

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, 7 DECEMBER 2009** at 15h00

PRESENT

Executive Committee:

Cllr Ms W N Mbatha (Chairperson – Mayor)
Cllr A M Raubenheimer (Deputy Mayor)

Councillors:

Cllr E M Adam
Cllr P M Bislam
Cllr P G Mabilisa
Cllr T B Mkhize
Cllr A M Mthembu
Cllr S E Ndim
Cllr Ms D P Nkosi
Cllr D Singh
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 G Esterhuizen	Senior Financial Officer
Mr C J Retief	Head: Legal & Estates
Ms B A Mbatha	Assistant Head: Admin - Dundee



1. **Opening**

Cllr Ms J A Tshabalala opened the meeting with prayer.



2. **Applications for Leave of Absence**

After the Municipal Manager presented two letters from Cllr Ms R T Nukani's lawyer and another undated letter from herself to Council, it was resolved to take note of the letters, that it not be accepted as an apology and that the Speaker be mandated to lodge an investigation into the legal implications pertaining the letters and report back at the next Council meeting.



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

The Municipal Manager, Mr D B Cebekhulu, referred to the monies allocated to each ward on the budget for capital expenditure and requested Councillors to come forth with their proposals after consultation with the communities as time is running out.

Mr Cebekhulu also referred to the process of delimitation of wards and requested all Councillors to attend the Ward meetings where the proposals will be deliberated.



4. **Minutes of the Previous Meeting**

RESOLVED

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

Ordinary Monthly Meeting: 16 November 2009



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

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. Motions

Nil



9. Presentations



Part A

MATTERS FOR INFORMATION ONLY

A 01/07/12/09 COUNCILLORS ATTENDANCE OF COUNCIL AND EXCO MEETINGS (C7/1)

RESOLVED

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



A 02/07/12/09 DATES: EXECUTIVE COMMITTEE AND COUNCIL MEETINGS FOR 2010 (C7/1)

RESOLVED

THAT the list of dates on which Executive Committee and Council meetings in 2010 will take place, be noted.



A 03/07/12/09 REPORT ON THE 8TH BATHO PELE LEARNING NETWORK (S7/3/16/6)

RESOLVED

THAT the report on the 8th Batho Pele Learning Network which took place on 4-6 November 2009 at the Durban International Convention Centre, be noted.



A 04/07/12/09 WARD 3 WARD COMMITTEE MEETING (B3/4)

RESOLVED

THAT the minutes of Ward 3 Ward Committee meeting held in the Main Committee Room, Civic Centre, 64 Victoria Street, Dundee on Monday, 23 November 2009 at 15:00, be noted.



A 05/07/12/09

**MINUTES OF COMMUNITY HEALTH COMMITTEE MEETING
HELD ON 1 OCTOBER 2009 AND GUIDELINES FOR
COMMUNITY CLINIC MEETINGS** (P4/8)

RESOLVED

THAT the Minutes of the Community Health Committee meeting held on 1 October 2009 as well as the Guidelines for Community Clinic meetings, be noted.



Part B
MATTERS RESOLVED
BY COMMITTEE
UNDER DELEGATED POWERS

B 01/07/12/09

LABOUR FORUM COMMITTEE MEETING

{P3/16(a)}

RESOLVED

THAT the following recommendations as contained in the minutes of the Local Labour Forum meeting held on 11 November 2009, be adopted as resolutions of the Executive Committee:

B 01/07/12/09-1

LEGAL OPINION: WITHDRAWAL OF INTEREST RATE SUBSIDY ON VEHICLE LOANS

[P3/16(a)]

RESOLVED

CFO

THAT it be noted that the interest rate subsidy will be implemented from the 01st November 2009 and all affected employees will be back paid.

B 01/07/12/09-2

POST UPGRADING REQUEST TO SALARY LEVEL 2: MRS I D KHUMALO

RESOLVED

MCS

THAT this item be dealt with under item B 15/07/12/09.

B 01/07/12/09-3

REQUEST FOR REVIEW OF THE PLACEMENT OF THE SUPERINTENDENT DISASTER MANAGEMENT: MR B H ZULU: SALARY NO: S004807

RESOLVED

MCS

THAT this item be dealt with under item B 15/07/12/09.

B 01/07/12/09-4 **LABOUR COURT RULING: NO WORK, NO PAY, And NO BENEFITS FOR THOSE WORKERS WHO ENGAGE IN STRIKE ACTION.**

RESOLVED

CFO

THAT the Labour Court ruling on “no work, no pay, no benefits” as appended to this item be noted.

B 01/07/12/09-5 **UPGRADING OF POSTS: SENIOR MECHANIC: MR G VAN DER MERWE & CLERICAL ASSISTANT – AUDIT: MRS N P KHUMALO (STAFF)**

RESOLVED

MTS

THAT this item be dealt with under item B 12/07/12/09.

B 01/07/12/09-6 **SCARCE SKILLS POLICY**

RESOLVED

THAT

MCS

1. The Council adopts the scarce skills policy as attached to the agenda and refer the same to the SALGBC to applying the policy.
2. A Skills Compensation Committee comprising of the Municipal Manager, Manager Corporate Services, Mr A J van Wyk and the Human Resource Officer be established.

B 01/07/12/09-7 **KWANALOGA WORKSHOP ON LOCAL LABOUR FORUMS**

RESOLVED

CFO

THAT the Manager Corporate, the Human Resource Officer, the Chairpersons of SAMWU and IMATU, Cllr P G Mabilisa and Cllr Ms D P Nkosi were nominated to attend the Local labour Forum Workshop held in Newcastle on the 26th November 2009 and that the S & T costs paid for attendance thereof, be approved by Council.

B 01/07/12/09-8 DISCIPLINARY PROCEDURE COLLECTIVE AGREEMENT

RESOLVED

THAT

HRO

1. The Disciplinary Procedure Collective Agreement received from the South African Local Government Bargaining Council be noted;
2. Copies of the above mentioned agreement be provided to all Councils Supervisors and Secretary's and that staff be advised that the same may be perused at the said officials offices.

* * * * *

B 01/07/12/09-9. REFUSE COMPACTOR LORRY DRIVER: MR Z M NGOBESE

RESOLVED

SAMWU

THAT the SAMWU chairperson discuss the matter with Mr Z M Ngobese and report back at the next Local Labour Forum Meeting.

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B 01/07/12/09-10. BOUNDARY STREET LIBRARY: GENERAL WORKER POSITION

RESOLVED

HRO

THAT it be noted that the Manager Corporate Services withdrew the item.

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B 01/07/12/09-11 AMENDMENT TO THE MEMORANDUM OF AGREEMENT FOR THE EMPLOYMENT OF TEMPORARY WORKERS

RESOLVED

THAT

**CFO
HRO**

1. The words “A contract may only be renewed once” where it appears in paragraph 2.2 of the Employment of Temporary Workers Agreement be deleted;
2. The agreement for temporary workers be workshopped in due course.



B 02/07/12/09 TOWNSHIP ESTABLISHMENT PROCESS FOR DLAMINI VILLAGE AND FORESTDALE EXTENSION

[L1/5/22; L1/5/7(b)]

RESOLVED

MTS

THAT items (b) and (c) of previous Council resolution B be amended to read as follows:

In respect of the proposal to establish and develop:

- (a) A Township on Portion of Erf 10 000 Sibongile, an area commonly referred to as Dlamini Village; and
- (b) A Township on Portions of Remainder of Erf 642, Erf 3770 and Erf 4139 all of Dundee, being an area commonly referred to as Forestdale Extension.



B 03/07/12/09 TENDER NO. 55/2009: CALL FOR PROVISION OF PROFESSIONAL SERVICES IN ORDER TO FACILITATE THE DEVELOPMENT OF A GOLF ESTATE (S6/2)

RESOLVED

**CFO
HL&E**

THAT the Departments of Finance and Corporate Services check the legal and technical aspects of the report whereafter it be resubmitted to Council in January 2010.



B 04/07/12/09 IDP 1st REPRESENTATIVE FORUM: GLENCOE (P3/17)

RESOLVED

MTS

THAT the minutes of IDP Representative Forum for Review of 2010/2011 held on 21 October 2009 be noted.



B 05/07/12/09

**MINUTES OF WARD 3 COMMITTEE MEETING HELD IN THE
MAIN COMMITTEE ROOM, CIVIC CENTRE, 64 VICTORIA
STREET, DUNDEE ON MONDAY 23 NOVEMBER 2009 (B3/2)**

RESOLVED

THAT

**MTS
MM**

1. The Minutes of the Ward 3 Ward Committee meeting held in the Main Committee Room on Monday, 23 November 2009 at 14h00 be noted;
2. An amount of R61 313.26 be made available from the R400 000 Ward 3 capital allocation for the provision of lighting at the Dundee High School. In the adjustment budget for 2009/2010 the above amount be transferred from the Capital Vote to the Grant-in-Aid Vote;
3. Cllr A M Raubenheimer in conjunction with Cllr J A Tshabalala identify a suitable project for funding in Ward 3.



B 06/07/12/09

MINUTES OF FORESTDALE COMMUNITY MEETING

(L1/5/22)

RESOLVED

MTS

THAT the following projects be referred to a Ward 6 Ward Committee meeting for their approval and discussion:

1. Forestdale sports field lighting to be re-installed. To be done in-house by electrical department as per quote submitted by Manager Electrical;
2. The park should be fenced: pre-cast is unsafe and palisade fencing is safer and there will be no graffiti;
3. Repair existing ablution block – 2 (two) toilets to be provided;
4. Floodlighting to be focused on the park;
5. Swings, slides, 6 (six) benches cement block built, 3 (three) cement block built tables with 3 (three) canopies, 2 (two) braai stands, see-saw and possibly jungle gym, as much as the funds will allow regarding these items;
6. Combi Court if the funds are still available, if not, to be earmarked as a future project.



ENDUMENI RESIDENTS ASSOCIATION MEETING WITH COUNCIL [P3/15(a)]

RESOLVED

THAT

MTS

1. The Endumeni Municipality formally note an open letter received from the Endumeni Residents Association as published in the Northern KwaZulu-Natal Courier dated 20 November 2009.
2. The Endumeni Municipality further correct any possible misconceptions of Endumeni Residents Association in that on a proper interpretation of Section 5 of Municipal Systems Act No. 32 of 2000 as read in conjunction with Section 72 of Municipal Structures Act No. 117 of 1998. Endumeni Municipality is bound by Provincial Proclamation issued under the Authority of Minister of Local Government KwaZulu-Natal to interact with the public by means of a Ward Committee System as contemplated by Section 72 of Municipal Structures Act No. 117 of 1998.
3. The Endumeni Municipality further note Minutes of Meeting held with Endumeni Residents Association.
4. The Endumeni Municipality further note per Notice No. 19/2009 in that the Municipality embarked on a discussion Programme pertaining 2009/2010 Budget. The Budget and Revised Rates Policy were further advertised for public comment per Notice 12/2009. No public comment was received within the prescribed period. Furthermore Endumeni Residents Association nor erstwhile Ratepayers Association raised any objections to the 2009/2010 Budget and Rates Policy within prescribed period.
5. The Endumeni Residents Association was further provided an IDP Budget Implementation Process Plan. Any further interaction with the Association is to take place within the confines of Section 72 of Municipal Structures Act No. 118 of 1998.
6. The Endumeni Municipality further acknowledged the detailed analysis of the Chairperson of Endumeni Residents Association in that the Endumeni Municipality is positioned in the second quartile of top performing Municipalities within the Republic of South Africa.



SIGNAGE PROPOSAL THE OVAL B & B DUNDEE (A2/2)

RESOLVED

MTS

THAT the correspondence received from Mr C Potgieter be noted and the Manager Technical Services be mandated to deal with the matter in terms of the Council's Signage By-Laws.



B 09/07/12/09

**MINUTES OF A MEETING PERTAINING BID 21/2009
FELLING OF TREES HELD IN THE SMALL COMMITTEE
ROOM ON 30 NOVEMBER 2009** (P1/4)

RESOLVED

THAT

MTS

1. The minutes of the meeting pertaining BID 21/2009 Felling of Trees held in the Small Committee Room on 30 November 2009 be noted;
2. Additional claims Timcon: For reasons ventilated in the Minutes in one above the Endumeni Municipality reject any claim made by Timcon as per schedule A and B of BID Document 21/2009 in the absence of a written instruction from the Municipality;
3. The Contractor Timcon be given seven days notice to make good damage to an electric light pole as detailed in a quote issued by Endumeni Electrical Department;
4. Endumeni Municipality to issue invoices to Timcon in respect of sections 1, 2 and 3 of BID 21/2009 after work is completed. Thereafter and upon receipt of payment, the Municipality will issue further instructions in respect of BID 21/2009;
5. Timcon submit a Revised Safety Plan within seven days;
6. Ensure planting of indigenous trees.



B 10/07/12/09

REQUEST FOR FUNDING OF EXPENSES – SIFE (G2/1)

RESOLVED

MTS

THAT a costing pertaining the proposed expenditure be done whereafter the request for upgrading of the old Sithembile Library by SIFE be resubmitted for consideration.



B 11/07/12/09

**APPLICATION PERTAINING ADDITIONAL PARKING:
SANDY'S SPORTS BAR** (M3/12)

RESOLVED

THAT

**MTS
HSS**

1. A Sub-Committee, jointly convened by the Head: Safety & Security and the Manager Technical Services, be establish to further consider an application for further parking at Sandy's Sports Bar, 20 Ghandi Street, Glencoe;

2. The following Councillors were nominated to represent Council at the aforementioned Sub-Committee:

Cllr Ms D P Nkosi
Cllr P M Bislam
Cllr T B Mkhize.



B 12/07/12/09

UPGRADING OF POSTS: SENIOR MECHANIC: MR G VAN DER MERWE & CLERICAL ASSISTANT – AUDIT: MRS N P KHUMALO (STAFF)

RESOLVED

THAT

**MTS
CFO
HRO**

1. Mr G van der Merwe be promoted to Manager Mechanical Workshop on the first notch of Scale 4 of the Endumeni Municipal Scales;
2. Council note that the savings on salary vote 163/200001 mechanical workshop should be sufficient to cover the additional expenditure due to the resignation of Mr C L Robson;
3. It be noted that the vacant position of mechanic only be filled during February 2010 due to the existing festive season and holidays;
4. Clerical Assistant Mrs N P Khumalo be promoted to Senior Clerk Electricity on the first notch of Scale 8 of the Endumeni Municipal Scales;
5. The necessary additional funds to cater for this promotion of Mrs Khumalo be transferred from Vote 162/200001 to Electricity Admin Vote 401/200001 as considerable savings are possible on Vote 162/200001 being Town Engineer Administration;
6. Both Mr G van der Merwe and Mrs Khumalo be promoted as from 01 December 2009.



B 13/07/12/09

UMZINYATHI FAMILY OF MUNICIPALITIES DEVELOPMENT PLANNING SHARED SERVICES BUSINESS PLAN (G1/1)

RESOLVED

MTS

THAT, in order to afford Councillors the opportunity to study the terms of the conditions of Umzinyathi Family of Municipalities Development Planning Shared Services Business Plan, the item be resubmitted at Council's next meeting, it being noted that proposals were only received by the Municipal Manager on 7 December 2009.



RESOLVED

THAT

MTS

1. The Endumeni Executive Committee note a report tabled in the Northern Natal Courier as per Annexure “A”;
2. The Endumeni Executive Committee further note the Agreement as per Osh Act No. 85 of 1993 as detailed in the award of Tender No. 07/2006 as per Annexure “B” and the Methodology of completing the Project in two Phases “A” and “B”;
3. The Endumeni Municipality further note site minutes of Buffer Strip Site Meeting Phase 2 as per Annexure “C”. The Phase Two Section of Tender 07/2006 was handed to Contractor officially on 18 November 2009;
4. The Endumeni Municipality further note notification of Construction Work as per Annexure “A” Regulation 3 OSH Act OSH Act 85 of 1993;
5. The Endumeni Municipality further note appointment of Contract Manager, OSH Act 85 of 1993 per Annexure “E”;
6. The Endumeni Municipality further note appointment of Construction Supervisor, OSH Act 85 of 1993 per Annexure “F”;
7. The Endumeni Municipality further note appointment of Excavation Supervisor, OSH Act 85 of 1993 per Annexure “G”;
8. The Endumeni Municipality further note appointment of Safety Officer, OSH Act 85 of 1993 per Annexure “H”;
9. The Endumeni Municipality further note instructions of Clients Representative directed to Klus Civils on Friday 27 November 2009 at 11h02 am as per Annexure “I”;
10. The Endumeni Municipality further note instructions of Clients Representative directed to Klus Civils as per Annexure “J”;
11. The Manager Technical Services be directed to table Contractor’s report and Department of Labour Notification for consideration of EXCO in due course;
12. The Endumeni Municipality directs Municipal Attorney’s, Acutts to defend any possible Civil or Criminal Action arising out of said occurrence.



B 15/07/12/09

**UPGRADING OF POSTS: PRIMARY HEALTH SERVICES
MANAGER: MRS I D KHUMALO & SUPERINTENDENT
DISASTER MANAGEMENT: MR B H ZULU (STAFF)**

RESOLVED

THAT

**MCS
HRO
CFO**

1. Sr I D Khumalo be promoted to Primary Health Services Manager on the first notch of Scale 2 of the Endumeni Municipal Scales, and that payment in this regard be claimed from the KZN Department of Health under Vote No. 120/ 200 001, or as determined by the Chief Financial Officer;
2. Mr B H Zulu be promoted to Assistant Manager: Disaster Management on the first notch of Scale 3 of the Endumeni Municipal Scales;
3. The transport/motor vehicle allowance applicable to Mr B H Zulu will be based on a Post Level 3 of 650km per month as applied by the South African Local Government Bargaining Council or its predecessor, and that Clause 7.2 of the Motor Vehicle Allowance Policy (Council Resolution C 05/19/05/08) be deleted from the said Policy;
4. The necessary additional funds to cater for this promotion of Mr B H Zulu be transferred from Vote 169/200 001, or as determined by the Chief Financial Officer;
4. Both Mrs I D Khumalo and Mr B H Zulu be promoted as from 1 December 2009.



Part C

MATTERS REFERRED TO COUNCIL FOR CONSIDERATION

C 01/07/12/09 ESTABLISHMENT OF MUNICIPAL SCOPA AT ENDUMENI
(S7/3/16)

RESOLVED TO RECOMMEND

MM **THAT** the following Councillors, representing two from each political party, be appointed to serve as members of SCOPA:

Cllr P G Mabilisa (IFP)
Cllr T B Mkhize (IFP)
Cllr Ms D P Nkosi (DA)
Cllr E M Adam (DA)
Cllr A M Mthembu (ANC)
Cllr S E Ndimba (ANC)



C 02/07/12/09 REQUEST TO CONVENE A MEETING DEPARTMENT OF
LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS
[P3/15(a)]

RESOLVED TO RECOMMEND

MM **THAT** the contents of the letter of request to convene a meeting between Council and other stakeholders in respect of petitions received by the Department of Local Government & Traditional Affairs, be noted and the Department be requested to deal directly with the matters in question.



C 03/07/12/09 OCCUPATION OF OLD JUNIOR SCHOOL/OLD COMMANDO
BUILDINGS, BEACONSFIELD STREET, DUNDEE **(M3/13)**

RESOLVED TO RECOMMEND

THAT

- AHL&E**
1. The Municipal Manager be authorized to enter into negotiations with the management of the Majuba College to ascertain their immediate and long term needs and plans towards occupancy of the premises known as the Old Commando buildings situated on Beaconsfield Street, Dundee;

2. The Municipal Manager be authorized to enter in an agreement with the Majuba College for occupation of the buildings, and that such agreement shall serve the best interests of Council, therein that it would not place any financial burden upon the Council, and that the Majuba College shall occupy the premises at their own cost and risk, with the proviso that all repairs and maintenance to be undertaken be at the cost of the College, and that they shall have no claim for reimbursements of such costs against Council.



C 04/07/12/09

**PROPOSED AMENDMENT TO THE DUNDEE TOWN
PLANNING SCHEME IN COURSE OF PREPARATION:
PROPOSED REZONING OF PROPOSED PORTIONS 19 AND 20
OF ERF 1503, DUNDEE** [T3/6/3(1503/18-20)]

RESOLVED TO RECOMMEND

THAT

AHL&E

1. The communication from the Department of Local Government & Traditional Affairs, stating that the Provincial Planning & Development Commission had in principle no objection to the proposed amendment to the Dundee Town Planning Scheme by rezoning Proposed Portion 19 of Erf 1503, Dundee from “Agriculture” to “Education”, be noted;
2. The Council introduces into the Dundee Town Planning Scheme in Preparation a Table D for “Education”, and that it inserts into Column 3 (Additional Controls) of the Table the following:

“In respect of Portions 19 and 20 of Erf 1503, Dundee, the maximum bulk factors of these properties are a coverage of 50% and a height of 3 storeys”;
3. It be noted that, once an appropriate Environmental Impact Assessment Record of Decision has been issued by the relevant authority, then the Council can adopt the rezoning for Proposed Portion 20 of Erf 1503, Dundee from “Agriculture” to “Education”;
4. The Manager Technical Services, under delegated authority, be authorized to accept and adopt in terms of Section 47 *bis* (4)(a) of the Town Planning Ordinance No. 27 of 1949, the proposed amendments to the Dundee Town Planning Scheme in Preparation, as per paragraph 1 and 2 above, once the official letter from the Provincial Planning & Development Commission has been received, and the Commission be advised accordingly.



Part D MOTIONS

D 01/07/12/09

INTERNET & E-MAIL FOR COUNCILLORS

(C7/10)

RESOLVED TO RECOMMEND

ISM

THAT the supply of Internet and e-mail service for the Councillors' laptops be approved.



There being no further matters for consideration, the Chairperson declared the meeting closed at **16h50**

Mayor – Chairperson:

Date: