



## ENDUMENI MUNICIPALITY

### MUNICIPAL COUNCIL RESOLUTION REGISTER

MEETING DATE: 25 JULY 2014

COUNCIL RESOLUTION NUMBER	DESCRIPTION OF ITEM	RESOLUTION – Resolved That:	RESPONSIBLE DEPARTMENT
C 01/25/07/14	Letter From The Audit Committee Pertaining To The Acting Municipal Manager.	<ol style="list-style-type: none"><li>1. The correspondence from the Mayor to the Acting Municipal Manager dated 10 July 2014 be noted;</li><li>2. The Correspondence from the Audit Committee addressed to the Speaker and the Acting Municipal Manager dated 7<sup>th</sup> July 2014 be noted;</li><li>3. The Executive Committee and the Speaker be invited to attend the Audit Committee's next meeting so as to facilitate in their complaints and requirements.</li><li>4. The outstanding payments to the Audit Committee Members for the meetings attended be paid with immediate effect.</li></ol>	A/MM
C 02/25/07/14	Proposed Advertisements For The Vacant Posts Of Executive Manager Corporate Services, Executive Manager Technical Services And The Chief Financial Officer	<ol style="list-style-type: none"><li>1. It be noted that the Department Co-operative Government and Traditional Affairs (COGTA) has scrutinized the proposed advertisements for the vacancies of managers directly accountable to the Municipal Manager, being the Executive Manager Corporate Services, Executive Manager Technical Services and the Chief Financial Officer, and has responded thereto as per correspondence referenced 10/2/1/1 dated 10 June 2014;</li><li>2. It be noted that the draft advertisements for the vacancies of these managers directly accountable to the Municipal Manager, being the Executive Manager Corporate Services, Executive Manager Technical Services and the Chief Financial Officer, have been amended in accordance with the recommendations from the Department;</li></ol>	A/MM

		<p>3. It be noted that the maximum total remuneration package, which is inclusive of the total salary, pension contributions, medical aid contributions and other forms of payment or benefit (e.g. motor vehicle allowance), payable by the Endumeni Municipality to any successful and appointed applicant will be R647 280.00 per annum in accordance with the determinations made by the Minister for Co-operative Governance and Traditional Affairs under Government Notice No 225, as published in Government Gazette No 37500 dated 29 March 2014;</p> <p>4. The draft advertisements for the vacancies of the managers directly accountable to the Municipal Manager, being the Executive Manager Corporate Services, Executive Manager Technical Services and the Chief Financial Officer, be adopted and approved;</p> <p>5. The said vacancies be advertised in accordance with the requirements of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers as promulgated in Government Gazette No 37245 dated 17 January 2014</p> <p>6. A negotiable rural acting allowance of not more than 20% be included in the advertisements in accordance with the determinations made by the Minister for Co-operative Governance and Traditional Affairs under Government Notice No 225, as published in Government Gazette No 37500 dated 29 March 2014;</p> <p>8. The names of the panel that will be involved in the interviews be submitted in the next Council Meeting;</p> <p>9. The said post be advertised in the following newspapers, Ilanga, Northern Natal Courier, City Press and Sunday Times no later than 29 July 2014.</p>	
C03/25/07/14	Application For Memorandum Of Understanding Between Endumeni Municipality And Athena-Interactive Training Network Pty (Ltd)	<p>1. It be noted that a training company known as ATHENA – Interactive Training Network Pty (LTD) has submitted a Memorandum of Understanding ‘MOU’ to the Endumeni Municipality;</p> <p>2. It be noted that the said entity is spearheading a learner ship programme whereby they want to train approximately thirty learners in the working environment, with fifteen learners being able bodied and the balance being disabled persons on the National Certificate: Business Administration NQF;</p> <p>3. It be noted that ATHENA – ITN has an agreement with Services SETA, and that they</p>	A/SMLE

		<p>shall collectively pay the identified learners a stipend of R1500 per month subject to certain documents being submitted;</p> <p>4. It be noted that in terms of Section 4.3 of the 'MOU' the council shall be liable for the following:</p> <ul style="list-style-type: none"> <li>• Providing the trainees with Secretarial NQF level 2 learner ship for the duration of this agreement shall;</li> <li>• Providing the trainees with secretarial work and a coach/mentor;</li> <li>• Keep a workplace attendance register and submit the same electronically to ATHENA – ITN every week by 12:00 on a Friday;</li> <li>• Forward medical certificates/sick notes to Athena if a trainee is absent for more than two consecutive days;</li> <li>• Inform ATHENA if unemployed learners are moved to other host sites;</li> <li>• Provide a venue for ATHENA for purposes of classroom based training for one week every month for each session for the duration of the learner ship;</li> <li>• Allow ATHENA to conduct workplace assessments of the unemployed learners in the workplace;</li> <li>• Provide a suitable venue to ATHENA for purposes of a graduation ceremony once ATHENA has received final verified results from Services SETA;</li> <li>• The Council must agree to host fifteen (15) able bodied persons and fifteen (15) persons with disabilities on the National Certificate: Business Administration NQF (Total thirty learners).</li> </ul> <p>5. It be noted that the initiative by ATHENA is commendable; however, council has to guard against certain issues as detailed hereunder:</p> <ul style="list-style-type: none"> <li>• The Endumeni Municipal Building is not suitably equipped for disabled persons and should any such person get injured whilst under the learner ship programme, who shall have to carry the costs</li> </ul>	
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		<p>for such injury;</p> <ul style="list-style-type: none"> <li>• Should ATHENA –ITN not be able to meet it’s commitment of the proposed stipend, during the course of the ‘MOU, to pay the learners,’ who shall have to then pay the learners as the council not made provision for this in the budget;</li> <li>• The issue of the Secretarial Administration Services NOF Level 2 learner ship, has to be more transparent in that what does this entail as council has not budgeted for any specialist mentors or coaches to be hired.</li> </ul> <p>6. It be noted that should the council decide to enter into the ‘MOU’ with ATHENA – ITN, it would be recommended that such agreement be entered into subject to an undertaking, by ATHENA – ITN and every single learner as identified for the learner ship programme, that they shall indemnify the council of Endumeni Municipality against any claim whatsoever, with regard to the forgoing concerns and the entire proposed learner ship programme</p>	
C 04/25/07/14	Continued Absence Of Acting Municipal Manager From Workplace: Advocate R Brijraj.	<p>1. It be noted that Adv. R Brijraj ceased with his duties on 25 September 2013 and returned to the Municipal offices briefly during December 2013. Unfortunately he was assaulted by the members of the South African Municipal Workers Union, whereupon he left. However, at the initiative of the Premier of Kwa Zulu Natal and the MEC of KZN CoGTA, Advocate Brijraj assumed duty on 7 April 2014.</p> <p>2. It be noted that Advocate Brijraj’s employment is governed per the provisions of Local Government Regulations per Notice 21 published in Government Gazette 37245 of 17 January 2014.</p> <p>3. It be noted that Advocate Brijraj has been absent from the workplace from 3 July 2014 to the date of Special Council Meeting on 25 July 2014, a period of absence exceeding fifteen (15) or more consecutive working days, <i>ultra vires</i> of regulation 33 (1)(b)(i).</p> <p>4. It be noted that Advocate Brijraj further failed to make any report to the Mayor as contemplated by regulation 27 and the Municipality has taken all reasonable steps to trace Advocate Brijraj who was personally served a notice by a Council Official to attend a Special Council Meeting held 25 July 2014 for the purposes of explaining his absenteeism, however, Advocate Brijraj failed to attend the said meeting,</p> <p>5. Adv. R Brijraj has been absent from his office at the Endumeni Municipal Building and the Umzinyathi District Municipality for approximately two months and there are no leave forms or explanations from him;</p>	A/MM

		<p>6. It be noted that the Council has provided Adv. R Brijraj with two fulltime bodyguards as well as extra security whenever he attends meetings at the building, however, it is common knowledge that the threat to Adv. R Brijraj is no longer existent as the persons who had incited the attack on him have since been suspended, therefore there is no real threat posed to him;</p> <p>7. It be noted that Adv. R Brijraj had not attended the C. Carelse matter at the South African Local Bargaining Council, on 15 July 2014, yet he had been there for the briefing the previous day;</p> <p>8. It be noted that Adv. R Brijraj does not keep a real attendance register or report his whereabouts, therefore the Council is of the opinion that they are being prejudiced by Adv. R Brijraj's continued absence which equates to abscondment;</p> <p>9. Now therefore, the Endumeni Municipal council unanimously approve the termination of employment of Advocate R. Brijraj as per the provisions of regulation 33 and in particular 33 (1) (b) (i) of Local Government Regulations per Notice 21 published in Government Gazette 37245;</p> <p>10. It be noted that a request be made to the UMzinyathi District Municipality for a suitable official to be deployed an Acting Municipal Manager until such time as the T. P Biyela disciplinary enquiry has been completed;</p> <p>11. It be noted that Mr. M Donaldson be elected to act as the Acting Municipal Manager until such time as the UMzinyathi District Municipality seconds a suitable candidate to Endumeni;</p> <p>12. COGTA be informed in writing accordingly via the Office of the Speaker.</p>	
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