



MINUTES OF THE 48TH ORDINARY COUNCIL MEETING OF THE EMFULENI LOCAL MUNICIPALITY HELD IN THE RHODA YENDE HALL, SHARPEVILLE ON TUESDAY, 31 MARCH 2009 AT 15:00

ATTENDANCE – COUNCILLORS:

HLONGWANE N G	(Speaker)		
MSHUDULU S A	(Executive Mayor)		
KUNENE M T	(Chief Whip)		
PITSO S E	(Housing)		
LETSOENYO M R	(Public Safety)		
MALISA D M	(Administration – including Corporate Services, Human Resources, IT and Legal)		
MOEPADIRA T S	(Sports, Recreation, Arts and Culture)		
MUIR M P	(Member of the Mayoral Committee: Local Economic Development, Tourism and Development Planning)		
RANAKE K J M	(Finance)		
RONYUZA M T	(Public Transport, Roads and Public Works)		
THABANE T J S	(Infrastructure, Electricity, Water and Sanitation)		
THULO N R	(Waste Management, Refuse and Landfill)		
VUNDISA F N	(Health and Social Development)		
BIKITSHA B M		MNCUBE B	PHEKO M B
BRITZ N D		MNGUNI F M A	PLAATJIE D J
COERTZE Y		MOFOKENG P L	QUPE D C
DE WEERD S H		MOGOTSI K A	RABIE C
GODOLI V M		MOKALE B A	RAIKANE M D
GQELOSHA M P		MOKONO S H	RAMASHAMOLE M T
GROENEWALD R H		MOLEKO A	RAPHUTI P
HLANYANE S J		MOLLO D S	RUELE M N E
HOFFMAN D C J		MOOI N J	SALE M C
JANSEN VAN RENSBURG N M		MOQOBANE N N	SEEMELO H D
KGOTLENG M G		MOROLONG A M	SENEKAL G M
KHOMOEASERA M L		MOSIA A N	SKELM P C
KOLISANG M S		MOTAUNG A M	TSHABALALA D E
LEBURU M M		MOTSIRI T S	TSOARI J J
LEHLAKE R J		MUIR L A	TSOTETSI M J
MAHAO J M		MXUNYA P S	TSUNKE J N
MAHOMED C		NAKEDI M E	WILLIAMS F V
MALHOU M L		NGUBANE L S	XABA J N
MAQUTYANA M		NKHI T E	ZONDO P
MASEKO B P		NQUBA T S	ZWANE G M
MASODISA M D M		NTOMBELA K	
MATSEI N P		NXONGO P N G	

OFFICIALS

Mr T W Moeti	- Acting Municipal Manager
Mr A Ramokolo	- Deputy Municipal Manager: Basic Services
Mr A Lambat	- Chief Financial Officer
Dr H J Wiese	- Deputy Municipal Manager: Economic, Development Planning and IDP
Ms L Mahlangu	- Deputy Municipal Manager: Corporate Services
Mr L D Kamolane	- Deputy Municipal Manager: Public Safety and Community Development
Mr P Rakosa	- Manager: Communication and Marketing
Mr G Magoma	- Manager: Office of the Executive Mayor
Mr V Mkhontwana	- Office of the Speaker
Mr J Mkhwane	- Office of the Chief Whip
Ms C L Lerata	- Acting Manager: Secretariat and Admin Support
Mr M P Mazibuko	- Secretariat

A. OPENING AND WELCOME

At the request of the Speaker, Councillor N G Hlongwane, Councillor S J Hlanyane opened the meeting with a prayer, whereafter the Acting Municipal Manager read the notice convening the Meeting.

B. APPLICATION FOR LEAVE OF ABSENCE

RESOLVED THAT

1. application for leave of absence be granted to Councillors:

Karsten A S J
Pooe N S
Venter M

2. it be noted that the following Councillors were absent without apologies:

Louw P J
Maduna A B
Maduna L J
Ntlele C P

C. OFFICIAL ANNOUNCEMENTS

The Speaker, Councillor N G Hlongwane informed members that the Council would be on recess from 31 March 2009 till 24 April 2009 to enable Councillors to go and campaign for their Political Parties for the forthcoming election. She also wished all Political Parties luck.

D. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE CHAIRPERSON

The Speaker, Councillor N G Hlongwane expressed her condolences to the Mokheseng family for the lost of their beloved one who was killed by the municipal tractor while on duty.

E. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER MEMBERS

- Councillor M D Raikane congratulated women Councillors who graduated on Friday, 27 March 2009.
- Councillor S E Pitso expressed his condolences to the Malindi family in Sebokeng for the lost of their daughter.
- Councillor T E Nkhi expressed his condolences to the family of Dipaleng for passing on of Mrs Dipaleng.

F. CERTIFYING OF CORRECTNESS OF MINUTES

RESOLVED THAT

1. the Minutes of the 47th Ordinary Council Meeting held on 9 December 2008 be confirmed as a true reflection of the proceedings;
2. the Minutes of a Special Council Meeting held on 20 January 2009 be confirmed as a true reflection of the proceedings, subject to the following correction:

"B. APPLICATION FOR LEAVE OF ABSENCE

The name of Councillor F M A Mnguni be included to the list of names of Councillors who submitted application for leave of absence."

3. the Minutes of a Special Council Meeting held on 29 January 2009 be confirmed as a true reflection of the proceedings and
4. the Minutes of a Special Council Meeting held on 3 February 2009 be confirmed as a true reflection of the proceedings.

G. REPORT OF THE MUNICIPAL MANAGER

None.

H. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

None.

2. once a source of capital funds has been identified, a further report be submitted with regard to the financial implications and the intended roll out program for the rest of the areas;
3. the Sedibeng District Municipality be approached for funding assistance in order to implement the 240 litre bin system and
4. private companies be approached to extend their social responsibility towards the purchasing of 240 litre bins.

ITEM A1113

**SECTION 78 ASSESSMENT INTO THE DELIVERY OF WATER AND SANITATION SERVICES IN EMFULENI LOCAL MUNICIPALITY
(MC 24-02-2009)**

RESOLVED THAT

1. the assessment of water and sanitation services rendered using an internal mechanism in accordance with Section 78 (1) of the Local Government: Municipal Systems Act No. 32 of 2000, be noted and
2. the status quo assessment be conducted in terms of Section 77 and 78 of the Municipal Systems Act.

ITEM A1114

**PROPOSED RESCISSION OF THE CURRENT MOTOR VEHICLE ALLOWANCE SCHEME AND PROPOSAL OF THE NEW SCHEME
(R: MM/AA6- Proposed Rescission of Current Vehicle Scheme)/DMMs 10-11-08)
(SECTION 80 ADMIN 25-11-08) (MC 10-03-09) (MC 19-03-09) 10/6/7**

RESOLVED THAT

1. the contents of the report be noted;
2. the current scheme be amended by excluding the AA rates scheme provision and that the benefit be on a fixed amount and be subjected to annual review during the Budget review period;
3. the scheme be applicable only to job levels 2 to 5 and any other level below 5 should utilize Council vehicles;
4. Levels 2 to 5 to qualify automatically and not be required to keep log sheets;
5. the following amounts be adopted and that all newly employed officials benefit under this scheme;

Job Designation	Scheme Provision
Heads of Departments	R15 302.72
Assistant Heads of Departments	R13 076.00
Level 4	R7 964.50

Job Designation	Scheme Provision
Level 5	R6 686.10
All other levels below level 5	To utilize Council vehicles

6. the participants must ensure that they have the vehicle available for the execution of their official duties;
7. traveling costs includes all official trips traveled within the boundaries of Emfuleni;
8. the motor vehicle must be insured (by the employee) for both private and business use and proof of insurance must, annually, be submitted to the municipality for proof purposes;
9. the participants must ensure that the motor vehicle is in good condition and is maintained regularly at their own cost;
10. the participants will be responsible and liable for tax and regulatory compliance as required by the Income Tax Act;
11. the scheme from levels 2 to 5 be implemented with effect from 1 April 2009;
12. the 98 officials on level 6 that are not participating in the scheme will still be subjected to the process of submitting log sheets as per their original conditions of employment and
13. **the purpose of the new scheme be to eradicate all discrepancies that existed in the past.**

ITEM A1115

**MULTI-YEAR DRAFT BUDGET – 2009/10
(INCLUDING 2010/11 AND 2011/2012)
(MC 19-03-09)**

(8/2/1 2009/2010; 8/2/1 2011/2012)

RESOLVED THAT

1. the draft budget be tabled before Council;
2. the draft budget be taken for consultation with all relevant stakeholders;
3. the Final Budget be tabled for approval by Council no later than 31 May 2009 and
4. a Budget Steering Committee be established in line with the budget regulations 31804 issued by National Treasury.

ITEM A1116

**STATUS QUO REPORT ON PRECINCT PROJECTS AND EXTENDING OF FUNDING TO EVATON RENEWAL PROJECT: PAVING PROJECT
(MM/AA6/EDP/DMM.2009 03 12 Evaton Paving)
(DMM 17-03-09) (MC 19-03-09)**

RESOLVED THAT

1. the Status Quo Report: Precinct Projects be noted and
2. the Evaton Paving Project amounting to R10 627 506 to be funded by the NDPG, as referred to in the report, be supported.

ITEM A1117

**DRAFT INTEGRATED DEVELOPMENT PLAN 2009/10
(IDP STEERING COM 17-03-09)**

RESOLVED THAT

1. Council adopt the tabled draft Integrated Development Plan (IDP) for 2009/10 for public participation purpose;
2. a schedule of meetings together with the notice for public participation be advertised in three local newspapers immediately after approval of the draft IDP and Budget and
3. **the ANC submission be incorporated into the draft IDP and be circulated to all Councillors.**

ITEM A1118

**TERMINATION AGREEMENT OF THE SERVICE DELIVERY AGREEMENT WITH LEKOA AFRICAN RAINBOW FUNERAL HOMES FOR THE RENDERING OF CEMETERY SERVICES
(MC 19-03-09)**

RESOLVED THAT

1. the Termination of the Service Agreement with Lekoa African Rainbow Funeral Homes **be approved** with effect the 30th June 2009;
2. the settlement amount of R4 000 000.00 (four million rand), inclusive of VAT, in settlement of all claims which the parties have against each other on the date of signature, including the Arbitration Award made on 25 January 2008, **be approved**;
3. the settlement amount of four million rand (R4,000,000.00) inclusive of VAT, **be paid** into the Trust account of ***Esthè Müller Attorneys Trust Account***, Nedbank; Three Rivers Branch – Code 178337; Account number 1288063903 **on the 30 June 2009**;

4. **the employment relationship between Lekoa African Rainbow Funeral Homes and the staff as per Annexure (pages 142 - 146) attached to the report, will end on the date of termination (30th June 2009), upon which date the staff will enter into a new employment relationship with Emfuleni subject to the conditions of employment and other related legislation applicable in employment law to which Emfuleni Local Municipality is subject, (from the 1st July 2009) as below:**

No:	Current Position at the Service Provider:	Incumbent
1	Administrative Manager	I.S Basson
2	Operational Assistant	C. van der Kolff
3	Book keeper	M. Laubsher
4	Tellers x 3	J.T.Mokoatsi R. Mashinini M.M.Twala
5	Administrative Assistant x 2	P.E. Molato M. Motsoenyane
6	Filing clerk	J. Tshabalala
7	Data capturer junior	S. Mofokeng
8	Caretaker Evaton	P.R. Tsotetsi
9	Caretaker; Jacobskop	L. Makala
10	Caretaker Vanderbijlpark	Christo Smit

5. the Municipality would take ownership of all the following asset:

No	Asset type	Quantity	Estimated value
1	Computer Program		R500 000
2	Computers	7	R56 000
3	LCD Screens	5	R75 000
4	Printers	6	R28 000
5	Copy machine	1	R8 500
6	Fax	2	R8 000
7	Filing cabinet	3	R15 000
8	Tables	8	R35 000
9	Chairs	53	R18 550
10	Airconditioner	5	R36 000
11	Fittings in storerooms	Wall units	R25 000

6. **the Sub-contract Agreement with Gordon Cemetery Services as set out in Annexure (pages 147 - 150) as attached to the report, will be renegotiated by Emfuleni on the terms and conditions subject to negotiation between the parties;**
7. **Emfuleni undertakes to negotiate with Steele Estates on the taking over of the remaining portion of the lease agreement and the report be submitted at the next Council Meeting;**
8. budgetary provision is submitted for the new Department of Parks and Cemeteries;
9. the Office of the Municipal Manager be authorized to sign all documentation referred to above and

10. that the burial register records of each cemetery, fully and updated as required by legislation be handed over to Emfuleni Local Municipality on 30 June 2009 duly signed and certified as correct by Lekoa Cemeteries.

SECOND PART - B REPORTS ON DELEGATED MATTERS, FOR THE PERIOD 19 NOVEMBER 2008 TO 24 FEBRUARY 2009

CONSIDERATION OF RESOLUTIONS B2037 - B2074

The resolutions of the Mayoral Committee adopted in accordance with the powers delegated to the Executive Mayor by the Council under B2037 - B2074 of the Agenda were considered and confirmed by Council.

K. PETITIONS

None.

L. NEW MOTIONS

None.

M. OPEN DEBATE

None.

N. SALGA

None.

O. REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

RESOLVED THAT

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1. the report attached as **Annexure (pages 19 - 27)** of the Municipal Public Accounts Committee be deferred and
 2. all outstanding Annual Reports be submitted for discussion at the next Council Meeting.

P. CLOSURE

The Meeting closed at 16:35

CERTIFIED AS CORRECT

**COUNCILLOR N G HLONGWANE
SPEAKER**

Date:



MINUTES OF THE 48TH ORDINARY COUNCIL MEETING OF THE EMFULENI LOCAL MUNICIPALITY HELD IN THE RHODA YENDE HALL, SHARPEVILLE ON TUESDAY, 31 MARCH 2009 AT 15:00

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