

ENDUMENI MUNICIPALITY

MINUTES of an **ORDINARY MONTHLY** meeting of the **EXECUTIVE** Committee which was scheduled to take place on **MONDAY, 28 NOVEMBER 2011** but was held in the Council Chamber, Civic Centre, 64 Victoria Street, **DUNDEE** on **TUESDAY, 29 NOVEMBER 2011** at **15h00**

PRESENT

Executive Committee:

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

Councillors:

Cllr E M Adam
Cllr S W Dhlamini
Cllr Ms T I Makaba
Cllr Ms W N Mbatha
Cllr S B Mdluli
Cllr H S B Ngobese
Cllr M H Zwane

In Attendance:

Mr P G Mabilisa	Acting Municipal Manager
Mr S Perumall	Executive Manager: Corporate Services
Mr J B Maltman	Executive Manager: Technical Services
Mr I Grisdale	Chief Financial Officer
Mr A J van Wyk	Senior Manager: Corporate Services
Mr C J Retief	Senior Manager: Legal & Estates



1. **Opening**

Cllr S B Mdluli opened the meeting with prayer.



2. **Applications for Leave of Absence**

RESOLVED

THAT the leave of absence received from Cllrs N S Ntuli and J A Mfeka, be noted.



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

Nil



4. **Minutes of the Previous Meeting**

RESOLVED

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

Ordinary Monthly Meeting: 31 October 2011



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

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. **Motions**

See Item D 01/28/11/11 – D 05/28/11/11



9. **Presentations**

Nil



Part A

MATTERS FOR INFORMATION ONLY

A 01/14/11/11-1 WARD 2 WARD COMMITTEE MEETING (3/4/6)

RESOLVED

THAT it be noted that this item was dealt with under item A 06/26/09/11 of the Council meeting dated 26 September 2011.



A 02/14/11/11-1 COUNCILLORS ATTENDANCE OF COUNCIL, EXCO AND PORTFOLIO COMMITTEE MEETINGS (3/4/2)

RESOLVED

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



A 02/14/11/11 Monthly Reports

A 02/14/11/11-2 MONTHLY REPORT: TRAFFIC (17/2/4)

RESOLVED

THAT the monthly report in respect of Traffic for the month October 2011 be noted.



A 02/14/11/11-3 MONTHLY REPORT: TESTING STATION [17/2(R)]

RESOLVED

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



A 02/14/11/11-4 **MONTHLY REPORT: RURAL METRO** (16/7/2)

RESOLVED

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



A 02/14/11/11-5 **MONTHLY REPORT: TALANA MUSEUM** (7/4/3)

RESOLVED

THAT the monthly report in respect of Talana Museum for the month of October 2011 together with the Minutes of the Meeting of the Board of Trustees of Talana Museum, held on Thursday, 6 October 2011, be noted.



A 02/14/11/11-6 **MONTHLY REPORT: DUNDEE PUBLIC LIBRARY** (17/4/1)

RESOLVED

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



A 02/14/11/11-7 **MONTHLY REPORT: SIBONGILE LIBRARY** (17/4/2)

RESOLVED

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



A 02/14/11/11-8 **MONTHLY REPORT: GLENCOE PUBLIC LIBRARY** (17/4/3)

RESOLVED

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



A 02/14/11/11-9 **MONTHLY REPORT: WASBANK PUBLIC LIBRARY** (17/4/4)

RESOLVED

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



A 03/14/11/11-1 **STAFF OVERTIME** (4/5/2/4)

RESOLVED

THAT the overtime for the month of October 2011 as approved by the respective Heads of Departments under delegated powers, be noted.



A 04/14/11/11-1 **MONTHLY REPORT: MANAGER TECHNICAL SERVICES** (16/3/4/3)

RESOLVED

1. The monthly report in respect of the Manager Technical Services for the month of September 2011 be noted;
2. The Dundee Civic Centre Grounds be upgraded and a report be submitted to the next meeting for consideration;
3. Trees be planted at the entrances to the main towns of Endumeni;
4. The minutes of the Tree Sub Committee Meeting be submitted to the next Portfolio Committee Meeting.



A 05/28/11/11 **WARD 4 WARD COMMITTEE MEETING** (3/4/6)

RESOLVED

THAT the Minutes of Ward 4 Ward Committee meeting held in the Supper Room, Sibongile Community Hall, Sibongile on Thursday, 27 October 2011 at 9:00, be noted.



A 06/28/11/11

LETTER OF APPRECIATION – MUCLEMANIA GYM BODY BUILDER (11/3/3/1)

RESOLVED

THAT the letter of appreciation received from Muclemania Gym Body Builder, be noted.



A 07/28/11/11

MANDATORY SUBMISSION OF INFORMATION WHICH RELATE TO DISCIPLINARY ACTIONS BY COUNCIL

(12/2/1/27)

RESOLVED

THAT Circular CIR.73/11/LABOUR/ PROVINCIAL, received from SALGA regarding Mandatory Submission of Information which relate to Disciplinary Actions by Council, be noted.



A 08/28/11/11

WARD 2 WARD COMMITTEE MEETING

(3/4/6)

RESOLVED

THAT the Minutes of Ward 2 Ward Committee meeting held in the Main Committee Room, 64 Victoria Street, Dundee on Thursday, 10 November 2011 at 15:00, be noted.



RESOLVED

THAT

CEO

1. The application for the subdivision of Erf 1037, Dundee to form Proposed Portion 2 and the Remainder of Erf 1037, Dundee, in terms of Section 23 of the Kwazulu-Natal Planning and Development Act No 6 of 2008, as received from Messrs H S K Simpson & Partners of Dundee on behalf of the registered owner thereof, being Afagri Operations Ltd, be noted;
2. It be noted that the application for subdivision has been advertised in the local newspaper dated 23 September 2011, the required notices were placarded at the property to be subdivided, all neighbours within 100 meter radius of the property have been given written notice of the subdivision, the Provincial Department Development Administration has been notified of the application, infrastructural water and sewer services are available and will not be affected by this application; the Municipality has confirmed that an efficient supply of electricity can be provided, and that satisfactory arrangements have been made for the control and disposal of stormwater from the properties, and that the application conforms to the provisions of the Dundee Town Planning Scheme;
3. The comments on the application, as received from the Department Development Administration dated 27 October 2011, be noted, this has been incorporated into the document to be signed off by the Senior Town Planner, a copy of which is attached hereto for approval;
4. The professional evaluation and recommendations received from the Chief Town Planner, in a letter dated 12 September 2011, be noted;
5. It be noted that no further written comments or objections had been received against the application at the closing date of 28 October 2011;
6. The application for the subdivision of Erf 1037, Dundee to form Proposed Portion 2 and the Remainder of Erf 1037, Dundee, as depicted on the attached sketch plans submitted by Messrs H S K Simpson & Partners, be approved;
7. The Conditions of Establishment, as attached with the agenda and amended in accordance with the recommendations from the Department Development Administration and the Senior Town Planner, be approved and signed off by the Senior Town Planner;
8. The applicants' attention be drawn to the contents of Section 37(1) of the Kwazulu-Natal Planning and Development Act No 6 of 2008, to the effect that the municipality's decision to approve of the application for subdivision lapses within five (5) years from the date on which the municipality's approval became effective in terms of Section 29 of the Act.



B 02/14/11/11-3 **SITHEMBILE FOOTBALL TOURNAMENT AND REED DANCE RECOGNITION** **(S6/1)**

RESOLVED

SMHS **THAT** the proposal suggested by Cllr Zwane to change the Bapaume Aids event for the event at Sithembile be declined.



B 03/14/11/11-1 **ACCOUNTS PAID** **(5/4/1/3)**

RESOLVED

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



B 04/14/11/11-1 **TRAINING IN SUSTAINABLE DEVELOPMENT: POPULATION ENVIRONMENTAL AND DEVELOPMENT IN INTEGRATED DEVELOPMENT PLANS** **(4/4/2)**

RESOLVED

THAT

- EMTS**
CFO
1. The Executive Manager Technical Services, Mr J B Maltman be permitted to attend the Training in Sustainable Development, Population, Environment and Development in Integrated Development Plans in Port Elizabeth from the 28 November to the 2 December 2011;
 2. The necessary subsistence allowance, course fees as well as accommodation be paid.



RESOLVED

THAT the following recommendations as contained in the minutes of the Local Labour Forum meetings held on 15 November 2011 and 22 November 2011, be adopted as resolutions of the Executive Committee:

B 05/28/11/11-1 **MEMORANDUM OF AGREEMENT FOR THE EMPLOYMENT OF TEMPORARY WORKERS**

RESOLVED

MHR

THAT the content of the Endumeni Municipality memorandum of agreement for the employment of temporary workers be noted.



B 05/28/11/11-2 **APPLICATION FOR MOTOR VEHICLE SUBSIDY: YOUTH, ART AND CULTURE OFFICER**

RESOLVED

THAT

CFO

1. Effective from 01st December 2011, motor vehicle subsidy for the Youth, Art and Culture Officer be approved.
2. A motor vehicle subsidy of 450km per month be allocated for business/official usage of the vehicle by the Youth, Art and Culture Officer.



B 05/28/11/11-3 **ESTABLISHMENT AND OPERATION OF A POUND IN TERMS OF THE KWA-ZULU NATAL POUNDS ACT No 3 OF 2006**

(1/4/1/32)

RESOLVED

THAT

**CFO
EMCS
CEO**

1. The contents of the report from the Executive Manager Corporate Services on the establishment and operation of a pound in terms of the KwaZulu-Natal Pounds Act No. 3 of 2006, as attached to the agenda of the meeting be noted;

2. The views as expressed in the report be supported, in that it is the opinion of the Local Labour Forum that all initial indications are that the Endumeni Municipality does not have the capacity, skills, resources; finances and knowledge to provide the service of a pound through its internal structures;
3. The Councils intention to explore the provision of the service of a pound in terms of section 76 of the Systems Act (Act No. 32 of 2000) through an external mechanism be supported and encouraged, as it could assist with local job creation;
4. The Community be consulted in respect of item 3 above and should its views differ from that of the council a special local Labour forum meeting be convened to further consider the matter;
5. Should the Council finally resolve to outsource the provision of this service to an external mechanism, it be made a pre-condition of any services agreement that the service provider to be appointed shall appoint local labour to their staff complement.



B 05/28/11/11-4

**REQUEST FOR EXTENSION OF
EMPLOYMENT FROM COUNCILS
SERVICE BY MISS T L NDLOVU: S021561 –
C/11/11**

RESOLVED

THAT Miss T L Ndlovu be granted extended employment with the Endumeni Municipality until pension is finalized, for a period not exceeding 3 months, thereafter her services be terminated automatically and the said post be advertised.



**CFO
MHR**

B 05/28/11/11-5

**CLOSING OF MUNICIPAL OFFICES:
DECEMBER 2011**

RESOLVED

THAT

AMM

1. Council resolution B 01/17/10/11-1 be rescinded;
2. The offices of the Council close at 12h00 on 23 and 30 December 2011.



B 05/28/11/11-6

**PLACEMENT AS DRIVER: MR T M
KHANYENDE (P3/16)**

RESOLVED

THAT

**MHR
CFO
EMTS**

1. Mr T M Khanyende be transferred to the Mechanical Workshop on TASK Grade 6 with effect from 01 December 2011 as a Driver/Messenger on the same notch as the Driver/Messenger in the Traffic Department, Mr P S Mbele;
2. The Mayor appoint a new Driver with effect from the 01 December 2011 and that the Temporary Driver, Mr. PS Mbele be returned as staff to the Traffic Department to continue with his duties as Driver/Messenger;
3. It be noted that Cllr, Ms WN Mbatha requested that all present and future officials appointed should not exercise any political party agendas or ideologies in carrying out their duties.



Part C

MATTERS REFERRED TO COUNCIL FOR CONSIDERATION

C 01/14/11/11-1 ENDUMENI MUNICIPALITY TURN-AROUND STRATEGY REPORT (15/6/1)

RESOLVED TO RECOMMEND

AMM THAT the Endumeni Municipality adopt a Turn-Around Strategy in respect of the 2011/2012 fiscal year and the Acting Municipal Manager be delegated to submit reports to COGTA on a quarterly basis.



C 01/14/11/11-2 DEVIATION AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT PROCESS: POSTERS (5/1/1)

RESOLVED TO RECOMMEND

THAT

- AMM**
CFO
1. The Endumeni Municipality note the actions of the Accounting Officer in awarding an order to Rabco in an amount of R515,20, VAT inclusive as per the provision of Section 36(1)(a)(v) of Endumeni Supply Management Policy;
 2. The actions of the Accounting Officer be deemed as an emergency.



C 02/14/11/11-1 APPLICATION FOR LEASE OF LAND: PORTION OF REMAINDER OF ERF 642, DUNDEE: SIGMA IT (7/3/2/4/1)

RESOLVED TO RECOMMEND

CEO THAT this matter be referred to a next Council meeting with a full report whether the Remainder of Erf 642, Dundee can be made available to the poor.



C 02/14/11/11-2 APPLICATION FOR LAND IN ORDER TO ESTABLISH COMMUNITY GARDENING PROJECT: COUNCILLOR M H ZWANE (7/3/2/4/1)

RESOLVED TO RECOMMEND

THAT

CEO

1. The application from the Councillor for Ward 3, being Councillor M H Zwane, for a vacant portion of municipal land in order to establish a community gardening project thereon, be noted. It further be recorded that the land should not be utilized to further the objectives of a political party;
2. It be noted that the vacant land as identified by the Councillor, being a portion of the Remainder of Erf 1672, Glencoe, as depicted on the sketch plan attached to the agenda, is located within close proximity to the railway line;
3. The application for the use of the said portion of land for the purposes of establishing a community gardening project be approved in terms of a local economic development initiative, subject to the following conditions:
 - 3.1 that the community who is to utilise the portions of land as a gardening project, elect/ appoint a person or persons as representative/s to act as liaison with the Municipality for the duration of the proposed project;
 - 3.2 that, once the representatives are appointed, a formal agreement for the use of the land be compiled and tabled for Council's approval;
 - 3.3 that the Endumeni Municipality be absolved from any liability in respect of any injuries, death or damages that may result from the use of the said portions of land for these purposes.



C 02/14/11/11-3 DONATION OF OLD CARAVAN PARK AND SWIMMING POOL COMPLEX TO DUNDEE JUNIOR SCHOOL: UNREGISTERED PORTION OF REMAINDER OF ERF 1586, DUNDEE (7/1/4/1)

RESOLVED TO RECOMMEND

THAT

CEO

1. The resolution taken by the Council at its meeting dated 18 March 2002 in which it donated unregistered Portion 1586, Dundee to the State be rescinded;
2. The application received from Dr S G Kunene to lease the old caravan park and swimming pool complex on the above property be reconsidered.



**APPLICATION - ESTABLISHMENT OF EQUINE RESEARCH,
TRAINING AND EXTENSION CENTRE: HARNESS RACING
ASSOCIATION OF SOUTH AFRICA** (11/3/3/2)

RESOLVED TO RECOMMEND

THAT

CEO

1. The expression of interest submitted by the Harness Racing Association of South Africa, represented by a Mr D Latimer, in acquiring vacant municipal properties described as erven 1410, 1411, 1415 and 1416, Dundee, for the establishment of a new Equine Research, Training and Extension facility in Dundee, as depicted on a sketch plan of the area as attached to the agenda, be noted;
2. The applicants be advised that, in terms of the provisions of Section 14 of the Municipal Finance Management Act No 56 of 2003, read with the Council's Supply Chain Management Policy, and the contents of Proclamation No. 1369, 2006:
 - 2.1 all sales of municipal land is to be done through a public bid process only;
 - 2.2 the Council is to obtain fair market related sales values for these properties from its appointed valuers, to be utilised as upset prices upon the sale thereof by public bid process;
 - 2.3 comments from the Member of the Executive Committee (MEC) of Kwazulu-Natal responsible for Co-operative Governance, and the Offices of the National and Provincial Treasuries is to be sought on the proposed sale of these properties prior to a final decision to sell the properties;
 - 2.4 The Biggarsberg Honorary Officers (Ezemvelo KZN Wildlife), who at present has right of access to erven 1415 and 1416 for the establishment of an Enviro-Park will have to be advised that the Council requires the land granted to them for development purposes;
 - 2.5 The Association be requested to also consider acquiring Erven 1417, 1418, 1419, 1420 and 1421, Dundee, as access thereto for any other future owner will be severely restricted should the facility of the Association be established and developed.
3. The Council's valuers, being Messrs HSK Simpson and Partners of Dundee, be requested to provide the Council with estimated fair market related sales values for Erven 1410, 1411, 1415 and 1416, Dundee where after the matter again be submitted to the Council for further consideration



C 07/28/11/11

RESIGNATION AS A MEMBER OF THE ENDUMENI AUDIT COMMITTEE: MR VINCENT MSELEKU (5/6/4)

RESOLVED TO RECOMMEND

THAT

**AMM
CFO**

1. Council accepts Mr V Mseleku's resignation from the Endumeni Audit Committee, effective from 31 December 2011, and that Mr V Mseleku be thanked for his services rendered to the Council and that he be invited to the Council's year-end function to be held on 5 December 2011;
2. All three posts for the Audit Committee be advertised and members of the Committee be appointed.



C 08/28/11/11

CONDUCTING PRIVATE BUSINESS: MR S S NGCOBO: SALARY NO. S004846 (Confidential)

The Committee went into Committee during the discussion of this item.

RESOLVED TO RECOMMEND

EMCS

THAT Mr S S Ngcobo's application to Council to conduct a private business by way of having shares in the security company called Qomkufa Trading CC, be approved subject thereto that he not be actively involved in the business.



C 09/28/11/11

REFUSE REMOVAL CHARGES: SPAR CENTRE GLENCOE (4/1/1)

RESOLVED TO RECOMMEND

THAT

EMTS

1. All the tenants in the Spar Centre Glencoe be notified to be liable for the basic charges equivalent to two standard size refuse bins as according to the Councils tariff of charges;
2. Mr Meli still be liable for the rent of the bulk 4m³ refuse container utilized by Spar, or alternatively arrange for the bulk bin to be removed and payment be made per number of standard size receptacles required;
3. All refuse bags, bulk bins and standard size containers be placed at convenient areas for removal as to be determined by the tenants and Manager Sanitation;
4. Tenants to provide their own bins or refuse bags whichever is more convenient to them;

5. Tenants to avail themselves for the removal service of Council and should they prefer to transport it themselves the tariff still be applicable as the refuse is still being generated in their businesses;
6. P K Restaurant be notified to sign an agreement with Council as a separate concern and pay the normal tariff of charges applicable for consumers;
7. Council apply its Credit Control and Debt Collection Policy in the case of non-payment of services.



CONFIDENTIAL

C 10/28/11/11 **OBJECTIONS TO APPOINTMENT PROGRESS – MUNICIPAL MANAGER** (4/1/1/1)

This item was discussed In-Committee

RESOLVED TO RECOMMEND

AMM **THAT** the objection to the appointment of a Municipal Manager received from Attorneys Viresh Sivnarain, on behalf of Mr P M Bisram, be noted.



CONFIDENTIAL

C 11/28/11/11 **INTERVIEW FOR THE POST OF MUNICIPAL MANAGER** (4/1/1/1)

This item was discussed In-Committee.

The Mayor advised that the panel established to interview candidates for the post of Municipal Manager wanted to discuss a few matters before reporting to the Council. He further advised that no documents would be submitted to the Council as same was confidential.

RESOLVED TO RECOMMEND

THAT

- AMM**
CFO
1. This matter be deferred to a next Council meeting for consideration;
 2. Mr P G Mabilisa be appointed as Acting Municipal Manager until 29 February 2012.



Part D MOTION

D 01/28/11/11

MOTION I

(3/4/3)

RESOLVED TO RECOMMEND

EMCS

THAT the cost to host a Christmas function for old age persons 60 years and over and a soccer and netball tournament for under 15, 17 and open be determined and submitted to the Council for consideration.



D 02/28/11/11

MOTION II

(3/4/3)

This item was discussed In-Committee

RESOLVED TO RECOMMEND

THAT

**AMM
CFO**

1. Management deal with the problem encountered with the Manager: Planning and Development in terms of the Council's Code of Conduct;
2. Mr D C Z Mtshali, be transferred back to undertake Hostel Administration duties;
3. Mr Mtshali be incorporated in the Social Development section of the Corporate Services Department and the organogram be amended accordingly;
4. With effect from 1 August 2011, Mr D C Z Mtshali be remunerated commencing on notch 7 of the Task Salary Scale T10;
5. The complaints received about the Hostel Committee be investigated and a report on the findings be submitted to the Council for consideration.



D 03/28/11/11

MOTION III

(3/4/3)

The Committee was advised that the District Council was responsible for pauper burials.

The Mayor advised that he was referring to the burial of deceased persons whose family could not afford to bury the family member.

RESOLVED TO RECOMMEND

CFO

THAT the Chief Financial Officer discuss the possibility of funding burials for persons whose family could not afford to bury the deceased with the Auditor-General.



D 04/28/11/11

MOTION IV

(3/4/3)

RESOLVED TO RECOMMEND

CFO

THAT the Chief Financial Officer discuss the possibility of the Council funding students to study further at tertiary level with National Treasury.



D 05/28/11/11

MOTION V

(3/4/3)

RESOLVED TO RECOMMEND

CFO

THAT the Chief Financial Officer discuss the possibility of paying Khan's Concrete for work undertaken for the Council from the previous budget with the Auditor-General.



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

Mayor – Chairperson:

Date: