APPLICATION FOR LAND: E B THUSI (L1/7)

RESOLVED

THAT

AHL&E

1. The application for land by Mr E B Thusi be noted;
2. It be noted that the jurisdiction of land redistribution and land reform as well as compensation thereof, vests with the Department of Land Affairs, and not with the municipal structures;
3. It be noted that should the Council approve Mr Thusi's request, this would set a precedent, which would open the floodgates for a number of similar requests;
4. In view of the above, the request from Mr Thusi for land for farming purposes not be approved.



C 02/19/07/10-8 ANNUAL PERFORMANCE REPORT: RURAL METRO FIRE BRIGADE SERVICE: UMZINYATHI DISTRICT (F2/6)

RESOLVED

MCS

THAT the Annual Performance report of Rural Metro Fire Brigade Service: Umzinyathi District for the period 1 July 2009 – 30 June 2010 be approved.



C 02/19/07/10-9 CANCELLATION / APPLICATION: LEASE OF LAND: ERF 2272/72 (5), DUNDEE: SOUTH AFRICAN POLICE CLUB (L1/6)

RESOLVED

THAT

AHL&E

1. It being noted that the erstwhile Dundee Municipality leased a portion of land known as Erf 2272/72(5), Dundee, to the South African Police Service Sports Club (Malonjeni Club), and that the South African Police Service built a clubhouse at their own cost;
2. Council accepts cancellation of the lease of Erf 2272/72 (5), Dundee by South African Police Service Sports Club (Malonjeni Club);

3. Council approves of the takeover of the lease of the said Erf by the Malonjeni Dart Club upon the same terms and conditions, it being noted that the Malonjeni Dart Club consists of mainly South African police Force members;
4. The use of the shooting range upon the same portion of land be prohibited due to the threat it poses to the adjacent Craigsid community, and the fact that the said shooting range is not registered.



C 02/19/07/10-10 APPLICATION TO PURCHASE A PORTION OF ERF 643, SITHEMBILE: MRS T MTHEMBU (L1/7)

RESOLVED

THAT

AHL&E

1. The application from Mr T Mthembu for the purchase of Erf 643, Sithembile, be noted;
2. It being noted that the portion of land upon which Mrs Mthembu currently conducts a business known as Esomnyezane Restaurant from, being Erf 643, Sithembile, had historically been given to her late father by the erstwhile administration of the Sithembile township in 1981, and that transfer of ownership had never been effected, the Council is in principle prepared to sell an approximate 1500m² portion of Erf 643, Sithembile to Mrs Mthembu at land value only;
3. The sale of land be subject to the following:
 - 3.1 the Office of the Member of the Executive Committee (MEC), in terms of Provincial Notice No. 1369 dated 17 August 2006, gives its consent thereto;
 - 3.2 the National & Provincial Treasuries in terms of the Municipal Asset Transfer Regulations 2008, gives their consent thereto; it being noted that the proposed sale would deviate from the requirements of Section 14 of the Municipal Finance Management Act No. 56 of 2003 and the Council's Supply Chain Management Policy;
 - 3.3 Mrs Mthembu be prepared to purchase the land at the current market value as determined by the Council's valuers, and also accept liability towards payment of the applicable sub divisional and registration of transfer costs.



C 03/19/07/10-1 QUARTERLY REPORT ON WITHDRAWALS IN TERMS OF THE MFMA (L3/3/22; 1/4/1/30)

RESOLVED

CFO **THAT** Council note the withdrawals for the quarter ended 30 June 2010 in terms of Section 11(4) of the Municipal Finance Management Act.



C 03/19/07/10-2 APPROVAL OF ELECTRICITY TARIFFS – NERSA (L3/3/2)

RESOLVED

THAT

- CFO**
1. Council condone the action of the Chief Financial Officer in implementing the NERSA approved tariff C (Commercial Prepaid) of 98.00c/kWh with effect from 1 July 2010;
 2. Council note that the other applicable tariffs have been approved by NERSA, and were implemented on 1 July 2010.



C 03/19/07/10-3 REPORT ON BUDGET IMPLEMENTATION AND FINANCIAL STATUS FOR THE QUARTER ENDED 30 JUNE 2010 (F1/1)

RESOLVED

CFO **THAT** Council notes the report on budget implementation and the financial status for the period ended 30 June 2010.



C 03/19/07/10-4 APPLICATION FOR ANNUAL ALLOCATION –
ENDUMENI TOURISM (P5/5)

RESOLVED

THAT

- CFO**
1. Council approves an amount of R149,940.57 (0.1% of the Operating Expenditure Budget) to be granted to Endumeni Tourism for the 2010/2011 financial year and that Endumeni Tourism submit its programme for the year to Council.
 2. The amount be funded ex vote 111/260 215.



C 03/19/07/10-5 IMFO CONFERENCE – 2010 (C4/4)

RESOLVED

THAT

- CFO**
1. The Chief Financial Officer and the Mayor, Cllr WN Mbatha be authorised to attend the IMFO Conference to be held on 4 to 6 October 2010 at ICC Durban, Ethekewini Municipality;
 2. The conference fees together with accommodation and travelling and subsistence be paid by Council.



C 04/19/07/10 SUBSIDY FUNDING TOWARDS STAFFING COSTS
FOR PUBLIC LIBRARIES (L4/1)

RESOLVED

THAT

- CFO**
HA
1. The Council accept the contribution of R1 113 078.11 from the Department of Arts & Culture, KwaZulu-Natal towards the staffing costs of Dundee, Glencoe, Sibongile and Wasbank Community Libraries;
 2. The Council approve the Memorandum of Agreement attached to the Agenda and that the Acting Municipal Manager be authorized to sign the Agreement on behalf of the Council.



C 08/19/07/10

ENDUMENI MUNICIPALITY DELEGATION AND FURTHER SUB DELEGATION OF POWERS AND DUTIES IN TERMS OF MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003) BY THE ACCOUNTING OFFICER AND RELEVANT TOP MANAGEMENT FOR THE ENDUMENI MUNICIPALITY (C7/6)

RESOLVED

MM

THAT the Endumeni Municipality note the Delegations and further Sub Delegations of Powers and Duties in term of the Municipal Management Finance Management Act 2003, (Act No 56 of 2003) by the Accounting Officer and relevant top Management for the Endumeni Municipality effective 1 July 2010.



C 09/19/07/10

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

RESOLVED

THAT

**MM
CFO**

1. Messrs J B Maltman and C J Carelse (Snr) be appointed as Acting Municipal Manager and Acting Manager Technical Services from 1 July 2010 and until 30 January 2011;
2. The Chief Financial Officer report on the possibility of paying the Acting Municipal Manager and Acting Manager Technical Services an acting allowance for consideration to Council.



There being no further matters for consideration, the Chairperson declared the meeting closed at **17h00**

.....
CHAIRPERSON

.....
DATE