

MINUTES of an **ORDINARY MONTHLY MEETING** of the **ENDUMENI COUNCIL** held on **TUESDAY, 26 JANUARY 2016** at **17:30** in the **COUNCIL CHAMBER, CIVIC CENTRE, 64 VICTORIA STREET, DUNDEE**

PRESENT:

Councillors:

Cllr T M Mahaye	Speaker - Chairperson Mayor
Cllr T B Mkhize	Deputy Mayor
Cllr E M Adam	
Cllr Ms T I Makaba	
Cllr S R Mbatha	
Cllr Ms L P Mbhele	
Cllr D P Ncala	
Cllr A M Raubenheimer	

In Attendance:

Mr. T Makhoba	Acting Municipal Manager
Mr. M Hlengani	Executive Manager Corporate Services
Mrs. C B Mkhize	Chief Financial Officer
Mr. D Padayachee	Manager: Office of the MM
Mr. T Qwabe	Manager Legal
Mr. N C J Bezuidenhoudt	Chief Estate Officer
Ms Ngobese	PMS Manager
Mrs. T Hadebe	Internal Auditor
Ms Z S Z Mkhize	Acting Manager Administration
Ms G Sikhakhane	Committee Officer



In the absence of the Speaker Cllr S B Mdluli, the Mayor, Cllr T M Mahaye was unanimously elected to act as the Speaker for the duration of this meeting.

AS CHAIRMAN L P Mbhele opened the Ordinary Executive Committee meeting by prayer the meeting was declared opened.



C 02/01/2016

Applications for Leave of Absence

RESOLVED

THAT apologies received from Cllr Ms W N Mbatha-Makhathini, Cllr S B Mdluli, Cllr S W Dhlamini and Cllr J A Mfeka be noted.



C 03/01/2016

Credibility and Reliability of Information

Confirmed



C 04/01/2016

Official Announcements by Speaker/Chairperson/Municipal Manager

Nil



C 05/01/2016

Confirmation of Minutes

RESOLVED

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

Ordinary Monthly Meeting: 08 December 2016

Special Council Meeting: 14 January 2016



C 06/01/2016

Questions Of Which Notice Has Been Given

Nil



Executive Committee To The Council

RESOLVED
THAT the following reports of the Executive Committee to the Council
be noted:

Ordinary Meeting: 26 January 2016



C 08/01/2016 **Petitions**

Nil



C 09/01/2016 **Motions**

Nil



C 10/01/2016 **Presentations**

Audit report by Auditor General



Part A

MATTERS FOR INFORMATION ONLY

- A 01/19/01/16-1 MONTHLY REPORT: DISASTER MANAGEMENT (16/6/R)
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-2 MONTHLY REPORT: COMMUNICATIONS UNIT (10/1/1)
◆ □ ◆ □ ◆ □ ◆
- A 01/19/01/16-3 MONTHLY REPORT: ENDUMENI FIRE BRIGADE SERVICES (17/2/4)
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-1 COUNCILLORS ATTENDANCE OF COUNCIL, EXCO AND
PORTFOLIO COMMITTEE MEETINGS (3/4/2)
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-2 MONTHLY REPORT: TRAFFIC (17/2/4)
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-3 MONTHLY REPORT: TESTING STATION [17/2(R)]
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-4 MONTHLY REPORT: SECURITY (7/1/1/5)
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-5 MONTHLY REPORT: TALANA MUSEUM (7/4/3)
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-6 MONTHLY REPORT: DUNDEE PUBLIC LIBRARY (17/4/1)
◆ □ ◆ □ ◆ □ ◆
- A 02/19/01/16-7 MONTHLY REPORT: SIBONGILE LIBRARY (17/4/2)
◆ □ ◆ □ ◆ □ ◆

PORT: GLENCOE PUBLIC LIBRARY

(17/4/3)



A 02/19/01/16-9 MONTHLY REPORT: WASBANK PUBLIC LIBRARY

(17/4/4)



A 02/19/01/16-10 MONTHLY REPORT: LEGAL AND ESTATES SECTION: BY-LAWS AND LAND USE APPLICATIONS: NOVEMBER/DECEMBER 2015

(9/2/1)



A 02/19/01/16-11 MONTHLY REPORT – NOVEMBER/DECEMBER 2015: HUMAN RESOURCE SECTION

(4/1/1)



A 02/19/01/16-12 MINUTES OF THE OCCUPATIONAL HEALTH & SAFETY COMMITTEE MEETING (CORPORATE SERVICES & FINANCE) HELD ON THURSDAY, 3 DECEMBER 2015 @ TALANA MUSEUM, DUNDEE

(2/6/1)



A 02/19/01/16-13 MONTHLY REPORT: FLEET UNIT

(6/2/1)



A 04/19/01/16-1 MONTHLY REPORT: MANAGER TECHNICAL SERVICES

(16/3/4/3)



A 05/26/01/16 AG ACTION PLAN

(5/6/1)



Part B
MATTERS TO BE RESOLVED
BY COMMITTEE
UNDER DELEGATED POWERS

B 05/26/01/16 REPORT ON THE IMPLEMENTATION OF THE SUPPLY
CHAIN MANAGEMENT POLICY FOR THE SECOND QUARTER
OCTOBER TO DECEMBER
(1/4/1/31)

◆ □ ◆ □ ◆ □ ◆

B 06/26/01/16 FINANCIAL REPORTING FOR THE MONTH ENDING 30
NOVEMBER 2015
(4/2/2)

◆ □ ◆ □ ◆ □ ◆

B 07/26/01/16 FINANCIAL REPORTING FOR THE MONTH ENDING 31
DECEMBER 2015
(4/2/2)

◆ □ ◆ □ ◆ □ ◆

Part C

MATTERS TO BE REFERRED TO COUNCIL FOR CONSIDERATION

C 02/19/01/16-1 SALE OF VACANT IMMOVABLE PROPERTY TO DEVELOPERS
FOR THE DEVELOPMENT OF HOUSING FOR MIDDLE
INCOME EARNERS (GAP HOUSING

(7/3/2/4/31)

RESOLVED

THAT this item be withdrawn from the agenda and be resubmitted at a Special meeting in February 2016 after further consultation with management.



C 05/26/01/16 MID YEAR BUDGET AND PERFORMANCE ASSESSMENT
EXECUTIVE SUMMARY

(5/1/1)

RESOLVED

THAT

- 1.1 The mid-year budget and performance assessment for the 6 months period 31 December 2015 be noted;
- 1.2 An adjustment budget be prepared and submitted for approval by no later than 29 February 2016 in accordance with Section 23(1) of the Municipal Budget and Reporting Regulations;
- 1.3 Revision of budgeted revenue and expenditure projections;
- 1.4 Service delivery and budget implementation report be noted;
- 1.5 Revision of SDBIP which aligns with adjustment budget.
- 1.6 Land Disposal Policy be ready by the time they have a Special Council meeting in February 2016.



RESOLVED

THAT

1. Council approves the Endumeni Draft Annual Report for 2014/2015;
2. The report be forwarded to and tabled before the Audit Committee, Oversight Committee MPAC, and subsequently be submitted to Treasury, Auditor General, and COGTA for comments.
3. The council approves the draft Annual Report to be advertised for 21 days, to obtain public comments.



C 07/26/01/16

AUTHORISATION OF THE SPEAKER OF ENDUMENI MUNICIPALITY, THE HONOURABLE S.B MDLULI FOR PURPOSES OF DEPOSING TO REPLYING AFFIDAVITS IN LABOUR REVIEW APPLICATIONS

(CONFIDENTIAL)

This item was discussed In-Committee.

RESOLVED

THAT

1. The recent turbulent times experienced by Endumeni Municipality be noted,
2. It be noted that the Council had to take 'hard-line decisions' in order to rectify the illegal staff appointments made by Mr Biyela's during 2013/2014;
3. It be noted that during 2014, the erstwhile Acting Municipal Manager, Advocate Reshwant Brijraj, had been bestowed with the authority to deal with all legal matters in terms of clause 10.3 of the Council's Delegations of Powers which reads:

"10.3 The following powers, functions and duties are delegated to the Municipal Manager:

- *To commence with any legal process, whether criminal or civil, on behalf of the Council and to defend or oppose any legal process, whether criminal or civil, against the Council;*
- *To submit or oppose an appeal to a higher court or other body in respect of a judgement given by a lower court or body concerned;*
- *To obtain the services of an attorney or advocate for any official purpose;"*

It is noted that Adv. Brijraj was severely assaulted at the Endumeni Building and as a result his presence during 2014 was of an absence, as he was afraid to attend his office at the building and could, therefore, not deal with these pressing legal issues at the time;

- 5. It be noted that Adv. Brijraj then delegated such authority per 10.3 *supra*, to Mr D. Padayachee, who was the erstwhile Acting Manager: Corporate Services,
- 6. It be approved by Council that, considering Mr Padayachee is no longer occupying a 'Section 56' position in the form of 'Senior Manager: Corporate Services', and considering that Mr Biyela's disciplinary enquiry is ongoing as well as the fact that the current municipal manager is in an acting capacity, the Honourable Speaker of Endumeni, Councillor S.B. Mdluli, be authorised to depose to any further affidavits in terms of the foregoing legal issues, and that all previous actions by Mr Padayachee in terms of all legal matters on behalf of Council, be condoned and ratified by the Council.



C 08/26 /01/16

AUTHORISATION OF INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT AGAINST THE EXECUTIVE MANAGER: CORPORATE SERVICES (CONFIDENTIAL)

This item was discussed In-Committee

RESOLVED

THAT

- 1. Council notes the alleged breaches of the Code of Conduct for Municipal Employees as provided for and prescribed by Schedule 2 of the Municipal Systems Act No. 32 of 2000 and include:
 - 1.1 alleged breach of Item 1 in respect of general conduct;
 - 1.2 alleged breach of Item 4 in respect of personal gain;
 - 1.3 alleged breach of Item 6 in respect of unauthorised disclosure of information;
 - 1.4 alleged breach of Item 7 in respect of undue influence.
- 2. Council approves the investigation of the Executive Manager: Corporate Services in terms of Local Government: Disciplinary Regulations for Senior Managers, Government Notice No. 344 dated 21 April 2011.



There being no further matters for consideration, the Chairperson declared the meeting closed at 18:30

.....
CHAIRPERSON

.....
DATE