

ENDUMENI MUNICIPALITY

MINUTES of an **ORDINARY MONTHLY** meeting of the **EXECUTIVE** Committee held in the Council Chamber, Civic Centre, 64 Victoria Street, DUNDEE on **THURSDAY, 23 SEPTEMBER 2010** 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 P G Mabilisa
Cllr T B Mkhize
Cllr S E Ndimba
Cllr Ms D P Nkosi
Cllr Ms J A Tshabalala

In Attendance:

| | |
|----------------|--------------------------------------|
| Mr J B Maltman | Acting Municipal Manager |
| Mr S Perumall | Executive Manager Corporate Services |
| Mr I Grisdale | Chief Financial Officer |
| Mr C J Carelse | Acting Manager Technical Services |
| Mr A J van Wyk | Senior Manager: Corporate Services |
| Mr C J Retief | Senior Manager: Legal & Estates |
| Ms B A Mbatha | Manager: Admin |



1. **Opening**

Cllr Ms D P Nkosi opened the meeting with prayer.



2. **Applications for Leave of Absence**

RESOLVED

THAT the apology received from Cllrs D Singh and A M Mthembu, be noted.



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

The Mayor advised that a meeting was held on Wednesday, 22 September 2010 with the Department of Human Settlements with Mr Dlamini. Cllr Ms D P Nkosi and the Acting Municipal Manager were also present at the meeting.

She raised the Council's concern regarding the housing projects in Endumeni and that the Department of Human Settlements has failed in its duty in respect of the housing projects.

She advised that Mr Mbonane phoned her and advised her angrily that his Department had done its duty.

She advised that she is mentioning this to the Committee as Councillors are blamed by the Community for not delivering.

Mr Mbonane advised that he was not going to attend the meeting as he was of the opinion that he had done his work and that his Department was not running away from its responsibilities.

She advised that the previous year an implementation agency was hired by the Municipality. The Consultants had told her that they were planning the project.

The Mayor further advised that at a meeting the implementation agent said that the project at Craigsides would be implemented after two years. They were told at the meeting that the Council needed houses urgently.

Mr Mbonane further told the Mayor that it was the Municipality's responsibility to monitor the implementation agent as he was a regional manager and could not be at Endumeni all the time.

Mr Ngcobo was the person who was supposed to monitor the projects.

He further advised that according to CV3, the houses in the buffer strip were to be demolished. The Mayor had not been informed about same.

She advised that she is mentioning this as the community is pointing fingers at the Council.

She was further advised that should the Municipality fail to engage with the implementation agency, the Council should advise the Department so that it could take over as they cannot be blamed for the delay by the implementation agency.

The Mayor advised that she did not know what to think as each party was blaming the other.

She doubted whether the Council should meet with the MEC if the problem was with the Council.

She further advised that when appointing consultants, the Council should look at colour as persons of other colour may be more sensitive to the plight of the people needing houses.

Mr Mbonane further advised that he had a meeting with CV3 in Vryheid.

The Mayor asked the question that if they are planning how long does it take as these projects should be fast tracked.

She appealed to the Council to appoint consultants that will think of the poor people and fast track projects.

She advised that when people asked her about the housing projects she blames the Department of Human Settlements.

She advised that she liked officials who were frank and told the truth as she wanted a clear background regarding the projects.

Cllr S E Ndima was of the opinion that the Council should have a meeting with the stakeholders rather than with the MEC and then move forward from there.

Cllr P M Bisram advised that a meeting with the MEC has been arranged for 4 October 2010.

He however agrees that the Council should first meet with the stakeholders before meeting the MEC. The Council should then determine the progress with current housing projects and future housing projects.

Cllr T B Mkhize advised that the community did not want to meet with the MEC but with the Premier.

The Acting Municipal Manager advised that he found the Mayor's comments unfortunate and wished it recorded that the Council did not appoint the consultants. He further said that any reference to race was unfortunate.

The Department of Human Settlements personally came to the municipal offices to interview the consultants.

The consultants appointed by the Department of Human Settlements for the projects were under its control.

The former Municipal Manager was personally involved in the entire process and furthermore the Supply Chain Management unit wrote to the Department of Human Settlement with the minutes of the entire process.

There are minutes of the entire process whereby the Director of Project Management personally chose the consultants with the members of the Committee.

The Consultants persistently asked the Department for information so that they can prepare applications for the projects. The consultants did not receive the information required.

There is currently no tripartite agreement that the Department of Human Settlement have in fact appointed these consultants.

The Acting Municipal Manager further advised that the problem does not lie with this Council but in fact with the Department of Human Settlements.

He expressed the wish that the Mayor would have more faith in her officials seeing that the officials have submitted every single set of minutes of the Housing Forum and the problems that have existed to the Council which in particular lead up to a letter drafted for the Mayor to the Department of Human Settlements.

Any reference that an official in the Council's service has delayed the process is most unfortunate.

The Mayor advised that she would not apologize for what she has said and that she is not fighting with anybody but that she has to speak out if she is not satisfied with the way matters are going.

Cllr Ms R T Nukani advised that Mr Mbonane of the Department of Human Settlements was never available for meetings and that she was of the opinion that the Council's officials were not to blame.

She agrees that the Council should meet with the officials of the Human Settlements Department as soon as possible.

She was of the opinion that we should not fight each other.

She further elaborated on the problems encountered with officials from this Department.

The Deputy Mayor was of the opinion that should the utterances by Mr Mbonane in his telephonic conversation with the Mayor be incorrect as it appears to him, then he must personally apologize to the Mayor.



4. **Minutes of the Previous Meeting**

RESOLVED

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

Ordinary Monthly Meeting: 30 August 2010



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

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. **Motions**

See Item D 02/13/09/10



9. **Presentations**

Nil



Part A

MATTERS FOR INFORMATION ONLY

A 01/13/09/10-1 MINUTES OF SAFETY MEETINGS (C7/12)

RESOLVED

THAT the Minutes of Safety Meetings dated from 2006 to 2010 be noted.



A 01/13/09/10-2 WARD 6 WARD COMMITTEE MEETING (B3/2)

RESOLVED

THAT the minutes of the Ward 6 Ward Committee meeting held in the Main Committee Room, Civic Centre, 64 Victoria Street, Dundee on Friday, 3 September 2010 at 10:00 be noted.



A 02/13/09/10-1 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 02/13/09/10 Monthly Reports

A 02/13/09/10-2 MONTHLY REPORT: TRAFFIC (T4/6)

RESOLVED

THAT the monthly report in respect of Traffic for the month August 2010 be noted.



A 02/13/09/10-3 **MONTHLY REPORT: TESTING STATION** (T4/1)

RESOLVED

THAT the monthly report in respect of the Testing Station for the month of August 2010 be noted.



A 02/13/09/10-4 **MONTHLY REPORT: DISASTER MANAGEMENT** (F2/1)

RESOLVED

THAT the monthly report in respect of Disaster Management for the month of August 2010 be noted.



A 02/13/09/10-5 **MONTHLY REPORT: RURAL METRO** (F2/6)

RESOLVED

THAT the attached monthly report, received from Rural Metro, in respect of Fire and Disaster Management for the month of August 2010 be noted



A 02/13/09/10-6 **MONTHLY REPORT: TALANA MUSEUM** (M4/4)

RESOLVED

THAT the monthly report in respect of Talana Museum for the month of August 2010 be noted.



A 02/13/09/10-7 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (L4/2/1)

RESOLVED

THAT the monthly report in respect of the Dundee Public Library for the month of August 2010 be noted.



A 02/13/09/10-8 **MONTHLY REPORT: SIBONGILE LIBRARY** (L4/4)

RESOLVED

THAT the monthly report in respect of the Sibongile Library for the month of August 2010 be noted.



A 02/13/09/10-9 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/6)

RESOLVED

THAT the monthly report in respect of the Glencoe Public Library for the month of August 2010 be noted.



A 02/13/09/10-10 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY** (L4/3/1)

RESOLVED

THAT the monthly report in respect of the Wasbank Public Library for the month of August 2010 be noted.



A 02/13/09/10-11 **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 July 2010 and August 2010 be noted.



A 03/13/09/10-1 **STAFF OVERTIME** (S7/7/1)

RESOLVED

THAT the overtime for the month of July 2010 not be approved until such time that a comprehensive report pertaining to staff overtime paid to staff during June and July 2010 is submitted and discussed.



A 03/13/09/10-2 **STUDY LOANS/BURSARY SCHEMES FOR COUNCILLORS** (B4/1)

RESOLVED

THAT the Provincial Treasury Circular TC/RM3 of 2010/2011 as received from Provincial Treasury, Province of KwaZulu-Natal be noted.



A 04/13/09/10-1 **MONTHLY REPORT: MANAGER TECHNICAL SERVICES** (R3/8)

RESOLVED

THAT the monthly report in respect of the Acting Manager Technical Services for the month of August 2010 be noted.



A 05/13/09/10 **GLENRIDGE & SITHEMBILE HALL KEYS** (17/6/2)

RESOLVED

THAT the Memorandum regarding the Glenridge and Sithembile Hall keys received from the Senior Manager: Legal & Estates be noted.



A 06/13/09/10 **MINUTES OF MANAGEMENT MEETING** (C7/1)

RESOLVED

THAT the Minutes of the Management meeting held on 15 September 2010 be noted.



Part B
MATTERS RESOLVED
BY COMMITTEE
UNDER DELEGATED POWERS

MUNICIPAL MANAGER

B 01/13/09/10-1 **ENDUMENI HOUSING FORUM MEETING** **(C7/6)**

RESOLVED

THAT

AMM

1. A delegation comprising of one Ward Committee member per ward and Housing Forum Councillors meet with officials from the Department of Human Settlements and only thereafter meet with the MEC responsible for Human Settlements to make representation about the stalled housing development since 2003;
2. The Technical Service department arrange for the above meetings;
3. It be noted that a letter has been sent to the MEC responsible for Human Settlements with a view to seeking the date, time and venue for the audience with the said MEC.



B 01/13/09/10-2 **WORKSHOP ON CO-ORDINATION AND IMPLEMENTATION OF OUTCOME BASED DELIVERY – SEPTEMBER 2010** **(S7/3/16)**

RESOLVED

AMM

THAT the Acting Municipal Manager in consultation with the Executive Committee determine a venue, date and time for a workshop on co-ordinating and implementation of outcome based delivery is to take place.



B 01/13/09/10-3 **DAMAGES CAUSED BY FIRE** (F2/1)

RESOLVED

CFO **THAT** the Chief Financial Officer report the fire and damage caused to the Council's insurance and that the Committee established to investigate such matters, investigate same.



B 01/13/09/10-4 **GRIEVANCE: OVERTIME PAID TO ELECTRICIANS** (S7/7/1)

RESOLVED

MTS **THAT** the grievance regarding overtime worked by the Electrical Department's staff be noted.



B 01/13/09/10-5 **CLARIFICATION ON POSSIBLE OVERLAPPING OF JOB DESCRIPTION: ENDUMENI MUNICIPALITY TRAFFIC DEPARTMENT AND OTHER RELATED ISSUES** [S7/2(a)]

RESOLVED

MCS **THAT** the matter be referred to the Local Labour Forum meeting together with a comprehensive report by the Executive Manager Corporate Services.



CORPORATE SERVICES

B 02/13/09/10-1 **MICROSOFT CERTIFIED INFORMATION TECHNOLOGY PROFESSIONAL (MCITP) TRAINING COURSE** (S7/3/16)

RESOLVED

THAT

- CFO**
MCS
1. This item be referred back for a meeting with the Chief Financial Officer in respect of the possibility to send Mr A Anandlal to attend the Microsoft Certified Information Technology Professional Training Course;
 2. The Chief Financial Officer report on the monies available for the training of staff.



B 02/13/09/10-2 **NATIONAL TRAFFIC INFORMATION SYSTEM(e-NATIS) COURSE TRAINING OF MISS M N MADELA AS GRADE F EXAMINER OF DRIVERS LICENCE AS REQUIRED BY NATIONAL ROAD TRAFFIC ACT (ACT 93 OF 1996) FROM 27 SEPTEMBER 2010 TO 15 OCTOBER 2010, AT TRAFFIC TRAINING COLLEGE IN PIETERMARITZBURG** (S7/3/16)

RESOLVED

THAT

**SMSS
CFO**

1. Miss M N Madela be granted permission to attend the Examiner of Drivers Licence Grade F training course from 27 September to 15 October 2010 at Traffic Training College in Pietermaritzburg;
2. The cost of R13 939,00 as reflected in the above report, with subsistence and travelling costs be approved by Council from Vote No 169/260290



B 02/13/09/10-3 **HERITAGE CULTURAL FESTIVAL – 2010** (S6/1)

RESOLVED

THAT

**AMSD
CFO**

1. The Project Proposal submitted by the Office of the Assistant Manager Social Development, in respect of Heritage Cultural Festival, scheduled to take place Sibongile Community Hall/ Impumelelo Stadium, on the 24th September 2010, be approved;
2. The shortfall in funds to host the Heritage Cultural Festival be funded via a saving on an identified vote and a virement on the estimates.



B 02/13/09/10-4 **KWANALOGA GAMES – 2010** (S6/1)

RESOLVED

THAT

**AMSD
HHS
CFO**

1. Proposed program of doing selections, attached to the Agenda as Annexure “A”, be approved;
2. Detailed financial estimates, attached to the Agenda as Annexure “B”, be approved, and the promotional items be purchased through the vote responsible for the promotion of Endumeni;
3. Blue Print, attached to the Agenda as Annexure “C”, managing the proceedings of Kwanaloga Games, approved by Kwanaloga, be noted with the understanding that the latest document will be provided in the later stage by Kwanaloga;

B 02/13/09/10-6

TRANSFER OF CLINICS FROM MUNICIPALITIES TO PROVINCE (P4/8)

The Acting Municipal Manager tabled an agreement which was compiled for Emnambithi/Ladysmith and which would be similar to an agreement for Endumeni. The Council only had 7 days to comment thereon. The actual date for the handover of the Clinics and its staff is envisaged to take effect on 1 December 2010. The actual agreement pertaining to Endumeni will be tabled at the next meeting.

RESOLVED

THAT

**MCS
HHS
CFO**

1. The following persons be delegated to attend the meeting to be held at the Emnambithi Council Chamber on 22 September 2010 at 14:00 to discuss this matter:

Cllr Ms R T Nukani
Manager Corporate Services
Representative from Office of Chief Financial Officer
Head Health Services
Manager Primary Health Services
IMATU Representative
SAMWU Representative

2. The use of two vehicles be authorized for transport to Ladysmith;
3. It be noted that the agreement pertaining to the handing over of the Clinics and its staff to the Department of Health will be tabled at the next Council meeting.



FINANCE

B 03/13/09/10-1

ACCOUNTS PAID

(F1/4)

RESOLVED

CFO

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



TECHNICAL SERVICES

B 04/13/09/10-1 **UPGRADE OF INTERSECTION: ARGYLE AND WATT STREET**
(R3/1)

RESOLVED

MTS **THAT** the Committee accept the upgrade of the intersection Argyle and Watt Street at the cost of Slater Coal (Pty) Limited and take note of the letter received from Anderson Vogt Consulting.



B 04/13/09/10-3 **ADVERTISING BILL BOARD INSTALLATION ON THE MAIN ROAD FROM NEWCASTLE TO DUNDEE CBD: STATEN INVESTMENTS (PTY) LTD T/A CLOUT MEDIA** (A2/2)

RESOLVED

MTS **THAT** this application be withdrawn from the agenda until further notice. Acting Manager Technical Services provide a time frame of proposed upgrade of Karellandman Street, Dundee



B 04/13/09/10-4 **STANDBY AND OVERTIME: ELECTRICIANS** (S7/7/1)

RESOLVED

THAT

CFO
SML&E
MTS

1. Forced overtime be paid to the electrical staff who exceeds the maximum allowed amount as laid down by the Department of Labour;
2. The staff in (1) be paid overtime on the amount as laid down by the Department of Labour until agreement has been reached between Council and staff;
3. Time off be given to the electricians should planned after hours work be necessary.



B 05/13/09/10 **REGULATION OF GATHERING ACT NO. 205 OF 1993** [T4/1(a)]

RESOLVED

SMCS **THAT** the Senior Manager Corporate Services officially be appointed as responsible person and the Senior Manager Legal Services as deputy to such person in terms of Section 2(a)(3) of the Regulation of Gatherings Act, No. 205 of 1993.



B 06/13/09/10

**APPLICATION OF ASSISTANCE: DUNDEE ROPE SKIPPING
COMMUNITY CLUB** (S6/1)

RESOLVED

CFO

THAT an amount of R5 600.00 be donated to the Dundee Rope Skipping Community Club, it be noted that due to the late application the money can only be paid over to the Club on Monday, 27 September 2010.



Part C
MATTERS REFERRED
TO COUNCIL FOR
CONSIDERATION

CORPORATE SERVICES

C 02/13/09/10-1 **APPOINTMENT OF COUNCIL REPRESENTATIVES: NATAL JOINT MUNICIPAL PENSION/PROVIDENT FUNDS** **(S7/3/10)**

RESOLVED TO RECOMMEND

CEO **THAT** the following Councillors represent the Council at the Natal Joint Municipal Pension/Provident Funds:

Representatives: Cllr T B Mkhize Cllr P M Bisram
Alternates: Cllr A M Mthembu Cllr E M Adam



C 02/13/09/10-2 **APPLICATION FOR OFFICE ACCOMMODATION AT WASBANK OFFICES: DEPARTMENT OF SOCIAL DEVELOPMENT** **(M3/13)**

RESOLVED TO RECOMMEND

THAT

- CEO**
CFO
1. The application for office accommodation by the Department of Social Development be noted;
 2. It be noted that a satellite office for the Department of Social Development at Wasbank would be extremely beneficial to the community there;
 3. In view of the above, the request from the Department of Social Development for office accommodation, at the Wasbank Municipal building, be approved, subject to the following:
 - 3.1 such accommodation shall be at a nominal amount of R50.00 per annum and at the leisure of Council;
 - 3.2 the Department of Social Development shall provide its own office equipment, i.e. tables, chairs, stationery, cabinets, dedicated telephone line, etcetera;

3. In order to rectify the situation, the Council is prepared to sell to Mr Zulu the said Erf 1458, Sibongile at a fair market related value based on the land value only, as the dwelling was erected at Mr Zulu's own cost;
4. It be noted that the Council's valuers, being Messrs HSK Simpson and Partners of Dundee, has estimated the fair market related value of the property, based on land value only, to be R31 000.00 exclusive of 14% Value Added Tax;
5. The Council is convinced that the said property is not needed to provide the minimum level of basic municipal services to the rest of the community;
6. It be noted that the anticipated cost to the municipality in disposing of the immovable property will be approximately R4 500.00, which amount is the valuers' fees for attending to the valuation of the property;
7. 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 value 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;
8. 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 02/13/09/10-5

SUBSIDY FUNDING TOWARDS STAFFING COSTS FOR PUBLIC LIBRARIES (L4/1)

RESOLVED TO RECOMMEND

SMCS

THAT Council Resolution C 04/19/07/10 be substituted by the following:

“THAT

1. The Council accept the contribution of R1 293 678.11 from the Department of Arts & Culture, KwaZulu-Natal towards the staffing costs of Dundee, Glencoe, Sibongile and Wasbank Community Libraries;
2. The Council approve the Memorandum of Agreement attached to the Agenda and that the Acting Municipal Manager be authorized to sign the Agreement on behalf of the Council.”



3. It be noted that the Endumeni Municipality is, in terms of Clause 7.11 of the pro-forma agreement, entitled to a fee equal to the collection fee of 8.55% (eight point five five percent) including VAT, for all fees collected in terms of clause 7.2 for motor vehicle registration and licensing fees, as specified in the relevant schedules contained in applicable national and provincial road traffic legislation, subject to certain exclusions as further described in clause 7.11 of the pro-forma agreement;
4. In order to give effect to the proposed renewed agreement, the Municipal Manager be authorised to sign the pro-forma agreement as required, it being noted that this single agreement replaces the two separate agreements that had previously been entered into between the Department of Transport and the Endumeni Municipality in respect of the same functions being performed at the Dundee and Glencoe offices respectively.



C 10/13/09/10

RESIGNATION OF CLLR P G MABILISA

(C7/1)

The attached letter received from Cllr P G Mabilisa was tabled at the meeting.

RESOLVED TO RECOMMEND

THAT the letter received from Cllr P G Mabilisa in which he resigns as a councilor with effect from 30 September 2010 be noted.



Part D

MOTIONS

D 01/13/09/10 **ELECTRONIC FILING SYSTEM AND DISASTER MANAGEMENT PLAN** **(C7/10)**

The Mayor welcomed Mr C Carey to the meeting and invited him to address the Committee.

Mr Carey explained the contents of the Disaster Management Plan to the meeting and advised that it was important for the Council to adopt same.

After he explained the above to the meeting, he was thanked by the Mayor and recused from the meeting.

RESOLVED TO RECOMMEND

THAT

EMCS

1. The report on the Electronic Document Management System be noted;
2. The report on the Endumeni Disaster Risk Management Policy Framework, the Disaster Risk Profile and the Disaster Risk Management Operational Plan be noted;
3. Council formally approves and adopts the Endumeni Disaster Risk Management Policy Framework.



D 02/13/09/10 **MOTION** **(C7/10)**

RESOLVED TO RECOMMEND

EMCS

THAT the motion received from Cllr Ms R T Nukani seconded by Cllr P M Bisram regarding the creation of an administrative assistant post for the Manager Communication Services and the advertising of the late Mr Bosman's post be referred to the Local Labour Forum for consideration.



There being no further matters for consideration, the Chairperson declared the meeting closed at **16h20**

Mayor – Chairperson: **Date:**