

ENDUMENI MUNICIPALITY

MINUTES of an **ORDINARY MEETING** of the **ENDUMENI TOWN COUNCIL** held in the **COUNCIL CHAMBER, CIVIC CENTRE, 64 VICTORIA STREET, DUNDEE** which was scheduled to be held on **MONDAY, 26 OCTOBER 2009** but was postponed to **WEDNESDAY, 28 OCTOBER 2009** at **18h20**

PRESENT:

Councillors:

Cllr D Singh	(Speaker - Chairman)
Cllr Ms W N Mbatha	Mayor
Cllr A M Raubenheimer	Deputy Mayor
Cllr P M Bislam	
Cllr P G Mabilisa	
Cllr T B Mkhize	
Cllr A M Mthembu	
Cllr Ms D P Nkosi	
Cllr Ms J A Tshabalala	

In Attendance:

Mr D B Cebekhulu	Municipal Manager
Mr S Perumall	Manager Corporate Services
Mr J B Maltman	Manager Technical Services
Mr I Grisdale	Chief Financial Officer
Mr A J van Wyk	Head: Administration
Mr C J Retief	Head: Legal & Estates
Ms B A Mbatha	Assistant Head: Admin (Dundee)



C 06/10/2009

Reports Of The Executive Committee To The Council

RESOLVED

THAT

1. The report of the Executive Committee dated 14 September 2009 be noted subject to item B 10/14/09/09 being substituted by the following:

**“MUNICIPAL INFRASTRUCTURE GRANT
PRIORITIZATION MODEL**

1. The Endumeni Municipality note the approval of MIG Project 2009 MIG K24117041 Sibongile Roads R4 906 460.00 as per Annexure “A” attached to the agenda;
 2. The project tabled by Cllr P M Bisram as per Annexure “B” as per attached to the Agenda, be in the amount of R940 000.00 be approved. The project be financed over two financial years (2009/2010 and 2010/2011);
 3. The Ward Committees approve of the project mentioned in item 2 above;
 4. Councillors be urged to submit capital projects for consideration.”
2. The following reports of the Executive Committee be noted:

Special Meeting: 23 September 2009

Ordinary Meeting: 28 October 2009.



C 07/10/2009

Petitions

Nil



C 08/10/2009

Motions

Nil



C 09/10/2009

Presentation

Nil



SPECIAL MEETING: 14 SEPTEMBER 2009

PART A

A 01/14/09/09 **COUNCILLORS ATTENDANCE OF COUNCIL AND EXCO MEETINGS** (C7/1)

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A 02/14/09/09 **Monthly Reports**

A 02/14/09/09-1 **MONTHLY REPORT: TRAFFIC** (T4/6)

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A 02/14/09/09-2 **MONTHLY REPORT: TESTING STATION** (T4/1)

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A 02/14/09/09-3 **MONTHLY REPORT: RURAL METRO** (F2/6)

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A 02/14/09/09-4 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)

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A 02/14/09/09-5 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (L4/2/1)

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A 02/14/09/09-6 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)

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A 02/14/09/09-7 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/6)

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A 02/14/09/09-8 **MONTHLY REPORT: MANAGER CORPORATE SERVICES – CLINIC** (P4/5)

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A 02/14/09/09-9 **MONTHLY REPORT: MANAGER TECHNICAL SERVICES** (R3/8)

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A 03/14/09/09 STAFF OVERTIME (S7/7/1)



A 04/14/09/09 WARDS 1 AND 2 WARD COMMITTEES MEETING (B3/4)



A 05/14/09/09 WARD 3 WARD COMMITTEE MEETING (B3/4)



A 06/14/09/09 WARDS 4 AND 5 WARD COMMITTEES MEETING (B3/4)



A 07/14/09/09 WARD 6 WARD COMMITTEE MEETING (B3/4)



PART B

B 01/14/09/09 ACCOUNTS PAID (F1/4)



B 02/14/09/09 LABOUR FORUM COMMITTEE MEETING {P3/16(a)}

B 02/14/0909-1 LEGAL OPINION: WITHDRAWAL
OF INTEREST RATE SUBSIDY
ON VEHICLE LOANS [P3/16(a)]



B 02/14/09/09-2 REQUEST FOR EXTENSION OF
EMPLOYMENT FROM COUNCILS
SERVICE BY MR F L FERREIRA
(S021610) (STAFF)



B 02/14/09/09-3 POST UPGRADING REQUEST TO
SALARY POST LEVEL 2: MRS I D
KHUMALO



B 02/14/09/09-4 REQUEST FOR REVIEW OF THE
PLACEMENT OF THE
SUPERINTENDENT DISASTER
MANAGEMENT: MR B H ZULU:
SALARY NO: S004807



B 03/14/09/09 TRAFFIC TRAINING – EXAMINER OF DRIVER’S
LICENCES COURSE, TRAFFIC TRAINING COLLEGE,
PIETERMARITZBURG FROM 30 SEPTEMBER 2009
TO 15 DECEMBER 2009 (Staff)



B 04/14/09/09 5 PENGUIN PLACE – LOT 3690, EXT 24 DUNDEE
(L1/5/19/2)



B 05/14/09/09 PERSONAL ASSISTANT TO THE MAYOR (C8/2/3)



B 06/14/09/09 MEMORANDUM: SIBONGILE COMMUNITY YOUTH
GROUP [T4/1(a)]



B 07/14/09/09 COMPLAINT: SEVERE DAMAGE TO ROAD
INFRASTRUCTURE AND DUST POLLUTION
[P3/15(a)]



B 08/14/09/09 COMPLAINT: SEVERE POLLUTION WATER COURSE
AND STEENKOOL SPRUIT [P3/15a)]



B 09/14/09/09 DUNDEE AIRFIELD: COMPLAINT - CRAIG COX
(A3/1)



B 10/14/09/09 MUNICIPAL INFRASTRUCTURE GRANT
PRIORITIZATION MODEL [T3/1(b)]



B 11/14/09/09 PROMOTION OF ENDUMENI (F1/1)



B 12/14/09/09 CIRCULAR 3/2009: DETERMINATION OF WARD BOUNDARIES DURING 2009/2010 FOR THE 2011 LOCAL ELECTIONS. CIRCULAR 2/2009: HEREBY WITHDRAWN (C7/8)



B 13/14/09/09 MINUTES OF THE EMPLOYMENT EQUITY FORUM MEETING (P3/16)

B 13/14/09/09-1 MATTERS ARISING



B 13/14/09/09-2 EMPLOYMENT EQUITY PLAN



B 14/14/09/09 TEMPORARY WORKERS: BRUSH CUTTER OPERATORS (S7/6)



B 15/14/09/09 SIBONGILE/SITHEMBILE CLEAN-UP CAMPAIGN (C2/3/4)



ORDINARY MONTHLY MEETING: 14 SEPTEMBER 2009

PART B

B 01/23/09/09 FUNDS FOR HERITAGE DAY EVENT (G2/1; S6/1)

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B 02/23/09/09 APPLICATION TO PITCH A TENT (P1/1)

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ORDINARY MONTHLY MEETING: 28 OCTOBER 2009

PART A

A 01/26/10/09 **COUNCILLORS ATTENDANCE OF COUNCIL AND EXCO MEETINGS** (C7/1)



A 02/26/10/09 **Monthly Reports**

A 02/26/10/09-1 **MONTHLY REPORT: TRAFFIC** (T4/6)



A 02/26/10/09-2 **MONTHLY REPORT: TESTING STATION** (T4/1)



A 02/26/10/09-3 **MONTHLY REPORT: RURAL METRO** (F2/6)



A 02/26/10/09-4 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)



A 02/26/10/09-5 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (L4/2/1)



A 02/26/10/09-6 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)



A 02/26/10/09-7 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/6)



A 02/26/10/09-8 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY** (L4/3/1)



A 02/26/10/09-9 **MONTHLY REPORT: MANAGER CORPORATE SERVICES – GLENCOE TOWN HALL & ACTIVITY ROOM** (9/1/2/1)



A 02/26/10/09-10 MONTHLY REPORT: MANAGER CORPORATE SERVICES – CLINIC (P4/5)

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A 02/26/10/09-11 MONTHLY REPORT: MANAGER TECHNICAL SERVICES (R3/8)

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A 03/26/10/09 STAFF OVERTIME (S7/7/1)

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A 04/26/10/09 DUNDEE TAXI ASSOCIATION (N1/3/4)

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A 05/26/10/09 IMFO CONFERENCE (C4/4)

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PART B

B 01/26/10/09 ACCOUNTS PAID (F1/4)

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B 02/26/10/09 KWANALOGA STRIKE ACTION WORKSHOP REPORT (C4/8)

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B 03/26/10/09 ENDUMENI LOCAL MUNICIPALITY IDP REVIEW PROCESS PLAN 2010/2011 (P3/17)

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B 04/26/10/09 GLENCOE ABATTOIR: CONDEMNS (S2/1)

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B 05/26/10/09 PROPOSED REFURBISHMENT OF THE GLENCOE SIDING: MINUTES OF PUBLIC MEETING (M7/1)

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B 06/26/10/09 LOT NO. 2273 NEXT TO POMEROY ROAD 360 BOYS CLUB (L1/7)

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B 07/26/10/09 MINUTES OF SUB-COMMITTEE MEETING REGARDING THE PROMOTION OF ENDUMENI VOTE (P5/1; G2/1; S6/1)

B 07/26/10/09-1 PROMOTION OF ENDUMENI



B 07/26/10/09-2 CELEBRATING HERITAGE DAY



B 08/26/10/09 MINUTES OF A PRESENTATION MEETING (G1/1)

B 08/26/10/09-1 SHARED SERVICES PERSONNEL COSTS DEVELOPMENT PLANNING



B 09/26/10/09 PROPOSED CONSTRUCTION OF FREE STANDING CELLULAR COMMUNICATION BASE STATION WITH 35M MONOPOLE MAST, AT ENDUMENI PRIMARY SCHOOL, SIBISI STREET, SIBONGILE TOWNSHIP, DUNDEE, ERF 1339 SIBONGILE, DUNDEE (L1/7)



B 10/26/10/09 STEEL FRAME MANUFACTURING: LOT 1893 14 FIRST STREET: GLENCOE (L3/3/15)



B 11/26/10/09 REQUEST FOR USE OF ERF 4313, FORESTDALE FOR A NURSERY: SISONKE CO-OPERATIVE (L1/7; P3/17/1; L1/5/22)



B 12/26/10/09 REQUEST TO USE DUNDEE AIRFIELD FOR A WEDDING CEREMONY: S G XABA (A3/1)



B 13/26/10/09 SKILLS DEVELOPMENT PROJECT: PARTNERSHIP WITH PRIVATE SECTOR: LED INITIATIVE (S7/3/16/4)



B 14/26/10/09 MINUTES OF THE BOARD OF TRUSTEES OF TALANA MUSEUM (M4/2)



B 15/26/10/09 NON-SUBMISSION OF FINANCIAL STATEMENTS BY ENDUMENI MUNICIPALITY FOR THE FINANCIAL YEAR ENDED 2009 (F1/1)



B 16/26/10/09 PROVINCIALISATION OF PERSONAL HEALTH CARE SERVICES (P3/16)



B 17/26/10/09 CLOSING OF MUNICIPAL OFFICES: DECEMBER 2009 (M3/6)



B 18/26/10/09 PAYMENT OF SALARIES: DECEMBER 2009 (S7/2)



B 19/26/10/09 GLENCOE LANDFILL SITE: FENCING (S2/1)



B 20/26/10/09 KWAZULU-NATAL 2009/10 IDP ASSESSMENT REPORT: MUNICIPAL STRATEGIC PLANNING UNIT DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS (P3/17)



B 21/26/10/09 ENVIRONMENTAL AUTHORIZATION EIA/DC24/0010/07 ENDUMENI FET COLLEGE PROPOSED PORTIONS 18, 19 AND REM 1503 DUNDEE (L1/4)



B 22/26/10/09 ILGM 13TH ANNUAL NATIONAL CONFERENCE AND BUSINESS EXHIBITION (C4/2)



B 23/26/10/09 CUTTING DOWN OF PINE TREES 71 KARELLANDMAN STREET (P1/4)



B 24/26/10/09 FELLING OF TREES: TENDER NO. 21/2009 (P1/4)



B 25/26/10/09 APPLICATION TO USE DUNDEE HORSERACING TRACK FOR WEDDING CEREMONY PURPOSES: 28 NOVEMBER 2009: TP MSOMI (A3/1)



B 26/26/10/09 DIRECTOSIGN: PROVISION OF STREET REFUSE BINS (A2/2)



B 27/26/10/09 ROADS CAPITAL (F1/1)



B 28/26/10/09 FUNDING AGREEMENT FOR RENDERING FREE BASIC ELECTRICITY (A1/4)



B 29/26/10/09 COUNCIL'S YEAR-END FUNCTION (C7/1)



B 30/26/10/09 LOCAL GOVERNMENT CIRCULAR 14/2009 [C2/1(a)]



B 31/26/10/09 MINISTRY: LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS - ASSESSMENT OF THE ENDUMENI MUNICIPALITY 2009/2010 INTEGRATED DEVELOPMENT PLAN (P3/17)



B 32/26/10/09 TEMPORARY WORKERS CLEANING SIBONGILE AND SITHEMBILE (S7/6)



B 33/26/10/09 ATTENDANCE OF A COURSE ON ESTABLISHING MUNICIPAL SCOPA (S7/3/16)



2. It be recorded that the immovable properties described as Erven 4057 and 4058, Dundee is not needed to provide the minimum level of basic municipal services, as all basic municipal services are already provided for in this area known as Extension 27, Dundee;
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 valuers fees for attending to the valuation, as well as the anticipated advertising costs;
4. It further be recorded that the Council is of the opinion that the development of these properties by religious communities, and the returns Council will receive in the form of service charges from these properties, will be beneficial to the local community who have expressed the desire for such sites for worship purposes;
5. The estimated fair current market value of the properties, as determined by the Council's valuers, Messrs H S K Simpson & Partners, as contained in their report dated July 2009, which was enclosed with the agenda of the meeting, be noted, and that the estimated current fair market values of R34 000 for Erf 4057, and R32 000 for Erf 4058, be utilized as upset price for such immovable properties when it is advertised for sale by public tender in terms of the Council's approved Procurement Policy;
6. Any successful tenderer 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;
7. Should the successful tenderer 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 tenderer;
8. Should the successful tenderer 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;

9. In compliance with Provincial Notice No. 1369 dated 17 August 2006, as issued by the Member of the Executive Committee (MEC) of Kwazulu-Natal responsible for Local Government, the following information be submitted to the MEC for his comments: (a) the nature of the immovable property to be disposed of; (b) the fair market related values of the said immovable property; (c) the reasons for the disposal of the said immovable property; and (d) the anticipated cost to the municipality in disposing of the said immovable property;
10. In compliance with the Municipal Asset Transfer Regulations of 2008, the relevant information be submitted to the National and Provincial Treasury for their views and recommendations thereon;
11. Once the responses from the above have been received, the said erven 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.



C 03/14/09/09

**COMPILATION OF BY-LAWS AND PROMULGATION
OF COUNCIL'S STANDING ORDERS AND
DELEGATION OF POWERS** (C7/1)

RESOLVED

THAT

HL&E

1. The Refuse By-Laws be removed from the attachment it being noted that same will be replaced by an updated set;
2. It be noted that the following By-Laws have been tabled:

Pounds By-Law
 By-Law relating to the Control of Public Nuisance
 By-Law relating to Electricity Supply
 Property Encroachment By-Law
 Parking By-Laws
 Keeping of Animals By-Law
 Cemeteries By-Law
 Trading By-Law
 By-Law relating to Municipal Facilities and Public Amenities
 Delegation of Powers
 Standing Orders;

3. The Head: Legal & Estates workshop the By-Laws mentioned in item 2 above with the Council and management;
4. The Council's intention to promulgate the By-Laws be advertised for comment and public participation.



C 04/14/09/09

**APPLICATION FOR THE USE OF A PORTION OF
LAND IN AVON INDUSTRIAL AREA: SGANANDA
TRADING CO-OPERATIVE** (L1/7)

RESOLVED

THAT

AHL&E

1. The application from Sgananda Trading Co-Operative for the placement of a container on a portion of land, identified as a part of Erf 1587, Dundee, commonly known as a portion of Kabel Road, in the Avon Industrial as depicted on the sketch plan enclosed with the agenda of meeting, be noted;
2. In the absence of a formally adopted Council policy on the placement of such containers, but in the interest of the promotion of small enterprises, job creation and local economic development, the application be approved subject to the following conditions:
 - 2.1 The approval so granted shall be at the leisure of the Council, provided that no adverse complaints regarding the activities of the Co-Operative at the site so allocated is received;
 - 2.2 Should any adverse complaints be received, the Co-Operative shall be advised in writing thereof, and be requested to remedy any breach of any applicable by-law and/or other applicable statutory provisions within thirty (30) days, failing which, the Council reserves the right to summarily withdraw the approval so granted and demand immediate vacation of the site,;
 - 2.3 The placement of the container shall be done in such manner that it does not hinder or obstruct the normal traffic flow, or access to adjacent properties;

- 2.4 Should the applicants require any electricity supply, they shall apply for such service in accordance with the standard by-laws and tariffs applicable;
 - 2.5 Should the applicants require any water supply, they shall apply for such service from uThukela Water (Pty) Limited;
 - 2.6 The applicants shall make satisfactory arrangements with the Technical Services Department for refuse removal services;
 - 2.7 The applicants shall make satisfactory arrangements for ablution facilities;
 - 2.8 In the event of the applicants conducting any preparation of foodstuffs from the premises, they shall cause the necessary approval to be obtained from the Environmental Health Officers of Umzinyathi District Municipality and obtain an Item 1 Licence in terms of the Business Act. Proof thereof to be submitted to these offices;
 - 2.9 It being noted that the applicants have submitted letters of support for their venture from two businesses in the immediate vicinity of the proposed location of this venture, the applicants attempt to obtain further letters of support from other businesses in the area, stating that they have no objection;
3. The approval of the application from Sgananda Trading Co-Operative for the placement of a container on Council property for business purposes not be regarded as the setting of a precedent in this regard, but that each application to be received be adjudged on its merits, taking into consideration *inter alia* the impact thereof on the amenities of the area applied for, the availability of services, etcetera;
 4. Consultants be appointed to assist the Council to identify property where containers can be erected.



RESOLVED

THAT the following recommendations as contained in the minutes of the Council Workshop held on 7 September 2009, be adopted as resolutions of the Executive Committee:

C 05/14/09/09-1 SHARED SERVICES PERSONNEL COSTS DEVELOPMENT PLANNING

RESOLVED

MM

THAT it be noted that due to representatives of Isikhungusethu (Pty) Limited not being able to attend the meeting, a meeting will be arranged for a future date to take place.

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C 05/14/09/09-2 RISK MANAGEMENT POLICY

RESOLVED

MM

THAT the Provincial Administration be requested to address the Council on a Risk Management Policy.

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C 05/14/09/09-3 FRAUD PREVENTION STRATEGY AND PLAN

RESOLVED

THAT

**MM
CFO**

1. The Provincial Administration be requested to address the Council on a Fraud Prevention Strategy and Plan;
2. Once the above has taken place, the Council workshop the proposals for a Fraud Prevention Strategy and Plan with the Ward Committees and the Unions.

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C 05/14/09/09-4

DELEGATION OF POWERS TO CHIEF FINANCIAL OFFICER

RESOLVED

CFO

THAT the proposed Credit Control and Debt Collection By-Laws be workshopped with the Ward Committees.

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C 05/14/09/09-5

STANDING RULES OF ORDERS, DELEGATION OF POWERS AND POUND BY-LAWS

RESOLVED

HL&E

THAT the approval of the Standing Rules and Orders adopted by the Council under item C 01/31/03/03 be re-affirmed subject to the following amendments:

1. The figure "14" where it appears in rule 16.1(c) of the Standing Rules and Orders be substituted by the figure "7";
2. Rule 16.3 be substituted by the following clause:

"16.3 Every motion shall be relevant to the administration of or conditions in the municipality or shall deal with a matter in respect of which the Council has jurisdiction and before any notice of motion is placed on the agenda it shall be submitted to the Speaker/Chairperson who shall direct that such notice be placed on the agenda;"

3. The following rules be inserted after rule 33.4:

“33.5 The municipal council may by resolution of a majority of councillors establish a special committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning the Rules and Orders;

33.6 The Rules Committee shall consist of the Speaker, the Mayor and one representatives of each political party represented on the council, such representative to be nominated from time to time by each political party.”

4. The Council adopt the Explanatory manual on the Code of Conduct for Councillors and the procedural guidelines for the application of items 13 and 14 of the Code of Conduct for Councillors as published in Provincial Gazette No. 290 dated 12 June 2009 as its own;
5. The proposed Delegation of Powers as adopted by the Council under item C 01/15/05/06 be re-affirmed;
6. The proposed Pound By-Laws which was tabled at the meeting and which is attached to the minutes as an annexure, be accepted subject to the following amendments:

6.1 The word “Endumeni” be inserted before the word Municipality where it appears in the first paragraph of item 2;

6.2 Item 3 be re-numbered to read item 3.1 and that the following clause be inserted after the said clause:

“3.2 Notwithstanding the provisions of subsection 3.1, a municipality may, within a period of 12 months after the commencement of these by-laws, enter into a service delivery agreement with an institution or person mentioned in subsection 76(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to provide for the establishment and operation of a pound to service its area of jurisdiction.”

6.3 Item 5(2)(d) be substituted by the following:

“(d) a member of the municipal traffic police”

6.4 The following words be inserted between the words “funds: Provided” where they appear in the second sentence of section 24:

“or to the service provider as contemplated in terms of section 3.2”



C 01/26/10/09

WORKLOAD ALLOWANCE

(P3/12; P 3/16)

RESOLVED

MCS

THAT the report regarding the workload allowance be noted and that Kwanaloga be requested to speed up the process to implement job evaluations.



C 02/26/10/09

SALES AND LEASE AGREEMENTS: VARIOUS MUNICIPAL OWNED IMMOVABLE PROPERTIES

(L1/7)

RESOLVED

THAT

AHL&E

1. The responses received from the Office of the Member of the Executive Committee (MEC) for Local Government in KwaZulu-Natal, the National and Provincial Treasury with regard to the disposal of various municipal owned immovable properties, be noted;
2. The pro-forma sales and lease agreements in respect of the sale and/or lease of various immovable properties, as enclosed with the agenda of meeting as Annexures "A"- "G", be approved.



C 03/26/10/09

USE OF GLENCOE COMMONAGES BY SITHEMBILE STOCK OWNERS

(C5/3; 7/2/3/1)

RESOLVED

THAT

AHL&E

1. The letter from the Vusisizwe Farmer's Committee, representing the Sithembile stock owners, dated 2 October 2009, be noted;
2. The Committee, be granted consent to erect a crush pen and a temporary structure on the Dam Road camp of the Glencoe commonages for the purposes of dipping cattle and storing cattle feed;

3. The Committee be granted consent to reduce the number of tree on the Old Location Camp in order to free up grazing land, subject thereto that such reduction of the number of trees be done in consultation with the Technical Services department to prevent the total eradication of trees on this commonage;
4. The Remainder of Erf 915, Glencoe, also known as the Old Quarry camp, be made available to the Committee upon the same terms and conditions as other commonages for grazing purposes by Sithembile stock owners, at their own risk;
5. The Committee be advised that no provision has been made for fencing on the current budget, and that they should fence areas needed upon their own accord and cost in consultation with the Technical Service department;
6. The Committee, in consultation with the Ward Councillor identify possible portions of land suitable for gardening purposes, and such identified portions land be submitted at a future meeting for consideration thereof.



C 04/26/10/09

**PROPOSED SALE OF CRAIGIEBURN
SMALLHOLDINGS: ERVEN 2858 – 2882, DUNDEE
(EXTENSION 19) (L1/5/14)**

RESOLVED

THAT

AHL&E

1. In pursuance of a previously declared intent of the Council to make available for sale to the general public several smallholdings, consisting of twenty five individual erven located in the Craigieburn area of Dundee, also known as Erven 2858 – 2882, Dundee, the Council resolves to dispose of these mentioned immovable properties by means of 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 properties described as Erven 2858 - 2882, Dundee, is not needed to provide the minimum level of basic municipal services, as the said erven consists of individual smallholdings located approximately six (6) kilometres from the Central Business District (CBD) of Dundee town, and is situated in an area already developed as smallholdings;
3. It be noted that the anticipated cost to the municipality in disposing of these immovable properties will be approximately R379 500.00, which amount includes the valuers fees for attending to the valuation, the estimated cost of R R372 117.15 as quoted by uThukela Water (Pty) Limited for installation of a water supply network to these smallholdings, as well as the anticipated advertisement costs;
4. It further be recorded that the Council is of the opinion that the development of these properties by private owners, and the returns Council will receive in the form of rates and service charges from these properties, will alleviate the burden on the Council to maintain the vacant land which at present does not return any revenue to Council;
5. The estimated fair current market sales values of the properties, as determined by the Council's valuers, Messrs H S K Simpson & Partners, as contained in their report dated September 2009, which was enclosed with the agenda of the meeting, be noted as being:

Erf No.	Extent (m²)	Estimated Market Value (R)
2858	27570	165 000
2859	28839	177 000
2860	34271	177 000
2861	21800	163 000
2862	28806	177 000
2863	25001	173 000
2864	30207	178 000
2865	32712	181 000
2866	26313	174 000
2867	27934	176 000
2868	30057	178 000
2869	26528	174 000
2870	20424	167 000
2871	39016	186 000
2872	46263	192 000
2873	31651	180 000

2874	20923	167 000
2875	20107	156 000
2876	21703	168 000
2877	28804	177 000
2878	28713	177 000
2879	25334	173 000
2880	21768	168 000
2881	35700	183 000
2882	23468	169 000
TOTAL		R 4 356 000

6. It be noted that the development costs of approximately R375 000.00 relating to the installation of a water supply network to these smallholdings, as quoted by uThukela Water (Pty) Limited, is, in pursuance of a resolution of the Council passed on 24 August 2009, still to be added to the above estimated fair current market sales values of the properties on a pro-rata basis;
7. That the estimated fair current market sales values, plus the pro-rata developments costs of R15 000.00 per smallholding added thereto, be utilized as upset price for such immovable properties when it is advertised for sale by public tender;
8. The sales of the above immovable properties be subject to the following conditions:
 - 8.1 In pursuance of Section 164(1)(c)(iii) of the Municipal Finance Management Act No 56 of 2003, payment of the purchase price for these properties shall only be by cash, bank guaranteed cheque, or deposit of the full purchase price with the transferring attorneys, before any transfer of ownership shall be commenced with;
 - 8.2 Any successful tenderer 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;
 - 8.3 Should the successful tenderer 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, the acceptance of the offer to purchase be cancelled, and the property then be offered to the next highest qualifying tenderer;

- 8.4 Should the successful tenderer 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;
9. In compliance with Provincial Notice No. 1369 dated 17 August 2006, as issued by the Member of the Executive Committee (MEC) of Kwazulu-Natal responsible for Local Government, the following information be submitted to the MEC for his comments: (a) the nature of the immovable property to be disposed of; (b) the fair market related values of the said immovable property; (c) the reasons for the disposal of the said immovable property; and (d) the anticipated cost to the municipality in disposing of the said immovable property;
10. In compliance with regulation 6(b) of the Municipal Asset Transfer Regulations, as promulgated in Government Gazette No. R.878 dated 22 August 2008, the matter be referred to the National and Provincial Treasury to solicit their views and recommendations thereon.



C 05/26/10/09 MUNICIPAL OWNED HOUSING (H1/1)

RESOLVED

CFO THAT the Chief Financial Officer report on the amount to which officials residing in the municipal dwellings rentals are being subsidized by the Council.



C 06/26/10/09 REPORT ON BUDGET IMPLEMENTATION AND FINANCIAL STATUS FOR THE QUARTER ENDED 30 SEPTEMBER 2009 (F1/1)

RESOLVED

CFO THAT Council notes the report on budget implementation and the financial status for the period ended 30 September 2009.



C 07/26/10/09 **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 September 2009 in terms of Section 11(4) of the Municipal Finance Management Act.



C 08/26/10/09 **EXTERNAL AUDIT COMMITTEE** **(A8/4)**

RESOLVED

CFO **THAT** the Council appoint the following persons to serve on the External Audit Committee:

Mr N U Rajkumar (Chairperson)
Mr V Mseleku
Mr L Steenkamp



C 09/26/10/09 **ELECTRICITY THIRD PARTY VENDING: COMMISSION** **(E1/12)**

RESOLVED

CFO **THAT** Council approve that a commission of 3.5% be paid to hosting vendors based on the total sales (electricity and arrears) as at the last day of every month.



C 10/26/10/09 **PROPOSED PURCHASE OF ERF 1946, GLENCOE: GLENCOE ABATTOIR (PTY) LIMITED** **(1946; L1/7)**

RESOLVED

THAT

- MTS**
1. The application from Messrs Hellberg, Thöle Incorporated, on behalf of their clients being Glencoe Abattoir (Pty) Limited, for the purchase of Erf 1946, Glencoe, be declined;
 2. In terms of Section 14 of the Municipal Finance Management Act No. 56 of 2003, and the Council's Supply Chain Management Policy, Erf 1946, Glencoe be offered for sale by public tender process;

3. The Council's valuers, being Messrs H S K Simpson & Partners of Dundee, be requested to determine an estimated fair market related sales price for the property, and upon receipt thereof, same be submitted to Council for consideration in terms of the provisions of Section 114 of the Municipal Finance Management Act No. 56 of 2003.



C 11/26/10/09

WITHDRAWAL OF INTEREST RATE SUBSIDY ON VEHICLE LOANS [P3/16(a)]

RESOLVED

THAT

CFO

1. The report of the Chief Financial Officer, be noted;
2. Resolution No. C 12/01/12/2008 quoted hereunder be repealed:

"The action of the Chief Financial Officer to implement the proposal of Kwanaloga as conveyed in their letter dated 5 November 2008 be ratified."
3. With effect from 1 December 2008 the Council pay an interest rate subsidy on vehicle as in the past;
4. It being noted that the payment of the subsidy is not a loan and therefore not in contravention of the MFMA.



C 12/26/10/09

APPLICATION FOR CONSENT TO TRANSFER: ERF 2081, GLENCOE R & P POORAN (A5/1; 2081)

RESOLVED

THAT

AHL&E

1. The application from Messrs Hellberg, Thöle Incorporated, Dundee for consent to transfer Erf 2081, Glencoe from the current owners R & P Pooran to S S & G B Khuzwayo, be noted;
2. The Council opt not to enforce its pre-emptive right to re-purchase the said Erf 2081, Glencoe from the current owners thereof, as created in paragraph 4.2 of the title conditions contained in Title Deed No. T28869/1994;

3. Consent be granted to the transfer of Erf 2081, Glencoe from R & P Pooran to S S & G B Khuzwayo.



C 13/26/10/09

**MINUTES OF THE BOARD OF TRUSTEES OF
TALANA MUSEUM** (M4/2)

RESOLVED

HA

THAT the request from the Helpmekaar Farmers' Association and Dutch Reformed Church to relocate the Judith Church to Talana Museum, be approved.



Part D MOTIONS

D 01/14/09/09 **MOTION: GLENCOE HOUSING DEVELOPMENT
EXTENTION 13/19** **(C7/10)**

RESOLVED

MM **THAT** a meeting be arranged with the following stakeholders to discuss the Housing Development Extension 13/19, Glencoe:

1. Department of Human Settlement;
2. Department of Water Affairs & Forestry;
3. Umzinyathi District Municipality;
4. uThukela Water Services;
5. Relevant members of Parliament;
6. Ward Committee and other interested groups.



D 02/14/09/09 **MOTION: DEPARTMENT OF FINANCE AND
DEPARTMENT OF TECHNICAL SERVICES** **(C7/10)**

RESOLVED

THAT

- MTS
CFO**
1. The Chief Financial Officer identify specific categories of consumers who cannot afford to pay for their services so that they can qualify for their arrears to be written-off and to enabled the Council to make a submission to the MEC to assist such persons;
 2. A report be submitted to the Council regarding the possibility of improving services at the Glencoe offices which report should include the possibility of the public being enable to book graves there and the possibility of the offices staying open during lunch hours;
 3. The Manager Technical Services report on the problems his department is encountering to deliver services in Glencoe, i.e. grass cutting, maintenance of curbing, cleanliness of graveyard, potholes, refuse removal services, cleanliness of Sithembile and Sibongile, etc., and the possible solutions to these problems;

4. With effect from 1 December 2009 Mrs M S Carelse be promoted to Level 4 of the Endumeni salary scale and that she be given more authority to run the office in Glencoe.



D 01/26/10/09 INTERNET & E-MAIL FOR COUNCILLORS (C7/10)

RESOLVED

MCS THAT the quotation for internet and e-mail conditions for Councillors be obtained from local firms for their term of office only.



There being no further matters for consideration, the Chairperson declared the meeting closed at **18h35**

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CHAIRPERSON

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DATE