

# 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 JANUARY 2011** at **14h00**

## **PRESENT**

### **Executive Committee:**

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

### **Councillors:**

Cllr E M Adam  
Cllr P M Bislam  
Cllr T B Mkhize  
Cllr A M Mthembu (From 14h15)  
Cllr S E Ndimu (From 14h13)  
Cllr Ms P J B Ngobese  
Cllr Ms D P Nkosi  
Cllr D Singh (From 14h35)  
Cllr Ms J A Tshabalala

### **In Attendance:**

Mr J B Maltman	Acting Municipal Manager
Mr S Perumall	Executive Manager Corporate Services
Mr C J Carelse	Acting 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
Mr P G Mabilisa	Communications Manager



1. **Opening**

The Mayor, Cllr Ms J A Tshabalala opened the meeting with prayer.



2. **Applications for Leave of Absence**

Nil



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

The Acting Municipal Manager advised that the advertisement regarding outstanding rates has had results as the Council has received an amount of R3.3 million from Government Departments and have received further assurances that a further R8 to R9 million will be paid to the Council by the end of February 2011.

He further advised that at a joint meeting with the Chief Financial Officer and the Municipal Manager of Umzinyathi District Municipality the principle of liability in respect of the R17 million owed to the Council was agreed upon.

It was further agreed upon that this matter would be further pursued on 22 February 2011.

A further follow-up meeting between the Executive Committee, the Audit Committee and Uthukela Water will take place as detailed above and Endumeni Municipality shall produce all documentation as specified in correspondence received from Umzinyathi District Municipality dated 15 December 2010 and said claim be duly audited by Gobodo Pty Ltd.

The Mayor thanked the officials for their efforts in obtaining outstanding monies for the Council.

She further advised that the Mayor of Umzinyathi had agreed that they would pay the money owing to the Council.



4. **Minutes of the Previous Meeting**

**RESOLVED**

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

Ordinary Monthly Meeting:	6 December 2010
Special Meeting	15 December 2010



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

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. **Motions**

Nil



9. **Presentations**

9.1 *Presentation: Auditor General*

The Mayor welcomed Ms Adele Howard from the Office of the Auditor General and afforded her the opportunity to address the meeting.

Ms A Howard addressed the Council on the matters which is attached to the Minutes as an annexure.

The Mayor thanked Ms A Howard for her address whereafter she was recused from the meeting.

**RESOLVED**

**THAT** the presentation by Ms A Howard of the Auditor General, which is attached to the Minutes, be noted.



9.2 *Presentation: Breeze Alternative Energy Solutions (Pty) Limited*

The Mayor welcomed Mr N Rautenbach to the meeting and afforded him the opportunity to address the meeting.

Mr N Rautenbach then addressed the Committee, the details of which are attached as an annexure.

After Mr Rautenbach completed his address, he was thanked by the Mayor where after he recused himself from the meeting.

**RESOLVED**

**THAT** the presentation by Mr N Rautenbach from Breeze Alternative Energy Solutions (Pty) Limited, the details of which is attached to the Minutes, be noted.





A 02/24/01/11-3 **MONTHLY REPORT: TESTING STATION** (T4/1)

**RESOLVED**

**THAT** the monthly reports in respect of the Testing Station for the months of November and December 2010 be noted.



A 02/24/01/11-4 **MONTHLY REPORT: DISASTER MANAGEMENT** (F2/1)

**RESOLVED**

**THAT** the monthly reports in respect of Disaster Management for the months of November and December 2010 be noted.



A 02/24/01/11-5 **MONTHLY REPORT: RURAL METRO** (F2/6)

**RESOLVED**

**THAT** the monthly reports, received from Rural Metro, in respect of Fire and Disaster Management for the months of November and December 2010, be noted.



A 02/24/01/11-6 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)

**RESOLVED**

**THAT** the monthly reports in respect of Talana Museum for the months of November and December 2010 together with the Minutes of the Board of Trustees of Talana Museum, held on Thursday, 2 December 2010, be noted.



A 02/24/01/11-7 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (L4/2/1)

**RESOLVED**

**THAT** the monthly reports in respect of the Dundee Public Library for the months of November and December 2010 be noted.



A 02/24/01/11-8 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)

**RESOLVED**

**THAT** the monthly reports in respect of the Sibongile Library for the months of November and December 2010 be noted.



A 02/24/01/11-9 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/6)

**RESOLVED**

**THAT** the monthly reports in respect of the Glencoe Public Library for the months of November and December 2010 be noted.



A 02/24/01/11-10 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY** (L4/3/1)

**RESOLVED**

**THAT** the monthly reports in respect of the Wasbank Public Library for the months of November and December 2010 be noted.



A 02/24/01/11-11 **MONTHLY REPORT: MANAGER CORPORATE SERVICES – GLENCOE TOWN HALL & ACTIVITY ROOM** (9/1/2/1)

**RESOLVED**

**THAT** the monthly report from the Manager Corporate Services in respect of the Glencoe Town Hall and Activity Room, for the month of November 2010, be noted.



A 02/24/01/11-12 **MONTHLY REPORT: MANAGER CORPORATE SERVICES – CLINIC** (P4/5)

**RESOLVED**

**THAT** the monthly reports in respect of the Manager Corporate Services – Clinic Services for the months of November and December 2010 be noted.



A 03/24/01/11-1 **STAFF OVERTIME** (S7/7/1)

**RESOLVED**

**THAT** it is reported, for information, that the overtime for the months of November and December 2010 as approved by the respective Heads of Departments under delegated powers be noted.



A 03/24/01/11-2 **QUARTERLY REPORT ON SCM IMPLEMENTATION** (L3/3/22)

**RESOLVED**

**THAT** the quarterly report on Supply Chain Management Implementation as attached to the Agenda, be noted.



A 04/24/01/11-1 **MONTHLY REPORT: MANAGER TECHNICAL SERVICES** (R3/8)

**RESOLVED**

**THAT** the monthly reports in respect of the Manager Technical Services for the months of November and December 2010 be noted.



A 04/24/01/11-2 **THE MINUTES OF A HOUSING FORUM MEETING HELD ON 11 JANUARY 2011 IN THE MAIN COMMITTEE ROOM, 64 VICTORIA STREET, DUNDEE** (H1/1)

**RESOLVED**

**THAT**

1. The Minutes of the Housing Forum meeting held on 11 January 2011 in the Main Committee room, 64 Victoria Street, Dundee is appended for information of the Endumeni Executive Committee be noted;
2. Mayor, Cllr Mbatha, Cllr Nukani, and Cllr Nkosi be nominated to serve on the Housing Forum to represent Council;
3. All fees for cemetery burial applications in future be paid for at the cashiers office with exceptions of applications fees received after 15h00 during office hours.



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**Part B**  
**MATTERS RESOLVED**  
**BY COMMITTEE**  
**UNDER DELEGATED POWERS**

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**B 04/30/12/10-1**    **CLEANING CAMPAIGNS: SIBONGILE AND SITHEMBILE**    **(C2/3/4)**

**RESOLVED**

**THAT**

**AMTS**  
**CFO**

1. Council make provision for a TLB on the following budget to assist with cleaning of the townships;
2. Proper planning be done and executed by staff produce a workable continuous solution to eliminate refuse dumping and littering.



**B 04/30/12/10-2**    **OVERTIME ON WEEKENDS: STREET CLEANERS**    **(S7/7/1)**

**RESOLVED**

**THAT**

**CFO**  
**AMTS**

1. Street cleaning be implemented again over weekends and public holiday in the CBD and other areas.
2. No supervisors be on duty during weekends and after hours
3. Duties and work areas be made clear to staff performing these functions and should these areas not be in a satisfactory condition early Monday mornings they not be remunerated for the weekend or after hour tasks supposed to be carried out;
4. The portfolio committee attend the Technical Department staff meeting which was take place on 6 January 2011.



**B 04/30/12/10-3 SIBONGILE CEMETERY FENCING**

**(C1/1)**

**RESOLVED**

**THAT**

**CFO**

1. Tender advert be placed in the newspaper for the enclosure of the Sibongile Cemetery with a palisade fence;
2. The ward committees be approached to consider using part of the funds to make up the shortfall of funds to erect the proposed fence.



**B 01/24/01/11-1 DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: REPAIRS TO ROAD GRADER**

**(A6/2)**

**RESOLVED**

**AMM**

**THAT** the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to Queensburgh Plant Hire in the amount of R56 139.30 incl. VAT and transport as per the provisions of Section 36(1)(a)(i) of Endumeni SCM Policy. The actions of the Accounting Officer be deemed as an emergency as set out in the correspondence from the Acting Manager Technical Services of 18 January 2011 attached



**B 01/24/01/11-2 GRANT-IN-AID DONATION: APPLICATION FROM MRS T HLONGWANE ON BEHALF OF WOMEN'S GROUP CALLED IKENTANGU**

**(G2/1)**

**RESOLVED**

**AMM**

**THAT** the decision taken by the members of the Executive Committee on 28 December 2010 to pay an amount to the Ikentangu Women's Group function held on 30 December 2010 and the payment made in this regard from the Promotion of Endumeni Vote, be condoned by the Executive Committee.



**RESOLVED**

**THAT** the following recommendations as contained in the minutes of the Local Labour Forum meeting held on 13 January 2011, be adopted as resolutions of the Executive Committee:

**B 02/24/01/11-1.1 BUILDING INSPECTOR**

**RESOLVED**

**THAT** this item be dealt with under C 14/24/01/11.



**B 02/24/01/11-1.2 ENDUMENI MUNICIPALITY POLICY ON OVERTIME**

**RESOLVED**

**THAT**

1. The Endumeni Municipality policy on overtime be approved and adopted by Council subject to section 4.1 and 4.2 being amended to read:

“4.1 Persons performing planned or forced overtime shall be remunerated by means of payment subject to the approval by the relevant Head of Department”

2. Items 4.3 to 4.7 be re-numbered accordingly.



**CFO  
SML&E**

**B 02/24/01/11-1.3 CREATION OF COMMITTEE OFFICERS POSTS**

**RESOLVED**

**THAT**

**AMHR  
SMCS**

1. Council creates two new Committee Officers posts to execute minute taking and other logistical functions related to all Council, Exco, Portfolio, Labour Forum, ward and other ad hoc committee meetings as determined by the SALGBC task job description form attached to the agenda;
2. The aforementioned posts be added to Councils organogram, on TASK salary grade level 9;
3. The posts be advertised internally and externally on the Councils notice boards and in the local newspaper to solicit suitable candidates to apply.



**B 02/24/01/11-1.4 THE POST OF LED/STRATEGIC PLANNING MANAGER**

**RESOLVED**

**THAT** this item be dealt with under item C15/24/01/11.



**B 02/24/01/11-2 APPLICATION FOR AN OFFICE SPACE: ENDUMENI LOCAL FOOTBALL ASSOCIATION (M3/6)**

**RESOLVED**

**THAT** it be noted that this item was dealt with under item C 02/24/01/11-9.



**B 02/24/01/11-3**    **WORKFLOW YEARLY PLAN: OFFICE OF SOCIAL DEVELOPMENT**    **(S6/1)**

**RESOLVED**

**THAT**

**AMSD  
HHS**

1. The Yearly program submitted by the Office of Social Development, for the period of the year 2010/2011, be approved;
2. Programs that have already been implemented be condoned by the Executive Committee of Council;
3. It be noted and accepted that the plan will have additions thereto from time to time owing to the likelihood of other programs being submitted by various stakeholders such as the uMzinyathi District Municipality, various Departments and NGOs, during the course of the year.



**B 03/24/01/11-1**    **ACCOUNTS PAID**    **(F1/4)**

**RESOLVED**

**CFO**

**THAT** the bank reconciliation for the months of November and December 2010 together with the schedule of accounts paid for the months of November and December 2010, as well as the reports submitted in terms of Government Gazette No. 18435 be approved and confirmed.



**B 04/24/01/11-1**    **APPLICATION FOR ASSISTANCE: Z S ZULU**    **(C5/1)**

**RESOLVED**

**THAT**

**AMTS**

1. Due to Councils earthmoving machinery being in a very old and fragile state it will not be able to perform such duties in riverbanks;
2. Being a private property Council would not be in a position to assist Mr Zulu as this would then be an audit query.





B 05/24/01/11

**PROJECTS FOR WARD 6: R400 000.00 FOR PEACEVALE AND FORESTDALE** (B3/2)

The Committee was advised that the pedestrian sideway was on a provincial road and must therefore be deleted from the list.

**RESOLVED**

**THAT**

**AMM  
AMTS  
CFO**

1. The following projects financed from the R400 000.00 allocated to Ward 6 be approved:
  - 1.1 Palisade fence, sliding gate and pedestrian gate –  
Estimate R142 820.97
  - 1.2 Renovation of ablution block –  
Estimate R8 000 x 10 = R80 000.00
  - 1.3 Two tables - Estimate R950 each = R1 900.00
  - 1.4 Swings - Estimate R12 500
  - 1.5 Jungle Gym - Estimate R1 000.00
  - 1.6 Slide - Estimate R8 500.00
  - 1.7 Jojo Tanks
2. It be noted that the above items are only estimates and that proper quotations will have to be gotten.



B 06/24/01/11

**CELLPHONE ALLOWANCES: ACTING MANAGER TECHNICAL SERVICES, COMMUNICATIONS MANAGER & MANAGER MECHANICAL AND ADMINISTRATION SERVICES**

(T1/1)

**RESOLVED**

**AMM**

**THAT** cell phone allowances of R300.00 each per month be approved for the Acting Manager Technical Services, Communications Manager and Manager Mechanical and Administration Services as cover for official calls made on their private cellphones as from 1 February 2011 and that the Chief Financial Officer in consultation with the Acting Manager Technical Services find the funds therefore.



B 07/24/01/11

**INVITATION TO PUBLIC PARTICIPATION DISTRICT THINK TANK WORKSHOP**

(S7/3/16)

**RESOLVED**

**AMM**

**THAT** Councillors wishing to attend the Think Tank Workshop on 17 February 2011 advise Mrs C Jacobs of their intention.



B 08/24/01/11

**REQUEST FOR PERMISSION FOR STREET VENDORS**

[L5/1(a)]

**RESOLVED**

**AMM**

**THAT** a Sub-Committee consisting out of the Speaker, Cllr T B Mkhize, the Deputy Mayor, Cllr A M Raubenheimer, Cllr Ms R T Nukani and the Communications Manager, Mr P G Mabilisa, be established to investigate and report back to the Council regarding the applications to trade outside the premises of the Provincial Hospital and on the property behind the Civic Building in Dundee.



B 09/24/01/11

**PROVISION OF CONCRETE DRAINAGE SLABS: THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

**RESOLVED**

**THAT**

**AMTS**

1. The Church of Jesus Christ of Latter-Day Saints be given permission to construct drainage slabs at the communal taps in order for residents to collect water and prepare washing of clothing.
2. That these slabs provided by said church be at no expense to Council and become the property of Council.



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**Part C**  
**MATTERS REFERRED**  
**TO COUNCIL FOR**  
**CONSIDERATION**

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**C 01/24/01/11-1**    **ANNUAL PERFORMANCE REPORT 2009/2010**    **[P3/17(a)]**

**RESOLVED TO RECOMMEND**

**THAT**

**AMM**

1. Council note the Endumeni Annual Report for 2009/2010;
2. The report be forwarded to and tabled before the Audit Committee and the Oversight Committee and be further advertised for Public Comment.



**C 01/24/01/11-2**    **ORGANIZATIONAL PERFORMANCE MANAGEMENT SYSTEM**    **[P3/17(a)]**

**RESOLVED TO RECOMMEND**

**THAT**

**AMM**

1. The departmental scorecards of the Manager Corporate Services, Chief Financial Officer and Manager Technical Services be noted in terms of the Endumeni Organizational framework for the period 1 July 2010 to 30 December 2010;
2. The Endumeni Organizational scorecard be noted in terms of the Endumeni Organizational framework for the period 01 July 2010 to 30 December 2010.



C 01/24/01/11-3 **SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 1<sup>st</sup> & 2<sup>nd</sup> QUARTER REPORTS: SECTION 57 MANAGERS PERFORMANCE REPORTS 1<sup>st</sup> & 2<sup>nd</sup> QUARTER** [P3/17/(a)]

**RESOLVED TO RECOMMEND**

AMM **THAT** the Endumeni Municipality adopts the 1<sup>st</sup>& 2<sup>nd</sup> Quarter SDBIP Reports and 1<sup>st</sup> & 2<sup>nd</sup> Quarter Section 57 Performance reports for Manager Finance, Manager Corporate Services and Manager Technical Services in respect of fiscal year 2010/2011.



C 01/24/01/11-4 **DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: SECTION 36 ENDUMENI SUPPLY CHAIN MANAGEMENT POLICY: PRODUCTION OF ENDUMENI ANNUAL REPORT FILES AND DIVIDERS 2009/2010** (L3/3/22)

**RESOLVED TO RECOMMEND**

AMM **THAT** the Endumeni Municipality note the actions of the Accounting Officer acting in terms of Section 36(1)(a)(v) as contained in correspondence directed to the Chief Financial Officer as attached to the minutes in awarding an order for the Production of Endumeni Annual Report files and dividers 2009/2010 in the amount of R15 759.36 to Goodfellows Advertising Pty Ltd. The Accounting officer be deemed to have acted in an exceptional case where it was impractical to follow the official procurement process as Goodfellows Advertising had completed the original graphic design.



C 01/24/01/11-5 **DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: PURCHASE 200/KVA 6.6 KV/400V POLE MOUNTED TRANSFORMER** (E1/1)

**RESOLVED TO RECOMMEND**

AMM **THAT** the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to Sizanani Electrical in the amount of R45 000.00 ex. VAT and transport as per the provisions of Section 36(1)(a)(i) of Endumeni SCM Policy. The actions of the Accounting Officer be deemed as an emergency as set out in the correspondence from the Manager Electrical of 6 January 2011 attached to the minutes.



C 01/24/01/11-6 **DEVIATION AND RATIFICATION OF MINOR BREACHES OF  
PROCUREMENT PROCESS: PURCHASING OF TRYCON 2RF  
SWITCHGEAR** (E1/1)

**RESOLVED TO RECOMMEND**

**AMM** THAT the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to Electronic Assemblies in the amount of R66 120.00 VAT inclusive as per the provisions of Section 36(1)(a)(ii) of Endumeni SCM Policy. It should be noted that Electronic Assemblies are the sole manufacturer and supplier of Trycon 2Rf Switchgear. The actions of the Accounting Officer be deemed as an emergency as set out in the correspondence from the Manager Electrical of 13 January 2011 attached to the minutes.



C 01/24/01/11-7 **MINUTES OF A SIFE DURBAN UNIVERSITY OF  
TECHNOLOGY MEETING HELD ON 14 DECEMBER 2010 IN  
THE COUNCIL CHAMBER 64 VICTORIA STREET DUNDEE**  
(ERF 602 SITHEMBILE)

**RESOLVED TO RECOMMEND**

**THAT**

- AMM**
1. The Endumeni Municipality note the minutes of a SIFE DUT Meeting held on 14 December 2010 in the Council Chamber and further approve of a project to initiate a Media Centre on Erf 602, Sithembile as initiated by the Durban University of Technology and Department of Education as detailed in the minutes. The Head of Legal Services is to further prepare a lease agreement for approval by Council in due course;
  2. The Endumeni Municipality approve of the procurement of the following items via the Endumeni SCM policy to be financed ex vote No 627/341 061 being the R400 000 allocated to Ward 2 Sithembile in respect of ERF 602 Sithembile.
    - 2.1 Construction of toilet in building located on Erf 602, Sithembile – Estimate;
    - 2.2 Construction of wheel chair ramp – R29 096.90;
    - 2.3 Installation of burglar guards – R7 000.00;
    - 2.4 Installation of alarm system - R 2 689.00;
    - 2.5 Installation: Electrical & Air Conditioning – R50 000;
    - 2.6 Paving around Building - Estimate;
    - 2.7 Install Carports in Building located at Erf 602 –Estimate;
    - 2.8 Install Blinds – R12 000.00
    - 2.9 Total Costs: R100 785.90





C 02/24/01/11-2 RENEWAL OF LEASE: DUNDEE BOWLING CLUB: ERF 1586, DUNDEE (L1/6)

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. It being noted that the Dundee Bowling Club has, in terms of a lease agreement initially entered into during 1979, leased from the Council a portion of land upon Erf 1586, Dundee for more than thirty years now, and that the lease is registered against the title deed of the property No. T1069/1903 in the Deeds Office;
2. The lease of the said portion of land by the Dundee Bowling Club again be renewed for a further period of ten (10) years, notwithstanding the date of signature of the agreement, upon the same terms and conditions as previously agreed upon, but at an annual rental amount of R1200.00 (one thousand two hundred rand), it being noted that the club is regarded to be in the interest of the community as they have been involved with the development of previously disadvantaged members of the community
3. The lease agreement, as attached to the agenda, be approved for this purpose.



C 02/24/01/11-3 APPLICATION FOR A RIGHT OF WAY SERVITUDE OVER COUNCIL PROPERTY: REMAINDER ERF 1044 AND PORTION 1 OF ERF 1071, DUNDEE (T3/10)

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. It be noted that an application for the registration of a Right of Way Servitude of approximately 8,00 meters in width over Council property, being the Remainder of Erf 1044 and Portion 1 of Erf 1071, Dundee, has been received from Messrs H S K Simpson & Partners of Dundee, on behalf of their client, Ms L Slabbert;
2. It be noted that the purpose of the servitude is gain vehicular access to a proposed sectional title development which is to be erected upon Erf 5045/2, Dundee;
3. It be noted that the Dundee Golf Club, as the current lessee of the proposed *Servient Tenement*, being the Remainder of Erf 1044 and Portion 1 of Erf 1071, has, in a letter dated 11 January 2011, commented that they have no objection to the proposed Right of Way Servitude;

4. In view of the above, the Council approves of the granting in perpetuity of a Right of Way Servitude of approximately 8,00 meters in width over Council property, being the Remainder of Erf 1044 and Portion 1 of Erf 1071, Dundee, as depicted on the sketch plan from Messrs H S K Simpson & Partners as attached to the agenda of the meeting, in favour of the owner of Portion 2 of Erf 5045, Dundee, subject to the following conditions:
  - 4.1 the current owner of Portion 2 of Erf 5045, Dundee shall in writing accept liability for all costs incidental to the survey and registration of the servitude;
  - 4.2 the Council's valuers be requested to provide the Council with a valuation of the proposed servitude right to be granted, and that the value so determined be utilized as the consideration that the current owner of Portion 2 of Erf 5045, Dundee shall pay to the Council as compensation for the Right of Way servitude so granted;
  - 4.3 the owner of Portion 2 of Erf 5045, Dundee shall accept liability for the construction, fencing and future maintenance of an access road on the servitude so granted at their own cost, and agree thereto that they will have no recourse to the Council for reimbursement of any costs incurred incidental thereto;
  - 4.5 the Right of Way servitude so granted shall be subject to an omnibus servitude for services in favour of the Endumeni Municipality, and any future municipal entity or authority entitled to provide such services;
  - 4.4 the employees of the Endumeni Municipality, and other municipal entities providing municipal services, shall have all rights of access to and egress from the property over which the servitude is granted for the purposes of construction, inspection, maintenance and repairs to any municipal infrastructural services that may be laid over or under the land falling within the boundaries of the Right of Way servitude so granted.



**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. When anything must be notified by the Endumeni Municipality through the media to the local community in terms of the Municipal Systems Act No 32 of 2000, or any other applicable legislation, it must be done—
  - (a) in the local newspaper being the Northern Kwazulu-Natal Courier, which, in terms of section 21(1)(b) of the Municipal Systems Act No 32 of 2000, the Council determines as its newspaper of record ;
  - (b) whenever possible and/or desirable, by means of radio broadcasts covering the area of the municipality.
2. Having regard to language preferences and usage within the Endumeni municipal area, any such notification must be in the official languages determined by the Council as being Zulu, English and Afrikaans;
3. The Council determines a Friday as its day of the week for the publication of notices in terms of the Kwazulu-Natal Planning and Development Act No 6 of 2008, or any other applicable legislation, being the date of publication of the local newspaper determined by Council in paragraph 1(a) above as its newspaper of record.



**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. It be noted that previous attempts to dispose of Erf 618, Sithembile have proven to be fruitless;
2. Due to the current demand for land, and for Erf 618 specifically, it would be deemed appropriate to dispose thereof;
3. Council's Valuer being Messrs H S K Simpson & Partners be requested to provide Council with an estimated fair market related sales value for Erf 618, Sithembile;
4. Upon receipt of the aforementioned sales value, the proposed sale of Erf 618, Sithembile, be re-submitted to Council for further consideration.



**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. The letter from one M D Mnyandu requesting full registered ownership and a title deed for Erf 152, Sibongile, be noted;
2. It be noted that the said Erf 152, Sibongile was sold by the erstwhile Sibongile Town Committee to a Ms T C Mtshali for an amount of R8 297.39 in 1999, but that the full purchase price has never been paid by the purchaser and transfer of ownership to Ms Mtshali has not been effected;
3. It be noted that Mr Mnyandu alleges that he had bought this Erf 152 from a certain Mrs C Mthembu in 2001, but cannot provide any documentary proof thereof, albeit that the said Mrs Mthembu had no legal standing to sell such property;
4. It be noted that Mr Mnyandu has effected improvements on the property in 2001, the current municipal value of which is R194 000.00, and that he has occupied same since December 2001;
5. It be noted that all attempts to trace Ms TC Mtshali or any of her relatives and heirs by the municipal office as well as Mr Mnyandu has proved fruitless as it is alleged that he has passed away;
6. Due to the fact that Ms Mtshali, the original purchaser of Erf 152, Sibongile, has not fulfilled the requirements of the original agreement of sale by paying the full purchase price, the said agreement of sale is declared null and void and the sale be cancelled;
7. Due to the fact that Mr Mnyandu has improved and occupied the property since 2001, and to ensure that he obtains security of tenure of the property, Mr Mnyandu be instated as substitute purchaser of the property at the full outstanding purchase price of R8 897.39, exclusive of 14% Value Added Tax (VAT);
8. Mr M D Mnyandu be held liable for the outstanding property rates due on the property, as property rates are levied on the value of improvements on a property, and such improvements on Erf 152, Sibongile has, by his own admission, been effected by Mr Mnyandu in 2001;
9. Upon settlement of the outstanding arrear rates and services charges, as well as the full purchase price due as above, transfer of Erf 152, Sibongile be effected to Mr MD Mnyandu.



C 02/24/01/11-7 APPLICATION FOR THE DONATION OF PROPERTIES TO THE MELUSI CHRISTIAN COMMUNITY: DUNDEE (L1/6)

**RESOLVED TO RECOMMEND**

**CEO** THAT Council resolution number C 07/15/11/10 dated 29 November 2010 be amended by the substitution in paragraph 2 of the phrase “*a minimal rental fee of R1 200,00 per annum*” with the phrase “*a minimal rental fee of R120,00 per annum*”, it being noted that any increase in the annual rental due by the lessees, being the Melusi Christian Community, can only be effected at the renewal of the current lease agreement in April 2012.



C 02/24/01/11-8 APPLICATION FOR ERF 1830, SIBONGILE AS COMPENSATION FOR ERF 2163, SIBONGILE: MS G A ZITHA (L1/7)

**RESOLVED TO RECOMMEND**

**THAT**

- CEO**
1. The documentation which has been submitted by Ms A Zitha in response to the Council’s resolution number C 08/15/11/10 dated 29 November 2010, be noted,
  2. It be noted that the said documentation, consisting of a letter from the erstwhile Borough of Dundee dated 3 January 2001, does establish Ms Zitha’s right to an alternate site as compensation for Erf 2163, Sibongile due to an encroachment of a building from the neighbouring Erf 2164 upon Erf 2163;
  3. It be noted that Erf 1830, Sibongile is currently owned by the Endumeni Municipality, is vacant, and is similar in terms of extent and value to Erf 2163, Sibongile;
  4. The obligation established by the letter submitted by Ms Zitha from the erstwhile Borough of Dundee, be the basis upon which Erf 1830, Sibongile is allocated to Ms Zitha, as compensation for Erf 2163, Sibongile;
  5. In view of the fact that the problem existent upon Erf 2163 had been identified during early 2001, and an obligation existed upon the Municipality to rectify the matter at the time, Erf 1830, Sibongile be made available to Ms Zitha against the payment of the then municipal value of Erf 1830, being R2 000.00 excluding 14% Value added Tax (VAT);
  6. Ms Zitha must furnish a written undertaking expressing her acceptance of liability for all costs incidental to the transfer of Erf 1830, Sibongile onto her name, as well as renouncing all rights to Erf 2163, Sibongile;



**C 03/24/01/11-1** **QUARTERLY REPORT ON WITHDRAWALS IN TERMS OF THE MFMA** (L3/3/22; 1/4/1/30)

**RESOLVED TO RECOMMEND**

**CFO** **THAT** Council note the withdrawals for the quarter ended 31 December 2010 in terms of Section 11(4) of the Municipal Finance Management Act.



**C 03/24/01/11-2** **DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS** (C8/3)

**RESOLVED TO RECOMMEND**

**THAT**

- CFO**
1. The contents of Government Notice R 1196 dated 10 December 2010, be noted;
  2. Council approve the upper limits of salaries, allowances and benefits allowed for a Grade 3 municipality;
  3. Council request the MEC for Local Government and Traditional Affairs to authorise payment of salaries, allowances and benefits at 100% of the upper limits with effect from 1 July 2010; and
  4. Council note that adequate funding is available on the operational budget for the current financial year to finance the additional expenditure of R 124 066.



**RESOLVED TO RECOMMEND****CFO**

**THAT** the Council award the following grants-in-aid to the following organizations as indicated below:

- To award a grant-in-aid to the following organizations as indicated below:

	<b>NAME OF ORGANIZATION</b>	<b>AMOUNT AWARDED</b>
1.	Asemahle Drum Majorettes	R5 000.00
2.	Open Space Ministries	R15 000.00
3.	SAVF Dundee Dienssentrum	R10.000
4.	Amaqhawe Amahle	R25 000.00
5.	Asikhule Youth Development	R10 000.00
6.	The Dundee Tennis Club	R10 000.00
7.	Dundee Adult Care Centre	R10 000.00
8.	Endumeni Olympic Style Boxing Organization	R15 000.00
9.	Zethembe Luncheon Club	R10 000.00
10.	Biltongfees Society	R20 000.00
11.	Ramakrishna Centre of SA – Dundee	R5 000.00
12.	Ramarkishna Centre of SA – Glencoe	R5 000.00
13.	Dundee Aged Care	R10 000.00
14.	Siphuthando Community Organization	R5 000.00
15.	Siyazicathulisa Project	R5 000.00
16.	Vission Sisters	R20 000.00
17.	Sentraal Rugby Club	R10 000.00
18.	Biggarsberg Athletic Club	R10 000.00
19.	Endumeni Karate Association	R5 000.00
20.	Jabulile Xaba (Gospel Artist)	R10 000.00
21.	Tholulwazi Furniture CC	R5 000.00
22.	Sizanani Day Care	R5 000.00
23.	Endumeni Netball Association	R5 000.00
24.	Ingcugce Women's Project Organization	R10 000.00
25.	Umzinyathi Cricket Association	R10 000.00
26.	Yakhumndeni Aids Project	R5 000.00
27.	Qhoshile Sewing	R5 000.00
28.	Endumeni Local Football Association	R10 000.00
29.	Dundee X1 Experience Football Club	R10 000.00
30.	Dundee SPCA	R25 000.00
31.	Dundee Women's Catholic Association	R5 000.00
32.	Dundee Hindu Cultural Society	R10 000.00

- To award a grant-in-aid to the following organizations as indicated, subject to the organizations providing the Chief Financial Officer with additional information to his satisfaction:

	<b>NAME OF ORGANIZATION</b>	<b>AMOUNT AWARDED</b>
1.	Ubuhle Benduna Trading Enterprise	R10 000.00
2.	NB Shabalala – Umzamo Yekusasa Lethu Project	R10 000.00
3.	Ingcugce Women's Project Organization	R10 000.00



C 09/24/01/11

**JOINT EXCO ENDUMENI AUDIT COMMITTEE MEETING TO DISCUSS AUDIT REPORT AND MANAGEMENT LETTER 2009/2010** (A8/2)

MATERIAL ELECTRICAL LOSSES PUBLIC NOTICE NO 7/2011  
COUNCIL RESOLUTION C 02/15/12/10

**RESOLVED TO RECOMMEND**

AMM

THAT the Endumeni Municipality note the contents of Notice Number 07/2011 published in the Northern Natal Courier under the authority of Council Resolution C 02/15/12/10



C 10/24/01/11

**OUTSTANDING RATES : MINUTES OF A MEETING HELD BETWEEN ENDUMENI MUNICIPALITY AND THE DEPARTMENT OF PUBLIC WORKS ON 9 DECEMBER 2010 AT 8H00 IN THE COUNCIL CHAMBER** (F1/1)

**RESOLVED TO RECOMMEND**

AMM

THAT the Endumeni Executive Committee in conjunction with the Audit Committee meet with a delegation from the Department of Public Works in order to resolve the issue of outstanding accounts in respect of various Government Departments. In the foregoing regard the Chief Financial Officer prepare a reconciliation report indicating all outstanding accounts as at 30 January 2011 in conjunction with a mail schedule as to whom the accounts are currently being posted, in order that the Committee might resolve outstanding issues of each individual account.



C 11/24/01/11

**DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: PURCHASING OF CALENDARS FOR 2011: ENDUMENI MUNICIPALITY** (L3/3/22)

**RESOLVED TO RECOMMEND**

AMM

THAT the Endumeni Municipality note the actions of the Accounting Officer in awarding an order to R A Burns & Co. to purchase calendars in the amount of R 31 915.44 VAT inclusive as per the provisions of Section 36(1)(a)(v) of the Endumeni SCM Policy. It be further noted that 3 quotations for the products in question were obtained. However the prospective tenderers could not meet the specifications in producing an A1 size wall calendar and an A3 size desk calendar.



C 12/24/01/11

**BY-LAWS RELATING TO MUNICIPAL FACILITIES AND PUBLIC AMENITIES and BY-LAWS RELATING TO OFFENCES, PENALTIES AND APPEALS** (L3/6)

**RESOLVED TO RECOMMEND**

**SML&E**

**THAT** the Council of the Endumeni Local Municipality in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with Section 11(3)(m) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) adopt the Endumeni Municipality By-Laws relating to Municipal Facilities and Public Amenities and the By-Laws relating to Offences, Penalties and Appeals for formal promulgation.



**PRIVATE AND CONFIDENTIAL**

C 13/24/01/11

**APPOINTMENT OF MUNICIPAL MANAGER**

**(P3/16)**

**RESOLVED TO RECOMMEND**

**THAT**

**AMM  
CFO**

1. Endumeni Municipality note a legal opinion provided by Advocate PJ Blomkamp dated 17 January 2011 as appended to the minutes and highlighted by proposals to be implemented by the Endumeni Municipality as detailed in paragraphs 17.1, 17.2 and 17.3 of said opinion. The opinion clarified certain questions raised by Councilors inter alia the options open to Council for the appointment of a Municipal Manager, status of current sec 57 Managers contracts who report to the Municipal Manager in light of proposed amendments to Systems Act 32 of 2000, in particular a question whether the proposed amendments contained in the Bill would operate retrospectively when enacted into law and further amendments to the Endumeni Organogram;
2. Mr J B Maltman and Mr C J Carelse be further appointed as Acting Municipal Manager and Acting Manager Technical Services respectively until 30 April 2011.



C 14/24/01/11

**BUILDING INSPECTOR**

{P3/16(a)}

**RESOLVED TO RECOMMEND**

**THAT**

**AMTS  
CFO  
AMHR**

1. With effect from the 1 February 2011, Mr N B Rose be upgraded and remunerated on the commencement notch of a TASK Grade level 17;
2. The duties and responsibilities of the Building Inspector as well as Waste Management be added to the Job Description of Mr N B Rose;
3. The final approval of building plans be done by the Building Control Officer (Mr J B Maltman);
4. The post of trainee Building Inspector to train under Mr N B Rose be created and filled;
5. The Council's organogram be amended to make provision for such a post;
6. It be noted that the post of Building Control Officer will remain on the organogram as this function is performed by Mr JB Maltman who has been appointed as Building Control Officer as prescribed in terms of legislation.



C 15/24/01/11

**THE POST OF LED/STRATEGIC PLANNING MANAGER**

[P3/16(a)]

The Acting Municipal Manager advised that the post of LED/Strategic Planning Manager entailed the function of performance management, PDA and LED functions.

The performance management and PDA functions was presently being performed by himself and Mr N C J Bezuidenhout.

He advised that there must be two posts, namely Strategic Planning Manager on Task Level 17 and LED Manager on Task Level 15 and that the organogram should be amended accordingly.

**RESOLVED TO RECOMMEND**

**THAT**

**AMM  
AMHR**

1. The post of LED Manager be created on Task Level 15 and advertised externally;
2. A job description be compiled by the Acting Municipal Manager outlying the roles and responsibilities of the said incumbent;

3. The post of Strategic Manager, Task Level 17, remains on the Council's organogram while the LED Manager's post be reflected on Task Level 15 on the Council's organogram;
4. It be noted that the functions of the Strategic Planning Manager is presently being performed by Mr J B Maltman and Mr N C J Bezuidenhout;
5. With effect from 1 February 2011, the planning and development functions which would normally be the functions of the Strategic Planning Manager be added to the functions of the Chief Estate Officer, Mr N C J Bezuidenhout and that he be placed on Task Level 16.



