

ENDUMENI MUNICIPALITY

MINUTES of an **ORDINARY MONTHLY** meeting of the **EXECUTIVE** Committee held in the Council Chamber, Civic Centre, 64 Victoria Street, DUNDEE on **MONDAY, 31 OCTOBER 2011** at **15h00**

PRESENT

Executive Committee:

Cllr T M Mahaye (Chairperson – Mayor)
Cllr T B Mkhize (Deputy Mayor)

Councillors:

Cllr E M Adam
Cllr S W Dhlamini
Cllr Ms T I Makaba
Cllr Ms W N Mbatha
Cllr S B Mdluli (From 15h20)
Cllr J A Mfeka
Cllr H S B Ngobese
Cllr N S Ntuli (Until 17h20)
Cllr M H Zwane

In Attendance:

Mr P G Mabilisa Acting Municipal Manager
Mr S Perumall Executive Manager: Corporate Services
Mr J B Maltman Executive 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



1. **Opening**

Cllr H S B Ngobese opened the meeting with prayer.



2. **Applications for Leave of Absence**

RESOLVED

THAT the leave of absence received from Cllr A M Raubenheimer, be noted.



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

Nil



4. **Minutes of the Previous Meeting**

RESOLVED

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

Ordinary Monthly Meeting:	26 September 2011
Special Meeting:	13 October 2011



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

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. **Motions**

See Item D 01/31/10/11-1



9. **Presentations**

See Items B 05/31/10/11 and B 06/31/10/11



Part A

MATTERS FOR INFORMATION ONLY

A 01/17/10/11-1 WARD 5 WARD COMMITTEE MEETING (3/4/6)

RESOLVED

THAT the Minutes of Ward 5 Ward Committee meeting held in the Main Committee Room, Civic Centre, 64 Victoria Street, Dundee on Friday, 16 September 2011 at 15:00, be noted.



A 02/17/10/11-1 COUNCILLORS ATTENDANCE OF COUNCIL, EXCO AND PORTFOLIO COMMITTEE MEETINGS (3/4/2)

RESOLVED

THAT the report regarding the Councillors attendance of Council, Exco and Portfolio Committee meetings, be noted.



A 02/17/10/11 Monthly Reports

A 02/17/10/11-2 MONTHLY REPORT: TRAFFIC (17/2/4)

RESOLVED

THAT the monthly reports in respect of Traffic for the month September 2011, be noted.



A 02/17/10/11-3 MONTHLY REPORT: TESTING STATION [17/2(R)]

RESOLVED

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



A 02/17/10/11-4 **MONTHLY REPORT: RURAL METRO** (16/7/2)

RESOLVED

THAT the monthly report, received from Rural Metro, in respect of Fire and Disaster Management for the month of September 2011, be noted.



A 02/17/10/11-5 **MONTHLY REPORT: TALANA MUSEUM** (7/4/3)

RESOLVED

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



A 02/17/10/11-6 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (17/4/1)

RESOLVED

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



A 02/17/10/11-7 **MONTHLY REPORT: SIBONGILE LIBRARY** (17/4/2)

RESOLVED

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



A 02/17/10/11-8 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/3)

RESOLVED

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



A 02/17/10/11-9 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY** (17/4/4)

RESOLVED

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



A 02/17/10/11-10 **LOCAL GOVERNMENT: DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS: REGULATION NO. 344, DATED 21 APRIL 2011** (4/1/1/1)

RESOLVED

THAT the latest published Local Government: Disciplinary Regulations for Senior Managers: Regulation No. 344 dated 21 April 2011 together with a presentation document handed out by SALGA/Kwanaloga at a workshop held on 29 September 2011, be noted.



A 02/17/10/11-11 **AMENDMENTS TO THE MUNICIPAL SYSTEMS ACT NO. 7 OF 2011, DATED 2 JULY 2011** (1/6/5)

RESOLVED

THAT the latest amendment to the Municipal Systems Act No. 7 of 2011 dated 2 July 2011 together with some guidelines in respect of the implementation of amendments to the Systems Act provided by SALGA/Kwanaloga at a workshop held on 29 September 2011, be noted.



A 03/17/10/11-1 **STAFF OVERTIME** (4/5/2/4)

RESOLVED

THAT

1. The Executive Manager of the Technical Services investigate unnecessary overtime and submit a report to Council of his findings and how the matter is to be resolved;
2. The overtime for the month of September 2011 as approved by the respective Heads of Departments under delegated powers, be noted.



A 03/17/10/11-2 **QUARTERLY REPORT ON SCM IMPLEMENTATION** (1/4/1/31)

RESOLVED

THAT the report for the quarter 1 July 2011 to 30 September 2011 regarding the implementation of the Supply Chain Management Policy, be noted.



Part B
MATTERS RESOLVED
BY COMMITTEE UNDER
DELEGATED POWERS

B 01/17/10/11-1 **CLOSING OF MUNICIPAL OFFICES: DECEMBER 2011** (7/1/1/3)

RESOLVED

HOD'S **THAT** the municipal offices not be closed on 23 and 30 December 2011 but that officials work either a morning shift or an afternoon shift.



B 01/17/10/11-2 **COUNCIL'S YEAR-END FUNCTION** (3/4/2)

RESOLVED

EMCS **THAT** The Council's year-end function be held on 5 December 2011 at the Glencoe Municipal Offices.



B 03/17/10/11-1 **ACCOUNTS PAID** (5/4/1/3)

RESOLVED

CFO **THAT** the bank reconciliation for the month of September 2011 together with the schedule of accounts paid for the month of September 2011, as well as the report submitted in terms of Government Gazette No. 18435 be approved and confirmed.



B 04/17/10/11-1 **DEPARTMENT OF PROVINCIAL & LOCAL GOVERNMENT**
MUNICIPAL INFRASTRUCTURE GRANT: ANNUAL REPORT
AUGUST 2011 (5/8/2/1)

RESOLVED

EMTS **THAT** the contents of the Municipal Infrastructure Grant: Annual Report August 2011 be noted.



B 05/31/10/11

PRESENTATION: SOUTH AFRICAN ENQUIRY SERVICES

(12/2/1/25)

The Mayor welcomed Mr Cebekhulu and his colleague to the meeting.

Mr Cebekhulu presented the presentation which was in the agenda.

The main points mentioned in his presentation are that:

1. All municipalities should be run like a business;
2. Municipalities should have systems in place to get payments;
3. The system made it possible for persons to obtain balances on service accounts;
4. Persons in rural areas could pay their municipal accounts via their Vodacom phones. The sim cards could be obtained free of charge.

The Mayor thanked Mr Cebekhulu for his presentation whereafter he recused himself from the meeting.

RESOLVED

AMM

THAT the presentation by Mr Cebekhulu, on behalf of South African Enquiry Services, be noted.



B 06/31/10/11

PRESENTATION: DEPARTMENT: HUMAN SETTLEMENTS

(12/2/1/25)

The Mayor welcomed Mr M Dhlamini to the meeting.

Mr Dhlamini then presented the attached presentation (Annexure "A")

After completing his presentation, the Mayor thanked him whereafter he recused himself from the meeting.

RESOLVED

AMM

THAT the presentation by Mr Dhlamini of the Department of Human Settlements pertaining to the KwaZulu-Natal Rental Housing Tribunal, be noted.



B 09/31/10/11

GYM EQUIPMENT AND GYM CENTRE

(11/3/3/1)

RESOLVED

THAT

**SMHS
AMSD**

1. Council take note of the inspection report done by the Department of Sports and Recreation;
2. Sibongile Community Hall, for the time being in order to secure the equipment, be confirmed to accommodate gym equipment provided by the Department of Sports and Recreation;
3. Council attends to the recommendations, specified on the inspection report.



B 10/31/10/11

APPLICATION TO USE CLUB HOUSE AT THE PEACEVALE SWIMMING POOL

(7/2/3/6)

RESOLVED

THAT

**SMHS
AMSD**

1. Permission be granted to the Endumeni SAI Centre to use the club house (ex-garage) at Peacevale Swimming Pool, for the purposes specifically mentioned in their letter of application;
2. The period of this permission be valid for four years, however such permission be granted at the pleasure of Council which reserves the right to cancel the agreement if or when deemed necessary.



B 11/31/10/11

APPLICATION TO USE DONALD McHARDY DAM

(7/2/3/6)

RESOLVED

THAT

**SMHS
AMSD**

1. Permission be granted to Mr Nkululeko Hadebe to use Donald McHardy Dam on the 16th December 2011;
2. An amount, as per the tariff determined by the Municipality be paid by the applicant on entering the Dam premises;
3. An applicant should fill the indemnity form with the relevant Department and be advised that they will use the Dam facilities at their own risk;
4. Conditions of hiring any Municipal Facilities will be also applicable during the use of the facility.



RESOLVED

THAT

**SMHS
AMSD**

**1. UPGRADING OF ENDUMENI SPORTS AND RECREATION
GROUNDS**

1.1 Council take note of the report submitted in respect of the latest development in terms of the upgrading of the Endumeni Sports and Recreation Grounds;

1.2 Council approves the proposed list of priorities, for which savings accumulated from the Departmental Grant Funding, together with accrued interest, is to be used.

2. TURF GRASS MANAGEMENT COURSE (*Supporting documents attached*)

2.1 Council take note of the program that is being implemented by the National Department of Sports and Recreation, in partnership with one of the Universities in Cape Town;

2.2 The Executive Manager Corporate Services, Executive Manager Technical Services, the Assistant Manager Social Development, in consultation with the Chief Financial Officer, be permitted to investigate the possibility of sending two officials to attend the Turf Grass Management Course;

2.3 Should there be a financial challenge in implementing the above, the Provincial Department of Sports and Recreation be engaged to assist where possible.

**3. RENOVATIONS AND APPLICATION FOR COMBO
COURTS**

3.1 Ward Councillors, the Portfolio Committee of Corporate Services Department, Department of Corporate Services, Department of Technical Services, Department of Finance, and the Office of Social Development, be tasked to compile a list of facilities that need to be renovated and the areas where a combo court needs to be build;

3.2 The abovementioned list be submitted to Exco for approval and thereafter an application for such renovations and the building of combo courts be submitted to the Provincial Department of Sports and Recreation for their consideration.

4. GYM EQUIPMENT

It be noted that this matter is dealt with under item number B 09/31/10/11.

5. **KICK ABOUT SPORTS FIELDS**

This matter be dealt together with Recommendation of number 3, above.

6. **PRIORITY LIST**

This matter be dealt together with Recommendation of number 3, above.

7. **MIG PROJECTS**

The Department of Technical Services be permitted to investigate the possibility of sourcing some grant funding specifically for building Sporting Facilities from MIG Funding.

8. **HOW TO PREVENT VANDALISM**

Ward Councillors, Ward Committees and Federations be requested to assist in terms of enforcing control measures and fighting vandalism that takes place at sporting facilities.

9. The possibility of upgrading sports fields in rural areas be investigated.



B 13/31/10/11

LABOUR FORUM COMMITTEE MEETING

(4/3/4)

RESOLVED

THAT the following recommendations as contained in the minutes of the Local Labour Forum meetings held on 10 October 2011, be adopted as resolutions of the Executive Committee:

B 13/31/10/11-1

PAYMENT OF RELIEF STAFF: TALANA MUSEUM

RESOLVED

THAT

**MHR
CFO**

1. The relief staff working over weekends at the Talana Museum be paid R29 per hour on the same basis as paid to the library relief staff;
2. The amount of R91.00 per day” (this amount has been increased and is presently R117 per day) be substituted by the amount of “R29.00 per hour”;
3. The Memorandum of Agreement where the remuneration of temporary workers was agreed upon between the Council and the Unions be made available for information.



B 13/31/10/11-2

**SKILLS RETENTION POLICY, TRAINING
POLICY AND THE SUCCESSION
PLANNING AND CAREER PATHING
POLICY**

RESOLVED

MHR

THAT the Skills Retention Policy, Training Policy and the Succession Planning and Career Pathing Policy be approved by the Council subject to the amendments as contained in the Minutes and further subject to the following amendments:

(a) Skills Retention Policy

By the substitution of the word “attitude” with the word “capabilities” where it appears in the second paragraph of Section 7.2(a);

(b) By the substitution of the word “allowance” where it appears in Section 7.4, paragraph 2 with the word “budget”;

(c) Section 9 be substituted by the following sentence:

“The policy be reviewed annually and/or when the need arises.”



B 13/31/10/11-3

**IMPLEMENTATION OF JOB EVALUATION
AND ADDRESSING PARITY**

RESOLVED TO RECOMMEND

MHR

THAT it be noted that the Committee dealing with the implementation of job evaluations will first conclude its function whereafter this matter will be submitted to the Local Labour Forum and the Council.



B 13/31/10/11-4 CREATION OF POST OF COMMUNITY DEVELOPMENT CO-ORDINATOR

RESOLVED

**MHR
CFO**

THAT the possibility of creating and filling of the post of Community Development Co-Ordinator be referred back for the following information:

- (a) An organogram indicating where the post will be accommodated in the Council's workforce;
- (b) The financial implications of creating the post for the Council (salary level of post);
- (c) A detailed job description of the post.



B 13/31/10/11-5 CREATING OF POST: IDP/PMS OFFICER

RESOLVED

**MHR
CFO
EMTS**

THAT the possibility of creating and filling of the post of IDP/PMS Officer be referred back for the following information:

- (a) An organogram indicating where the post is to be accommodated in the Council's workforce;
- (b) The financial implications of creating the post for the Council (salary level of post);
- (c) A detailed job description of the post;



B 14/31/10/11 SITHEMBILE FOOTBALL TOURNAMENT AND REED DANCE RECOGNITION (11/3/3/1)

RESOLVED

SMHS

THAT the possibility of hosting a football tournament, reed dance recognition and Aids event on 7 and 8 December 2011, instead of an event for Craigside, Bapaume and Thelaphi be referred to the HIV/Aids Sub-Committee for consideration.



RESOLVED RECOMMEND

THAT

- CEO**
1. It be noted that Erf 2058, Sibongile is in registered ownership of the Endumeni Municipality by virtue of Title Deed No. T 11984/2001, following due legal procurement of possession thereof through a Sale in Execution in 2001;
 2. It be noted that the property had been occupied and improved by various individuals since the Municipality obtained ownership thereof, without any payments towards the property rates due, and that a Mrs D I Masondo has now requested ownership thereof in lieu of payment of the outstanding property rates due;
 3. It be noted that Mrs Masondo has already settled all outstanding service charges, and paid an amount of R8 148.50 in tampered fees to have the electricity supply to the property reconnected;
 4. The said Erf 2058, Sibongile be sold to Mrs Duduzile Isabel Masondo, Identity Number 591029 0633 085, for the outstanding rates due on the property as at end October 2011, and that transfer of ownership be effected upon full settlement of the outstanding property rates due;
 5. It be recorded that the sale of the property to Mrs Masondo will be to Council's benefit, as this will result therein that the Municipality will not have to write off any of the property rates arrears due on property.



RESOLVED TO RECOMMEND

THAT

- CEO**
1. The lease of municipal owned land known as unregistered Part 15 of the Remainder of Erf 1586, Dundee, by the Dundee Tennis Club, be noted;
 2. The expiration of the abovementioned lease agreement between the Endumeni Municipality and the Dundee Tennis Club on 31 December 2009, be noted;
 3. The Tennis Club's willingness to renew the said lease agreement with the Endumeni Municipality, be noted;

4. The lease be renewed for a period of nine years and eleven months calculated from the expiry of the previous lease agreement, being 1 January 2010;
5. The new lease agreement will commence on 1 January 2010 and will expire on 30 November 2019, notwithstanding the date of signature of the agreement, with the terms and conditions of the previous lease agreement being maintained except for the increase in annual rental from R24.00 per annum to R50.00 per annum;
6. The comments of the Chief Financial Officer be noted.



C 02/17/10/11-3

LEASE OF LAND AT AIRFIELD, DUNDEE – MR PAUL COETSER BROKERS CC: UNREGISTERED PART 4 ON THE REMAINDER OF ERF 1044, DUNDEE (7/3/1/2/1)

RESOLVED TO RECOMMEND

THAT

CEO

1. It be noted that the land at the Dundee Airfield upon which private aircraft hangars are located is registered in ownership of the Endumeni Municipality as being the Remainder of Erf 1044, Dundee, and that the owners of the private hangars lease such portion of land upon which the hangars were erected from the Municipality;
2. It be noted that Mr G Winterton has transferred ownership of one of the private aircraft hangars located at the Dundee Airfield, (located upon unregistered part 4 on the Remainder of Erf 1044, Dundee), to Paul Coetser Brokers CC with effect from 3 October 2011;
3. A new agreement of lease be entered into between the Endumeni Municipality and Paul Coetser Brokers CC in respect of the land upon which such hangar is situated;
4. Paul Coetser Brokers CC lease the land at a monthly rental of R150,00 per month, plus rates, upon the same terms and conditions as the previous lease with Mr Winterton.



C 02/17/10/11-4 LEASE OF LAND AT AIRFIELD, DUNDEE – MR JURIE WEBER;
UNREGISTERED PART 3 ON THE REMAINDER OF ERF 1044,
DUNDEE (7/3/1/2/1)

RESOLVED TO RECOMMEND

THAT

- CEO**
1. It be noted that the land at the Dundee Airfield upon which private aircraft hangars are located is registered in ownership of the Endumeni Municipality as being the Remainder of Erf 1044, Dundee, and that the owners of the private hangars lease such portion of land upon which the hangars were erected from the Municipality;
 2. It be noted that Mr M Haldane has transferred ownership of one of the private aircraft hangars located at the Dundee Airfield, (located upon unregistered part 3 on the Remainder of Erf 1044, Dundee), to a Mr J J Weber with effect from 8 September 2011;
 3. A new agreement of lease be entered into between the Endumeni Municipality and Mr J.J Weber in respect of the land upon which such hangar is situated;
 4. Mr Weber lease the land at a monthly rental of R150,00 per month, plus rates, upon the same terms and conditions as the previous lease with Mr Haldane



C 02/17/10/11-5 PROPOSAL TO SUBDIVIDE AND PURCHASE A PORTION OF
NHLABA STREET, SIBONGILE (7/3/2/4/29)

RESOLVED TO RECOMMEND

THAT

- CEO**
1. The application from Messrs H S K Simpson & Partners on behalf of Mrs S N Miya, for the purchase of a portion of Nhlaba Street, Sibongile, in extent approximately 18m², from the Council as a result of an encroachment by her newly constructed dwelling onto the street, be noted;
 2. The estimated fair market related sales value being two thousand rand (R2 000.00), as provided by Messrs H S K Simpson & Partners of Dundee, being Council's Valuers, for a portion of Nhlaba Street, Sibongile upon which a newly erected house on Erf 369 is encroaching, be noted;
 3. The written undertaking by Mrs Miya, accepting liability for all costs incidental to the subdivision and disposal of that portion of Nhlaba Street which has been encroached upon, be noted;

4. It be noted that the portion of Nhlaba Street so to be subdivided and sold is not needed to provide the minimum level of basic municipal services;
5. The comments from the offices of the MEC, National Treasury and Provincial Treasury, wherein the respective offices effectively endorse the sale of this portion of Nhlaba Street to Mrs Miya under the present circumstances, as attached to the agenda, be noted;
6. The disposal of the encroached upon portion of Nhlaba Street, which is approximately 18m² in extent, to Mrs Miya at a total cost of R 2 000.00 exclusive of 14% VAT, be approved as the Council will be collecting additional revenue there from in the form of property rates, and the subdivided portion will not detract from the general condition and usability of the road;
7. Messrs H S K Simpson & Partners of Dundee be instructed to lodge on behalf of the Council an application for the subdivision of a portion of Nhlaba Street, Sibongile, being a portion of the Remainder of Portion 1 of Erf 10 000, Sibongile, and the subsequent consolidation of the subdivided portion with Erf 369, Sibongile to form an as yet unnamed erf in terms of the provisions of the Kwazulu-Natal Planning and Development Act No 6 of 2008.



C 02/17/10/11-6 **APPLICATION TO PURCHASE A PORTION OF ERF 643, SITHEMBILE: MRS T MTHEMBU** **(7/3/2/4/30; 643S)**

RESOLVED TO RECOMMEND

THAT

CEO

1. The application from Mrs T Mthembu for the purchase of a portion of Erf 643, Sithembile, be noted;
2. It be noted that the portion of land upon which Mrs Mthembu currently conducts her 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 sell an approximate 1500m² portion of Erf 643, Sithembile to Mrs Mthembu at an estimated fair market related land value, estimated by the Council's valuers Messrs HSK Simpson and Partners of Dundee to be R22 500.00 exclusive of 14 % VAT;
3. It be further noted that the Offices of the MEC, National Treasury and Provincial Treasury, in correspondence as attached to the agenda, have all approved and authorised the disposal of the proposed Portion of Erf 643, Sithembile in terms of the acceptance of an unsolicited bid due to the historical facts attached to this matter;

4. It be noted that Mrs Mthembu has accepted liability for all costs incidental to the subdivision and purchase of the proposed portion of Erf 643, Sithembile;
5. It be noted that in order to accommodate Mrs Mthembu's application that the subject property has to be subdivided in terms of the Planning and Development Act No. 6 of 2008;
6. Council's Valuers, being Messrs HSK Simpson and Partners of Dundee, be authorised to proceed on behalf of the Council with the subdivision of the proposed Portion of Erf 643, Sithembile in accordance with the requirements of the Kwazulu-Natal Planning and Development Act No 6 of 2008.



**C 02/17/10/11-7 PROPOSED RE-SALE OF OLD COMMANDO OFFICES:
PROPOSED PORTION 1 OF ERF 1574, GLENCOE
(7/3/2/4/31; 1574)**

RESOLVED TO RECOMMEND

THAT

CEO

1. In response to the renewed interest expressed by members of the public in the abandoned buildings situated upon Erf 1574, Glencoe, known as the old Commando Buildings, Council approves of the subdivision of Erf 1574, Glencoe to form Proposed Portion 1 and the Remainder of Erf 1574, and the immovable property described as Proposed Portion 1 of Erf 1574, as depicted on a sketch plan prepared by Messrs H S K Simpson and Partners, be advertised for sale by public tender in terms of the Council's approved Supply Chain Management Policy, prepared in accordance with Section 111 of the Municipal Finance Management Act No. 56/2003;
2. It be recorded that the immovable property described as Proposed Portion 1 of Erf 1574, Glencoe is not needed to provide the minimum level of basic municipal services;
3. It be noted that the anticipated cost to the municipality in disposing of this immovable property will be approximately R23 000,00, which amount includes the valuers and surveyors fees for attending to the valuation, subdivision and establishment of the proposed Portion 1 of Erf 1574, Glencoe, as well as the anticipated advertising costs, it however further being noted that the Council intends recovering the development cost from the potential purchaser through the purchase price of the property;
4. It further be recorded that the Council is of the opinion that the development of this property by private owners, and the returns Council will receive in the form of rates and service charges from this property, will be beneficial to the local economy and will stimulate growth in local businesses;

5. It be noted that the said property has gone out on Public Bid previously, however, it failed to solicit viable bidders, and in view of the renewed interest expressed by the general public, it would be in Council's interests to again offer the said property for sale in accordance with the Public Bid Process in terms of Council's Supply Chain Management Policy;
6. Council's valuers being Messrs HSK Simpson and Partners of Dundee, be mandated to provide Council with a current estimated fair market related sales value for the subject property which is to be utilised as an upset price for such immovable property when it is advertised for sale by public bid;
7. Any successful bidder shall be required to, immediately upon notification of the acceptance of the offer to purchase, sign the required sales agreement and pay a retaining fee of 10% of the purchase price so accepted, and thereafter be afforded a maximum of thirty (30) days within which to secure finance towards full payment of the purchase price;
8. Should the successful bidder fail to arrange finance towards the payment of the full purchase price within the said thirty days, or for whatever reason fail to honour its commitments towards the payment of such purchase price within such thirty day period, the 10% retaining fee so paid be forfeited as a penalty for the breach of contract established in the Council's acceptance of the offer to purchase, and the property then be offered to the next highest qualifying bidder;
9. Should the successful bidder however secure finance for the purchase within the thirty-day period, the 10% retaining fee so paid then be set off against the final purchase price;
10. It be noted that, due to the subject property having already gone out on public bid previously, it will not be necessary to solicit comments from the MEC, National Treasury or Provincial Treasury, as the said entities have already authorised the sale of this property.



C 02/17/10/11-8 PROPOSED RE-SALE OF ERF 2172, DUNDEE (7/3/2/4/15)

RESOLVED TO RECOMMEND

THAT

CEO

1. In response to the increased interest expressed by members of the public in Erf 2172, Dundee, the said property be advertised for sale by public tender in terms of the Council's approved Supply Chain Management Policy, prepared in accordance with Section 111 of the Municipal Finance Management Act No. 56/2003;

2. It be recorded that this immovable property is not needed to provide the minimum level of basic municipal services, as it is zoned for General Industrial purposes;
3. It be noted that the anticipated cost to the municipality in disposing of this immovable property will be approximately R3 000,00, which amount includes the anticipated advertising costs,
4. It further be recorded that the Council is of the opinion that the sale of this property to private owners, and the returns Council will receive in the form of rates and service charges from this property, will be beneficial to the local economy and will stimulate growth in local businesses;
5. It be noted that the said property has gone out on Public Bid previously, however, it failed to solicit viable bidders, and in view of the renewed interest expressed by the general public, it would be in Council's interests to again offer the said property for sale in accordance with the Public Bid Process in terms of Council's Supply Chain Management Policy;
6. Council's valuers being Messrs HSK Simpson and Partners of Dundee, be mandated to provide Council with a current estimated fair market related sales value for the subject property which is to be utilised as an upset price for such immovable property when it is advertised for sale by public bid;
7. Any successful bidder shall be required to, immediately upon notification of the acceptance of the offer to purchase, sign the required sales agreement and pay a retaining fee of 10% of the purchase price so accepted, and thereafter be afforded a maximum of thirty (30) days within which to secure finance towards full payment of the purchase price;
8. Should the successful bidder fail to arrange finance towards the payment of the full purchase price within the said thirty days, or for whatever reason fail to honour its commitments towards the payment of such purchase price within such thirty day period, the 10% retaining fee so paid be forfeited as a penalty for the breach of contract established in the Council's acceptance of the offer to purchase, and the property then be offered to the next highest qualifying bidder;
9. Should the successful bidder however secure finance for the purchase within the thirty-day period, the 10% retaining fee so paid then be set off against the final purchase price;
10. It be noted that, due to the subject property having already gone out on public bid previously, it will not be necessary to solicit comments from the MEC, National Treasury or Provincial Treasury, as the said entities have already authorised the sale of this property;



C 03/17/10/11-1 **ESTABLISHMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEES (MPACS)** **(3/4/2)**

The presentation on MPAC's was tabled at the meeting and is attached to the minutes as an annexure (Annexure "B")

The Acting Municipal Manager advised that he attended a meeting in which it was mentioned that Councillors serving on Portfolio Committees should not be members of MPAC's while Audit Committee members could be on the Committee.

After further discussion and there being no clarity regarding this matter, it was

RESOLVED TO RECOMMEND

CFO **THAT** the members of the Council's SCOPA remain unchanged and that the re-establishment of the Committee be considered after the matter has been workshopped with the Council.



C 03/17/10/11-2 **PAYMENT OF SALARIES: DECEMBER 2011** **(4/5/1)**

RESOLVED TO RECOMMEND

CFO **THAT** salaries for December 2011 be paid on Thursday 15 December 2011.



C 03/17/10/11-3 **KWANALOGA/SALGA GAMES – 2011** **(12/2/1/10)**

The Chief Financial Officer advised that 12 officials attended the games the previous year as opposed to the 18 officials who wish to attend this year. Accommodation has been booked for 20 people at the cost of R72 000.00

RESOLVED TO RECOMMEND

THAT

**CFO
EMTS**

1. The attendance of officials at the Kwanaloga/Salga Games further be discussed with the Assistant Manager: Social Development with the view to saving costs;
2. Officials authorized to attend the Games will share transport as determined by the Chief Financial Officer and Executive Manager: Corporate Services;
3. No overtime is to be paid to officials that attend, only the usual S & T.



C 04/17/10/11-1 ALTERATIONS AND ADDITIONS TO THE INFORMATION CENTRE (15/4/1/4)

RESOLVED TO RECOMMEND

EMTS THAT a sub-committee be formed to deliberate further on this matter. Cllr Mahaye suggested that the Technical Portfolio Committee form the sub-committee for this purpose. The committee can meet and discuss the matter for full appraisal, however it be noted that the project cannot be considered for funding in this financial year.



C 04/17/10/11-2 SUBMISSION OF BUILDING PLANS: NEW DEVELOPMENTS IN THE ENDUMENI MUNICIPALITY AREA OF JURISDICTION (16/1/1)

RESOLVED TO RECOMMEND

EMTS THAT Mr Maltman was pleased to report that this matter has progressed considerably. Negotiations with Uthukela Water were successful and house plans are now being approved. Letters in respect of Dlamini Village, Craigsdale and Forestdale from Uthukela will be brought in on the 25 October 2011 for approval for supplying water to these areas. Cllr Mahaye enquired about the Buffer Strip Housing Project. This matter is finalised and a meeting in respect of this will be held on the 5 October 2011.



C 05/31/10/11 QUARTERLY REPORT ON WITHDRAWALS IN TERMS OF THE MFMA (1/4/1/30)

RESOLVED TO RECOMMEND

CFO THAT Council note the withdrawals for the quarter ended 30 September 2011 in terms of Section 11(4) of the Municipal Finance Management Act.



C 06/31/10/11 REPORT ON BUDGET IMPLEMENTATION AND FINANCIAL STATUS FOR THE QUARTER ENDED 30 SEPTEMBER 2011 (5/1/1)

RESOLVED TO RECOMMEND

CFO THAT Council notes the report on budget implementation and the financial status for the period ended 30 September 2011.



C 07/31/10/11 **ESTABLISHMENT OF SUB-COMMITTEES AND THE ELECTION OF COUNCILLORS TO SERVE ON VARIOUS BODIES/INSTITUTIONS** **(3/4/2)**

RESOLVED TO RECOMMEND

AMM **THAT** Cllr N S Ntuli replaces Cllr Ms W N Mbatha on the following Sub-Committees or Bodies/Institutions:

Local Economic Development Fund
KwaZulu-Natal Joint Municipal Fund (Alternate)
Talana Museum/Endumeni Tourism Battlefields Route Committee
Municipal Manager Portfolio Committee
Technical Services Portfolio Committee



C 08/31/10/11 **DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: PURCHASING OF REFRESHMENTS FOR SALGA GAMES** **(5/1/1)**

RESOLVED TO RECOMMEND

THAT

- CFO**
1. The Endumeni Municipality note the actions of the Accounting Officer in awarding an order to KFC in an amount of R42 510,00, VAT inclusive as per the provision of Section 36(1)(a)(v) of Endumeni Supply Management Policy;
 2. The actions of the Accounting Officer be deemed as an emergency as set out in the correspondence from the Assistant Manager Social Development, as attached to the Agenda.



C 09/31/10/11 **LEASE OF OLD SCOUTS HUTS: LOCATED UPON PORTION OF ERF 1502, DUNDEE** **(7/1/4/1)**

RESOLVED TO RECOMMEND

THAT

- CEO**
1. It be noted that the lessee of the Old Scouts Huts, located upon a portion of Erf 1502, Dundee, being a Mr S G Ngobese, has terminated the lease thereof in writing;
 2. The Council's valuers, being Messrs H S K Simpson & Partners, be requested to provide Council with an estimated fair market related monthly rental for the premises, taking into consideration the current dilapidated condition of the buildings thereon;

3. Upon receipt of such estimated fair market related monthly rental for the premises from the Valuers, the availability thereof for rental by public bid be advertised in terms of the Council's approved Supply Chain Management Policy;
4. The terms and conditions of the proposed lease agreement in respect of the premises, as attached to the agenda of the meeting, be approved for the purposes of the lease thereof.



C 10/31/10/11 **AUDIT COMMITTEE MINUTES: 30 JUNE 2011 & 30 AUGUST 2011** **(5/6/4)**

RESOLVED TO RECOMMEND

CFO **THAT** the minutes for the Audit Committee Meetings held on 30th of June 2011 and the 30th of August 2011, approved by the Committee as a true reflection of the proceedings on the 20th of October 2011, to be noted and adopted by Council.



C 11/31/10/11 **ESTABLISHMENT OF A DISPUTE RESOLUTION COMMITTEE** **(18/1/1)**

RESOLVED TO RECOMMEND

THAT

- CFO**
1. A Dispute Resolution Committee consisting of:
 - 1.1 Exco of Council
 - 1.2 Municipal Manager and Section 57 Managers
 - 1.3 The respective Ward Councillor be appointed to resolve any disputes relative to the transfer of housing properties
 2. The recommendation of the Dispute Committee be tabled before and approved by Council.



Cllr E M Adam advised the Committee that no reason was given regarding the appointment of Shepstone & Wylie and why Mr Roy Ramdaw was not appointed as per Council resolution.

The appointment of Shepstone & Wylie was not mandated by the Council resolution and the Council should have insight in the legal opinion so that the Council can see the value for which it is paying. There is also no indication why an opinion was obtained from Shepstone & Wylie while the Council by resolution appointed Mr Roy Ramdaw.

In his opinion there should be a Sub-Committee to investigate the matter. He concluded by saying that the DA did not support the amendment of the resolution.

Cllr H S B Ngobese was of the opinion that Shepstone & Wylie should be paid as they did the work under the instruction of the Council whether the procedure followed was flawed or not.

Cllr Ms W N Mbatha advised that the Council took a decision to replace Roy Ramdaw with Shepstone & Wylie. She further advised that the DA's Councillors recused themselves from the meeting and therefore was not aware of the decision taken by the Council.

The reason why they recused themselves is that they wished to take the opinion of Shepstone & Wylie with them while the Council was of the opinion that same should be handed back to the Acting Municipal Manager as the matter was confidential.

After further discussion, it was

RESOLVED TO RECOMMEND

THAT

1. The Council rescind items 1 and 7 of Council resolution C 01/20/04/11;
2. The Council authorises the payment of Shepstone & Wylie for the services they rendered;
3. It be recorded that the Democratic Alliance is opposed to the amendment of the resolution as there was no Council resolution or reason why Mr Roy Ramdaw was replaced by Shepstone & Wylie and further that Councillors did not have insight into the legal opinion of Shepstone & Wylie.



C 13/31/10/11

APPOINTMENT OF ACTING MUNICIPAL MANAGER

(Confidential)

RESOLVED TO RECOMMEND

CFO

THAT Mr P G Mabilisa be further appointed as Acting Municipal Manager until 31 December 2011.



C 14/31/10/11

ORGANIZATIONAL PERFORMANCE MANAGEMENT SYSTEM

(4/5/9/3)

The Executive Manager: Technical Services advised that the scorecards had been amended by Gobodo and the Auditor-General. The only query was related to the Integrated Development Plan and the PMS. The Auditor-General is however happy with the way it was dealt with. On the stormwater scorecard there is an error in the March and April 2011 scorecards which are similar.

The amended scorecards have been submitted to the Audit Committee and the Auditor-General.

The Executive Manager: Technical Services tabled the Organizational Scorecard (Annexure "C") and Departmental scorecards (Annexure "D"), which is attached to the minutes as an annexure.

The Minutes of the Audit Committee (Annexure "E"), dated 28 October 2011 were also tabled and is also attached to the Minutes.

RESOLVED TO RECOMMEND

THAT

**AMM
EMTS**

1. The amended departmental scorecards of the Manager Corporate Services, Chief Financial Officer and Manager Technical Services, as attached to the Minutes, be adopted in terms of the Endumeni Organizational framework for the period 01 July 2010 to 30 June 2011 as per Section 72 of the MFMA as attached to the minutes;
2. The Endumeni Organizational scorecard be adopted in terms of the Endumeni Organizational framework for the period 1 July 2010 to 30 June 2011 as per Section 72 of the MFMA as attached to the Agenda;
3. The Endumeni Audit Committee Minutes of 28 October 2011 in respect of Endumeni Organizational Performance Review for the period 1 July 2010 to 30 June 2011 be noted and a service provider be appointed per SCM policy to resolve the issues highlighted in communication no 2 as attached to the agenda.



C 15/31/10/11

**DEPARTMENT: CO-OPERATIVE GOVERNANCE &
TRADITIONAL AFFAIRS: CIRCULAR NO. 37 OF 2011**

(1/5/2/1)

RESOLVED TO RECOMMEND

THAT

AMM

1. Circular No. 37/2011 received from the Department: Co-Operative Governance & Traditional Affairs regarding Mandatory Submission of Information by Municipal Councils to the MEC for Co-Operative Governance & Traditional Affairs, in terms of the Local Government: Municipal Systems Amendment Act, 2011, (Act No. 7 of 2011) Sections 54A(7)(a) & 56 (4A)(a) in respect of Appointment of Municipal Manager and Managers Accountable to the Municipal Managers, be adopted;
2. The selection panel to shortlist applications for the post of the Municipal Manager also be appointed by the Council to conduct the interviews of the candidates.



C 16/31/10/11

**PROJECT K0509002 SIBONGILE BUFFER STRIP –
COMPLETION OF CIVIL WORKS**

(15/6/3)

RESOLVED TO RECOMMEND

THAT

EMTS

1. The Endumeni Municipality note the budget implications for the completion of the Civil Services in respect of Project K0509002 Sibongile Buffer Strip as attached to the Minutes per Annexure “B”;
2. The recommendation of the Chief Financial Officer be supported in that the project shortfall be funded by the Endumeni Municipality ex 2012/2013 budget.



C 17/31/10/11

COMMUNICATION: TECHNICAL SUPPORT

(5/1/1)

RESOLVED TO RECOMMEND

EMTS

THAT the Endumeni Municipality note the authorisation per Council Resolution C 09/06/12/10 of Communication Technical Support as per Annexure “A”, “B” and “C” attached to the Agenda and explanation of the accounting officer that the project is complete. The foregoing information be communicated to the chairperson of the Endumeni Residents Association.



RESOLVED TO RECOMMEND

THAT

**AMM
CFO**

1. The Council approves the S&Ts and the attendance of the five delegates;
2. As per Council's S&T policy, officials attending the same function must share transport.
3. The delegates will be travelling daily, to and from Nquthu.



Part D
MOTION

D 01/31/10/11-1 **MOTION**

(3/4/3)

RESOLVED TO RECOMMEND

AMM

THAT this item be referred to the Council for consideration.



There being no further matters for consideration, the Chairperson declared the meeting closed at **19h55**

Mayor – Chairperson:

Date: