

No. 46

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held Thursday, 2023-09-28T10:00,
Inkosi Albert Luthuli International Conventional Centre, Durban.

PRESENT : Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), A Abdul; J Annipen, A Beetge, M Billy, T Biyela, JM Black, NJ Bollman M Brauteseth, WJD Burne, KPM Cele, SB Cele, SP Chebure, J Chetty, R Cloete, SV De Boer, CB Dlamini, Z Dzanibe, J Essop, BA Fortein, SG Gama, GM Gasa, DM Gcabashe, FO Gcabashe, R Gokool, G Govender, S Govender, SV Govender, Y Govender, BR Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, MF Ismail, DM James, M Johnson, MA Mgobhozi, K Khambule, MH Khan, NP Khawula; MN Khubisa, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kisoona, BG Kubheka, V Kunju, CJ Laing, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, MA Madlala, NI Madlala, RP Maharaj, A Maharaj; S Maharaj, FN Majola, HS Makhathini, TG Makhanya, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, WM Mazibuko, M Mbambo, KT Mbhele, RP Mbonambi, RD Macpherson, BA Mchunu, NP Mchunu, RL McKenzie, X Mdlazi, FW Mdletshe, DL Mea, SP Mfeka, K Mhlaba, DPM Mhlongo, GN Mhlongo, NM Mhlongo, SE Mhlongo, T Miya, MB Mjadu, AZ Mkhize, MA Mkhize, ME Mkhize, NA Mkhize, NN Mkhize, TJ Mkhize, B Mkhwanazi, BR Mngadi, DF Mngadi, SV Mngadi, TJ Mnguni, ZM Mncwango, S Mngadi, DP Mngoma, MR Mngonyama; BV Mngwengwe, ZO Mnomiya, S Mnyandu, T Mohamed, R Moses, ND Motseke, SB Mpanza, LI Msomi, DV Msweli, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, J Naidoo, V Ncukana, NB Ndlela, AB Ndlovu, MF Ndlovu; PB Ndlovu, PC Ndlovu, NS Ndlovu, V Ndlovu, TH Nene, SB Ngcongo, DB Ngubane, LE Nkomeni, MS Nkosi, DR Nowbuth, XM Nqweniso, DM Nsundwane, SH Ntombela; PC Ntshangase, BT Ntuli, N Ntuli, ZN Ntuli, PB Ntuli, B Nxumalo, MR Nxumalo, PH Nxumalo; MV Nzimande-Madlala, AAK Paruk, AE Peterson, BW Phewa, P Pillay, GDA Pullan, A Rampersad, VG Reddy, T Sabelo, S Sewshanker, BH Shange, LP Shange; MG Shange, TE Shezi, IM Shinga, HP Shoji, JN Sibisi, KS Sibisi, WP Sibiya, LC Sikakane, BSB Sindane, J Singh, EL Singh, PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZR Sokhabase, ZA Solomon, BB Thusi, ME Thusi, M Thusi, NT Tyelinzima, JC Van den Berg, HM Van Der Ryst, NB Vilakazi, NI Webster, SM Windvogel, TV Xulu, NY Young; M Zondi, N Zondi, ON Zondi-Mthembu, TG Zungu and there being three (03) vacancies.

ABSENT : Councillors AD Beesley (Overseas Trip), MH Buthelezi (Personal Commitments), SN Gabela (Personal Commitments), NBC Godlwana (Indisposed), NC Gumede (Personal Commitments), F Ismail, LBS Jali, SR Madlala (Indisposed), SW Mcineka (Personal Commitments); JL Mchunu (Personal Commitments); KV Mkhize (Personal Commitments), MP Mkhize (Indisposed), SM Mkhize, E Mngadi (Personal Commitments), SR Moodley, ZP Myeni (Personal Commitments), SK Mzimela (Personal Commitments); BD Naidoo, SG Nene, NN Nyanisa (Indisposed), DT Pillay (Indisposed), S Singh (Municipal Business), A Shaheed (Indisposed); I Syed (Personal Commitments); ZN Tshazela (Personal Commitments), T Xuma (Personal Commitments) and GN Zondi (Indisposed).

AMAKHOSI

ABSENT : Inkosi S Mlaba (Personal Commitments); Inkosi JJ Shangase and Inkosi EB Shozi.

OFFICIALS

PRESENT : Messrs/Mesdames S Mnguni (Acting City Manager), M Mhlongo (Head: Legal & Compliance) S Mfingwana (Deputy Head: Litigation), BM Mhlongo (Deputy Head: Office of the Speaker), and SC Zondi (Chief Committee Officer).

(Prior to opening the meeting, time being 10h10, the Speaker requested Secretariat to confirm the number of Councillors present at this meeting to establish if the meeting was quorate.)

(Thereafter, with the time, being 10h20, confirmation was given that 178 Councillors were present, comprising ANC - 86, DA - 48, EFF - 13, IFP - 12, ActionSA - 03, ABC - 02, ACC - 01, ACDP - 02, AIC - 01, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 00, DLC - 01, JEP - 01, KZNI - 00, MF - 01, MOSA - 00, NFP - 00, PFP - 01, PRM - 01, TA- 00, UIM - 01 and VF Plus - 01).

1. NOTICE CONVENING THE MEETING

The Acting City Manager read the notice convening the meeting as per the statutory requirement.

2. OPENING

The Speaker declared the meeting open at 10h20 and extended a warm welcome to Councillors; Traditional Leaders; City Manager; Deputy City Managers; Head Legal and Compliance and other Unit Heads; Members of the Administration; Media; and Members of the Public viewing on social media live streaming.

3. AFRICAN UNION AND NATIONAL ANTHEM

At the request of the Speaker the meeting stood to sing the African Union Anthem and the National Anthem of the Republic of South Africa.

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested Council to observe a moment's silence for everyone to meditate.

5. OFFICIAL ANNOUNCEMENTS

5.1 The Speaker presented the following announcements for the attention of the Members of Council:

5.1.1 He reported that South Africa; the City of Durban; and the entire Political fraternity were saddened by the passing of the Political Stalwart, Umntwana wakwa Phindangene; uNdunankulu wakwa Zulu; and the Leader of the Inkatha Freedom Party, Inkosi Mangosuthu Buthelezi. Condolences were extended to his family and the Inkatha Freedom Party family.

5.1.2 On behalf of the Municipal Council, the Speaker extended gratitude to all Departments and communities for the implementation of programmes celebrating diversity and different cultures during September, being the Heritage Month, under the theme **“Celebrating our Cultural Diversity in a Democratic South Africa.”**

5.1.3 The Speaker congratulated the eThekweni Engineering Department for winning an Award in the 2023 SAICE National Awards, under the Community Based Project category, for its Mbokodweni Pedestrian Bridge project

5.1.4 Thereafter, Councillors were encouraged to conduct themselves with dignity and decency during the Council proceedings, and in compliant with the expectations in terms of the provisions of the Code of Conduct for Councillors.

5.1.5 To manage order during the proceedings, the Political Party Whips were requested to monitor the conduct of fellow Councillors, in particular to limit movement during the time of voting in a particular matter to avoid disputes with respect to attendance numbers.

6. SPEAKER'S REPORT

6.1 **PURPOSE**

In presenting his Report, the Speaker submitted that the purpose was to report the activities undertaken by the Municipal Council during the month of September 2023, in line with the provision of Section 13(f) of the Rules of Order By-Law 2014, as amended, it being noted that September month marked the end of first quarter July – September 2023. The report also covers the following matters:

- Public Participation Programmes (Ward Committees; Community Engagements; Stakeholder engagements; etc.)

- Councillors Workshop: Code of Conduct for Councillors, Regulations 2023
- MEC: COGTA's outcome on Councillor Mzimuni's Matter
- Council Membership.

6.2 PUBLIC PARTICIPATION

It was reported that the Speaker, being the custodian of the Municipal public participation process will be championing collaborations amongst the Municipal Units responsible for the public participation process. The intention was to get this function being executed in a synergist approach, and in a cost-effective manner, given budget constraints across the Governance Cluster Units. Overall, the primary objective is to get the Municipal processes to speak directly to the needs of the local communities. All parties involved in the public participation process, including Councillors, were therefore encouraged to exercise cooperation and to rally behind one vision, that of delivering exceptionally at the Ward level.

Since one of the statutory functions of the Speaker of Council is to monitor the effectiveness of the above-mentioned public participation processes, over the first quarter July – September 2023, the following was reported:

Ward Committees

- 6.2.1 It was mentioned that Ward Committees as statutory Municipal Council's Committees have been meeting as required in line with the provision of the Rules regulating the establishment and operation of Ward Committees. That over the quarter July – September 2023, the following meetings have been held:

Month	Meeting Held	Meeting not held	Evidence submitted	Evidence not submitted	Portfolio reports submitted
July-Sept	303	17	142	161	875

- 6.2.2 There have also been quarterly operational meetings that have been held with Ward Committees to address operational matters such as confirmation of membership, filling of vacancies; functionality assessment, etc. a total of 108 wards attended the zonal quarterly meetings.
- 6.2.3 Council noted that in some wards there were still conflicts being experienced between Ward Committee members & Ward Councillors, some being political related and which negatively affect the functionality of Ward Committees.
- 6.2.4 The above-mentioned conflicts are addressed through intervention sessions, in the month of July – September 2023 the Office of the Speaker conducted 16 intervention meetings with Ward Committee members and Councillors that had issues. The Wards that were attended are as follows: **Ward 01; 06; 11; 19; 23; 30; 32; 38; 41; 54; 82; 85; 90; 110 and 106.**
- 6.2.5 Of the above-mentioned Wards 08 have been resolved and are now operational whilst Wards 01; 06; 64; 69; 82; 99; and 110 matters remain unresolved, and Speaker of Council will be intervening accordingly.

- 6.2.6 The Speaker was pleased to report that the Team supporting Ward Committees has re-engineered its support role with the Ward Committee operations to be strengthened in this financial year, 2023/2024, working closely with Ward Councillors. This will lead to Council improving the fulfilment of its statutory role pertaining to the establishment and functioning of Ward Committees. On the other hand, better outcomes will be obtained arising from the assessment of the Ward Committee operations by COGTA.
- 6.2.6 Council also noted that a document comprising synopsis of the Turnaround Plan for the Ward Committee operations has been prepared and will be circulated to Councillors separately.

Community Engagements

- 6.2.7 Engaging communities on Municipal activities and decisions taken by the Municipal Council is one of the statutory requirements for the elected Council Members and is also part of the Code of Conduct for Councillors.
- 6.2.8 In this regard, it was mentioned that over the July – September 2023 quarter the following Wards have reported to have held community meetings:

Month	Total Number of meetings held	Wards that held meetings	Wards that did not hold meetings
July – September	54	02, 03, 04, 05, 06, 12, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 32, 36, 37, 40, 41, 42, 43, 45, 46, 51, 53, 54, 55, 56, 57, 60, 61, 62, 66, 67, 74, 76, 78, 79, 80, 81, 83, 84, 88, 91, 92, 95, 96, 99, 103, 108, 109, 111	01, 07, 08, 09, 10, 11, 13, 18, 23, 26, 27, 28, 29, 30, 31, 33, 34, 35, 38, 39, 44, 47, 48, 49, 50, 52, 58, 59, 63, 64, 65, 68, 69, 70, 71, 72, 73, 75, 77, 82, 85, 86, 87, 89, 90, 93, 94, 97, 98, 100, 101, 102, 104, 105, 106, 107, 110

- 6.2.9 Council Members were reminded that it remains a compliant matter to engage communities at least quarterly.

Stakeholder Engagements

- 6.2.10 Other than community engagements several Stakeholders have been engaged on Municipal activities, the following stakeholder engagement were held:
- Westville Ratepayers Association - 17 August 2023
 - Umhlanga Ratepayers Association - 31 August 2023
 - Overport, Musgrave and Ashville Ratepayers Association - 08 September 2023
 - Phoenix Ratepayers Association - 15 September 2023
- 6.2.11 Other public participation engagements held over the month of September 2023, included the Mayoral Izimbizo, where communities were engaged on raised current matters of concern such as water shortage issue, it being noted that Izimbizo were held as follows:

- 02 September 2023 at Umbumbulu covering Wards 96;100 and 105 where deliberations on water issues undertaken.
- 09 September 2023 at KwaMakhutha covering Wards 94 and 86 where there were also projects that being handed over to the community.

Councillor's Workshop on the Code of Conduct for Councillors, Regulations, 2023

- 6.2.12 On Friday, 22 September 2023 a Workshop conducted by the Head: Legal and Compliance Unit was convened for Councillors on the Code of Conduct, Regulations that were gazetted by Minister: Cooperative Governance and Traditional Affairs (COGTA) in June 2023.
- 6.2.13 The main objective of the Workshop was to unpack the Regulations as they relate to the Code of Conduct for Councillors, and impact thereof to Councillors. The workshop further covered aspects of the Rules of Order By-Law (2014) that are affected by the regulations.
- 6.2.14 Council noted that Councillors were issued with copies of the Code of Conduct for Councillors and Regulations, to ensure that were familiar with contents thereof since as previously reported that the said Regulations were effective from June 2023.
- 6.2.15 It was further noted that there were Councillors that did not attend the Workshop, and due to that fact, that understanding of the said Regulations was crucial, another session will be convened, and Councillors will be informed in due course. Also, that the session will be provided on a non-precedent basis, since not attending scheduled Council sessions was highly not condoned.

6.3 MEC: COGTA's OUTCOME TO COUNCILLOR MZIMUNI NGIBA'S MATTER

- 6.3.1 It was recalled that the Municipal Council at its meeting held on 31 May 2023, considered a matter pertaining to an alleged breach by Councillor Mzimuni Ngiba, where he was found guilty of breaching item 4 of the Code of Conduct for Councillors, by being absent from more than three (03) consecutive meetings of a municipal council, without being granted leave.
- 6.3.2 Having been found in breach, it was resolved that a recommendation be submitted to MEC: Cooperative Governance and Traditional Affairs (COGTA) that Councillor Mzimuni Ngiba, Ward Councillor from Ward 101, be removed from office in line with item 16(2)(e) of Schedule 7: Code of Conduct for Councillors contained in the Local Government: Municipal Structures Act, No. 17 of 1998, as amended.
- 6.3.3 In June 2023, the Municipal Council's recommendation was communicated with MEC: COGTA's office seeking concurrence to implement the recommendation to remove Councillor Ngiba from office.
- 6.3.4 The MEC: COGTA has since responded to the Speaker of Council, upholding the Municipal Council's decision to remove Councillor Mzimuni Ngiba from office as a member of the eThekweni Municipal Council. The MEC also forwarded a copy of the letter addressed to Councillor Ngiba advising him of the said decision to uphold the Municipal Council's decision.

- 6.3.5 Council was advised that with MEC: COGTA's concurrence, Councillor Mzimuni Ngiba, Ward 101 Councillor, has been removed as a member of eThekweni Municipal Council and a vacancy thereof will be declared with the Independent Electoral Commission (IEC).

6.4 STATUS OF COUNCIL MEMBERSHIP

- 6.4.1 The Municipal Council welcomed Councillor Ncamsile Prudence Khawula appointed PR Councillor representing the Economic Freedom Fighters (EFF), replacing late Councillor Msibi.
- 6.4.2 Council noted that a resignation has been received from Councillor S Ngema, PR Councillor from the Democratic Alliance (DA), creating a vacancy in the Municipal Council.
- 6.4.3 It was further noted that the Independent Electoral Commission (IEC) has a by-election scheduled for Wednesday, 25 October 2023 and one of eThekweni wards, Ward 09 will be part of the said by-election to fill the vacancy created by the demise of late Councillor Msomi.
- 6.4.4 Council to be advised that with the removal of Councillor Ngiba from office, a vacancy has been created in Ward 101, which will be declared accordingly with IEC. This implied that the Municipal Council currently has three (03) vacancies.

Community Engagement Update

At this stage of the proceedings, the DA submitted that there appears to be certain omissions on the update presented regarding the community engagements. An indication being given that some of the evidence submitted is not reflected thereon. This was then noted accordingly and with an undertaking by the Office of the Speaker to conduct a verification exercise for Report to be updated accordingly where applicable.

IFP Bereavement

Meanwhile, the IFP extended words of gratitude to the Council for their support during this bereavement period as the Party is still mourning the demise of its Founder and Leader. Thereafter, a sincere apology was extended for the entire IFP Caucus having joined the meeting late.

The Speaker's Report was then NOTED accordingly.

7.

APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

The following Councillors and Amakhosi be granted leave of absence as indicated:

COUNCILLORS

Councillor AD Beesley	:	2023-09-14 to 28	(Personal Commitments)
Councillor MH Buthelezi	:	2023-09-28	(Personal Commitments)
Councillor J Essop	:	To leave at 14h45	
Councillor S Gabela	:	2023-09-28	(Personal Commitments)
Councillor NBC Godlwana	:	2023-09-27 to 30	(Indisposed)
Councillor NC Gumede	:	2023-09-28	(Personal Commitments)
Councillor NP Hlomuka	:	To leave at 15h00	
Councillor NI Madlala	:	To leave at 19h00	
Councillor S Madlala	:	2023-09-06 to 10-05	(Indisposed)
Councillor L Mchunu	:	2023-09-28 to 30	(Personal Commitments)
Councillor KV Mkhize	:	2023-09-28	(Personal Commitments)
Councillor MP Mkhize	:	2023-09-27 to 28	(Indisposed)
Councillor MR Mngonyama	:	To leave at 14h00	
Councillor S Mcineka	:	2023-09-28	(Personal Commitments)
Councillor E Mngadi	:	2023-09-28	(Personal Commitments)
Councillor OB Mvubu	:	To leave at 14h00	
Councillor ZP Myeni	:	2023-09-28	(Personal Commitments)
Councillor SK Mzimela	:	2023-09-28 to 0-02	(Personal Commitments)
Councillor MS Nkosi	:	To leave at 13h30	
Councillor PH Nxumalo	:	2023-09-26 to 28	(Personal Commitments)
Councillor N Nyanisa	:	2023-09-28	(Indisposed)
Councillor P Pillay	:	To leave at 14h00	
Councillor DT Pillay	:	2023-09-28	(Indisposed)
Councillor BP Phewa	:	2023-10-02 to 20	(Personal Commitments)
Councillor VG Reddy	:	2023-09-28 to 10-12	(Personal Commitments)
		To leave at 12h00 as well	
Councillor MG Shange	:	To leave at 16h00	
Councillor S Singh	:	2023-09-28	(Municipal business)
Councillor A Shaheed	:	2023-09-28	(Indisposed)
Councillor ZN Tshazela	:	2023-09-28	(Personal Commitments)
Councillor T Xuma	:	2023-09-28	(Personal Commitments)
Councillor GN Zondi	:	2023-09-28	(Indisposed)

AMAKHOSI

Inkosi S Mlaba	:	2023-09-28	(Personal Commitments)
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8.

DECLARATION OF INTEREST

It was noted that none of the members of Council had declared any interest on the matters contained in the agenda.

9. CONFIRMATION OF MINUTES: MEETINGS HELD 2023-07-13; 2023-08-15
(Both Ordinary); 2023-07-13 and 2023-08-15 (Both In-committee).

The Minutes of the eThekweni Municipal Council for the meetings reflected above were tabled as having been circulated:

- (i) However, prior to the adoption of the Minutes, a correction was made on Page 1955, item 2.5, paragraph 3, on the amount written in words to reflect “*Five Million One Hundred Thousand Rand*”, in the Minutes of the Council meeting of 13 July 2023.
- (ii) A correction was also made for the word “*Cator Ridge*”,” on Page 2053, item 8, recommendation 8.4 to be amended to “Cato Ridge” in the Minutes of the Council meeting of 15 August 2023.
- (iii) 2023-07-13 and 2023-08-15 (Both In-committee), were adopted during an In-Committee session.

The amendments were then noted accordingly, thereafter, with the Minutes of the eThekweni Municipal Council for the meeting held 2023-07-13 having been tabled, moved by Councillor K Khambule and seconded by Councillor PC Ntshangase; and the Minutes of the meeting held 2023-08-15 having been tabled, moved by Councillor K Khambule and seconded by Councillor DPM Mhlongo; respectively, it was

RESOLVED:

That the Minutes of the Ordinary meetings of the eThekweni Municipal Council held 2023-07-13 and 2023-08-15, as circulated and taken as read, be and are hereby confirmed, subject to the following amendments:

- (i) On Page 1955, item 2.5, paragraph 3, for the amount to read, “Five Million One Hundred Thousand Rand”, in the Minutes of the Council meeting of 13 July 2023.
- (ii) The word “*Cator Ridge*”; on Page 2053, item 8, recommendation 8.4, be amended to “Cato Ridge” in the Minutes of the Council meeting of 15 August 2023.

10. MATTERS ARISING

It was noted that there were no matters arising in respect of items appearing on the Minutes.

Section 27 Rules of Order By-Law 2014: Questions

Prior to considering Questions submitted by Councillors, the Speaker reported the decision of the Speaker’s Committee where it has since been agreed that responses to Questions submitted will now be provided by the City Manager and/or his representative. However, that the Chairperson of the Support Committees should not abdicate their responsibilities and therefore still to ensure authenticity of the responses presented by Management.

The above information as presented by the Speaker of Council was accordingly, **NOTED.**

11. QUESTIONS IN TERMS OF SECTION 27 OF THE RULES OF ORDER

11.1 Questions submitted by Councillor R Gokool : Reported Flood Damages that Remain Unrepaired (25/1/3/R):

Most of the reported damaged caused by the 2022/2023 floods have still not been repaired, and lots more damage unreported. With the rainy season upon us, residents live in fear that another catastrophe is bound to happen. In light of this, I pose the following questions:

1. **Does the Municipality have a comprehensive list per Ward of which streams, roads, culverts, sewer pipes and electrical cables need clearing and/or repairs?**
2. **Does the Municipality have a list per Ward of streams which have sewer in it?**
3. **In many areas temporary fixes to the infrastructure have been done, why?**
4. **When can residents expect permanent, long term solutions and fixes to the infrastructure?**
5. **Why has a team not been put together to inspect every Ward in eThekweni and compile a complete list of damages cause by the 2022/2023 floods?**
6. **Why has a team not been put together to investigate why there was such extensive damage to the Municipality after 2022/2023 floods?**
7. **Why has there been no consequences management of Departments who have authorised the building of private dwellings in areas where over-flow of natural water could cause damage to these properties?**
8. **Why has there been no consequences management of Departments who have authorised and passed building plans in areas where there has been extensive damage by the floods?**

The Acting Deputy City Manager: Human Settlements, Engineering and Transport, Mr Manyathi provided responses to questions 01 to 06 and the Acting Deputy City Manager: Economic Development and Planning, Mr L Phewa provided responses to questions 07 and 08 respectively.

1. After the floods, teams from Engineering Unit were sent out to various wards and sites to identify and assess all defects including floods related ones. This list was therefore categorised in terms of levels of urgency and costed. This list was put in a business plan format and submitted to National Disaster Management for funding request. It is therefore based on that list that an amount of R1.2b was received by the unit to repair the damages.
2. Yes.
3. This was mostly done as an urgent intervention to ensure safety and access because at that point we did not have sufficient funding. This was done in a form of a city reprioritised budget as well as the R70m budget received from National

Disaster Management as a form of an emergency relief while we were waiting for R1.2b. Emergency relief was used for urgent intervention while the R1.2b is for permanent repairs. Some permanent repairs have started already on a number of sites while a bigger chunk is still at procurement stage.

4. As indicated above, permanent repairs have started in some sites but a bigger chunk still at procurement stage. List of projects were presented at Human Settlement and Infrastructure Portfolio Committee.
5. Same as answer to question 1 above.
6. No need because this was a 1 in 100-year flooding event if not 200, however there is a need to explore flood resilient strategies which we have started exploring especially from the infrastructure point of view.

The below were answers provided to both questions 07 and 08:-

- (i) It was noted that development approval is a rigorous process through which applications are evaluated for compliance with the National Building Regulations and all other applicable Laws.
- (ii) Notwithstanding, it is a fact that in some areas that were affected, there are informal settlements which do not go through any approval process.
- (iii) It is also a fact that there are some individuals in despite rigorous processes in place, it must be appreciated that it is almost impossible to completely predict when and where natural disasters are going to hit.
- (iv) Nevertheless, some of the lessons learnt from the disaster are that Council need to plan for resilience and that the Municipality need to invest more in creating awareness and capacitating our communities in these matters.

11.2

Questions submitted by Councillor V Mkhize : Budget for Councillors Assisted Education (4/5/1/P):

Every financial year, the eThekweni Municipality puts aside a budget for its Councillor Assisted Education Policy to help develop its employees.

In light of the above, I pose the following questions:

1. **What was the budget for Councillor Assisted Education Policy for the financial years 2019/2020, 2021/2022 and 2022/2023?**
2. **How much was spent for the financial years 2019/2020, 2021/2022 and 2022/2023?**

3. **How many Councillors applied for the funding to be assisted between the period 2019 to 2023? Please specify the number of successful applicants and unsuccessful applicants for this period.**
4. **How many Councillors benefited from Assisted Education Policy for the period 2021 to 2023? Please provide a list of all the beneficiaries for the said period and the qualifications acquired.**
5. **How many funded Councillors failed to complete their studies and had to reimburse the Municipality as per the policy for the period?**

The Deputy City Manager: Governance and International Relations, Mr S Cele provided the following respective responses:

1. & 2.

Budget Allocation	Adjusted Budget	Actuals
2019/2020	R 52,500.00	R 209,470.00
2021/2022	R 135,400.00	R 135,392.00
2022/2023	R 159,787.00	R 159,784.00

- 3.

Total Number of Applications received between 2019-2023	Approved applications	Declined applications
2019/2020	11	01
2021/2022	08	02
2022/2023	06	13

- 4.

Councillors that benefitted 2021-2023	Names	Acquired Qualifications
As per point .2 above the Councillors that were approved in terms of Assisted Education Policy is as follows: - 2021/22: 08 Councillors - 2022/2023: 06 Councillors	Names available from Office of the Speaker	Since the commencement of this Council term (2021-2026), there are no Councillors that have acquired a qualification, as they are still studying.

5. None

12. REPORTS:

(His Worship the Mayor, Councillor TM Kaunda presented the First Report of the Executive Committee)

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-08-22)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, Y Govender, TM Mthethwa, OB Mvubu, MS Nkosi, BT Ntuli and ZR Sokhabase.

ABSENT : Executive Committee Member NI Madlala (Personal Commitments)

(It should be noted that due to other pressing commitments, Councillor Nkosi left at 11h28, prior to the commencement of the meeting and while Members present were still awaiting to achieve a sufficient number of Members to constitute a quorum. Councillor Nkosi rejoined the meeting at 13h53 towards the conclusion of the ordinary meeting).

Items deferred by Council on 2023-08-24

1. REQUEST FOR PROJECT AUTHORITY AND FUNDING FOR THE DEMOLITION OF BUILDING LOCATED AT 564 ANTON LEMBEDE STREET (CHINA MALL)

(Page 101)

It will be recalled that the building known as China Emporium, described as Erf 12464 Durban, situated at 564 Anton Lembede Street was damaged by fire on 21 January 2022. The building is under the ownership of Zoloscove Investments (Pty) Ltd. Further to the damage, Structural Engineers submitted a report on 31 January 2022 recommending that the entire building be demolished.

Due to the owners not taking action to demolish the building, the Municipality approached the Court for an Order. The Court processes unfolded which culminated in the matter being heard on 22 September 2022 and the order issued is summarised as follows:

- (i) The building owners ordered to do all things necessary commence the demolition of the building to its ground floor within six (06) months of the issuing of the Court Order and complete same within fourteen (14) weeks; remove rubble for the property not to constitute danger to persons or property.

- (ii) In the event the building owners fail to take the necessary action, the eThekweni Municipality or its contracted service provider demolish the building as per the requirements in (i) above.
- (iii) The building owners ordered to grant the Municipality or contracted service provider access to the building for the demolition purposes.
- (iv) The building owners to pay all costs incurred to demolish the building and related activities

It was reported that further repeated engagements with the building owners to demolish the building proved to be fruitless. Meanwhile, the continued existence of the building in its current form poses the following challenges:

- (i) Illegal dumping around the building
- (ii) Unhygienic conditions as most people are now utilizing the premises as unsanctioned public ablutions
- (iii) Potential disaster as the structure may collapse anytime given that it is unstable
- (iv) Traffic congestion and loss of business in the area due to prolonged road closures
- (v) Reputational damage to the Municipality

During consideration, the DA felt that the building owners should be held accountable to take responsibility or for failure to take responsibility to demolish the building. As such, they abstained on this matter.

The other Parties while expressing reservations about the building owners not taking responsibility to comply with the Court Order, but noted that the building in its current format is also in hazardous state, hence, the support for the Municipality to protect its citizens and demolish the building. However, the demolition costs were considered exorbitant and that endeavours be made to negotiate for the reduction thereof. Also, the recommendation to strengthen the By-Laws for all building owners to take responsibility and accountability for their buildings and for the Municipality to be able to hold them accountable in the event of deviations.

In view thereof,

COMMITTEE RECOMMENDS:

- 1.1 That Council approves the demolition of the China Emporium situated at 564 Anton Lembede Street in compliance with the Court Order granted on 20 September 2022.
- 1.2 That subject to the approval of .1 above, authority be granted for the Chief Financial Officer to identify and allocate funds for this project to the value of R28 991 500.00 (Twenty-Eight Million Nine Hundred and Ninety-One Thousand Five Hundred Rand), including VAT, in the 2023/2024 financial year.
- 1.3 That subject to the approval of .2 above, authority be granted for the Head: Development Planning, Environment and Management Unit to implement this project and institute cost recovery immediately thereafter.

Financial Implications:

The Municipality will incur costs for the demolition, clearing of rubble and securing the site afterwards. These costs could not be budgeted for prior to the 2023/2024 budget approval as the Respondent has always demonstrated commitment but moved the goal posts very late in the process. The estimated budget allocation required is R28 991 500.00 (Twenty-Eight Million Nine Hundred and Ninety-One Thousand Five Hundred Rand) inclusive of VAT. As per the Order, the Respondent (Zoloscure) will have to pay all and any costs incurred by the Applicant (Municipality) consequent upon it demolishing the building and structures and clearing up the property.

Commenting on the matter, the DA submitted that the R28 million being requested to demolish the China Emporium building and structures, including clearing up the property is exorbitant, with no prospect of funds being recovered. This is due to the Municipality not to be seen to have had taken enough actions to hold the property owners accountable for being in contempt of court. The DA was of the view that there is no evidence of the actions taken by the Municipality in this regard.

The utilization of the taxpayers' funds to undertake function which is solely a responsibility of the property owners was considered inappropriate. It was also noted that full details of the fire incidents have not been presented to the Council. On the other hand, the DA submitted that the Council should look into the challenge of bad buildings and illegal occupation in a holistic manner thereby achieving consistency in addressing this challenge within the City. The DA therefore was not in support of the decision biased towards the China Mall Building.

Meanwhile, the MF supported the decision to demolish the building, citing the Municipality holds the responsibility to enforce the Municipal By-Laws, and with respect to the matter before the Council this being even undertaken in response to Court Order. The MF then requested that update report on this matter be submitted to the Support Committee to track progress of the attempts to recover the demolition costs.

Also joining the discussion, the EFF supported the demolition but that the Court of Law be approach to tighten measures to demand reimbursement by the property owners.

The IFP shared a similar view with that of the DA regarding the entire operations being costly and this being undertaken at the expense of Ratepayers. While the reason to demolish the building is agreed to but the costs thereof were rejected a further view being submitted that the R28 Million could go a long way in restoring damaged infrastructure. Further, the IFP felt the Court Order was silent with regard to the costs estimates and therefore this action could not be linked with the Court process.

Also commenting on the matter, the DLC while noting the importance to enforce By-Laws, was not convinced that the Municipality has exhausted all avenues to hold the property owners accountable to demolish the building, and that uncertainty exists on measures to be implemented to recover the demolition costs.

Joining the debate, the ADEC were also of the strong view that the R28 million was exorbitant, stating that the Court order was clear and specific in that the property owners have to cover the costs of demolishing the building. The burden placed upon Ratepayers in this regard was considered unnecessary, and it being suspected this action will attract finding by the Auditor-General. The ADEC submitted a dissenting vote on this matter which was recorded accordingly at the voting stage even though the incumbent had already left the meeting as per the application he filed and approved by the Council at the commencement of the meeting.

Also dissenting on the matter, the APF viewed the requested amount as too excessive, submitting that those funds could be better allocated to assist displaced communities currently left without houses following the devastating impact of the April 2022 floods. They mentioned that proper vetting of property owners was not undertaken by the Municipality prior to the initial construction of this building. The APF felt this action will result in the Municipality being viewed as irresponsible and with this approval to set an undesirable precedence. The attention was drawn to the R12 Million owed by the same property owners for Municipal fees and the additional R28 Million just providing less prospects of recoverability. The APF was not in support of the decision to cover the demolition costs of the building in question.

Thereafter, the ANC concluded by reaffirming the role of the Municipality to protect its citizens, also citing the importance to deal with bad buildings to guarantee safety of citizens. The safety of citizens was considered a priority, but that vigorous measures will be implemented to recover the demolition costs.

The ANC gave background confirming unsuccessful engagements held with the property which then culminated in the matter being decided by the Court of Law. The Council was informed of the impact of bad buildings to environmental health and investment promotion, amongst other things. That the demolition will address several other issues linked to this building and portraying the City in a bad light. The ANC supported the proactive stance taken to protect human life and therefore supporting incurring the costs of R28 Million to demolish the building.

As some members were not in support of the recommendations, the matter was put to the vote. With 192 Councillors present, 119 Councillors (ANC - 88, EFF – 19; Action SA - 03, ABC – 02; ACC - 01, ATM - 00; ALJAMAH – 01; KZNI – 00, MF – 01, MOSA- 00, NFP - 00; PFP – 01, PRM – 01; TA- 00; UIM – 01 and VF Plus – 01) voted in favour of the recommendations and 21 Councillors (IFP- 14, ACDP – 02; AIC- 02; ADEC – 00; APF – 01; DLC – 01; and JEP -01) voted against the matter. 52 DA Councillors abstained on the matter.

Thereafter, the above recommendations were by the majority vote, **ADOPTED.**

2. ADDENDUM REPORT OF THE HUMAN SETTLEMENTS AND
INFRASTRUCTURE COMMITTEE: MEETING HELD 2023-08-18.

(Page L92)

2.1 Report for Noting: Phase 2 Funding for the Existing Agreement with the Bill &
Melinda Gates Foundation to Support the Testing, Evaluation and Uptake of
Re-invented Non-Sewered Sanitation Solutions and Capacity Building (WS2023/142)
(23/2/1/3/3/1):

(Page 115: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

The Committee was advised that funding will be made available in respect of Phase Two (02) of the collaborations held between the eThekweni Municipality and the Bill & Melinda Gates Foundation. The Committee noted that there is existing agreement between these two (02) Parties as approved by Council at its meeting held on 2022-08-26. The project will be implemented over a period of three (03) years and over two phases. Phase One (01) which is currently underway and planned for completion in October 2024 is focusing on the following:

- (i) Planning activities
- (ii) Strengthening capacity for emergency responses
- (iii) Demonstration of the first batch of off-grid sanitation solutions

Phase Two (02) intends to institutionalize improved emergency responses and significantly scale up the innovative sanitation services in vulnerable communities and this is subject to the successful piloting of demonstration units and related learning in Phase 1.

In terms of the internal processes of the Bill & Melinda Gates Foundation, another Grant Agreement needs to be signed to release the Phase 2 funding. The Executive Committee concurred with the recommendation of the Support Committee but emphasized the importance of obtaining a close out Report for Phase 1 as part of playing an oversight over this matter.

Accordingly,

COMMITTEE RECOMMENDS:

2.1.1 That the Committee notes in terms of the partnership held between the eThekweni' Water and Sanitation Unit and the Bill and Melinda Gates Foundation, an amount of R79 Million will be released to undertake Phase 2 of the project aimed to institutionalize improved emergency responses and significantly scale up the innovative sanitation services in vulnerable communities.

2.1.2 That with the funding to be released upon the signing of a new agreement, authority be granted for the City Manager to sign a new Memorandum of Agreement for the eThekweni Municipality to access Phase 2 funding from the Bill and Melinda Gates Foundation.

Financial Implications:

The Bill & Melinda Gates Foundation have committed US \$ 4.5 Million (Approximately R79 Million) for Phase 2 project.

ADOPTED.

3. REPORT TO APPRISE COUNCIL ON THE AMENDED DATES OF THE MUNICIPAL DEMARCATION BOARD FORTHCOMING PUBLIC CONSULTATION PROCESS

(Page L93)

The Committee was informed of the change of one of the dates of the Demarcation Board public hearing already approved by Council at its previous meeting. The attention was drawn to the fact that the process is managed by the Board with the Municipality being part of the participants. However, to avoid back and forth approvals, a proposal was made and agreed to by the Committee to amend the recommendation by including that the Municipality should participate in the public hearings on any other date that may be gazetted by the Demarcation Board.

In terms of this submission, the Board has changed the date of 23 August for the public hearing to be now held on 29 August 2023, it being recorded that the date of 28 August remains as scheduled.

With the committee noting the changes and having agreed to the amendment,

COMMITTEE RECOMMENDS:

- 3.1 That Council notes the change of date of Sikhukhukhu Public Hearing from 23 August previously noted by the Municipal Council, with the hearing now to take place on 29 August 2023, as per Circular 3 of 2023 from Municipal Demarcation Board, presented by the Deputy City Manager: Governance and International Relations in terms of his Report dated 2023-08-21, it being recorded that in the event further changes are made, the Municipality is permitted to participate in accordance with any other date which may be gazetted by the Board.
- 3.2 That Council support and be present during the visit by Members of the Municipal Demarcation Board Office, as per the dates communicated in .1 above.

ADOPTED.

4. REQUEST FOR AUTHORITY TO IMPLEMENT SPORTS DEVELOPMENT AND RECREATION PROGRAMS WITHIN THE PARKS, RECREATION AND CULTURE UNIT FOR THE 2023-2024 FINANCIAL YEAR

(Laid-on-Table)

With the matter being submitted directly to Council and presented at the conclusion of the ordinary meeting of this Committee, the DA recorded that they would be unable to participate on the matter. It should be noted that at the presentation of the two (02) Reports of the Parks, Recreation and Culture Unit, debate ensued regarding the ability of the Committee to deliberate on the matter in view of the Reports being tabled at the tail end of the meeting. Thereafter, it was agreed to adjourn for lunch, coupled with time to go through the Reports tabled.

Upon resuming the meeting, Management presented the Reports and advised that same Reports have been seen by the relevant Support Committee which then could not officially engage on the Reports as there were missing signatures. It was then agreed to submit the Reports directly to the Executive Committee.

During discussion, the DA maintained its inability to deliberate on the Report due to time constraints. The other Members agreed to engage, and with the DA to be then recorded as having abstained thereon.

In a nutshell, authority is sought to implement the various sports development and recreation programs within eThekweni Municipality for a period of three years. It being mentioned that these programs will assist the Municipality to meet its Constitutional and service delivery mandate related to the provision of sport and recreation programs, thereby improving health and wellbeing of its citizens. It was acknowledged that recreation plays a significant role in encouraging people to participate in non-competitive environment while promoting inclusivity and equality.

The objectives of undertaking the programmes are as follows:

- To provide sustainable programmes to boost community involvement in active recreation by promoting health and wellbeing of citizens;
- To provide structured frameworks to identify and nurture talented athletes by providing them with opportunities to compete and excel in competitions and acknowledge their achievements; and
- To optimize return on investment by giving priority to sporting codes that are most likely to increase participation or achieve international success in order to attract tourists to eThekweni Municipality.

The proposed programs are as follows:

Category	Program	
Active City - Recreation Promotion	Senior Citizens Program	This is designed to promote healthy living among the elderly
	Healthy Lifestyle Program	Mass based recreation program where participants engage in fun walks, runs of different distances, aerobic and hiking trails.
	Youth Camp	This is targeted to the youth between the ages between twelve (12) and eighteen (18) years with a focus of empowering them with life skills.
	Recreational Festival	This is open to all ages as there are modified sport activities to accommodate children as well. The program is staged in collaboration with eThekweni Municipality Arts and Culture section with diverse artists in a form of dance, comedy, open mics, etc.
	Rural Horse Riding	The program aims to revive trotting horses and to promote the welfare of horses including awareness to horse owners, jockeys and handlers training.
	Learn to play	This is targeting children of ages between four (04) and eleven (11), introducing them to a variety of sports codes at grassroot levels through fun filled recreation-based instruction and education
Winning City- Sport Development		The program focuses on various competitive leagues where the federation will be utilised as the implementing agents through eThekweni Sports Confederation
	National Days (Youth Day, Women's Day, Heritage Day)	Commemoration of Public holidays through mass participation programmes to bring people of diverse background together in order to promote healthy lifestyle.

Category	Program	
Enabling Environment	Legacy and Signature	The aim is to support and recognize excellence in the Sports fraternity and cement relationships with key stakeholders and prospective sponsors
	Sister City Programme	The aim is to explore skills exchange to advance the sports abilities.
	National and International Programme Activations	This program focuses on the activation for various sports and recreation Games hosted national and internationally such as Netball World Cup, Table Tennis World Cup etc
	Comrades Marathon	This particular event supports athletes that are participating from the ultimate human race from eThekweni Municipality in promotion of running as a sport.

With the Committee being in agreement, with the DA having recorded its abstention,

COMMITTEE RECOMMENDS:

- 4.1 That authority be granted for the Head: Parks, Recreation to implement various sports development and recreation programmes for 2023-2024 financial year, with a view to achieving the following objectives:
- i) To provide sustainable programmes to boost community involvement in active recreation by promoting health and wellbeing of citizens;
 - ii) To provide structured frameworks to identify and nurture talented athletes by providing them with opportunities to compete and excel in competitions and acknowledge their achievements; and
 - iii) To optimize return on investment by giving priority to sporting codes that are most likely to increase participation or achieve international success in order to attract tourists to eThekweni Municipality.
- 4.2 That subject to the approval of 4.1 above, Council notes approved budget allocation as reflected in the table below:

Financial Year
2023-2024
R10 634 890

- 4.3 That the Head: Parks, Recreation and Culture complies with the Supply Chain Management Policy and other applicable legislations in procuring goods and services to be required for the programmes earmarked.
- 4.4 That the Head: Parks, Recreation and Cultures ensures the Departments achieves the Unit objectives as outlined in the Service Delivery and Budget Implementation Plan and also report to the Committee on the implementation of the programmes outlined.

Prior to considering this matter, the IFP requested clarity on the number of financial years to be approved for the sports development and recreation programmes, citing that the subject matter made mention of the 2023-2024 current financial year, while the recommendations request approval for a three (03) year period commencing 2023-2024 to 2025-2026 financial years.

Subsequently, a MOTION TO AMEND was submitted as follows: -

In terms of Rule 20(4) of the Rules of Order By-Law 2014, as amended, Councillor ZR Sokhabase, seconded by Councillor ON Zondi-Mthembu, both from the ANC, moved as a procedural motion to amend the recommendations below for items 4.1 and 4.2 as follows:

“To reflect implementation of various sports development and recreation programmes only for the 2023-2024 financial year.

“4.1 That authority be granted for the Head: Parks, Recreation to implement various sports development and recreation programmes for 2023-2024 financial year, with a view to achieving the following objectives.....”

4.2 That subject to the approval of .1 above, Council notes approved budget allocation as reflected in the table below:

Financial Year
2023-2024
R10 634 890

CARRIED

Therefore, the above Motion to Amend the recommendations were, **CARRIED**, *with only the DA voting against the amendment.*

Discussions reverted back to the substantive matter and the ActionSA noted that the programmes were meant to assist communities. However, they felt that the programmes end up being utilised as a public relations and marketing platforms by the political organisation. In this regard the matter was not supported.

The IFP understood the benefits of the Programme but questioned its timing which in their view is strategically located to take place before the commencement of the elections with a perception that this is positioning the Ruling Party.

However, the APF supported the recommendations and anticipated that visible results will be displayed on the ground following implementation of the programmes. Also, in support of the matter, the ANC mentioned that the Municipality as a local sphere of government has a responsibility to encourage sports development in line with the provisions of the Constitution of the Country. In addition, that the Council being Policy-makers has a responsibility to allocate budgets for such developmental programmes within all its Wards. It was highlighted that these programmes were already included in the annual Municipal programme, however, during the Council meeting held in the

beginning of the financial year, the reports from Parks, Recreation and Culture Unit were deferred. The ANC then denounced the allegations made about this Programme positioning the Ruling Party, but it being noted these are Annual Programmes in line with the mandate of the PRC.

Thereafter, as some members were not in support of the recommendations, the matter was put to the vote. With 186 Councillors present, 132 Councillors (ANC - 87, EFF – 17; IFP- 13, ABC – 02; ACC - 01, ACDP – 02; AIC- 02; APF – 01; ADEC – 00; ATM - 00; ALJAMAH – 01; JEP -01; DLC – 00; KZNI – 00, MF – 01, MOSA- 00, NFP - 00; PFP – 01, PRM – 01; TA- 00; UIM – 01 and VF Plus – 01) voted in favour of the recommendations and 54 Councillors (DA – 51 and Action SA – 03) voted against the matter. There were no abstentions recorded.

Therefore, the above recommendations were by the majority vote, **ADOPTED;** *subject to amending recommendation to reflect implementation of various sports development and recreation programmes only for the 2023-2024 financial year.*

5. REQUEST FOR AUTHORITY TO IMPLEMENT SIGNATURE PROGRAMMES WITHIN THE PARKS, RECREATION AND CULTURE FOR THE 2023/2024 YEAR FINANCIAL YEAR

(Laid-on-Table)

The Parks, Recreation and Culture (PRC) Units hosts Annual Signature Programs as part of its three (03) pillars, that of (i) investing in people and culture; (ii) social and cultural infrastructure; and (iii) sustaining the City's Natural Resources Base. Some of the Programs cut across the other Clusters and the PRC supports them as they directly address issues affecting the communities, including young children; youth; women; and the community at large.

The signature programs to be supported are listed in the table below:

No.	Item	Profile
1.	Social Cohesion: Social Cohesion in Sport: Fun Runs Soccer Matches Ward-Based Conversation about Social Ills Social Cohesion Summit	Embracing cultural diversity where people interact creatively to stimulate economic growth, social cohesion and unity in diversity. To be undertaken in various Wards to be grouped for North; South; Outer West; Inner West and Central. To be hosted from July 2023 onwards as per the dates to be scheduled.
2.	Living Legends	Program initiated to recognize men and women who consistently and persistently commit sterling deeds Recognition of greatness achieved by past or current residents of eThekweni in various fields of human endeavour while they are still alive. Awards acknowledge individuals with outstanding achievements; individuals who demonstrated extraordinary contribution to the City legacy in various categories of expertise

No.	Item	Profile
		<p>Amongst the individuals honoured thus far are the late Chief Justice Pius Langa; Minister Jeff Radebe; Leleti Khumalo; Mbongeni Ngema and the late Welcome Bhodloza Nzimande</p> <p>Nominations process in this regard will commence this August month with the event proposed for November 2023</p> <p>Categories to be considered: Arts & Culture; Sports; Hospitality & Tourism; Human Rights; Music & Entertainment; Media; Academic; Environment; Religion; Business; Science & Technology; and Political Influencers/Leaders</p>
3.	<p>Socio-Cultural Empowerment (Men & Women):</p> <p>Men's Dialogue & Empowerment Programme</p> <p>Mentorship</p> <p>Men's Dialogue Seminar</p> <p>Appreciating Virtuous Women</p> <p>Beauty Pageant – Face of eThekweni Municipality</p>	<p>Striving for gender-equitable society, with activities not only confined to women, but also empowering men to challenge the prevailing social norms that lead to gender imbalance and by giving men space to adopt new roles and behaviors. The programs' dates ranges from July to October 2023</p>
4.	<p>PRC Week:</p> <p>Sports Summit & Awards</p> <p>Verge Competition</p> <p>Beach Clean-ups</p> <p>International Coastal Clean-up</p>	<p>A week-long awareness strategy to showcase services available with the PRC Unit</p>
5.	<p>Cultural Programme & Asambe</p> <p>Cultural Parade</p>	<p>Implementing program in Wards as identified by Ward Councillor Ward Councillor proposal to showcase culture awareness and should reflect educational matters Funding and procurement undertaken by the PRC</p>
6.	<p>Mandela Day Celebration</p>	<p>Commemoration of the birthday of the late President NR Mandela, and his 67 minutes of community services legacy.</p> <p>To work with Ward Councillors on proposals showcasing community development and also reflecting educational matters such as teenage pregnancy; drug abuse; crime; HIV/Aids etc.</p>

The Executive Committee accepted the Report, with a recommendation to consider the inclusion of the Founder of the Inkatha Freedom Party, Prince Mangosuthu Buthelezi, under the Legends Program.

With the DA abstaining as per its earlier point regarding time constraints and the inability to interrogate the Report, the other Parties were in support, therefore,

COMMITTEE RECOMMENDS:

5.1 That authority be granted for the Head: Parks, Recreation and Culture to implement various Annual Signature Programs, as outlined, and to be implemented during 2023-2024 financial year and focusing on the following pillars:

- i) Investing in people and culture;
- ii) social and cultural infrastructure; and
- iii) sustaining the City's Natural Resources Base.

5.2 That subject to the approval of .1 above, Council notes funding budgeted and to be allocated to implement the programmes, a reflected in the table below:

No.	Programme	Project Vote	Financial Year Budget Approved
1.	Social Cohesion	53500-30	R5 181 000
2.	Living Legends	53500-20	R1 920 000
3.	Men's/Women's Forum/Empowerment	39110	R1 440 000
4.	PRC Week (Including Ward Cultural Program & Asambe Cultural Parade and Mandela Day Celebration)	53500-53	R5 885 040

FC No. 32/295

5.3 That the Head: Parks, Recreation and Culture complies with the Supply Chain Management Policy and other applicable legislations in procuring goods and services to be required for the programmes earmarked.

5.4 That the Head: Parks, Recreation and Cultures ensures the Departments achieves the Unit objectives as outlined in the Service Delivery and Budget Implementation Plan and also report to the Committee on the implementation of the programmes outlined.

MOTION TO AMEND

In terms of Rule 20(4) of the Rules of Order By-Law 2014, as amended, Councillor ZR Sokhabase, seconded by Councillor ON Zondi-Mthembu, both from the ANC, moved as a procedural motion to amend the subject matter and below recommendations, 5.1 and 5.2, to reflect implementation of various Annual Signature Programs only for the 2023-2024 financial year.

“5.1 That authority be granted for the Head: Parks, Recreation and Culture to implement various Annual Signature Programs, as outlined, and to be implemented during 2023-2024 financial year”

5.2 That subject to the approval of .1 above, Council notes funding budgeted and to be allocated to implement the programmes, a reflected in the table below:

No.	Programme	Project Vote	Financial Year Budget Approved
1.	Social Cohesion	53500-30	R5 181 000
2.	Living Legends	53500-20	R1 920 000

No.	Programme	Project Vote	Financial Year Budget Approved
3.	Men's/Women's Forum/Empowerment	39110	R1 440 000
4.	PRC Week (Including Ward Cultural Program & Asambe Cultural Parade and Mandela Day Celebration)	53500-53	R5 885 040

CARRIED

Therefore, the above Motion to Amend the recommendations were, unanimously **CARRIED.**

Discussions reverted back to the substantive matter, wherein the IFP supported the programme and emphasized the importance of recognition of prominent leaders that played a huge role in the betterment of the lives of the citizens.

Meanwhile, the MF mentioned that other prominent leaders, including the founder of the Minority Front Political Party, the late Mr A Ranjbansi, be also considered for inclusion in the annual signature programs.

Also commenting on the matter, the APF mentioned that legacy left behind by the late Prince Mangosuthu Buthelezi should also be appreciated and recognized, including of construction of a statue in his honour. They further cited the interventions made by the late Prince including his role in stabilization of the Zulu Kingdom, amongst others.

Thereafter, the ANC reiterated that this matter was part of the reports from Parks, Recreation and Cultures Unit which were deferred during the Council meeting held in the beginning of the financial year. However, they mentioned that it was a blessing in disguise this report being discussed during September, being a heritage month, to remember prominent leaders who had worked exceptional for the people of South Africa.

They mentioned that preservation of heritage had to be enhanced and encouraged within Municipal Wards. The prominent role of traditional leadership within ethnic groups was also appreciated. They further mentioned that the role played by prominent leaders, including the late Prince Buthelezi will always be honoured and appreciated by the City, reference being made to the Mangosuthu University of Technology which was named after the late Prince.

Thereafter, the above recommendations were, **ADOPTED**, *subject to amendment of the subject matter and recommendations to reflect implementation of various Annual Signature Programs, only for the 2023-2024 financial year.*

(His Worship the Mayor, Councillor TM Kaunda presented the Second Report of the Executive Committee).

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-09-19)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, Y Govender, TM Mthethwa, OB Mvubu, MS Nkosi, BT Ntuli and ZR Sokhabase.

ABSENT : Executive Committee Member NI Madlala (Personal Commitments)

1. **REPORT OF THE GOVERNANCE AND HUMAN RESOURCE COMMITTEE:
MEETING HELD 2023-09-13**

(Page R1)

1.1 **Approval of Revised eThekweni Municipality Task Grade Progression Policy (4/P):
(Page 165: Governance and Human Resources Committee - Agenda 2023-09-13)**

The Municipal Council previously adopted the Task Grade Progression Policy to attract; develop; and retain specific skills, thereby ensuring competent and stable workforce that consistently achieve the objectives of the Integrated Development Plan and the Service Delivery & Budget Implementation Plan.

As per the compliance requirements, the Policy is to be reviewed thus creating opportunity to incorporate latest developments where required or reaffirm relevance of the Policy in its current format. Accordingly, this Policy is submitted for review to achieve the necessary compliance requirements.

The Policy provides for creation of broad banding in posts levels according to varying degrees of complexity; competencies; and knowledge required at the respective higher posts levels to retain specific skills as outlined in the preceding paragraph. This approach is also necessary to aid succession planning, in particular, for posts designated scarce skills within the Municipality.

With regard to the application of this Policy, the posts affected by the Task Grade Progression include Artisans/Artisans derived; technical, specialized; and professionally accredited posts, including posts classified as scarce skills by the Compensation Management Committee (CMC).

The posts excluded in terms of this Policy are as follows:

- Posts occupied in terms of Section 54A and Section 56 posts of the Local Government: Municipal Systems Act No. 32 of 2000;
- Posts on Task Grade 19 and above; and

- Posts designated as Managers; Senior Managers; and Project Executives, irrespective of these being classified as scarce skills by the CMC.

With the Committee acknowledging that this Policy will provide an enabling environment to deliver as per the objectives of the Municipality, and also categorizing and retaining skills required to achieve the goals of the Municipality,

COMMITTEE RECOMMENDS:

- 1.1.1 That the Executive Committee approves the revised eThekweni Municipality Task Grade Progression Policy, attached to the Report by the Head: Human Capital dated 2023-07-24 and circulated separately, it being recorded that the Policy is applicable to Artisans/Artisans derived; technical, specialized; and professionally accredited posts, including posts classified as scarce skills by the Compensation Management Committee, and excluding the following posts categories:

- (i) Posts occupied in terms of Section 54A and Section 56 posts of the Local Government: Municipal Systems Act No. 32 of 2000;
- (ii) Posts on Task Grade 19 and above; and
- (iii) Posts designated as Managers; Senior Managers; and Project Executives, irrespective of these being classified as scarce skills by the Compensation Management Committee.

- 1.1.2 That it be noted that there are no direct financial implications for the Municipality associated with the implementation of this Policy as budget per posts is provided for in the salaries' vote.

As some members were not in support of the recommendations, the matter was put to the vote. With 181 Councillors present, 132 Councillors (ANC - 86, EFF – 15; IFP- 13, Action SA – 02, ABC – 02; ACC - 01, ACDP – 02; AIC- 02; APF – 01; ADEC – 00; ATM - 01; ALJAMAH – 01; DLC – 01; JEP - 00; KZNI – 00, MF – 01, MOSA- 00, NFP - 00; PFP – 01, PRM – 01; TA- 00; UIM – 01 and VF Plus – 01) voted in favour of the recommendations and 49 DA Councillors abstained on the matter.

Thereafter, the above recommendations were by the majority vote, ADOPTED.

- 1.2 Request for Approval to Implement District HIV/AIDS Programmes During the 2023-24 Financial Year (30/1/10/4):
(Page 201: Governance and Human Resources Committee - Agenda 2023-09-13)

Authority is sought to implement the following District HIV/AIDS Programmes as budgeted for in terms of the Council-approved 2023-24 budget, with the Programmes earmarked to cost an estimated amount of R1 648 850.00 (One Million Six Hundred and Forty-Eight Thousand Eight Hundred and Fifty Rand). The Programmes aim to promote effective functioning of the eThekweni District AIDS Council and are to be undertaken in partnership with the Health Unit; Government Departments; and other relevant stakeholders:

- a) **Adolescent Girls and Young Women Empowerment Programme:**
Adolescent Girls and Young Women (AGYW) are at risk of contracting HIV through transactional sex due to poverty; unemployment; and social ills.

Teenage pregnancy, School drop-out and Gender-Based Violence remain a challenge that requires multisectoral response. Therefore, Determined; Resilient; Empowered; AIDS-free; Mentored; and Safe (DREAMS) Programme is aimed at empowering AGYW (15-24years) to decrease new HIV infections, teenage pregnancy, keep girls in School until matric, decrease sexual Gender-Based Violence and increase economic opportunities amongst the AGYWSs. The DREAMS Programme will be implemented through social behavioural change activities (health education); uptake of health services; vulnerability screening; psychosocial support; and intensified economic strengthening.

b) Men's Health Campaign:

It is common knowledge that men are not keen to visit Primary Health Care Centres for uptake of health services. Some opt utilising Traditional Health Practitioners as their first point of entry when seeking health services. This campaign then will be implemented in partnership with Traditional Health Practitioners to conduct outreach health screening and uptake of health services targeting men at all settings where they are found, including Community Residential Areas; Tribal Courts; Entertainment areas, amongst the other settings targeted.

c) Maternal and Women's Health:

Prevention of Mother to Child Transmission (PMTCT) has been effective in reducing number of children born with HIV. However, continuous health education for pregnant and breastfeeding women is important to ensure that the gains of the PMTCT are not reversed. This programme will focus at community level, promoting and encouraging pregnant women to report to health facilities during early stages of their pregnancy; regular check-ups; and education on exclusive breastfeeding to prevent passing on HIV to their babies.

d) Key and Vulnerable Population Campaign:

This campaign is aimed at reaching population groups that are at risk of contracting and transmitting HIV. These groups include Men having Sex with Men (MSM), Female Sex Workers (FSW), People Who Inject Drugs (PWID) and LGBTIQI community.

e) Civil Society Workshop:

The HIV response interventions require multisectoral collaborations, hence, the significance to rope in the Civil Society. The role of Civil Society is key and central to supporting government interventions aimed at reducing new HIV infections and end AIDS by 2030. The purpose of the proposed Workshop then is to present the interventions implemented by government; thereafter seek inputs and support from the Civil Society for improved health outcomes.

f) World's AIDS Day:

The World's AIDS Day (WAD) was first observed as a commemorative event on 01 December 1988 when Health Ministers from around the world met under the auspices of the World Health Organization and agreed on the concept of the day, creating an opportunity to pay special attention to, as well as showing solidarity for the global fight against HIV and AIDS.

Every year, the UNAIDS communicates proposed theme that guides the design and implementation of various commemorations. The eThekweni Municipality will then commemorate the World's AIDS Day for the City on 01 December 2023.

g) **District AIDS Council Mayoral Roadshows:**

The Roadshows referred to above are aimed at addressing issues of the stigma attached to the HIV/AIDS; creating awareness on Undetectable=Untransmittable (U=U); and encouraging communities to take their HIV treatment. The Roadshows will take place in all eThekweni Sub-regions to empower local structures.

h) **Ward AIDS Committees Sensitization Workshops:**

The Ward Aids Committees established in every Ward, were created specifically to gather information pertaining to HIV and Aids at the Ward level. These structures are set to implement the National HIV and AIDS and STI Strategic Plan and other related matters; facilitate; monitor; and evaluate protection; promotion; and the fulfilment of rights of persons affected and infected by the HIV and AIDS in the eThekweni Municipal area; promote HIV and AIDS awareness in the Municipality; and promote uniform approach and cooperation by all organs of state.

i) **HIV Youth Prevention Strategy Workshops:**

Youth is one of the most vulnerable groups at risk of contracting HIV/AIDS due to several factors. One of the primary factors is their sexual behaviour, which is often characterized by risky sexual practices such as unprotected sex; multiple sexual partners; and early sexual debut. Additionally, many youth members lack access to sexual education and health services, thus making it difficult for them to access information about HIV/AIDS and HIV/AIDS prevention methods. Furthermore, stigma and discrimination associated with HIV/AIDS also discourage young people from seeking HIV testing and treatment services. Prevention is crucial in the fight against HIV/AIDS, and several strategies can be employed to reduce the spread of the disease amongst the youth members. Some of the prevention strategies include Sexual Education; Condom Use; Voluntary Counselling and Testing. Awareness Workshops are therefore crucial to bring the youth on board to take responsibility for their health matters.

The Programmes outlined above will be implemented from 01 July 2023 to 30 June 2024. However, with some Councillors not supporting some of the Programmes at the Committee level, the matter was passed by the majority vote of twelve (12) ANC Members. The eight (08) DA Members voted against, whilst the four (04) EFF Members abstained on the matter. Therefore, the twenty-four (24) Members present in the meeting accordingly, the matter was put to vote.

At the Executive Committee level, again the matter was passed through a vote, as recorded below:

In support: ANC (03); EFF (01); and NFP (01)
Against: DA (03)
Abstention: IFP (01)

Accordingly, by the majority vote,

COMMITTEE RECOMMENDS:

1.2.1

That authority be granted for the Head: Mayoral Parlour, in partnership with the eThekweni Municipality Health Unit; Provincial Government Departments; and other

relevant stakeholders, to implement the District HIV/AIDS Programmes listed below, as per the budget approved, and with the Programmes outlined to cost an estimated amount of R1 648 850.00 (One Million Six Hundred and Forty-Eight Thousand Eight Hundred and Fifty Rand):

- (i) Adolescent Girls and Young Women Empowerment Programme
- (ii) Men's Health Campaign
- (iii) Maternal and Women's Health
- (iv) Key and Vulnerable Population Campaign
- (v) Civil Society Workshop
- (vi) World's AIDS Day
- (vii) District AIDS Council Mayoral Roadshows
- (viii) Ward AIDS Committees Sensitization Workshops
- (ix) HIV Youth Prevention Strategy Workshops

1.2.2

That it be noted that the Programmes referred to in .1 above will be implemented from 01 July 2023 to 30 June 2024, as per the specific dates to be agreed to at the planning stage of each Programme, and as per the budget breakdown reflected in the table below, it being recorded that with this being an estimate, therefore, there is a possibility for the costs of certain items to be either revised upward or downwards, depending on the price range at the time of scheduling the event:

Financial Implications:

No	Project Name	Estimated Cost
1.	Adolescent girls and young women empowerment programmes	Hygiene packs R150 000 Catering R70 000 Hire of equipment R20 000 Hire of venue: R20 000
2.	Maternal and women's health	Catering R70 000 Hire of equipment R30 000
3.	Men's health service campaign	Campaign Material R20 000 Venue hire R30 000 Catering R100 000
4.	Key and vulnerable populations programme	Catering R60 000 Venue Hire R40 000
5.	Civil Society Workshop	Catering R100 000 Hire equipment R20 000 Hire of venue R30 000
6.	World AIDS DAY	Catering R100 000 Hire equipment R20 000 Hire of venue R30 000 Promotional packs R50 000 Artist & performers R40 000
7.	DA Mayoral Roadshows	Catering R190 000 Hire of venue R15 000 Hire of equipment R23 850 Artists & performers R20 000
8.	Ward AIDS Committees sensitization workshops	Catering R100 000 Hire of venue R50 000
9.	HIV Youth prevention strategy	Catering R100 000 Hire of venue R50 000 Promotional packs R50 000 Hire of transport R50 000
10.	Fast Track Cities	Own funding

No	Project Name	Estimated Cost
11.	U=U Campaign	Own funding for this financial year
		R1 648 850.00

SUMMARY			
	Catering	R890 000.00	32601.11400.12120.0000.32100-2.0010
	Hire Charges	R378 850.00	32601.18950.10.12120.0000.32100-2.0010
	Gifts & Promotional Items	R270 000.00	32601.16325.12120.0000.32100-2.0010
	Artists & performers	R60 000.00	
	Transport	R50 000.00	32601.21805.12120.0000.32100-2.0010
		R1 648 850.00	

FC No: 2024/08/07; R1 648 850.00; Budgeted for in 2023-24 Financial Year

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor MR Nxumalo, seconded by Councillor J Annipen, both from the IFP, moved as a procedural motion that, “Request for Approval to Implement District HIV/AIDS Programmes During the 2023-24 Financial Year”; be referred back and discussed by the Support Committees in the first instance to enable the Committees to further interrogate the report.

NOT CARRIED

As some members were not in support of the reference back, the matter was put to the vote. With 181 Councillors present, 69 Councillors (DA- 47; IFP -14 Action SA - 02; ACC - 01, ACDP – 02; MF - 01, UIM – 01 and VF Plus – 01) voted in favour of the reference back and 112 Councillors (ANC - 86, EFF – 16; ABC – 02; AIC – 01, DLC – 01; ADEC – 00; APF – 01; ATM -01; ALJAMAH – 01; JEP -01; KZNI - 00, NFP -00; PFP – 01, PRM - 01 and TA- 00) voted against the reference back. There were no abstentions recorded.

The above-mentioned motion to refer back was, by the majority vote, **NOT CARRIED**.

Discussion thereafter reverted to the substantive matter wherein the DA dissented to the approval of the recommendations, as they were of the view that the Municipality is in a critical state, also citing that infrastructure challenges, water shortages, high unemployment rate etc had to be prioritized. The R1.6 million was considered irrelevant when taking into account the existence of the Department of Health providing efficient health services.

That the funds earmarked could be re-directed to fund other critical matters, including renovation of the City Hall Main Auditorium to save on Council meeting venue hiring costs for convening of Council meetings. Further concern being expressed for allocating Ratepayers’ funds in the amount of R1.4 million for catering, hire charges, gifts and promotional items, artists, and performers.

Meanwhile, the EFF whilst supporting the recommendations, expressed concern that details on how the programme will be implemented were not clear, citing that the Department of Health also provides similar programmes, that of health education. In this regard, they proposed that the R100 000.00 (One Hundred Thousand) being allocated for Maternal and Women's Health could be re-directed elsewhere. They were also of the view that His Worship the Mayor could raise awareness through Izimbizo and Roadshows platforms rather than visiting all eThekweni sub-regions.

Also commenting on the matter, the IFP submitted that taxpayers' funds be utilised in a responsible manner for tangible results to be realised. In this regard, they were of the view that the proposed Programme would not yield tangible results and on this basis, they abstained on the matter.

In joining the debate, the APF supported the recommendations and further emphasized that programmes aimed at educating vulnerable groups about prevention measures against HIV/AIDS are essential. Also, citing that Government alone can never do enough to caution communities against the disease.

Thereafter, the ANC specified that the Gender Office was allocated under the Mayoral Parlour in line with the National and Provincial Governments, where the Gender Office is allocated under the President and the Premiers Office respectively. They mentioned that education and health were main priorities of the ANC and government. Further, that education and breaking down barriers on health issues and improvement thereof is in line with the Constitution of the Country, including building inclusive and sustainable communities. They also commended inclusion of men's health as part of the programme. It being mentioned that eThekweni has the biggest roll-out of people on treatment programme, therefore the Municipality also has a responsibility for providing programmes to address such challenges.

However, as some members were not in support of the recommendations; therefore, the matter was put to the vote. With 186 Councillors present, 118 Councillors (ANC - 87, EFF - 19; ABC - 02; ACC - 0, ACDP - 00; AIC - 01, DLC - 01; ADEC - 00; APF - 01; ATM - 01; ALJAMAH - 01; JEP - 01; KZNI - 00, MF - 01, NFP - 00; PFP - 01, PRM - 01, TA- 00 and VF Plus - 01) voted in favour of the recommendations and 52 Councillors (DA- 47 and UIM - 01) voted against the matter. 16 Councillors (IFP - 14 and Action SA - 02) abstained on the matter.

Accordingly, the above recommendations of the Executive Committee, were, by the majority vote; **ADOPTED.**

1.3

Request for Approval to Implement Youth Development Programmes During the 2023-24 Financial Year (19/1/1/3):

(Page 208: Governance and Human Resources Committee - Agenda 2023-09-13)

Authority is sought to implement Youth Development Programmes using the budget already approved for the 2023-24 Youth operations, and with the Programmes earmarked estimated to cost an amount of R4 018 500.00 (Four Million and Eighteen Thousand Five Hundred Rand). The Programmes to be undertaken are as follows:

a) **Student Relief Fund:**

The Student Relief Fund is a tool that assists students from disadvantaged backgrounds within the eThekweni Municipal area with registration fees to tertiary institutions. The eThekweni Municipality's Student Relief Fund is not meant to replace or compete with the National Student Financial Aid Scheme (NSFAS) but rather provides an opportunity for qualifying students to register whilst seeking funding.

b) **Back to School Campaign:**

The Back-to-School Campaign is a Youth Development office initiative that includes visitation to Schools to hand out School uniforms to needy Scholars. The Youth Development Office is of the belief that uniforms empower children to carry out their dreams, because something as small as lack of a uniform can often be a deterring factor in the lives of children. The Back-to-School Campaign normally happens during the first term of the School Calendar.

c) **Career Exhibitions and Social Cohesion in Educational Institutions:**

The aim of this Programme is to assist young people from as early as Primary Schools to Secondary Schools as well as Tertiary Institutions. The program will be assisting young people in making career choices that are tailor-made to suit their individual needs. The Office will partner with the relevant Departments, organizations as well as institutions of higher learning in making sure that all the career exhibitions do not only focus on academic but also on technical skills. This programme will also have a social cohesion element that will bring together young people, in all areas of eThekweni.

d) **Young Women Development Programme:**

The Programme is aimed at equipping young women with skills, in various sectors like young women in business, sports development and administration, leadership roles in various spaces of employment and society. There is a need also to focus on health-related matters that affect women in society and Gender-Based Violence.

e) **Youth Izimbizo and Social ills Awareness Campaign:**

The eThekweni Region is engulfed by the high rate of crime which is mostly prevalent in townships. This is a campaign that is aimed at combating crime and further implement crime prevention measures, putting more focus on Gender-Based Violence. The office will form partnerships with the key stakeholders such as Police; Community Policing Forums; and other relevant partners.

f) **Youth in Business Information-sharing Sessions (Vuka-Ayibambe Youth in Business Programme):**

The Youth Development Office has noted that over the years, the majority of newly formed businesses do not survive beyond the first 2 years, whilst also those that are Youth-owned are established but fail to sustain themselves.

Noting these challenges, the Office is proposing to implement Youth in Business Information-sharing Sessions that will benefit start-up companies owned by young people. This will comprise various sessions that will include different sectors as well as Provincial departments; Small Enterprise Development

Agency; National Youth Development Agency; Department of Trade and Industry; Economic Development; as well as the Youth Directorate in the KwaZulu-Natal Provincial Government's Office of the Premier.

g) **Youth Council Launch and Youth Council Programs:**

The Youth Council is a body of young people that serves as an advisory body to the Youth Development Office and other government offices. It has a role to identify priorities; craft policies that support these priorities; and contribute to the implementation of these Policies through public services. The eThekweni Municipality since last had a Youth Council in 2007 and it has become paramount for the Youth Development Office to develop and re-launch this advisory body.

h) **Young Men Seminar:**

The focus of the Programme is to build and assist our societies in creating and building responsible men. Young Men Seminar is an initiative by the Youth Development Office to discuss issues of young men around sexuality; men's health; and the role of men in society. It also aims to ascertain the thinking of young men in response to femicide; killing of women; rape; and sexual orientation. Young men's issues do not get the necessary attention as required by society. This has resulted in many social ills having detrimental consequences in our society. This Programme will also serve as a continuation from the camps that the Office has co-ordinated and will also monitor progress made as well as change in behaviour.

i) **Learners License and Driver's License Program:**

It is a well-known fact that young people struggle to get jobs due to them, amongst other things, not having driving experience which comes with them obtaining a valid Driver's License. Obtaining a Driver's License comes with a cost that most households cannot afford. We have been listening to young people through our Youth Izimbizo and what they need most are jobs through various sectors. We also had an opportunity of sitting through various Human Capital Recruitment and Selection Panels and most people that did not possess Driver's Licenses were young people within employment age. We must agree a Driver's License is not just a want anymore but because of our forever changing environment it has since become a necessity.

j) **Youth Talent Show Initiatives:**

Art is portrayed as a neglected sector; therefore, the Youth Talent Show is aimed at exposing various local talents to opportunities for growth. It is also a continuation of the talent search that has been done by the Youth Office. The programme is aimed at empowering young people that are within the Arts Sector.

It is envisaged that that the Programme would reach more than twenty thousand (20 000) young people through various platforms. Over the years the Talent Show has produced groups as well as Artists that are now performing on international spaces.

k) **Youth Month Activities:**

This is the month of June which is characterized by the youth initiatives which are aimed at developing young people of eThekweni. The main Programme on June 16 is usually guided by the National theme around this month. During this month the Youth Development Office will host several engagements in all one

hundred and eleven (111) eThekweni Municipal Wards with the aim of assisting in drawing more young people into the economy.

I) Youth Mayoral Cup (Township Sports Tournament):

The Programme will be focusing on sporting activities that will be done through various Townships. As part of the youth development, the Youth Development Office needs to look after the sound well-being of a young person, which means the Youth Office must have sporting activities that will be focusing on Out-of-School youth. The key areas this will assist with are the limitations of lack of activities done by young people within Townships. In keeping up with healthy lifestyle, we will be partnering with the Health Department as a way of bringing health services and health education to the youth. This sport tournament will not be taking the traditional route but will act as a way of demobilizing bad behaviour amongst young people.

During deliberations at the Support Committee level, some of the Councillors were not in support of the recommendations and therefore, the matter was put to the vote. With 25 Councillors present, 16 Councillors - ANC (12) and EFF (4) voted in support of the recommendations and 9 - DA Councillors voted against the recommendations.

At the Executive Committee level, the DA (03) voted against the recommendations and the IFP (01) abstained on the matter to take the matter to their Political Caucuses. With the ANC (03), EFF (01) and the NFP (01) being in support,

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Mayoral Parlour to implement the Youth Development Programmes outlined below, as per the budget already approved in the 2023-24 financial year, and with the Programmes earmarked to cost an estimated amount of R4 018 500.00 (Four Million and Eighteen Thousand Five Hundred Rand) during the 2023-24 financial year, and it being recorded that the same principle will apply in terms of the exact costs being known at the time of scheduling each event:

- (i) Student Relief Fund
- (ii) Back to School Campaign
- (iii) Career Exhibitions and Social Cohesion in Educational Institutions
- (iv) Young Women Development Programme
- (v) Youth Izimbizo and social ills awareness campaign
- (vi) Youth in business information sharing sessions (Vuka-ayibambe youth in business programme)
- (vii) Youth Council Launch and Youth Council Programs
- (viii) Young Men Seminar
- (ix) Learners License and Driver's license program
- (x) Youth Talent Show Initiatives
- (xi) Youth Month Activities
- (xii) Youth Mayoral Cup (Township Sports Tournament)

Financial Implications:

Programme Name	Estimated cost
Student Relief Fund	R300 000
Back to School Campaign	Hire of equipment R80 000 Gifts and promotional items (Uniforms)- R200 000

Programme Name	Estimated cost
X12 (2 per Region) Career Exhibitions and social cohesion (Primary, Secondary and Tertiary Institutions)	Hire of equipment: R100 000 Catering: R100 000 Information packs R100 000 Artist and performers: R100 000
Young Women Development Programme	Hire of Equipment: R30 000 Artist and performers: R30 000 Catering; R30 000 Gifts and Promotional Items: R10 000 Medical services: R13 500
X12 (2 per region) Youth Imbizo and Social Ills awareness campaign	Hire of equipment: R90 000 Catering: R100 000 Artist and performers: R80 000 Poverty Alleviation packs: R60 000 Information packs: R70 000 Hire of Buses: R50 000
Youth in Business Information Sharing Sessions (Vuka-ayibambe youth in business programmes)	Hire of venue (includes catering and equipment: R90 000 Artist and performers: R100 000 Information booklets: R100 000
Youth Council Launch and Youth Council Programs	Hire of equipment: R70 000 Catering: R60 000 Information packs: R30 000 Hire of Transport: R20 000
Young Men's Camp	Hire of venue (includes food and accommodation) R65 000 Gifts and promotional items: R50 000 Artist and performers (motivational speaker, MC Artist etc) R30 000 Hire of transport: R20 000
Learners and Drivers Licence program	Hire of Transport: R100 000 Driver's license: R600 000
Youth Talent Show	Gift and Promotional items: R150 000 Artist and performers (Judges, MC etc): R150 000 Hire of equipment: R100 000 Catering: R100 000
Youth Month Activities	Hire of equipment: R200 000 Catering: R100 000 Information packs: R50 000 Artist and performers: R60 000: Medical services: R20 000 Ad hoc Security: R50 000
Youth Mayoral Cup (Township Sports Tournament)	Hire of facilities: R40 000 Artists: R50 000 Catering: R70 000
TOTAL	R4 018 500.00

Catering	R560 000	32601.11400.12120.0000.39720-3.0010
Artist /performers	R600 000.00	32601.11330.12120.000.39720-3.0010
Gift & performers	R760 000.00	32601.16325.12120.000039720-3.0010
Medical services	R33 500.00	32601.10730.12120.0000.39720-3.0010
Ad hoc security	R50 000.00	32601.10840.10.12120.0000.39720-3.0010

Hire of venue ICC	R195 000.000	32601.22710.30.12120.0000.39720.-3.0010
Hire charges	R670 000.00	3260118950.10.12120.0000.39720-3.0010
Poverty alleviation	R60 000.00	32601.24420.10.12120.0000.39720-3.0010
Student relief	R900 000	32601.16310.12120.0000.39720-3.0010
Transport hire	R190 000.00	32601.21805.12120.0000.39720-3.0010

FC No.: 2024/08/08

Commenting on the matter, the DA whilst noting the report, however, they mentioned that some of the expenditure items were high and unnecessary, citing that 40 % of the budget has been allocated to tangible important line items of the Youth Development Programmes, whilst 60% of the budget being allocated to hire charges, gifts, and performers etc which were viewed as unnecessary. On this basis, they dissented on the matter.

Meanwhile, the IFP mentioned that youth developmental programmes and initiative will always be welcomed and supported, however, they submitted that improper use of public funds in what they viewed as hidden political motives will not be supported. They also mentioned that all Councillors had to be supplied with full details of the programmes including invitations being sent to all these Youth Development Programmes. They further defined development as growth and advancement to move from a position of obscurity to the next position of empowerment, in this regard, they emphasized that the proposed programmes had to be evaluated to ascertain if such results are met and that value for money is being realised in the same process.

However, the APF welcomed the proposed youth programmes, citing that in the past these programmes were not being afforded to the underprivileged youth, therefore the government has a responsibility to close such gaps, so that youth should not suffer as a result of the imbalances of the past.

Thereafter, the ANC commended the Municipality for providing support to the youth to address various challenges, including student relief funds, Learners, and Drivers Licence program etc. They mentioned that youth being the future of the nation, all efforts must be made to ensure development and capacitation of youth in various aspects of life. Further, that the Municipality also has a responsibility to ensure that such is being realised, a proposal being made that the budgets for youth programmes has to be increased in the near future. In this regard, they supported the recommendations.

As some members were not in support of the recommendations; therefore, the matter was put to the vote. With 185 Councillors present, 116 Councillors (ANC - 85, EFF – 16; ABC – 02; ACC - 01, AIC – 02, DLC – 01; ADEC – 00; APF – 01; ATM -01; ALJAMAH – 01; JEP -01; KZNI - 00, MF - 01, NFP -00; PFP – 01, PRM – 01, TA- 00, UIM – 01 and VF Plus – 01) voted in favour of the recommendations and 55 Councillors (DA- 51, Action SA – 02 and ACDP – 02) voted against the matter. 14 IFP Councillors abstained on the matter.

Accordingly, the above recommendations of the Executive Committee, were, by the majority vote; **ADOPTED.**

At this stage of this proceedings, time being 14h08, Council meeting took a comfort break. The Speaker then requested the Whip of Council working together with all Political Party Whips to ensure that all Council members return to the meeting within the stipulated time frame. Thereafter, the meeting resumed at 15h19.

1.4

Request for Approval to Implement Gender Desk Programmes (19/1/1/4):
(Page 216: Governance and Human Resources Committee - Agenda 2023-09-13)

Authority is sought to implement Gender Desk Programmes within the eThekweni Municipal area, as per the budget already approved during the 2023-24 financial year, and with the Programmes earmarked to cost an estimated of R1 935 000.00 (One Million Nine Hundred and Thirty-Five Thousand Rand). In response to the National Strategic Plan on Gender-Based Violence and Femicide, the Gender Desk, in partnership with the KZN Office of the Premier; Government Departments; and other relevant stakeholders, the following interventions will be implemented:

a) **Master Trainers on Gender-Based Violence and Femicide Capacity Building Programme:**

The aim is to empower internal Gender-Based-Violence & Femicide (GBVF) Stakeholders on GBVF's National Strategic Plan Goals as well as to discuss their perceptions of the causes of GBVF, their ideas for preventing GBVF, and how they think the community would react to GBVF Prevention Programmes. The stakeholders to be capacitated include Community Mobilisers; Community Development Workers; Operation Sukuma Sakhe Co-ordinators; and Safety Field Administrators working in North Central, South Central and Inner West, as these are the regions where GBVF is most prevalent.

b) **Women/Widows Empowerment Workshops:**

Women in rural South Africa face many hardships, from domestic violence to increased rates of HIV because of high rates of rape, GBVF; and sexual abuse. Women often head many households and must take care of children; elders; and earn income. This is a huge burden when having limited access to education and employment, and little control over their sexual health. These workshops will assist by sensitizing rural women about customary marriages, including women in polygamous marriages and widows.

Women will gain access to skills and resources they need to provide for themselves and their families, which leads to women being empowered on a broader scale for sustainable social and economic change within rural South African society. This is in line with pillar five (Economic power) of the National Strategic Plan on Gender-Based Violence and Femicide. The pillar strives to address the economic vulnerability and dependency of women and girls that increase their risk of GBVF, and to enhance their economic opportunities and participation.

c) **16 Days of Activism Against Gender-Based Violence:**

The 16 Days of Activism Against Gender-Based Violence and Femicide (GBVF) is an annual campaign that begins on 25 November, the International Day for the Elimination of Violence Against Women, and runs through International Human Rights Day on 10 December.

The eThekweni District has an alarming number of cases related to GBVF perpetrated by men. The purpose then is to increase public awareness about the negative impacts of GBVF and the importance of taking action, including empowering communities about gender equity, conflict and anger management.

d) **Traditional Leaders' Sensitization Workshop:**

As a symbol of unity and tolerance, Traditional Leaders are part of the authorities best placed to reverse the epidemic of GBVF. They can address the systematic, social inequality and disempowerment of women at the grassroots level. They can also engage men to be activists in countering GBVF. Female Traditional Leaders are key access points in supporting women to fight GBVF and to report it to Law Enforcement Agencies. Since GBV disrupts social order and cohesion in local communities, a need exists to maintain close link between the traditional leadership and the justice system. The aim of this Workshop then is to sensitize Traditional Leaders to play a positive role in the fight against GBVF.

e) **LGBTQI+ Awareness Campaigns:**

The Programme focuses mainly on promoting LGBTQI+ rights, raising awareness about the GBVF against the LGBTQI community and to improve perceptions that lead to violence and discrimination.

f) **Rapid Response Teams for GBVF Capacity Building Programme:**

The GBVF Rapid Response Teams are multi-stakeholders' structures proposed as a Strategy in South Africa to address and combat GBVF. These teams aim to establish a localized platform at the Ward level to ensure swift, urgent and efficient responses to report GBVF and calling for help where required.

g) **Take A Girl/Boy Child to Work Programme:**

Violation of Children's rights is a critical problem in many countries around the world, including South Africa. Despite the legislative progress, many Children in South Africa suffer gender inequality and can't find appropriate jobs due to lack of skills. Annual campaign known as Take a Girl Child to Workday is aimed at changing this situation. This revolutionary initiative aims to empower the youth by affirming to young girls and boys that their dreams are valid and possible by exposing them to an array of careers beyond the limitations of the commonly known professions.

Against the stark backdrop of extremely high unemployment, child-headed households, mental wellness deficit, teenage pregnancies, GBVF, a rise in the School drop-out rate, particularly, amongst boys, and many other social challenges; so much so that the benefits of a Career's Day for girls and boys are diluted by what they have to contend with in the broader environment in which they live. To empower the young girls and young boys, we need to bridge the gender divide by viewing gender equality within the context of a broader youth development ecosystem that addresses issues beyond only a career consideration.

h) **Rural Girl/Boy Child Empowerment Workshops:**

This mentoring Programme is for girls and boys from rural areas having challenges, including early marriages, GBVF, abduction of younger girls

(ukuthwalwa), violation of Human Rights and school dropouts leading to high teenage pregnancy rate.

The Programme aims to empower Adolescent Girls and Young Women and Adolescent Boys and Young Men by education them on Human Rights Awareness (domestic violence, laws, rights) and provide Trainings in Health (HIV/AIDS counselling, basic health, and home-based care).

During discussions at the Support Committee level, some of the Councillors were not in support of recommendations and therefore, the matter was put to the vote. With 25 Councillors present, 16 Councillors - ANC (12) and EFF (4) voted in support of the recommendations and 9 - DA Councillors voted against the recommendations.

At the Executive Committee level, the DA (03) voted against the recommendations and the IFP (01) abstained on the matter to take the matter to their Political Caucuses.

With the ANC (03), EFF (01) and the NFP (01) being in support,

COMMITTEE RECOMMENDS:

1.4.1 That authority be granted for the Head: Mayoral Parlour to implement, in partnership with the KwaZulu-Natal Provincial Government Office of the Premier; Provincial Government Departments; and other relevant stakeholders, the Gender Desk Programmes outlined below, as per the budget already approved in the 2023-24 financial year, and with the Programmes earmarked to cost an estimated amount of R1 935 000.00 (One Million Nine Hundred and Thirty-Five Thousand Rand), and to be undertaken in response to the National Strategic Plan on Gender-Based Violence and Femicide:

- (i) Master Trainers on Gender-Based Violence and Femicide Capacity Building Programme
- (ii) Women/Widows Empowerment Workshops
- (iii) 16 Days of Activism Against Gender-Based Violence
- (iv) Traditional leader's sensitization Workshop
- (v) LGBTQI+ awareness campaigns:
- (vi) Rapid Response Teams for GBVF Capacity building Programme
- (vii) Take A Girl Child to Work Programme
- (viii) Rural Girl/Boy Child Empowerment Workshops:

1.4.2 That it be noted that the Programmes, as outlined, will be implemented as from 01 July 2023 to 30 June 2024. With specific dates to be set at the time of scheduling the event, and the exact costs thereof to be known thus a possibility of either revising cost per item downward or upward depending on the price range at that time.

Financial Implications:

No	Project Name	Estimated Cost
1.	Women's Month Programme	Catering: R80 000 Hire Charges: R220 000 Artist and Performers: R50 000 Transport: R50 000 Toilet hire: R40 000 Total: R440 000
2.	Master Trainers on GBV capacity Building	Catering: R40 000 Information booklets R80 000 Total: R120 000

No	Project Name	Estimated Cost
3.	Women/Widows Empowerment Workshops	Catering: R50 000 Hygiene pack R100 000 Hire Charges R30 000 Toilet hire: R15 000 Total R195 000
4.	16 Days of Activism	Catering: R50 000 Hygiene packs: R100 000 Hire of Venue: R90 000 Total R240 000
5.	Traditional leader's sensitization workshop	Catering: R40 000 Venue Hire: R70 000 Toilet hire: R20 000 Total; R145 000
6.	LGBTQI+ awareness campaign	Hire Charges: R20 000 Hire of Venue: R30 000 Artist and performers : R20 000 Toilet Hire: R10 000 Total : R80 000
7.	Rapid Response Team for GBVF Capacity Building Workshops	Catering: R40 000 Hire Charges R50 000 Artist and performers R30 000 Toilet Hire: R15 000 Total: R135 000
8.	Take a girl child to work programme	Catering: R50 000 Hire of venue: R10 000 Hygiene Packs R70 000 Toilet Hire: R10 000 Toilet: R140 000
9.	Rural girl Child Empowerment Workshop	Hygiene packs: R50 000 Catering : R50 000 Hire charges: R70 000 Artist and performer: R50 000 Hire of toilets: R20 000 Total: R240 000
10.	Food Voucher for Vulnerable Groups	Vouchers: R200 000 Total: R200 000
	TOTAL	R1 935 000

Catering	32601.11400.12120.0000.81400-24.0010	R400 000
Artist and performers	32601.18950.10.12120.0000.81400-24.0010	R405 000
Transport	32601.11330.12120.0000.81400-24.0010	R150 000
Gifts and promotional item	32601.16325.12120.0000.81400.-24.0010	R400 000
Venue Hire	32601.22710.31.12120.0000.81400-24.0010	R200 000
Poverty relief	32601.24410.12120.0000.81400-24.0010	R200 000
Hire of toilets	32601.10670.11.12120.0000.81400-24.0010	R130 000
TOTAL		R1 935 000

FC No.: 2024/08/05

Speaking on the matter, the DA whilst noting the importance of the recommendations and sensitivity of Gender-Based Violence and related matters

thereto, however, they cited the rapid response team was not proactiveness and not responsive enough to these matters. They were also of the view that there were budget discrepancies within the proposed programmes, reference being made to the LGBTQI+ awareness campaign.

The IFP welcomed the programmes as well as the proposed awareness campaign, however, they were not convinced about the success of the programmes, in terms of communities benefitting from the programmes, in this regard, they dissented on the matter.

Meanwhile, the APF were in support of the recommendations, they emphasised that women abuse issues were very sensitive and had to be addressed, and black women being cited as major victims in this regard. They mentioned that it was a known fact that during apartheid and slavery period, black women were subject all various forms of abuse.

Thereafter, the ANC commended the Mayoral Parlour working in partnership with the KwaZulu-Natal Provincial Government Office of the Premier; Provincial Government Departments; and other relevant stakeholders, to implement the Gender Desk Programmes and uplifting communities in the process. They further mentioned that raising awareness on GBV issues will yield positive results, it being also emphasised that the 16 Days of Activism Against Gender-Based Violence was an international event and with the Municipality being a cosmopolitan City must develop and be part of such programmes. It was also reiterated that these programmes were part of the already approved annual programmes. On this basis, they supported the recommendations.

As some members were not in support of the recommendations; therefore, the matter was put to the vote. With 176 Councillors present, 121 Councillors (ANC - 85, EFF – 10; IFP – 13, ABC – 02; ACC - 01, AIC – 02, DLC – 00; ADEC – 00; APF – 01; ATM -01; ALJAMAH – 01; JEP -01; KZNI - 00, MF - 01, NFP -00; PRM – 01, TA- 00, UIM – 01 and VF Plus – 01) voted in favour of the recommendations and 52 Councillors (DA- 51 and PFP - 01) voted against the matter. 3 Councillors (Action SA – 02 and ACDP – 01) abstained on the matter.

Accordingly, the above recommendations of the Executive Committee, were, by the majority vote; **ADOPTED.**

1.5

Request for Authority to Rename Peak Street in Ward 77 Chatsworth to Address Streets Duplication (25/4/15/1):

(Page 226: Governance and Human Resources Committee - Agenda 2023-09-13)

The attention is drawn to a need to rename the existing Peak Street in Ward 77 in the area of Chatsworth. The renaming is informed by the fact that the other Ward in Chatsworth bears the same Street name thus creating confusion for residents and other stakeholders visiting the area of Chatsworth.

The Committee noted that sufficient consultation has been undertaken in this regard, and there is a unanimous view to rename Peak Street to become Rising Sun Street, as per the process undertaken and outlined in the table below.

Original Street Name	Proposed New Names	Recommended Name
Peak Street	Rising Sun Boulevard Street Rising Sun Avenue Rising Sun Street	Rising Sun Street

With the Committee noting the rationale behind renaming the Street and the fact that consensus has been reached by the local community to now use the name Rising Sun Street, accordingly,

COMMITTEE RECOMMENDS:

- 1.5.1 That Council notes the Street naming process undertaken to address duplication, resulting in two separate sections in the area of Chatsworth using same Peak Street name, thus creating confusion for Streets users, and which process included sufficient consultation on the proposed new name, and with consensus being reached for Peak Street to be changed to become Rising Sun Street.
- 1.5.2 That in view of prevailing duplication and challenges associated therewith, Council supports and approves the renaming of Peak Street in Ward 77 in the area of Chatsworth, by using a new name called Rising Sun Street, it being recorded the new Street name has been chosen to honour the Rising Sun Community Newspaper which has contributed to the betterment of the community in this area.

Commenting on the matter, the IFP welcomed the report, however, they mentioned that the recommendations should be noted, it being alleged that the street name has already been changed.

Meanwhile, the DA were of the view that an incorrect Ward number has been captured, citing that the report was ought to reflect Ward 43 as the correct Ward number. They also queried the costs involved if the street name has already been changed without Council approval, further highlighting that this might result in unauthorised expenditure. Therefore, the DA requested confirmation in this regard.

Thereafter, the ANC welcomed the report, emphasis being made that the duplication of the street name had caused confusion to residents as well as in terms of service provision. They further alluded that the name rising sun was proposed to honour the local community newspaper which had contributed positively to the betterment of the communities in the area.

In response, to the query raised on whether the street name had already been changed and the implications thereof, His Worship the Mayor advised that during discussions at the Executive Committee level, there were no amendments made to the original, therefore the report should be taken and approved as is, however, Council was at liberty to amend the recommendations if required to do so. Also, in support, the Chairperson of Governance and Human Resources Committee further gave an assurance that there has not been any expenditure incurred at that time, because of the proposed change of the street name.

Accordingly, as Some members were not in support of the recommendations; therefore, the matter was put to the vote. With 176 Councillors present, 163 Councillors (ANC - 85, DA- 51, EFF – 10; IFP – 13, Action SA – 02 and ACDP – 01, ABC – 02; ACC - 01, AIC – 02, DLC – 00; ADEC – 00; APF – 01; ATM -01; ALJAMAH – 01; JEP -01; KZNI - 00, MF - 01, NFP -00; PFP – 01,

PRM – 01, TA- 00, UIM – 01 and VF Plus – 01) voted in favour of the recommendations voted against the matter. 13 IFP Councillors abstained on the matter.

Accordingly, the above recommendations of the Executive Committee, were, by the majority vote; **ADOPTED.**

DIRECT EXCO REPORTS

1. RATIFICATION OF APPROVAL MADE IN TERMS OF RULE 28 (1) (a) OF THE RULES OF ORDER BYLAW 2014, AS AMENDED, WITH RESPECT TO THE CIVIC FUNERAL ACCORDED THE LATE EFF PR COUNCILLOR NP MSIBI, IN LINE WITH THE REQUIREMENTS OF THE CIVIC FUNERAL POLICY (3/5/15)

(Page 1)

The eThekweni Municipal Council has previously approved the Civic Funeral Policy to, amongst other things, honour and acknowledge deceased individuals and public figures who have rendered distinguished service in Government or in the Country of South Africa while still alive. With the Council having suffered painful loss with the passing on of the EFF PR Councillor NP Msibi, a decision was taken to accord her the Civic Funeral, it being acknowledged that Councillors play a significant role to promote community development which is a common goal for all to better the lives of the people of eThekweni.

To enable the Civic Funeral, the City Manager, in consultation with His Worship the Mayor, approved the Civic Funeral using Rule 28(1)(a) of the Rules of Order By-Law 2014, as amended, as Council was in session but it being impractical to obtain a decision at the time the funeral assistance was to be granted.

During deliberations, the Executive Committee welcomed the report and cited positive progress and fairness in terms of funding allocation across the board thus achieving overall fairness in implementing the Civic Funeral Policy. Attention was also drawn to noticeable improvements in terms of the conduct displayed by Members during consideration of such a sensitive matter at Committee level thus showing respect and dignity to a family in bereavement.

Reference having been made to a deviation which has occurred in not submitting the Ratification Report immediately at the next convened Executive Committee meeting, in line with the requirements of this Rule, Management acknowledged the delay and undertook to achieve better coordination administratively in future to ensure strict adherence to the requirements of this Rule.

Thereafter, with the Committee supporting the ratification process,

COMMITTEE RECOMMENDS:

That the action taken by the City Manager, Mr TB Mbhele, in consultation with His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive Committee, to approve in terms of Rule 28(1)(a) of the Rules of Order By-Law 2014, as amended, the Civic Funeral for the late EFF PR Councillor NP Msibi, in terms of the Council-approved Civic Funeral Policy,

and thus the allocation of funds in the amount of R200 000.00 (Two Hundred Thousand Rand), contributing towards the burial costs, be ratified.

Financial Implications:

Vote Number:

BU	ITEM.SUB	FUND	COSTING	PROJECT	REGION
32123	19110.10	12120	0000	MRC01	0010

Commenting on the matter, the EFF mentioned that this was a noble initiative by the Municipality to enable the families of deceased to send off their loved ones in a dignified and respectable manner. However, they mentioned that local and upcoming service providers that were appointed by the Municipality to carry out the funeral services, were not paid timeously, by the Municipality and this had to be rectified in the future, should a similar unfortunate incident occur.

Meanwhile, the IFP noted the report and further mentioned that the contents of the Civic Funeral Policy had to be clearly specified be understood by all Municipal Councillors.

Thereafter, the ANC extended condolences to the EFF and the family of the late Councillor Msibi. They mentioned that such matters had to be discussed with sensitivity by Council. However, they undertook the responsibility, through the Governance and Human Resources Committee to workshop Councillors on the contents of the Civic Funeral Policy. Also, that upcoming service providers appointed to carry out the funeral service function will be paid timeously in future, and that relevant Departmental Units responsible for such will be sensitized to speed up the process.

Subsequently, the above recommendations of the Executive Committee were unanimously; **ADOPTED.**

2. RATIFICATION OF APPROVAL MADE IN TERMS OF RULE 28 (1) (a) OF THE RULES OF ORDER BYLAW 2014, AS AMENDED, WITH RESPECT TO THE CIVIC FUNERAL ACCORDED THE LATE DA WARD COUNCILLOR NP MSOMI, IN LINE WITH THE REQUIREMENTS OF THE CIVIC FUNERAL POLICY (3/5/15)

(Page 3)

The late Ward 09 Councillor NP Msomi was also accorded Civic Funeral, based on the same principle outlined in the item discussed in the preceding item. With the Committee sharing similar views, accordingly,

COMMITTEE RECOMMENDS:

That the action taken by the City Manager, Mr TB Mbhele, in consultation with His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive Committee, to approve in terms of Rule 28(1)(a) of the Rules of Order By-Law 2014, as amended, the Civic Funeral for the late DA Ward 09 Councillor NP Msomi, in terms of the Council-approved Civic Funeral Policy, and thus the allocation of funds in the amount of R200 000.00 (Two Hundred Thousand Rand), contributing towards the burial costs, be ratified.

Financial Implications:

Vote Number:

BU	ITEM.SUB	FUND	COSTING	PROJECT	REGION
32123	19110.10	12120	0000	MRC01	0010

ADOPTED.

3. **FEEDBACK BY THE EXECUTIVE COMMITTEE ON NOTICES OF MOTION
CARRIED BY THE MUNICIPAL COUNCIL**

3.1 **MOTION PROPOSED BY COUNCILLOR J ANNIPEN AND SECONDED
BY COUNCILLOR J NAIDOO:**

**Implementation of the City Social Housing Programme in Compliance with the
Requirements of the Social Housing Regulatory Authority**

The Executive Committee considered the Notice of Motion referred to above and carried by the eThekweni Municipal Council at its meeting of 15 August 2023. The Motion relates to alleged exploitation of vulnerable individuals by being subjected to prolonged tenancies and rentals falling outside the requirements of the Social Housing Regulatory Authority (SHRA).

In view of the foregoing, the Committee subsequently tasked the City Manager to facilitate investigation required to establish whether the State-Subsidized Rental Housing is implemented in accordance with the SHRA requirements. That findings thereon be presented to the Committee within a period of two (02) months from the date of the Executive Committee meeting of 19 September 2023. It being noted that this is a standard adopted by the Executive Committee to attach timeframe to Motions carried by the Municipal Council to avoid sitting with outstanding Motions indefinitely.

Accordingly,

COMMITTEE RECOMMENDS:

3.1.1 That, the Municipal Council notes progress report on the implementation of its decision to investigate alleged exploitation of vulnerable groups by being subjected to prolonged tenancies and rentals in deviation from the requirements of the Social Housing Regulatory Authority (SHRA), with the Executive Committee subsequently tasking the City Manager to investigate the matter, and submit findings thereof within a period of two (02) months from the date of the Executive Committee meeting of 19 September 2023, it being reaffirmed that the investigation will focus on the following elements, as per the content of the Notice of Motion:

- (i) Identification of all Developers which have benefitted from SHRA subsidies;
- (ii) Establishing “Rent to Own” Beneficiaries Register; and
- (iii) To urgently regularize these beneficiaries

Commenting on the matter, IFP noted with appreciation the progress report on the implementation of the Council decision. However, they also expressed a concern that tenants were now being evicted from the complexes. They mentioned that the Municipality was ought to involve the Social Housing Regulatory Authority on this matter to place a moratorium on these evictions, it being further

mentioned that the Municipality has been cited as respondent on the Court case pertaining to these evictions. So that ultimately, in future the tenants will be able to obtain title deeds.

Thereafter, the above recommendations from the Executive Committee were **NOTED.**

3.2

MOTION PROPOSED BY COUNCILLOR V REDDY AND SECONDED BY COUNCILLOR A SHAHEED:

Alleged Bribery Collection by DA Chatsworth Councillors under the Multi-Million Rand Tender Awarded to Replace Water Mains in Chatsworth

The Committee considered the Motion referred to above and accepted legal advice given that the matter falls outside the competence of the Council because allegations of Councillors' misconduct are referred directly to the Speaker for investigation. With the Speaker to then explore different options to consider the matter, including either requesting a Councillor(s) implicated to make representation or referring the matter to the Ethics Committee/City Integrity and Investigations Unit to investigate the matter.

The deliberations at the Executive Committee level culminated in the decision to direct the Motion to the Speaker as per the content therein, and it being recorded that the Speaker will handle the matter directly with the Complainant with no expectation for Council to receive feedback hereon, unless the matter comes as part of the recommendations of the Ethics Committee in the event the matter was referred to this Committee.

Accordingly,

COMMITTEE RECOMMENDS:

That the Municipal Council notes that the Motion relating to alleged bribery collection by the DA Chatsworth Councillors under the Multi-Million Rand tender awarded to replace water mains in this area will be referred directly to the Speaker for consideration within the framework of the Councillors Code of Conduct and feedback thereon to be dependent on the mechanism implemented by the Speaker to handle the matter.

NOTED.

3.3

MOTION PROPOSED BY COUNCILLOR J ANNIPEN AND SECONDED BY COUNCILLOR J NAIDOO:

Disturbing Revelations by the Integrity Forensic Solutions Regarding Tender Awards by the eThekweni Municipality to Companies and Individuals Under Investigation and/or with Pending Court Cases

The Executive Committee deliberated on the Motion referred to above, as per the decision taken by the Municipal Council on 15 August 2023. In its deliberations, the Committee noted key focus areas outlined in the Motion as follows:

- (i) The Executive Committee be tasked to determine the names of the businesses/persons who have ongoing investigations/pending court cases against them;

- (ii) To formulate guidelines and recommendations in accordance with the Supply Chain Management Policy, including but not limited to, temporary blacklisting such persons/entities pending the conclusion of investigations and court hearings.
- (iii) The Executive Committee to then report findings and recommendations to Council for further deliberations and approval.

Thereafter, the Committee obtained guidance from the Head: Legal & Compliance, advising that this matter falls outside the scope of the Executive Committee as it would be impractical to track down all individuals and companies facing cases of alleged fraud and corruption. The Committee also received suitable responses to queries raised pertaining to the reason the matter was not disallowed in the first instance; letting the matter pass the Council process to then reach the Executive Committee; whether Council is competent to deal with matters involving the supply chain management elements; and reference being made to the Court case previously lost by the Municipality regarding the blacklisting of a certain company that was facing fraud and corruption charges.

In his response, the Head: Legal & Compliance advised as follows:

- That the Legal & Compliance Unit supports the Speaker to decide on the competence of Motions submitted, and confirmation given that the Motion in question could not be disallowed since it was requesting the Executive Committee to investigate the matter, of which the discussions underway represents implementation of the Council decision.
- That reference to the supply chain management elements in the Motion falls under the competence of the Municipal Council since this pertains to the Policy formulation perspective, and thus achieving relevance, with the Council holding executive and legislative powers of the Municipality. That policy implementation then falls under the jurisdiction of the Chief Financial Officer, with no Council involvement, except to play an oversight role.
- That in terms of the Court case relating to the blacklisting of Supplier, the Court ruling was made that the Council has no legal basis to blacklist Suppliers prior to them being found guilty. Therefore, the Council has no power to blacklist until a Supplier is found guilty of fraud and corruption.

Given the explanation, it was learned that it was impractical for the Executive Committee to track individuals and companies facing cases of fraud and corruption. Also, that the Council has no powers to blacklist individuals and companies implicated prior to the Court concluding cases submitted in this regard.

In view of the foregoing,

COMMITTEE RECOMMENDS:

That the Municipal Council notes that the Motion relating to what is regarded as the disturbing revelations by the Integrity Forensic Solutions regarding tender awards by the eThekweni Municipality to companies and individuals under investigation and/or with pending court cases will not be pursued given that the scope

falls outside the jurisdiction of the Council, hence, it is proposed that the Motion be withdrawn accordingly.

NOTED.

At this stage of the proceedings, time being 16h10, the IFP requested fifteen (15) minutes for a caucus, eight (08) minutes was granted by the Speaker. Thereafter, the meeting resumed at 16h35.

(His Worship the Mayor, Councillor TM Kaunda presented the Third Report of the Executive Committee).

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-09-26)

PRESENT : Executive Committee Members ZP Myeni (Deputy Mayor – In the Chair), A Beetge, Y Govender, NI Madlala, TM Mthethwa, MS Nkosi, BT Ntuli and ZR Sokhabase.

ABSENT : Executive Committee Members TM Kaunda (Mayor and Chairperson: Municipal Business Leave) and OB Mvubu (Indisposed Leave).

1. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD 2023-09-20.

(Page R1)

1.1 Request for Authority to Implement Masakhane Outreach Programme in the 2023/24 Financial Year (11/1/3):

(Page 26: Community Services Committee – Agenda 2023-09-20)

The Masakhane Outreach Programme is championed by the Community Participation and Action Support Unit. The programme is designed to accelerate implementation of the Community Participation Policy by increasing high impact level of direct community engagement and participation which also impact positively in strengthening democracy and development of mutual trust between the community and the Municipality. The main objectives of the Masakhane Outreach Programmes are to create administrative and social culture of dialogue; mutual respect; and empowerment amongst all stakeholders involved. This programme encourages strategic mobilisation of community to be involved in the developmental needs of their respective areas.

The Programme to be undertaken during the 2023-24 financial year is broken down into different components as summarize below as follows:

i) Masakhane Outreach in Response to Service Delivery

This programme creates an opportunity for the community to raise their concerns regarding service delivery provided in response to their needs for the Municipal Units and Government Departments to then provide responses on how their concerns will be addressed.

ii) Masakhane as Education and Awareness Platform

As part of the legislative imperative, the Masakhane Outreach Programme creates platform for community engagements to promote civic pride and educate the community on how the Municipality and other Government Departments operate.

iii) Masakhane for Various Sectors and Stakeholders

Communities are made up of various sections and demographics which are found in various cultural, racial religious, social and linguistic inclination. Other communities are categorised according to their sectors which include elderly, people living with disability, Amakhosi, women, youth, formidable ratepayers and businesses. Therefore, this programme also recognises that stakeholders have distinct needs worth to be given a platform.

iv) Masakhane as Promoter of Best Practice and Community Initiatives

This programme plays a major role in the identification of those individuals and organisations that contribute in the betterment of the quality of life. Sessions to acknowledge these segments will be arranged in consultation with local leadership.

v) Masakhane as Epitome of Collaborative Efforts

This promotes implementation of the programme in collaboration with other initiatives during pre and post community engagement platforms. These initiatives consist of Operation Good Hope (OGH); Operation Mbo; Operation Sukuma Sakhe (OSS); and the Mayoral Izimbizo. The initiatives are also implemented working closely with the Provincial and the National Government Departments that implement similar initiatives and operating in the vicinity of the Municipality.

In terms of the benefits associated therewith, the attention is drawn to the fact that the Masakhane Programme is built on the notion of better community engagement. This approach advances platforms of addressing issues of service delivery through the right community engagement tools and methods. It is evident that the Masakhane processes result in the development of broader understanding of the nature of service delivery issues and increased sense of social efficacy.

At the Support Committee level, it was noted that there were events which have already been undertaken in the month of August 2023 prior to be granted approval on this matter. This was considered unacceptable and with the Municipal Units being reprimanded to submit reports timeously for approval prior to commencing with implementation of any programme. Thereafter, the Support Committee approved the

matter with the majority vote of the ANC-13, DA-7, IFP-2, Action SA-1, ABC-1 and the TA-1. The EFF-4 abstained on the matter.

During consideration at the Executive Committee level, the opposition Parties requested confirmation of specific Wards where the programmes will be undertaken as well as the dates for each programme. In this regard the Chairperson of the Community Services Committee and the relevant Deputy City Manager confirmed that Wards have been clustered to then share in the programmes to be undertaken in a clustered groups and that this information together with tentative dates of the programmes was shared accordingly at the Support Committee level.

Thereafter, the DA abstained on this matter and with the other Parties being in support,

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Community Participation and Action Support to implement the Masakhane Outreach Programme in the 2023-24 financial year at an estimated cost of R2 403 940.00 (Two Million Four Hundred and Three Thousand Nine Hundred and Forty Rand) already budgeted for in this current financial year, and with the programme aimed at promoting participatory governance, focusing mainly on taking local government to the people to address their service delivery needs on the ground whilst also empowering them on the government operations.

Financial Implications:

Item	Vote number	Amount
Venue hire	32306.18950-10.12120.0000.35000-4.0010	R330 750.00
Hire of marquee/tents	32306.18950.-10.12120.000.38300.0010	R661 500
Transport/vehicle hire	32306.218.5.12120.0000.3500-4.0010	R100 000.00
	32306.218.5.12120.0000.3899.0010	R249 300
	32306.27999.12120.0000.38300.0010	R114 370
Hire of sound	32306.11760.12120.0000.38300.0010	R340 350
Hire ablution facilities	32306.10670.-11.12120.0000.38300.0010	R93 940
Catering services	32306.11400.12120.0000.37410.0010	R10 500
	32306.11400.12120.0000.37410.0010	R170 400
	32306.11400.12120.0000.38264.0010	R141 120
	32306.11400.12120.0000.38388.0010	R206 510
	32306.11400.12120.0000.38700.0010	R10 500
	32306.11400.12120.0000.38712.0010	R10 500
	32306.11400.12120.0000.81400.-24.0010	R10 500
Grand Total		R2 403 940

FC No.: 2024/06/03

Speaking on the matter, the ANC emphasised that the Masakhane Programme was created on the notion of better community engagement. That the approach advances platforms of addressing issues of service delivery through the right community engagement tools and methods. It being emphasised that the programme will assist communities as different Municipal Service Units and

Departments will be providing brief outline of their respective mandates and services.

However, the ActionSA noted that community engagements were significant, however they dissented on the matter, as they were of the opinion that the programme will be utilised as a platform for other political motives.

Therefore, as some members were not in support of the recommendations; therefore, the matter was put to the vote. With 177 Councillors present, 174 Councillors (ANC - 85, EFF – 10; IFP – 13, ABC – 02; ACC - 01, ACDP – 01, AIC – 02, DLC – 00; ADEC – 00; APF – 01; ATM -01; ALJAMAH – 01; JEP -01; KZNI - 00, MF - 01, NFP -00; PRM – 01, TA- 00, UIM – 01 and VF Plus – 01) voted in favour of the recommendations and 52 Councillors (DA- 51 and PFP - 01) voted against the matter. 3 Action SA Councillors voted against the matter. There were no abstentions recorded.

Accordingly, the above recommendations of the Executive Committee, were, by the majority vote; **ADOPTED.**

1.2

Review of Air Quality Management Plan for eThekweni Municipality:
(Page L99: Community Services Committee - Agenda 2023-09-20)

The Air Quality Management Plan (AQMP) is a strategic document which must be included in the Municipality's Integrated Development Plan (IDP) as required by Chapter 5 of the Local Government: Municipal Systems Act No. 32 of 2000. This strategic plan also guides budget and allocation of resources for air quality management. The eThekweni Municipality has the executive authority and the right to administer Local Government matters as provided in Part B of Schedule 4 of the Constitution of the Republic of South Africa, including other matters assigned to it by the National and Provincial legislation.

Since Air pollution falls under Part B of Schedule 4 of the Constitution of the RSA, the eThekweni Municipality is therefore mandated to maintain good air quality, identify, and reduce impact of air pollution on human health. Therefore, Municipality is required to develop strategies to address the effects of emissions from various sources. The Quality Management Plan under review was developed in 2007 and was completed 2016, and subsequently adopted by the Council in May 2018. With the Committee noting the statutory compliance requirements associated with the management of air quality, and the necessity to review the existing plan to incorporate latest developments, including climate change, and measures to keep air quality at high level within the City,

COMMITTEE RECOMMENDS:

1.2.1

That, in compliance with the statutory requirements associated with Air Quality Management, authority be granted for the Head: Health to commence and continue with the process of reviewing the eThekweni Municipality Air Quality Management Plan, at an estimated amount of R2 404 100.00 (Two Million Four Hundred Four Thousand and One Hundred Rand), budgeted for in the 2023-24 financial year, and with breakdown of activities to be funded listed in the table contained under financial implications below.

1.2.2

That subject to the approval of .1 above, authority be granted for the Head: Health to undertake participatory engagements and processes with the relevant Departments to ensure the Air Quality management and Climate change mandate is fulfilled throughout the Municipality.

Financial Implication:

AQMP Projected budget requirements.

Description	Quantities	Disbursements	Total
Project management			
Inception meeting	1	R250	R12 250
PSC meetings	1	R1 250	R69 250
Monthly reporting	6	R0	R40 000
Baseline management			
Physical characterization	1	R0	R60 000
Emission resources	1	R0	R316 000
Ambient air quality	1	R0	R136 000
Ambient monitoring system	1	R0	R270 000
Health benefits assessment	1	R0	R224 000
Health data systems development	1	R8 600	R128 600
Dispersion modelling	1	R0	R174 000
Capacity for AQM	1	R0	R44 000
Development of the AQMP			
Evaluation of the AQMP	1	R0	R44 000
Gap analysis	1	R0	R66 000
Threat assessment	1	R0	R174 000
AQMP vision, mission & goals	1	R0	R22 000
Implementation plan	1	R0	R66 000
Draft AQMP	1	R0	R66 000
Final AQMP	1	R0	R32 000
Public participation			
Public participation	4x sessions	R120 000	R216 000
Skills transfer			
Skills transfer	4x sessions	R120 000	R244 000
Total Excluding VAT		R250 100	R2 404 100

FC No.: 1/2024

ADOPTED.

2. REPORT OF THE FINANCE COMMITTEE: MEETING HELD 2023-09-20.

(Page R5)

2.1 Public Tender Awards of eThekweni Municipality for the Month Ended: 31 July 2023 (9/1/3):

(Page 18: Finance Committee - Agenda 20323-09-20)

The Committee noted a total value of tenders awarded in the month of July 2023 and recorded as R1 382 645 598.61 (One Billion Three Hundred and Eighty-Two Million Six Hundred and Forty-Five Thousand Five Hundred and Ninety-Eight Rand Sixty-One Cent). It being reported and noted that out of one hundred and ten (110) tenders awarded during this period, ten (10) contracts were awarded in terms of Section 36 of the Supply Chain Management Regulations, and thus constituting only 9,1% deviation from the normal tender processes.

On this basis,

COMMITTEE RECOMMENDS:

- 2.1.1 That the public tender awarded by the eThekweni Municipality during the month of July 2023, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Acting Head: Supply Chain Management dated 2023-08-08, be noted.
- 2.1.2 That it be noted that where information is available for Wards and registration numbers, it is included in the report, as information used to compile the report is taken from submissions made by the Units.
- 2.1.3 That the Finance Committee calls for additional information on individual awards, where it deems appropriate and necessary to play its oversight role.
- 2.1.4 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of the Supply Chain Management Policies and the provisions of the Local Government: Municipal Finance Management Act No. 56 of 2003 are observed.
- 2.1.5 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the City Manager can only respond when the reports are available.

NOTED.

2.2 Investment Report for the Month Ended 31 July 2023 (7/11/4):
(Page 84: Finance Committee - Agenda 20323-09-20)

The Committee noted the Municipal funds invested in different Financial Institutions and recorded to amount R9 154 206 000.00 (Nine Billion One Hundred and Fifty-Four Million Two Hundred and Six Thousand Rand), at an average rate of return on investments of 9.12%. Also, that the Municipality has an overdraft facility of R682 000 000.00 (Six Hundred and Eight Two Million Rand). The un-utilised Capital and Operational Grants as at the end of July 2023 was reported to be R2 860 000 000.00 (Two Billion Eight Hundred and Sixty Million Rand). It

being further noted that the Municipality sat at fifty (50) days cash on hand, excluding grants.

The update on investments having been noted accordingly,

COMMITTEE RECOMMENDS:

That the report on the investments of the eThekweni Municipality as at 2023-07-31, which records the total funds invested in financial institutions as R9 154 206 000.00 (Nine Billion One Hundred and Fifty Four Million Two Hundred and Six Thousand Rand), at an average rate of return on investment of 9.12%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Local Government: Municipal Finance Management Act, No. 56 of 2003, be noted.

NOTED.

2.3 Budget Statement Report for the Month Ending: 31 July 2023 (7/1/4):
(Page 101: Finance Committee - Agenda 2023-09-20)

In giving an overview, the Deputy City Manager: Finance took the meeting through the salient features of the report relative to the actual operating revenue of 107% of the year-to-date budget, with a variance of 7%. The actual operating expenditure reported as a percentage of year-to-date budget figure is 84% with a variance of -16%. The reported capital expenditure is 53% of the budget with a variance of -47%. The capital year to date spent is reported at 2.1%. A cash collection of 92,29% is lower when compared to the same period in the previous year (95%).

During discussions at the Support Committee level, concerns were expressed on what was viewed as delays in finalising the process of transferring the meter reading function from the Trading Service Cluster to the Revenue Management Unit, as the plan was to finalize the process by July 2023.

However, the report by Management was noted that a consultation process was underway, involving the Human Capital Unit; Labour component; Water and Sanitation; Electricity; and the Revenue Management Units. Also, that the delays have been encountered due to the expiry of the meter reading contract. Confirmation being given though that the supply chain management processes for the appointment of new service provider to provide a meter reading platform was almost completed.

The Committee also expressed concerns over the reported ratio of 45,06% for water distribution losses, but Management gave assurance that interventions were being implemented to curb non-revenue water, including procuring bulk water meters etc.

COMMITTEE RECOMMENDS:

2.3.1 That the Budget Statement report for the month ended 2023-07-31 and the supporting documents, submitted by the City Manager as per his report dated 2023-08-16, in compliance with Section 71 of the Local Government: Municipal Finance Management Act No. 56 of 2003, and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act No.56 of 2003, the Municipal Budget and Reporting Regulations”, be noted.

- 2.3.2 That in compliance with Section 32(2) of the Local Government: Municipal Finance Management Act No.56 of 2003, Council notes that there was no Unauthorised, Irregular, Fruitless and Wasteful Expenditure incurred for the month of July 2023 reported by the line departments as detailed in section 10 of the Budget Statement Report.

Commenting on the matter, the ActionSA highlighted that meter reading function had to be prioritized, citing that the meters have not been read during the past few months, thereby resulting in discrepancies in Municipal bills being issued. They emphasized that insourcing of meter readers had to be considered.

Also commenting on the matter, the ANC welcomed the report and acknowledged challenges and that interventions were being implemented to curb non-revenue water, including procuring bulk water meters etc.

Thereafter, the above recommendations of the Executive Committee were, NOTED.

- 2.4 Unauthorised, Irregular, Fruitless and Wasteful Expenditure Incurred for the Year Ended 30 June 2023 (9/1/3):
(Page 276: Finance Committee - Agenda 2023-09-20)

The Committee noted total unaudited irregular expenditure of R807 928 679.00 (Eight Hundred and Seven Million Nine Hundred and Twenty-Eight Thousand Six Hundred and Seventy-Nine Rand), incurred and reported by various Units for the quarter ended 30 June 2023. Background being given that these reports have been reviewed and analyzed by the Internal Control Unit, noted by the Bid Adjudication Committee, and would be referred to the Municipal Public Accounts Committee with a recommendation to write off or recovery, based on the outcomes of the investigation conducted.

Upon enquiry of the measures being implemented to curb and control irregular expenditure, clarity was given that the annual review of the SCM Policy is undertaken to ensure any updates or amendments are incorporated into the Policy. Further, that Annual Procurement Plans are prepared by the Municipal Units, including contract management and implementation of online budget checking tool, amongst others. Information being given that Regulations are also continuously issued by the National Treasury pertaining to the procurement processes and thus having a direct effect on the outcomes of the expenditure audit.

Outlining some of the processes involved in declaring irregular expenditure, the attention was drawn to the fact that the National Treasury Regulations are sometimes issued when certain tender processes are already underway and thus not taking into account the provisions of the Regulations issued. However, that when the Auditor-General reviews the tender processes, the tenders which were processes prior to the Regulations coming into effect are also declared non-compliant if certain elements of the Regulations have not been complied with, thus resulting in irregular expenditure being incurred, not necessarily as a result of wrongdoing, but the time factor between the date of the Regulation and the date of the tender process.

The attention of the Executive Committee was then drawn to an informative narrative provided at the Support Committee level with regard to the use of the local content and also the write-off process as informed by the Regulation. That this information be

shared for members to achieve a broader understanding of these issues. This was agreed to, and with the Finance Team undertaking to package and share the information accordingly.

With the Committee noting explanation with regard to irregular expenditure,

COMMITTEE RECOMMENDS:

- 2.4.1 That the Unauthorised, Irregular, Fruitless and Wasteful Expenditure reported for the Quarter ended 30 June 2023 amounting to R807 928 679.00 (Eight Hundred and Seven Million Nine Hundred and Twenty-Eight Thousand Six Hundred and Seventy-Nine Rand), be noted.
- 2.4.2 That depending on the outcome of the process detailed in terms of Section 32 of the Local Government: Municipal Finance Management Act No. 56 of 2003, further action may arise, including disciplinary action, recovery of monies and criminal charges being instituted where applicable.
- 2.4.3 That a report on irregular expenditure incurred be prepared and submitted to the MEC for Co-operative Governance and Traditional Affairs, National Treasury and the Office of the Auditor-General, as per the requirements in terms of Section 32 and Section 170 of the Local Government: Municipal Finance Management Act No. 56 of 2003.

Commenting on the matter, the ActionSA expressed a concern that the Municipality has to write-off almost R800 million, of UIFWE just in the beginning of the financial year, also questioning the sustainability of the Municipality in this regard.

The IFP also noted with concern the amount of UIFWE to be written-off, indicating that there was R4,3 billion UIFWE backlog still to be investigated. They further mentioned that R2,3 billion has already been written-off without any consequence management being implemented even though some were repeated transgressions. They were of the view that there was failure of contract management and deliberate misuse of Section 36 within the Supply Chain Management Unit, which adds to the UIFWE.

Meanwhile, the EFF also noted the report with concern and emphasised that consequence management had to be implemented in the first instance, prior to any amounts being written-off. They were of the strong view that the information being given that value for money has been realised on the UIFWE to be written -off, was not sufficient, emphasis being made results were expected in terms disciplinary actions being taken, recovery of monies and criminal charges to be instituted where applicable.

Thereafter, His Worship the Mayor also a Chairperson of the Finance Committee begun by correcting some of the sentiments being raised, mentioning that a huge portion of the UIFWE was as a result of the changes effected on the Preferential Procurement Policy Act when it was challenged, therefore the changes thereof needed to be incorporated particularly in all the contracts with contract participation goal. Therefore, for the Municipality to balance its books, it was a necessity to regularize the UFIWE, it being further mentioned that the Auditor General also issues their audit opinion, based on this accounting exercise.

It was further advised that consequence management is also implemented within the mandate of the Council-established Financial Misconduct Disciplinary Board, which is due to submit periodic reports to Council on cases investigated. That the Council should allow processes to unfold and provide the necessary support including reporting of any suspected corruption activities to the relevant structures.

Subsequently, the above recommendations from the Executive Committee were NOTED.

At this stage of the proceedings, time being 17h00, the Speaker advised Council that during the Speakers and Party Whips Committee, it was agreed that Council meetings will no longer continue to convene beyond 17h30. In this regard, statutory items were selected, and others being deferred to the next Special meeting to be held virtually with full details to be announced in due course.

2.5 Progress Report on Minimum Competency Levels as at July 2023 (6/2/3/1):
(Page 285: Finance Committee - Agenda 2023-09-20)

Certain Senior Municipal Officials are required to undergo the Municipal Finance Management Training registered by the South African Qualifications Authority and be validated by National Treasury. This report then serves to present progress and status of the minimum competencies to be attained by the designated Municipal officials as prescribed by Section 168 of the Local Government: Municipal Finance Management Act No.56 of 2003.

As per the statutory requirements, the progress report presented herein would also be submitted to the National and the Provincial Treasury, it being recorded that the compliance requirement is the completion of the relevant modules at 100% by the officials concerned. Progress report thereon is detailed in the table contained in the recommendation below, and this being noted accordingly,

COMMITTEE RECOMMENDS:

That Council note progress made by the eThekweni Municipality officials designated to achieve Municipal Minimum Competency levels, as per Regulations set out in terms of Section 168 of the Local Government: Municipal Finance Management Act No. 56 of 2003, be noted as recorded in the table below:

Progress:

Category	Summary Report
Accounting Officer	Compliant as per Regulation
Chief Financial Officer	Compliant as per Regulation
Senior Managers (MSA S56)	Compliant as per MFMP Unit Standards Regulation, of which 3 are awaiting SETA Certificate
3 Supply Chain Management	2 Compliant as per Regulation 1 completed 81% of modules; and 19% of modules in progress

Category	Summary Report
2 Middle Manager: Finance	1 Compliant 1 Employee has joined the Minimum Competence Programme and will complete in terms of the Regulations.

DEFERRED, to the next Special meeting.

2.6

Budget Statement Report for the Month Ending: 31 August 2023 (7/1/4):
(Page 287: Finance Committee - Agenda 2023-09-20)

The attention of the Committee was drawn to the salient features of the report relative to the actual operating revenue of 103% of the year-to-date budget, with a variance of 3%. The actual operating expenditure reported as a percentage of year-to-date budget figure is 91% with a variance of -9%. The reported capital expenditure is 55% of the budget with a variance of -45%. The capital year to date spent is reported at 4.6%. A cash collection rate of 100.72 % was reported as higher when compared to the same period in the previous year (93.21%), this was greatly applauded.

The Committee unanimously stressed the importance to intensify debt collection strategies to recover monies owed to the Municipality by customers including Parastals and Government Departments. It being noted that in terms of Municipal debtors, the bulk thereof relates to household debt which includes individual/ residential customer accounts. It being further noted vigorous enhancement and implementation of the Credit Control Policy was ongoing with a focus being on customers that owe the Municipality from the value of R100 000-00 (One Hundred Thousand Rand) and going down to R10 000-00 (Ten Thousand Rand). That in addition to this, other engagements between the Municipality, Parastals, including Transnet and Government Departments were still underway to recover monies owed. On the other hand, unread meters for prolonged period were viewed as a major challenge for the Municipality in terms of customers being in receipt of inaccurate bills, mention being made that the Municipality had to ensure that meters were being read on a monthly basis.

In an endeavour to address water challenges, information was given that Councillors have been allocated plumbers to assist with leaks in their respective Wards. The Municipality was applauded for spending 100% on its Urban Settlement Development Grant allocation and thereby leading on this spending when compared to all other Metropolitans in the Country. It was further recalled that the Municipality had received funding for April 2022 storm water damages with conditions that the projects should be completed within twelve (12) months. However, with funding having been received three (03) months prior to the end of the financial year, an agreement was reached with the National Government that the implementation will cut across two (02) financial years, it being confirmed that the Municipality now has a deadline of March 2024 to complete the floods damages projects. Confirmation also being given that the procurement processes have been completed for the majority of the projects and that these are now at the implementation stage, therefore expenditure patterns for this grant allocation will also be noticeable going forward. Therefore, indication being given that the Municipality was performing well and stable in terms of its financial affairs.

Deliberating on this report at the Executive Committee level, further information was provided as per the enquiries made, explanation being given that while the capital budget spend is currently sitting at 45%, it was advised that the spend was dependent

on the supply chain management processes. Confirmation being given that a plan is in place to track the SCM processes for each capital project to be undertaken and that there are processes completed already and it being anticipated that the capital budget spend will improve in the second quarter of the current financial year.

On the issue raised pertaining to a legislative requirement to publicize Officials and Councillors who are repeat offenders in terms of the payment of Municipal fees, the attention of the meeting was drawn to the provisions in the Local Government: Municipal Systems Act No. 32 of 2000 regarding the process to be followed to handle deviations, and for Councillors, that the Schedule 7 provisions of this Act culminate in the submission of the report dealt with openly by the Municipal Council, it being recorded though that it was the prerogative of the Municipal Council to determine whether this report should be dealt with in an open or closed meeting, although the general approach followed by the Municipal Council involves open discussion of the report of this nature.

Thereafter, from the finance perspective, it was confirmed that information on Councillors in arrears for more than ninety (90) days is included to form part of the Annual Financial Statements incorporated in the Annual Report, as per the requirements in terms of Section 124 of the Local Government: Municipal Finance Management Act No. 56 of 2003.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.6.1 That the Budget Statement report for the month ended 2023-08-31 and the supporting documents, submitted by the Acting City Manager as per his report dated 2023-09-15, in compliance with Section 71 of the Municipal Finance Management Act No. 56 of 2003 and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, be noted.
- 2.6.2 That in compliance with Section 32(2) of the Municipal Finance Management Act, Council notes that Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) incurred for the month of August 2023 as detailed in section 10 of the Budget Statement Report.

DEFERRED, to the next Special meeting.

- 2.7 Public Tender Awards of eThekweni Municipality for the Month Ended: 31 August 2023 (9/1/3):
(Page 453 : Finance Committee - Agenda 2023-09-20)

The Committee noted that the amount of R76 911 199.27 (Seventy-Six Million Nine Hundred and Eleven Thousand One Hundred and Ninety-Nine Twenty-Seven Cent) was the total value of tenders issued during the month of August 2023.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.7.1 That the public tender awards by the City for the month of August 2023, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations,

as contained in the report by the Acting Head: Supply Chain Management dated 2023-09-08, be noted.

- 2.7.2 That it be noted that where information is available for Wards and registration numbers, it is included in the report, as information used to compile the report is taken from submissions made by the Units.
- 2.7.3 That the Finance Committee calls for additional information on individual awards, where it deems appropriate and necessary to play its oversight role.
- 2.7.4 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.
- 2.7.5 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the City Manager can only respond when the reports are available.

DEFERRED, to the next Special meeting.

- 2.8 Implementation of Debt Payment Relief for 3-Month Period (7/6/3/1):
(Page 571: Finance Committee - Agenda 2023-09-20)

Approval is sought to reinstate debt payment relief for account holders with arrear debt, in line with the provisions of the Local Government: Municipal Finance Management Act No. 56 of 2003, read together with the eThekweni Municipality 2023/2024 Credit Control Debt Collection Policy. It will be recalled that in response to economic hardships over the past three (03) years and impacting negatively to the eThekweni Municipality customers due to, amongst other things; reduced salaries; loss of jobs; and damages to properties, the Council took a resolution to provide payment relief to Municipal customers.

In this regard, the outcome of the previous 3-month payment relief implemented from 13 December 2022 to 28 February 2023 is recorded as follows:

DETAILS	NO OF ACCOUNTS	AMOUNTS
Sum CA Capital debt	6 485	R428 003 974,24
Total amount received downpayments	6 191	R46 548 585,00
Amount written off interest	6 236	R36 800 772,51
Capital written off	81	R2 882 037,32

In terms of the proposed payment relief, Government and Parastatals would be excluded, but include customers with ninety (90) days arrear account to then sign payment arrangement, with 5% down payment for residential customers, and 10% for non-residential customers. Interest accumulated to be written off once payment arrangement has been entered into, and, all interest written-off to be reinstated where a customer default on this payment plan with the Municipality. Existing customers on a payment plan to be afforded opportunity to take part in this incentive, such customers will have to make similar down payment as stipulated herein.

It being noted that the reasons for the debt relief not achieving the intended outcomes it is because of the continued economic hardships; customers defaulting on the payment plan agreement; and strict timelines that resulted in acknowledgement of debt falling into default soon.

Therefore, the proposed Debt Relief Programme is informed by an outcry following termination of the debt relief, with many customers requesting extension thereof. Whilst the economic conditions within the eThekweni Metro have slightly improved but the debt relief program remains relevant and valid due to the economic meltdown. For instance, a number of Non-Profit Organisations (NPOs) like the Society for the Blind and the Coastal Mental Health facilities have seen a huge drop in donor funding to a point where they are barely affording to pay for their operational costs, and thus struggling to keep up with Council charges.

The Council debt has increased from R19 276 943 997.00 (Nineteen Billion Two Hundred and Seventy Six Million Nine Hundred and Forty Three Thousand Nine Hundred and Ninety Seven Rand) as at 30 June 2022 to R25 075 216 889.00 (Twenty Five Billion and Seventy Five Million Two Hundred and Sixteen Thousand Eight Hundred and Eighty Nine Rand), which represents a 30% increase in the amount of R5 798 272 892.00 (Five Million Seven Hundred and Ninety Eight Thousand Two Hundred and Seventy Two Thousand Eight Hundred and Ninety Two Rand). The intention is therefore to reduce to escalating debt book.

The Council's Debtor Age analysis has increased over the past six (06) years, while the collection rate has averaged 95% over the years and it dropped to 94% during the 2022/23 financial year. In considering many queries received from customers on the lapse of the relief in February 2023, customers are requesting an addition of water loss insurance and more emphasis to cover the NPOs and social institutions. Therefore, this report seeks authority to approve another debt payment relief for a period of three (03) months, but effect changes to the terms and conditions applicable to the previous programme.

Overall, the proposed payment plan will apply on the balance of the outstanding debt over a maximum period of thirty-six (36) months with no interest added, and based on the period to be chosen as outlined hereinafter. A certain percentage of capital debt to be written off at the end of the payment arrangement, on condition that the customer does not fall into arrears within a period of twelve (12) months from the liquidation of the debt. This relief also applies to registered NPOs (old age and disabled homes, mental hospitals, Early Childhood Development Centres, etc.) The relief will result in 50% capital debt write off once the payment arrangement has been entered into. The capital write off for residential and non-residential customers is proposed to be applicable as follows:

No.	Period	Percentage Relief
1.	1-3 Months	15% capital debt write-off
2.	4-6 Months	10% capital debt write-off
3.	5-12 Months	7.5% capital debt write-off
4.	13-18 Months	5% capital debt write-off
5.	19-24 Months	2.5% capital debt write-off
6.	Above 24 Months	0% capital debt write-off

In terms of water loss insurance shortfall, customers who enter into the payment arrangement and subsequently submit claims for water leaks, but were paid by the insurance only part of the amount claimed, the difference (capital debt) between the amount claimed, average monthly consumption and the amount paid by the insurance to be written off. It should be noted that charging interest on debt is mandatory, as provided for in Section 64(2)(g) of the Local Government: Municipal Finance Management Act No.56 of 2003. However, the relevant Policy does make provision that Council may approve the reversal of interest from time to time.

The DA abstained on this matter at the Support Committee level.

During deliberations at the Executive Committee level, members supported the amendment effected in recommendation 1.1 to add SMMEs as beneficiaries of the programme and categorised as residential, and to qualify that the programme is applicable to customers in arrears for 90 days or more, with residential customers to access the programme through 5% and non-residential through 10% down payment.

With the Committee supporting this progressive move to cushion customers in times of need,

COMMITTEE RECOMMENDS:

- 2.8.1 That, in line with the provisions of the Local Government: Municipal Finance Management Act No. 56 of 2003, read together with the eThekweni Municipality Credit Control and Debt Collection Policy 2023/2024, Council approves implementation of the Debt Payment Relief Programme for a period of three (3) months to account holders in arrears for 90 days or more, effective 01 October to 31 December 2023, based on the following terms and conditions:
 - 2.8.1.1 Customers in arrears for 90 days or more to sign payment arrangement by paying 5% down payment for residential customers and SMMEs and 10% for non-residential customers excluding government departments/Institutions and parastatals;
 - 2.8.1.2 Interest accumulated to be written-off once the payment arrangement has been entered into;
 - 2.8.1.3 All interest written-off to be reinstated where a customer default on this payment plan with the City;
 - 2.8.1.4 Existing customers on a payment plan to be afforded an opportunity to take part in this incentive, such customers will have to make a similar payment as stipulated above;
 - 2.8.1.5 The Municipality to enter into payment plan with all customers taking part in this relief scheme and the balance of the outstanding debt over a maximum period of thirty-six (36) months with no interest added;
 - 2.8.1.6 When a customer signs an arrangement for the following periods a certain percentage of capital debt to be written-off at the end of the payment arrangement, on condition that the customer does not fall into arrears within a period of twelve (12) months from the liquidation of the debt;
 - 2.8.1.7 Non-Profit Organisations (NPO); Old Age and Disabled Homes, Mental Hospitals, Early Childhood Development Centres, etc.) be granted 50% capital debt write-off

once payment arrangement has been entered into, on condition that the NPO does not fall into arrears within a period of twelve (12) months liquidation on the debt;

- 2.8.1.8 Capital write-off for residential and non-residential customers (including bulk customers) to be categorized as follows:

No.	Period	Percentage Relief
1.	1-3 Months	15% capital debt write-off
2.	4-6 Months	10% capital debt write-off
3.	5-12 Months	7.5% capital debt write-off
4.	13-18 Months	5% capital debt write-off
5.	19-24 Months	2.5% capital debt write-off
6.	Above 24 Months	0% capital debt write-off

- 2.8.1.9 For water loss insurance shortfall, customers who enter into payment arrangement and had submitted claims for water leaks but were paid by the Insurance company only part of the amount claimed - the difference (capital debt) between the amount claimed, average monthly consumption and the amount paid by the insurance be written-off, on condition that the customer does not all into arrears within a period of twelve (12) months from the date the debt is liquidated in terms of the payment arrangement;

- 2.8.1.10 The Council approves reversal of interest and the capital debt write-off on all transactions relating to this debt relief programme; and

- 2.8.1.11 Customers to be given a grace period of fifteen days (15) before cancellation of payment arrangement.

Financial Implications:

1. If Council approves the proposal all interest and a percentage of capital debt as per signed agreement on customer accounts that participate in the relief scheme will be written-off.
2. The determination of the actual amounts to be written-off can only be determined on the lapse of the signed agreements by customers. As per the previous relief to date, an amount of R36 800 772.51 (Thirty-Six Million Eight Hundred Thousand Seven Hundred and Seventy-Two Rand Fifty-One Cent) has been subject of interest write-off.

MOTION TO AMEND

In terms of Rule of Order By-Law 20(4), Councillor WJD Burne, seconded by Councillor Z Solomon, moved as a procedural motion to amend the above recommendations 2.8.1 and 2.8.1.1 of the Executive Committee to read as follows:

“2.8.1 That, in line with the provisions of the Local Government: Municipal Finance Management Act No. 56 of 2003, read together with the eThekweni Municipality Credit Control and Debt Collection Policy 2023/2024, Council approves implementation of the Debt Payment Relief Programme for a period of six (6) months to account holders in arrears for 90 days or more, effective 01 October to 31 March 2024, based on the following terms and conditions:

- 2.8.1.1 Customers in arrears for 90 days or more to sign payment arrangement excluding government departments/Institutions and parastatals.”***

NOT CARRIED

As some members were not in support of the Motion to Amend, the matter was put to the vote. With 182 Councillors present, 87 Councillors (DA – 50, EFF – 18, IFP -13, ACC – 01, ACDP – 01, ALJAMAH – 01; MF – 01, UIM – 01 and VF Plus – 01) voted in favour of the amendment and 92 Councillors (ANC - 83, ABC – 02; AIC- 02, ADEC – 00; DLC – 00; APF – 01, ATM - 01; JEP -01; KZNI – 00, MOSA- 00; NFP - 00; PFP – 01, PRM – 01 and TA- 00) voted against the amendment. 3 ActionSA Councillors abstained on the matter.

Therefore, the above-mentioned Motion to Amend was, by the majority voted, **NOT CARRIED.**

Discussions reverted back to the substantive matter, wherein the DA emphasised that the proposed three (03) months period was insufficient for the Municipality to adequately process all expected huge numbers of applications for customers that are in arrears. Also, citing that the accounts must be first rectified as meters for both electricity and water were not read timeously in some instances. They also referred to the previous debt relief programme, indicating that it was not properly advertised, given the short period allocated for the programme.

Also commenting on the matter, the IFP supported the programme, however, they express concern on the restrictions in terms of the upfront deposits required and submitted that this might cause distress for customers and resulting to the defaulting on their agreements. They further emphasised that employees at Sizakal Centres must be informed of the terms and conditions of the debt relief programme to adequately assist customers.

The ActionSA also welcomed the proposed initiative, however cited that there were meter reading challenges that the Municipality needed to address in the first instance.

The MF also supported the debt relief programme and emphasised that unresolved billing disputes had to be addressed prior to signing of new agreements. They mentioned that the programme should be widely advertised for all communities to benefit.

Thereafter, the ANC was of the view that NPO's and Religious Organisations should be rescued and supported. It was also emphasized that roadshows will be conducted to raise awareness on the new debt relief programme as well as all other relief programmes being provided by the Municipality. Information also being given that the Municipality was currently, in the process of finalising procurement processes for the new financial system. In addition, the Municipality was in a process of simplifying municipal bills for customers to be able to comprehend all the details on their bill statements.

According, the above recommendations of the Executive Committee were, **ADOPTED.**

2.9

Investment Report for the Month Ended 31 August 2023 (7/11/4):
(Page 577: Finance Committee - Agenda 2023-09-20)

The Committee noted the Municipal funds invested in different financial institutions amount R9 449 884 000.00 (Nine Billion Four Hundred and Forty-Nine Million Eight Hundred and Eighty-Four Thousand Rand), at an average rate of return

on investments of 9.10%. Also, that the Municipality has an overdraft facility of R682 000 000.00 (Six Hundred and Eight Two Million Rand). That the un-utilized Capital and Operational Grants as at end August 2023 is reported to be R3 030 000 000 000.00 (Three Billion and Thirty Million Rand). It being further noted that there was 51 (fifty-one) days cash on hand excluding grants.

Accordingly,

COMMITTEE RECOMMENDS:

That the report on the investments of the eThekweni Municipality as at 2023-08-31, as invested in financial institutions record total funds in the amount of R9 449 884 000.00 (Nine Billion Four Hundred and Forty Nine Million Eight Hundred and Eighty Four Thousand Rand), at an average rate of return on investments of 9.10%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulations of the Local Government: Municipal Finance Management Act No. 56 of 2003, be noted.

DEFERRED, to the next Special meeting.

3. REPORT OF THE SECURITY & EMERGENCY SERVICES COMMITTEE:
MEETING HELD 2023-09-21.

(Page R13)

3.1 Progress Report on Implementation of the National Integrated Safer Cities Programme in eThekweni Municipality (11/1/3):
(Page 16: Security & Emergency Services Committee -Agenda 2023-09-21)

The Committee received the progress report relative to the implementation of the National Integrated Safer Cities Programme within eThekweni Municipality. The report further sought authority to merge the National Safer Cities Programmes with the Justice Crime and Prevention Security Cluster in view of identification of overlapping deliveries.

The National Integrated Safer Cities Programme was established on 28 May 2020 after the Workshop hosted by the Minister of Police with the South African Police Service Provincial Head office in KwaZulu-Natal. During this Workshop, the National Safer City Model and the Project Plan were discussed at length. This was subsequently followed by visit to the eThekweni Municipality Disaster Management Centre where a presentation was made in respect of the current intelligent technology rolled out by the Municipality in keeping with the Safer City Concept.

A recommendation was thereafter made by the Deputy Minister of Police that the eThekweni Municipality should be the first City in South Africa to pilot the Safer City Model in view of its advanced infrastructure, the long-term established relationship with UN-HABITAT (African Forum for Urban Safety) and the good co-operation between the Metro Police and the South African Police Services.

Subsequently, the Safer City Steering Committee chaired by His Worship the Mayor, Councillor Kaunda, was established. This Steering Committee was tasked with the responsibility of ensuring that the deliverables of the National Safer Cities Programme are implemented and that proper accountability is maintained. Furthermore, the National Safer Cities Programme is aligned to the District Development Model which

is linked to the Cabinet Resolution made in August 2019. The said Cabinet Resolution sought to address silos and lack of coherent planning and implementation processes in all government spheres. Through this alignment, the Integrated Safer Cities stakeholders have developed Integrated Project and Implementation Plans monitored as per the Monitoring Evaluation Tool developed.

The key objectives of the Safer Cities Programme are as follows:

- (a) To reduce levels of crime and violence
- (b) To improve feeling of safety by residents
- (c) To increase economic growth and tourism
- (d) To establish Safer Cities Governance Model
- (e) To build relevant capacity and innovation
- (f) To establish Integrated and Innovative Technological Infrastructure which includes Smart Policing to augment efficiencies of law enforcement

The progress on the implementation of the programme is at 62% as reflected in the table below:

ITEM	ACTIVITY	STATUS
Terms of Reference	Developed and submitted for approval by the relevant authorities on 14 July 2020	Finalised and signed
Project Plan	Developed and presented to the Steering Committee on 16 July 2020	Finalised and signed
Project Leadership	The Project Leaders briefed by the Technical Committee on 25 July 2020	Finalised
Council Resolution	The report submitted to the Finance, Security & Emergency Services Committee on 17 September 2020	Adopted by Council
Monitoring Tool	The Monitoring & Evaluation Team established on 28 July 2020	Monthly Reporting
Project Launch	The Integrated Safer Cities Programme launched on 20 November 2020 at Inanda and through other virtual venues	Completed
Fusion Centre Launch	The Fusion Centre established and launched on 20 November 2020	Completed
Assessment of TETRA Roll-Out	An assessment of the roll-out of TETRA within the Municipality and the use of the technology was conducted.	Completed
Standard Operating Procedure for the Fusion Centre	The Standard Operating Procedure for the Fusion Centre developed and completed in March 2021	In the process of obtaining signatures
Memorandum of Understanding for the Programme	An all-encompassing Memorandum of Understanding was drafted	Finalised and signed

ITEM	ACTIVITY	STATUS
Closed Circuit Television (CCTV) linked to South African National Roads Agency (SANRAL)	The CCTV linked to SANRAL established in August 2021	Completed
Upgrade of the 10111 Centre at the Durban Central Police Station	An upgrade of the 10111 Centre at the Durban Central Police Station was completed on 31 October 2021	Completed
Revitalization Workshop	The Revitalization Workshop aimed at reviving the project workstreams and its reconstruction held on 01 December 2022	Completed

The Committee further noted the following activities:

ITEM	ACTIVITY	FREQUENCY
Steering Committee Meeting	Meetings are convened and chaired by His Worship the Mayor, Councillor TM Kaunda and deliverables owners expected to account on their activities	Once quarterly
Technical Committee Meeting	To prepare for the main Steering Committee meeting and monitor activities on the action log: To unblock challenges To monitor and ensure that deliverables and activities are implemented within set timeframes	Once weekly
Technology Workstream	To align technology for the eThekweni Municipality with the South African Police Service, South African National Roads Agenda and the Department of Transport	Once monthly
Social Crime Prevention and Urban Safety Workstream	Meeting with stakeholders within the Justice Crime Prevention Security Cluster and Area Based Management in order to co-ordinate social crime prevention initiatives	Once monthly
Operational Workstream	To align operations within the hotspots of the eThekweni District	Once weekly
Communications Workstream	To draw and implement the Communication Plan	Once monthly
Body Worn Cameras Sub-Committee Workstream	Members to utilize body worn cameras for trial period National Prosecuting Authority adopted the Standard Operating Procedure for utilization for court purposes Pilot Project concluded in April 2021	Once monthly

Challenges and Interventions Thereon:

CHALLENGE	WHAT COULD BE DONE
Resistance to change	Effective change management from early phases of the project
Inability to use new technology	Intensive staff training Partnerships with tech savvy and non-tech savvy team members
Limited resource availability for technology development and implementation	Fast track stakeholder participation Commissioning of safety lab and the development of the Standard Operating Procedures
Opposing views to the usage of technology – Civilians versus Peace Officer’s views, technology as a social versus crime combatting tool	Technology must have restricted access to protect crime intelligence, knowledge sharing to explain to the users Include the Technology Workstream as an operational tool within the District Development Model Operations and the Law Enforcement Workstream
Lack of co-operation from all stakeholder to have a common/integrated smart public safety platform/approach	More robust discussions required within the National Integrated Safer Cities Programme
Red tape/lengthy application processes that are hampering progress	Streaming of processes and potential business processes re-engineering to facilitate more efficient processes

Linking this programme with the District Development Model (DDM), the Committee was informed that the DDM is the new integrated model piloted for co-operative governance for the following purpose:

- Be district-based and focus on the service delivery approach
- Aimed at fastracking service delivery and ensure that Municipalities are adequately supported with resources to carry out their mandate
- Intended to alleviate disjointed planning, budgeting and implementation across the different spheres and entities of government to programmatically address persistent socio-economic challenges of poverty, inequality, under-development and unemployment.

The Committee further noted that the DDM constitutes four Government Clusters and one of the structures pertained to Justice, Crime Prevention and Security (JCPS). The JCPS is required to convene meetings on a monthly basis with a view to co-ordinating activities.

With the Committee being in support of the integration proposed,

COMMITTEE RECOMMENDS:

- 3.1.1 That progress made to implement the National Integrated Safer Cities Programme within the eThekweni Municipality in the past three (03) financial years, be noted as outlined in the tables contained in the preamble above.
- 3.1.2 That the activities linked to the National Integrated Safer Cities Programme and mainstreamed to the current work activities, be approved.

- 3.1.3 That approval be granted to merge the activities of the National Integrated Safer Cities Programme with those of the District Development Model (DDM) and Justice, Crime Prevention and Security (JCPS) Cluster.

Financial Implications:

All activities have been mainstreamed into the functions carried out by the Units involved. This is particularly relevant for activities that will be ongoing. As a result, no additional funding request is made and none expected either going forward since the approach will still remain the same.

DEFERRED, to the next Special meeting.

4. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD 2023-09-21.

(Page R19)

4.1 Request for Authority to Transfer Point Promenade Land from the Durban Point Development Company to the eThekweni Municipality (20/1/3/1):

(Page 1: Economic Development and Planning Committee - Agenda 2023-09-21)

Authority is sought to transfer the Point promenade land from the Durban Point Development Company (DPDC) to the eThekweni Municipality and to note status and challenges related to the Point Precinct.

The Point promenade was constructed by the DPDC, acting as the implementing agent on behalf of the eThekweni Municipality. The land on which the promenade is built is part of the DPDC property and needs to be transferred to the eThekweni Municipality for operation and maintenance by the Municipality. The promenade falls within the beach zone, and not the Special Zone 24 Point Waterfront. The property was sub-divided to create Portion 138 of Erf 12524 Durban and currently the Real Estate is in the process to transfer the promenade to the Municipality, as detailed in Annexure 3 of the City Manger's report dated 2023.

The DPDC is proposing a sum of R101 235 000.00 (One Hundred and One Million Two Hundred and Thirty-Five Thousand Rand) be offset against the rates owed by the DPDC, in transferring the promenade to the Municipality. The attention is drawn to the fact that the land transfer agreement adopted Council in 2015 did not specify that the land transfer will be at no cost to the Municipality. However, the Beach subdivision and rezoning was agreed on.

In view of the foregoing,

COMMITTEE RECOMMENDS:

- 4.1.1 That Council notes background on the construction of the Point Promenade by the Durban Point Development Company (DPDC), acting as the implementing agent on behalf of the eThekweni Municipality, and the intention to now officially transfer the Promenade to the Municipality, it being noted that the Promenade is located on the DPDC owned property.
- 4.1.2 That the transfer of the Point promenade land from the DPDC to the eThekweni Municipality at a nominal amount of R100.00 (One Hundred Rand), be approved, with authority being granted for the Head: Real Estate to accept and enter into

a transfer agreement with the DPDC regarding the land described as Portion 138 of Erf 12524 Durban, in extent 4,0494 hectares, as depicted on Plan SG1012/2021.

- 4.1.3 That in the event of negotiations for the Point Promenade land to be transferred at a nominal amount being unsuccessful, authority be granted for the Head: Real Estate to proceed with expropriation of the property described as Portion 138 of Erf 12524 Durban in extent 4,0494 hectares as depicted on Plan SG1012/2021.
- 4.1.4 That, subject to the adoption of .1-.3 above, authority be granted for the Head: Real Estate to conclude the appropriate agreement and sign all necessary documents to effect transfer and registration in favour of the eThekweni Municipality.

DEFERRED, to the next Special meeting.

- 4.2 Declaration of KwaZulu-Natal Greater Urban Spatial Transformation and Economic Transition as the Region, in Terms of the Spatial Planning & Land Use Management Act 16 of 2013 (21/5/1):
(Page 46: Economic Development and Planning Committee - Agenda 2023-09-21)

Authority is sought to solicit support to declare the KwaZulu-Natal Greater Urban Spatial Transformation and Economic Transition as the Region, in terms of the Spatial Planning and Land Use Management Act No. 16 of 2013 (SPLUMA). The declaration of Economic Transition Region will facilitate economic, social, environmentally integrated and resilient sustainable development, as well as growth for the eThekweni Municipality in fulfilment of Plan 1 of the eThekweni Municipality Integrated Development Plan.

The KwaZulu-Natal Province has developed a number of Corridor Plans in the last ten (10) years. However, many of these are not formally adopted or fully implemented by the Provincial Government in the absence of being formally legislated.

The promulgation of SPLUMA in 2012 introduced legal requirements for Spatial Development Plans for all three (3) spheres of government, and also introduced new type of legally recognized Spatial Plan – Regional Spatial Development Framework (RSDF). The Spatial Development Frameworks are discretionary plans. The RSDF does not replace or stitch together existing SDFs, however, it must improve alignment and co-ordination on key agreed regional focus areas and issues.

The National Spatial Development Framework and the Provincial Development Framework both identified the area around eThekweni and the uMgungundlovu District, along the N3, as critical Urban core region for the province and the country. It is a fast-growing area due to the key cities attracting growing population seeking employment and due to the N3 road connection from the major port through to Southern Africa. It is also an area that falls within critical water catchment requiring careful management of fast-growing development to avoid disaster and loss of biodiversity.

The proposed regional focus will be on:

- (a) Management of the spread of benefits from economic developments as spin offs from the logistics road corridor;
- (a) Management of human settlement and inward migration towards ensuring spatial transformation and inclusion; and

- (c) Management of the biodiversity and water sensitivities in the Umngeni catchment.

It is envisaged that the following institutional arrangement, aligned to the District Development Model (DDM) Inter-Governmental Relations approach, will be put in place for monitoring and accountability:

i) Regional Technical Forum:

To oversee preparations and implementation of Regional Spatial Development (RSD), capacity building and engaging relevant DDM Technical Structures.

ii) Regional Political Forum:

To give political and strategic guidance, unblock challenges and provide mediation where necessary and make recommendations to DDM structures and respective Municipal Councils.

iii) Workstreams:

To be established as required, including Planning Workstream; Projects Implementation Workstream; Communication, etc.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 4.2.1 That the declaration of the KwaZulu-Natal Greater Urban Spatial Transformation and Economic Transition as the Region, in terms of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), be supported.
- 4.2.2 That authority be granted for the Acting City Manager: Economic Development and Planning to co-ordinate the Municipality's participation in the Inter-Governmental Relations (IGR) structure that will be established to co-ordinate planning and implementation of the agreed Regional Plan.
- 4.2.3 That progress reports be submitted to the Economic Development and Planning Committee for the duration of the initiate.

DEFERRED, to the next Special meeting.

- 4.3 Application in terms of Section 46 of the eThekweni Municipality: Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021 for the Amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme: Section 7: Development Facilitation Table: Medium Density Residential 7: Additional Controls (21/7/R):
(Page 50: Economic Development and Planning Committee - Agenda 2023-09-21)

Authority is sought for the approval for amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme: Section 7: Development Facilitation Table: Medium Density Residential 7: Additional Controls by adding:

Condition 3.

Portion 3 (of 2) of Erf 3434 Umhlanga Rocks - "The permissible height shall be capped at 149.370 metres above mean sea level (roof apex) (Block A) to a maximum

of 6 storeys in accordance with plan 17031SK-100-05", situated at 2 Idwala Crescent, Umhlanga Rocks.

Portion 3 (of 2) of Erf 3434 Umhlanga Rocks is situated on Herrwood Drive, at the northern end of Umhlanga Ridge. The site is bound by Idwala Crescent and Wager Avenue and is located adjacent to the radar station located on the highest point at the end of Herald Drive.

The site is currently zoned Medium Density Residential 7 and is not developed. The proposal is to develop two additional residential floors, that is 6 storeys instead of 4 storeys, over a small footprint of about 5% of the area of the site, with the additional height located where development of this portion of the site is very awkward site and most difficult.

The intention is therefore that not the entire site is developed to 6 storeys, but only approximately 5% of the overall site and the additional height be accommodated by way of amendment to the current zone, by utilising the Additional Control Section of the Development Facilitation Table for the Medium Density Residential 7 Zone. In this way, there is clear control of and section of the site with increased storeys as it is linked to a specific plan, referred to in the additional control.

This application proposes only a "rearrangement" of the already allowable height in metres and proposes no increase in the overall height of the building measured in metres, hence the proposed wording of the new clause to limit height to 149.370MSL.

With the Democratic Alliance (09), voting against the recommendations and AL-JAMAH (01), IFP (01), ACDP (01) abstaining, and the ANC (15), EFF (02) and Action SA (01), the recommendation was supported by the majority vote at the Support Committee level.

The DA (03) maintained its dissenting vote at the Executive Committee level. With the ANC (3); IFP (01) and the NFP (01), being in support,

COMMITTEE RECOMMENDS:

That in terms of Section 26(1) (b) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) the application for the amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme: Section 7: Development Facilitation Table: Medium Density Residential 7 Zone be adopted for the following reasons:

1. The site is very irregular shaped, therefore the proposed increase in storeys will not result in any significant detriment to the amenities of the area and that the increased storeys still maintain the overall built form of 4 storeys and is deemed to be reasonable having regard to the topography and the uniqueness of the site.
2. The proposed Additional Control in the Development Facilitation Table is capped to a specific built height above mean sea level and linked to a plan, ensuring control over the proposal and compliance.
3. The objections received has been taken into consideration, however the Department is of the opinion that the issues raised have been considered and

adequately responded to in the planning evaluation and that the merits of the proposal are sound from a planning perspective.

The eThekweni Municipal Land Use Scheme: North Sub-Scheme: Section 7: Development Facilitation Table: Medium Density Residential 7 Zone will be amended to include the following Additional Control numbered as follows:

3. Portion 3 (of 2) of Erf 3434 Umhlanga Rocks – “The permissible height shall be capped at 149.370 metres above mean sea level (roof apex)(Block A) to a maximum of 6 storeys in accordance with plan 17031SK – 100-05”, situated at 2 Idwala Crescent, Umhlanga Rocks.

The eThekweni Municipal Land Use Scheme: North Sub-Scheme will be amended to reflect the following amended Development Facilitation Table:

		ZONE: MEDIUM DENSITY RESIDENTIAL 7					
SCHEME INTENTION: To provide, preserve, use land or buildings for higher density of residential accommodation, ancillary uses which service the day to day needs of a residential community that is not detrimental to the residential amenity of this zone.							
MAP REFERENCE: NS / 05 / 2012			COLOUR NOTATION: Rose quartz with 'MRD7' inserted				
PRIMARY		SPECIAL CONSENT		PRECLUDED			
<ul style="list-style-type: none">• Conservation Area• Dwelling House• Laundry• Multiple Unit Development*		<ul style="list-style-type: none">• Boarding House• Chalet Development• Mobile Home Park & Camping Ground• Private Open Space• Retirement Centre• Special Building• Telecommunications Infrastructure		<ul style="list-style-type: none">• Action Sports Bar• Adult Premises• Agricultural Activity• Agricultural Land• Airport• Arts and Crafts Workshop• Betting Depot• Builder's Yard• Car Wash• Cemetery / Crematorium• Container Depot• Convention Centre• Correctional Facility• Crèche• Direct Access Service Centre• Display Area• Educational Establishment• Escort Agency• Flea Market• Flat• Fuelling and Service Station• Funeral Parlour• Garden Nursery• Government / Municipal• Health & Beauty Clinic• Health Studio• Hotel• Industry - Extractive• Industry – General• Industry – Light		<ul style="list-style-type: none">• Industry – Noxious• Institution• Landfill• Mortuary• Motor Garage• Motor Display Area• Motor Vehicle Test Centre• Motor Workshop• Museum• Nature Reserve• Night Club• Office• Office – Medical• Parkade• Pet Grooming Parlour• Place of Public Entertainment• Place of Public of Worship• Recycling Centre• Reform School• Refuse Disposal• Restaurant / Fast Food Outlet• Riding Stables• Scrap Yard• Shop• Student Residence• Transport Depot• Transport Use• Truck Stop• Veterinary Clinic• Warehouse• Zoological Garden	
ADDITIONAL CONTROLS							
<div>1. All landscaping to the satisfaction of the Municipality.</div> <div>2. Density shall be limited to 50 Dwelling Units per hectare.</div> <div>3. Portion 3 (of 2) of Erf 3434 Umhlanga Rocks- “The permissible height shall be capped at 149.370 metres above mean sea level (roof apex) (Block A) to a maximum of 6 storeys in accordance with plan 17031SK-100-05.”</div>							

		ZONE: MEDIUM DENSITY RESIDENTIAL 7				
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION	HEIGHT	COVERAGE	FLOOR AREA RATIO
BUILDING LINE	SIDE & REAR SPACE					
7.5 m	3.0 m	50	4 000 m²	4	40 %	1.0

DEFERRED, *to the next Special meeting.*

4.4

Capital Budget Allocation for Community Bakery Programme 2023/2024 (20/1/6/3):
(Page 57: Economic Development and Planning Committee - Agenda 2023-09-21)

Authority is sought to utilise budget in the 2023-24 financial year to implement the Community Bakery Programme which programme is originally budgeted for implementation in the 2025-26 financial year. Additionally, authority is sought to receive funding on priority basis for the Community Bakery Programme upon confirmation of the 2023/2024 financial year savings.

The Community Bakery Development Programme enables unemployed women, youth, disabled and veterans through provision of fully equipped container bakeries, and capacitates them to run sustainable businesses, thus, affording them with proper and decent working facilities to produce high quality bakery products, easy access to their markets and create employment within their areas.

Since the inception of this programme in 2019, the Business Support, Tourism, Markets and agri-Business Unit has successfully budgeted for and implemented seven (7) container bakeries across various township and rural-based locations. Two bakeries are operational i.e., Hammarsdale and KwaMashu, five (5) bakeries are currently operational and/or under construction in Zwelibomvu; Umlazi; Cottonlands; KwaDabeka; Hammarsdale; and Lamontville. It should be noted that over 75% permanent jobs have been created through bakery operations and over 50 casual jobs created during the construction phase.

The implementation of this programme takes priority as it encourages the growth of sustainable livelihoods among vulnerable groups within eThekweni. This programme aims to equip vulnerable people with skills and resources, which enable them to become independent and provide for their own nutritional needs. As a result, budget has been allocated during the 2024/2025 financial year for continuation of this project. The implementation areas include Ward 1 – KwaXimba, Ward 94 - KwaMakhutha, Ward 2 – Nyuswa, Ward 61 and Ward 107 – Ntuzuma/Inanda.

This programme is envisaged to achieve the following:

- Contribute towards creation of employment opportunities, in order to alleviate poverty in our communities.
- Promotion of sustainable prosperous and independent business through skills development and mentorship.
- Create economic independence amongst vulnerable groups in townships and rural areas.
- Provision of decent working infrastructure and resources in order to alleviate poverty in our communities.
- Increase township economic contribution and the number of sustainable baking enterprises.

- f) Build partnership that will convert the township from consumer outposts to productive centres.
- g) Creating a value for township enterprises through knowledge and capacity building.

In the meantime, a proposal is to prioritize the 5 bakeries to improve livelihoods in the areas mentioned. With the Democratic Alliance (09) voting against the recommendations, the ANC (15), EFF (02), AL-JAMAH (01), IFP (01), ACDP (01) and Action SA (01) voted in support and the recommendation supported by the majority vote at the Support Committee level.

The DA (03) maintained its dissenting vote at the Executive Committee level. With the ANC (3); IFP (01); and the NFP (01), being in support,

COMMITTEE RECOMMENDS:

- 4.4.1 That Council supports the acceleration of the Community Bakery Development Programme which is budget for in the 2024-25 financial year for the programme to be now implemented in the 2023-24 financial year to accommodate five (05) bakeries in Zwelibomvu; Umlazi; Cottonlands; KwaDabeka; Hammarsdale; and Lamontville for the purpose of supporting unemployed women; youth; people living with disability; and veterans, thereby improving their livelihoods through job creation and equipping them with skills to become independent and self-sufficient.
- 4.4.2 That, subject to the adoption of .1 above, savings in the total amount of R6.5 million, to fund the Community Bakery Programme in the 2023/2024 financial year, it being recorded that each bakery is to allocated R1.3 million required for the costs of fully fitted bakery container, inclusive of services and machinery, and with a request for funding required for this programme to be prioritized upon the identification of savings in the 2023-24 financial year.:
- 4.4.3 That subject to the approval of .2 above, the re-allocation of budget in the amount of R6.5 million would be regularised during mid-year adjustment budget process.
- 4.4.4 That subject to the approval of .1 and .2 above, authority be granted for the Head: Business Support, Tourism, Markets and Agribusiness to incur expenditure and fastrack the procurement process to immediately commence with the Community Bakery Programme in the 5 areas mentioned.

Financial Implications:

The fully fitted bakery container, inclusive of services and machinery, costs R1,3 million. Total costs for five (5) units will amount to R6,5 million.

Funding for the programme is required to be prioritised from either unused funds or savings achieved from other projects, therefore, no budget, tariffs or borrowings increases are anticipated during the year for funding this requirement.

Commenting on the matter, the ActionSA applauded the strategy being utilised by the Economic Development Committee, that of conducting site inspections for all projects prior to a decision being made on the matter. In terms this proposed Community Bakery Development Programmes, they were in support of the recommendations and further highlighted that sustainable employment opportunities will be created as a result of the bakery programmes.

The DA also supported the recommendations and indicated that small businesses contribute enormously to the local economy growth. They expressed concern that

the programme was not part of the original budget approval, nevertheless, it was noted that the re-allocation of budget in the amount of R6.5 million would be regularised during mid-year adjustment budget process.

Thereafter, the ANC mentioned that the aim of these programs was to uplift communities particularly the vulnerable groups, youth, and women. It being also mentioned that the implementation of the programme has been brought forward.

Accordingly, the above recommendations of the Executive Committee, were ADOPTED.

4.5

Reprioritisation of the Business Support, Markets and Tourism Unit Capital Budget and Rollover Folweni Grant Funds (20/1/7/6):

(Page 62: Economic Development and Planning Committee - Agenda 2023-09-21)

Authority is sought to reprioritize capital budget in order to meet contractual obligations of the Business Support, Markets and Tourism Unit during the 2023/2024 financial year with respect to rehabilitating the Blue Lagoon informal business hive which is currently in a dilapidated state. Additionally, for Council to note approval to rollover grant funding in the amount of R1 800 000.00 (One Million Eight Hundred Thousand Rand) to bring the Folweni Informal Traders Stalls Phase 2 project in the 2023-24 financial year and this to be included in 2023-24 the mid-term budget adjustment report.

The Business Supports, Tourism, Markets and Agri-Business Unit is responsible for implementing various Informal Economy Sector Programs designed to develop and upgrade emerging entrepreneurs, small businesses and cooperatives, with priority given to township and rural areas. Informal economy plays key role to alleviate poverty, boost income generation and entrepreneurial development and, in particular, the positive impact that informal economy has on historically disadvantaged individuals and communities.

Rehabilitating the Blue Lagoon Informal Traders facilities will ensure operating in a conducive environment and boost survival of the SMMEs. Meanwhile, fastracking the Folweni Township project for implementation in the 2023/2024 will assist the Municipality to contribute towards job creation and creation of sustainable livelihoods through supporting the Informal Economy and development of Township-Based Enterprises, Co-operatives and Small, Medium and Micro Enterprises.

The eThekweni Municipality accepted funds to construct informal trade infrastructure in Folweni township and to implement the Folweni Informal Trade project Phase 1. The funding for the Folweni informal Traders stalls has been finalised, also the Department of Economic Development, Tourism and Environmental Affairs (EDTEA) has approved grant rollover to the value of R1 800 000.00 for the construction of Phase 2, therefore, the Unit requests to bring the Folweni funding and project in the 2023/2024 financial year.

With the Committee supporting the progressive move to improve economic growth in Townships,

COMMITTEE RECOMMENDS:

- 4.5.1 That Council approves budget reprioritization in the amount of R4 822 000.00 (Four Million Eight Hundred and Twenty-Two Thousand Rand) identified from the savings under the Urban Renewal project, in order to meet the contractual obligations for the rehabilitation of the Blue Lagoon Informal Business Hive during the 2023/2024 financial year, thereby improving entrepreneurial activities in this area for the sustainability of the Small, Medium, Micro Enterprises.
- 4.5.2 That subject to the approval of .1 above, the amount of R4 822 000.00 (Four Million Eight Hundred and Twenty-Two Thousand Rand) be included in the adjustment budget.
- 4.5.3 That Council notes approval of grant roll-over of R1 800 000.00 (One Million Eight Hundred Thousand Rand) for Folweni Informal Traders Stalls phase 2 and to be included in the mid-term adjustment budget for 2023/2024.
- 4.5.4 That subject to .2 and .3 above, authority be granted for the Deputy City Manager: Finance to issue financial clearances for the procurement processes to continue.

Financial Implications:

The project requires a total sum of R4 822 000.00 (Four Million Eight Hundred and Twenty Two Thousand Rand) for the current financial year 2023/2024, and savings have been identified to be reprioritised as follows:

Projects requiring funds			
Project Description	Vote Number	Amount	Reason
Blue Lagoon Container Facility	26540.45348.28.91104.0000.S3112 G.W027	R4 822 000.00	Budget required to complete the installation of fabricated modular stalls for blue lagoon container park. Delays were caused by the business forum disruptions causing the project to not complete
		R4 822 000.00	

Transfer form			
Project Description	Vote Number	Amount	Reason
Reinstatement of lipstick fence	26810.45010.30015.0000.S6004G.W027	R1 000 000.00	Rehabilitation work was accelerated to restore areas that were damaged by floods in 2022/2023 financial year.
Reinstatement of sacrificial fence	26810.45010.91104.0000.S6004H.W026	R1 000 000.00	
Reinstatement of shower banks	26810.45010.91104.0000.S6004I.W026	R600 000.00	
Reinstatement of lipstick fence	26810.45010.91104.0000.S6004J.W026	R1 000 000.00	
Reinstatement of beach boardwalk	26810.45010.91104.0000.S6004K.W026	R700 000.00	
Reinstatement of shower banks	26810.45010.30015.0000.S6004D.W027	R522 000.00	
		R4 822 000.00	

ADOPTED.

- 4.6 Combined Application in Terms of the eThekweni Municipality: Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 Of 2021): Application to Amend Special Zone 26 of the Central Sub Scheme (Broadway Precinct): 47, 49,51 & 53 Adelaide Tambo Drive and 8 & 12A Swapo Road: by the Following:

- a) By Removing the Erf 1902 from Land Use Component 2: Residential Office Conversion and Redevelopment and Adding it to Land Use Component 1: Commercial
- b) By Deleting the Following Cadastral Description from Land Use Component 1: Erven 1890, 1891, Rem of 1892, 1893 – 1896, 1898, 1899 Durban North and 1902 Durban North from Land Use Component 2: Residential Office Conversion Finally Replacing the Deleted Erf Description with Erf 3794 Durban North Within Land Use Component 1: Commercial
- c) By Amending the Development Facilitation Table for Land Use Component 1: Commercial: Erf 3794 Durban North: Coverage 80% (21/7/2):
(Page 78: Economic Development and Planning Committee - Supplementary Agenda 2023-09-21)

Authority is sought to approve Combined Land Development Application submitted in terms of Section 26 of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021). The two components include scheme amendments (Category 1) and removal of restrictive conditions/consolidation (Category 3), however, only the Category 1 component is presented before Committee as Council is the decision maker in this regard. The remaining components of the consolidation and removal of restrictive conditions have been supported by JAC but are dependent of this Category 1 application being approved.

- a) By removing the Erf 1902 from land use component 2: Residential Office Conversion and Redevelopment and adding it to land use component 1: Commercial;
- a) By deleting the following cadastral descriptions from land use component 1: erven 1890, 1891, rem of 1892, 1893 – 1896, 1898, 1899 Durban North and 1902 Durban North from land use component 2: residential office conversion finally replacing the deleted erf descriptions with erf 3794 Durban North within land use component 1: Commercial
- c) By amending the Development Facilitation Table for Land Use Component 1: Commercial: Erf 3794 Durban North: Coverage 80%

The application has been submitted by John Forbes Associates, on behalf of the registered owner Menoc Properties (Pty) Ltd - Reg. No 1996/011501/07 of Erven 1890-1896, 1898, 1899 & 1902 Durban North located at 47, 49, 51 & 53 Adelaide Tambo Drive and 8 & 12A Swapo Road, to amend the eThekweni Municipal Land Use Scheme: Central Sub-Scheme by amending Special Zone 26 (Broadway Precinct) Land Use Component 1 together with consolidating the various sites into one property and removing historic conditions within the title deed.

The application focuses on Kensington Square which is a mall within the Broadway Precinct in Durban North. The application site was historically made up of a number of smaller erven, which erven were notarially tied together. Notarial tie is an option to consolidation and this application seeks to consolidate the previously notarially tied portions. In consolidating the sites, it was realised by the Developer that majority of the sites enjoyed the planning provision of being commercial, and hence the construction of the Mall. However, it was discovered that a single portion of the site

did not enjoy the same provisions. Hence, this application seeks to correct that by amending the scheme to allocate that site to the correct land use provision. Lastly, the Scheme needs to be amended to reflect the coverage as 80% as the Developer seeks to upgrade the existing Mall.

The proposed development will intensify the use of the site, improve the value by virtue of the investment and in turn increase the rates that will accrue to the Municipality and the proposal is broadly in line with the eThekweni Municipality's objective to promote spatial efficiency by optimizing development in areas of greatest opportunity and encourages efficient use of infrastructure and facilities.

Having noted that the proposed amendment is appropriate and meets the development principles as set out in the current planning legislation, promotes efficient and sustainable economic development and use of infrastructure, it was

COMMITTEE RECOMMENDS:

That in terms of Section 46(1)(a) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) the application for the amendment to the eThekweni Municipal Land Use Scheme: Central Sub-Scheme, Section 7: Development Facilitation Table by the Amending Special Zone 26 by:

- a) By removing the Erf 1902 from land use component 2: Residential Office Conversion and Redevelopment and adding it to land use component 1: Commercial;
- b) By deleting the following cadastral descriptions from land use component 1: erven 1890, 1891, rem of 1892, 1893 – 1896, 1898, 1899 Durban North and 1902 Durban North from land use component 2: residential office conversion finally replacing the deleted erf descriptions with erf 3794 Durban North within land use component 1: Commercial and
- c) By amending the Development Facilitation Table for Land Use Component 1: Commercial: Erf 3794 Durban North : Coverage 80%

Resulting in the following changes to the Development Facilitation Table of Special Zone 26:

	SPECIAL ZONE 26: BROADWAY PRECINCT	
SCHEME INTENTION: To provide, preserve, use land or buildings for a limited mix of land-uses, as listed below. The purpose of this zone is to promote and manage residential, business and office uses in close proximity to or integrated with each other within the Broadway Precinct to reinforce its status as a neighbourhood shopping and convenience node.		
MAP COLOUR REFERENCE: Black cross hatch with zone number		MAP REFERENCE:

		SPECIAL ZONE 26: BROADWAY PRECINCT				
<p>1. This special zone shall apply to the following properties:- Erven 1791-1798, 1826-1827, 1830-1831, 1834-1845, 1848-1849,1879-1904, 1917-1926, 1929-1943, 1973, 1976-1991, 1994-1995, 1998, 2020-2021, 2023-2028, 2030-2031, all of Durban North.</p> <p>2. The Broadway Precinct drawing hereunder forms an integral component of the Zone and indicates the broad land use treatment thereof.</p> <p>This special zone comprises 3 land use components, i.e. Commercial, Residential Office Conversion and Redevelopment, Residential Office Conservation.</p>						
2.1 Land Use Component 1: Commercial						
<p>Erven : 1793, 1884-1885, 1887- 1889, 3764, 1926, 1929-1937,1939, 3794 all of Durban North.</p> <p>Intention : A retail and office area which may comprise a mix of residential, retail, offices, restaurants and by Special Consent entertainment uses.</p>						
PRIMARY		SPECIAL CONSENT		PRECLUDED		
<ul style="list-style-type: none"> *Flat *Shops Car Wash Health & Beauty Clinic Health Studio Office Office - Medical Pet Grooming Parlour Restaurant/ Fast Food Outlet 		<ul style="list-style-type: none"> Action Sports Bar Place of Public Entertainment Education Establishment Fuelling and Service Station Flea Market Night Club Special Building Student Residence Telecommunication Infrastructure Any other use authorised in terms of Section 9.4 		<ul style="list-style-type: none"> All other uses 		
ADDITIONAL CONTROLS						
<p>1. *The controls in accordance with that applicable to a Limited Commercial Zone shall apply.</p> <p>2. A three storey height may be permitted on a sloping site by Special Consent</p> <p>3. The Commercial Component of Erf 1793 Durban North will be limited to a maximum 140m² retail floor space and 600m² storage/warehouse</p> <p>4. Erf 3794 Durban North shall have a maximum coverage of 80%</p>						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA
BUILDING LINE	SIDE AND REAR SPACE					
3.0m	Nil	N/A	450	2	50% See Additional Controls	N/A
3.2 Land Use Component 2: Residential Office Conversion and Redevelopment						
<p>Erven : 1794,1834, 1835, 1839 to1841, 1881, 1886, 1897, 1919, 1925, 1938, 1940, 1980 to 1982, 1986 and 1987, 2026 all of Durban North.</p> <p>Intention : A residential area where offices may be permitted through the conversion of existing buildings or through redevelopment provided that neighbourhood amenity is not materially impacted on.</p>						
PRIMARY		SPECIAL CONSENT		PRECLUDED		
<ul style="list-style-type: none"> Dwelling House Multiple Unit Development Office Office - Medical 		<ul style="list-style-type: none"> Crèche Health & Beauty Clinic Educational Establishment Institution Place of Public Worship Special Building Telecommunication Infrastructure 		All other uses		
ADDITIONAL CONTROLS						

SPECIAL ZONE 26: BROADWAY PRECINCT						
<p>3.2.1 Floor Area Ratio: where a dwelling unit is to be converted or redeveloped for suburban office purposes, then the floor area ratio for office purposes shall not exceed 0.5 to 1.</p> <p>3.2.2 On sloping ground, 3 storeys shall be permitted, provided that such building at no point exceeds more than 2 storeys in a vertical line.</p> <p>3.2.3 Signage, Hoarding and Advertising shall be in accordance with sub-section 1.20 of this scheme.</p> <p>3.2.4 Parking shall be provided on-site at the ratio of one bay per 25m² of offices and in the case of any other use, parking shall be provided in terms of section 8. of this scheme. Such parking shall be screened and constructed of pervious material to the satisfaction of the Head: EThekweni traffic authority.</p> <p>3.2.5 All properties converted or redeveloped for office use within this component shall be landscaped to the satisfaction of the Municipality.</p>						
DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION (m ²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA
BUILDING LINE	SIDE SPACE REAR SPACE					
7.5m	2m	One dwelling house for every 900m ²	900	2 (see 3.2.2 above)	40%	0.8 (see 3.2.1 above)

DEFERRED, to the next Special meeting.

- 4.7 Request for the City Manager to Enter into a Memorandum of General Agreement and Memorandum of Particular Agreement with Government Technical Advisory Centre for Energy Infrastructure Projects (27/1/2/R):
(Page 101: Economic Development and Planning Committee - 2nd Supplementary Agenda 2023-09-21)

Authority is sought for the City Manager to enter into a Memorandum of Particular Agreement (MOPA) with National Treasury via the Government Technical Advisory Centre (GTAC). With the role of Government Technical Advisory Centre (GTAC) to be outlined in respect of eThekweni's Municipal Independent Power Producer Procurement Programme (MIPPPP) and support services in relation to Public Private Partnerships (PPPs) for Municipal energy infrastructure projects.

The GTAC and the eThekweni Metropolitan Municipality ("EMM") concluded a Memorandum of General Agreement (MOGA) on 2019-03-26. The MOGA seeks to promote coherent management of Public Private Partnerships (PPPs) infrastructure projects in line with Municipal PPP Regulations, for a period of five (5) years, thus expiring on 2024-03-26. Whereas the MOPA seeks to implement project agreement with agreed MOPA Terms of Reference, project timeline and procurement of Transaction Advisors as per Annexure A of the City Manager's report dated 2023-08-21.

It will be recalled that the Municipal Council at its meeting held in July 2021 adopted the Energy Transition Policy, which committed to reduce reliance on the national grid by 20% in the 2025/2026. The National Treasury, on 2023-03-15, approved eThekweni's intention to procure new generation capacity through Treasury Views and Recommendations (TVR I) in terms of Section 120 of the Local Government: Municipal Finance Management Act (MFMA) No. 56 of 2003 and the Municipal Public Private Partnership Regulations.

The GTAC is an entity of National Treasury with a legislative mandate to provide advisory services, programme management and development finance to improve public financial management, support high-impact government initiatives, create jobs and strengthen infrastructure planning and delivery.

Therefore, the GTAC will manage the procurement of Transaction Advisors on behalf of EMM, to design a transparent, fair, and competitive procurement process that is supported by relevant legal documentation such as Section 34 Approval, Bankable Feasibility Study (BFS), Deal Structure, Request for Qualification (RFQ), Request for Proposal (RFPs, Public Private Partnerships (PPP), the Power Purchase Agreement (PPA), and Implementation Agreement (IA).

Project Roles and Responsibilities are outlined as follows:

- i) The Legal Advisory Team will be responsible for developing legal agreements such as RFQs, RFPs, PPAs, IAs, Grid connection agreement, radical Economic transformation Plan agreements and alignment with Municipal Supply Chain Management Policy.
- ii) The Technical Advisory Team will be responsible for strategically assessing the available grid capacity for integration of new generation capacity, strengthening of the network supply in different areas, technical input into the procurement documentation, and grid code compliance.
- iii) The Financial Advisory Team will be responsible for ensuring that Municipality is not placed under vulnerable financial position, provide high-level financial modelling, ensure Municipal bankability and support from Treasury contingency liabilities (“guarantees”).
- iv) The Economic Development Team will be responsible for achieving economic imperatives, radical economic transformation, particularly for black people, increase localization, industrialization, employment, skills development and BBE compliance indicators.
- v) The Environmental Advisory Team will be responsible for ensuring applicability of the environmental laws, prepare EIAs, obtain all environmental approvals, land assessment, stakeholder engagement working with EMM and appointed IPP Company.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 4.7.1 That authority be granted for the City Manager to review the existing Memorandum of General Agreement (MOGA) with a sole purpose of extending it by a further five (5) years and enter into a Memorandum of Particular Agreement (MOPA) with the National Treasury via its entity, the Government Technical Advisory Centre (GTAC), to ensure efficient procurement and management of energy infrastructure projects.
- 4.7.2 That Council notes the role of GTAC will be to obtain Treasury Views and Recommendation (TVR IIA) before the Request for Qualification (RFQ)

and Request for Proposal (RFP) are released to the market before the end of Calendar year (2023).

- 4.7.3 That the latest development with regards to possible strategic unbundling of 400 MW due to land constraints into 4 contracts namely, Fuel (gas) supply contract, 300 MW of Gas to power (GTP) contract, 50 MW of Solar PV contract in the North and 50 MW Solar PV contract in the South, be noted.

DEFERRED, to the next Special meeting.

- 4.8 Request for Authority to Enter Into Strategic Partnership for Implementation of Skills Development Partnership Programme in New Venture Creation Business Management Level 4 (66249) (6/R):

(Page 501: Economic Development and Planning Committee – 3rd Supplementary Agenda 2023-09-21)

Authority is sought to enter into a strategic partnership with Asime Women Non-Profit Company (NPC) in terms of section 67 of the Local Government: Municipal Finance Management Act of 2003 for the implementation of the Skills Development Programme in New Venture Creation (NVC) Business Management Level 4 (66249) within the eThekweni Municipality for a period of twelve (12) months.

It will be recalled that the Municipal Council at its meeting held 2023-06-15 adopted the request to enter into a strategic partnership with Food and Beverages Manufacturing Sector Education and Training Authority (FoodBev SETA) and receive funding to implement New Venture Creation (NVC) Learnership in Business Management Skills during the 2023/2024 financial year.

The proposed partnership New Venture Creation (NVC) Business Management Skills Development Partnership Programme seeks to support employment for one hundred (100) women and youth in the primary food production and processing for a period of twelve months. This partnership will also establish sustainable relations with food markets and introduce farmers into other market segments.

The Asime Women NPC has experience in providing NVC Business Management learnership and enterprise post-training support programmes. The Company is also bringing in stakeholders that will jointly provide market access and skills to fifty (50) participants, value of Enterprise Aftercare Programme is R875 000.00 (Eight Hundred and Seventy-Five Thousand Rand). Food and Beverages Sectoral Education and Training Authority (FoodBev SETA) has allocated funding in the amount of R6 235 000.00 (Six Million Two Hundred and Thirty-Five Thousand Rand) into the Skills Development Partnership programme where R5. 8 million will be spent towards Training and Development of one hundred (100) learners.

Having noted that this project is in line with the IDP Plan 2 objective which is “Economic Growth and Job Creation” therefore it will go a long way in addressing the strategic plans of the Municipality,

COMMITTEE RECOMMENDS:

- 4.8.1 That authority be granted for the City Manager to, in terms of Section 67 of the Local Government: Municipal Finance Management Act 2003, enter into a partnership agreement with Asime Women Non-Profit Company, for the implementation of the

Skills Development Partnership Programme New Venture Creation in Business Management for a period of twelve (12) months.

- 4.8.2 That subject to approval of .1 above, Council approves the disbursement of funding to the Asime Women Non-Profit Company for the implementation of the Skills Development Partnership Programme.

FoodBev SETA has allocated a budget amount of R6 235 000.00 for this partnership programme as per Annexure B of the report by the City manager dated 2023-08-25.

Number of Learners	Employment status	Training Duration	Stipend per learner	Total training cost	Total budget
100	Unemployed	12 months	R36 000	R58 000	R5 800 000
			Project Consumables		R 435 000

DEFERRED, to the next Special meeting.

5. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2023-09-22.

(Page R13)

- 5.1 Request for Approval of Proposed Alienation of Erf 1925 KwaMashu C Section for Worship Purposes (17/2/1/2/3):
(Page 17: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

The Committee considered the report relating to proposed alienation of the KwaMashu C Section Erf 1925 for worship purposes, and the intention to transfer non-exempted capital asset for less than its fair market value, in terms of Regulation 13(2) of the Municipal Assets Transfer Regulations.

With there being no objection to the proposed alienation,

COMMITTEE RECOMMENDS:

- 5.1.1 That Council declares in terms of Regulation 5 (1)(b), Regulation 7 and Regulation 11 of the Municipal Asset Transfer Regulations (MATR) 2008, read together with Section 14 (2)(a) and (b) of the Local Government: Municipal Finance Management Act No. 56 of 2003 that:
- 5.1.1.1 The property described as Erf 1925 Kwa-Mashu-C in extent of 1169m² as depicted on Plan No.: SJ 4833/2 is not required to provide the minimum level of basic Municipal services and
- 5.1.1.2 The market value of the property is currently assessed at a value of R360 000.00 (Three Hundred and Sixty Thousand Rand), excluding VAT.
- 5.1.2 That the Council approves the proposed alienation of Erf 1925 Kwa-Mashu-C for worship purposes to the applicant, subject to:
- 5.1.2.1 The public space is to be formally closed and rezoned for worship purposes; and

- 5.1.2.2 The existing buildings will either need to be formalized with a relaxation applicant or demolished.
- 5.1.3 That traffic impact assessment may be required prior to any development on site based on the number of congregants attending the church. Access details and parking will be assessed at site development stage
- 5.1.4 That the sale price will be discounted by 90% of the fair market value having duly considered the principles as set out in Regulation 13(2) MATR, the discounted value is determined to be R36 000.00 (Thirty-Six Thousand Rand), excluding VAT.
- 5.1.5 That a reversionary clause be registered in the title deed of the property stating that the property can only be utilized for worship purposes and for ancillary thereto and no other purpose whatsoever.
- 5.1.6 That all costs incidental to the transaction shall be at the cost of the purchaser including rezoning.
- 5.1.7 That a public notice be issued to afford the community affected an opportunity to comment or object to the proposed alienation of the property by direct negotiations to the applicant prior to transfer.
- 5.1.8 That subject to the adoption of .1 to .7 above, authority be granted to the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the Municipality's Supply Chain Management Policy and any other applicable legislation. The Head Real Estate to further consider and impose such conditions necessary to protect the Municipality's interest.

DEFERRED, to the next Special meeting.

- 5.2 Request for Budget Allocation to Address Scavenging Crisis in eThekweni Landfill Sites:
(Page 58: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

A need exists to allocate budget to cater for emergency work packages required to bring Buffelsdraai Landfill site back into operation. The site in question was vandalized by Scavengers in July 2023 and as a result, it was closed and unable to operate as the waste disposal facility. The Municipality was unable to intervene at that stage as the area was declared a crime scene. In responding to a query raised regarding the insurance cover for the site, it was advised that the assets for the site were covered as well as the technical aspects. The Insurer was then to conduct own assessment and thereafter a determination of the way forward in this regard. With the site being closed, this is impacting on service delivery, but in August 2023 the site was partially opened.

Insofar as the process for the waste picker integration, it was advised that the Municipality is exploring partnerships with Private Sector and that the limitation regarding the Organizational Structure of Cleansing and Solid Waste Unit is hindering progress as it was not geared for the work at hand and the transformation of waste management sector. In addition, it was reported that the Human Capital had indicated that the request involves a major amendment to the organogram and therefore Council will not be able to provide guidance on this matter at this stage. Regarding condemned food, it was advised that such has been diverted and that engagements have been undertaken with the City Health as the custodian of this matter.

The Committee then undertook to conduct site inspection as part of oversight and be able to manage this matter from an informed premise. As such, it was agreed that this item should remain a standing matter on the Committee Agenda thereby receiving regular updates from the Cleansing & Solid Waste Unit.

With regard to allocating funds for the emergency work packages, some members were not in support thereof at the Support Committee level. Accordingly, with 25 Councillors present, 11 Councillors (ANC – 11, EFF – 3, IFP – 2, KZN1 – 1) voted in support of the recommendations and 9 – DA Councillors voted against the recommendations.

At the Executive Committee level recommendation 5.2.1 was amended to clarify that the budget required will be sourced through identification of savings in the 2023-24 financial year budget.

Thereafter, the DA (03) maintained its dissenting vote on this matter; and with the ANC (03); IFP (01) and the NFP (01) being in support, by the majority vote,

COMMITTEE RECOMMENDS:

- 5.2.1 That approval be granted for the provision of all emergency work packages required to bring the Buffelsdraai Landfill Site back into operation, and to provide for safety measures during the operations, coupled with the approval of the capital budget in the amount of R80 400 000.00 (Eighty Million Four Hundred Thousand Rand) and the operating budget in the amount of R24 500 000.00 (Twenty-Four Million Five Hundred Thousand Rand), subject to savings being identified by the Deputy City Manager: Finance.
- 5.2.2 That a Joint Security and Enforcement Operations Plan be developed for all Cleansing and Solid Waste Landfill Sites to protect against scavenging.
- 5.2.3 That an alternative plan to provide economic solutions to accommodate the salvagers/scavengers be developed by the Municipality.

DEFERRED, to the next Special meeting.

- 5.3 Request for Authority to Transfer Funds to Various Projects Within the Wastewater Design Branch in the 2023/2024 Financial Year (23/1/11/2/2/1/2):
(Page 153: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

Authority is sought to transfer funds in the amount of R11 700 000.00 (Eleven Million Seven Hundred Thousand Rand) from savings identified in various projects within the Sanitation Capital Adjustment Budget to individual projects within the Water and Sanitation Unit in the 2023/2024 financial year, as contained in the report by the Head: Water and Sanitation dated 2023-07-25.

At the outset, a concern was raised that the Water and Sanitation Unit should refrain from transferring funds from one critical project to another as this was hindering service delivery on some of the Wards. Reference was made that the Ward in question was in dire state and in need of the project and would lead to public outrage and that the Ward Councillor was assaulted as a result of public retaliation from the community. In addition, the contract in question was awarded and it was not ideal to remove the funds and there was no ablution facility in the area in question and that consideration of the community ought to be of utmost importance.

In responding, it was advised that the local content requirement as imposed by the Supply Chain Management Regulation was the reason for the transfer and that the Municipality need to deliver on other critical projects. It was advised that all the projects where a non-award was declared, would be catered for in the next financial year and that the fund as budgeted, be utilized. During discussion, it was also noted that Members were in agreement that a tour of inspection for the Human Settlements and Infrastructure Committee, be undertaken in due course to enable members to have an oversight role on this matter.

The matter was passed by the majority vote at the Support Committee level. Accordingly, with 25 Councillors present, 16 Councillors (ANC - 11, EFF - 3, IFP - 2, KZN1 - 1) voted in support of the recommendations and 9 - DA Councillors voted against the recommendations.

The DA (03) maintained the dissenting vote at the Executive Committee level expressing dissatisfaction that while the projects being cited are critical, but it is concerning that funding is sourced from other critical projects in the Wards and with expectations having being created in the local community that the project will be undertaken. The IFP (01) abstained on the matter to get further update and achieve certainty on the status of the project where funds will be taken from.

The other Parties, ANC (03) and the NFP (01) were in support, and clarity being given that while it is understandable that projects are all critical, the challenge is funds are not spent if procurement processes are not completed. Therefore, it becomes a better process to use funds in other projects ready for implementation rather than losing funds entirely at the end of the financial year.

Accordingly, by the majority vote,

COMMITTEE RECOMMENDS:

5.3.1 That approval be granted for the transfer of funds in the amount of R11 700 000.00 (Eleven Million Seven Hundred Thousand Rand) from savings identified in various projects within the Sanitation Capital Adjustment Budget to individual projects within Water and Sanitation Unit for the 2023/2024 financial year.

5.3.2 That subject to the adoption of .1 above, authority be granted to the Deputy City Manager: Finance to include in his adjustment budget report the transfer of funds from the projects where savings have been identified on the individual projects as indicated below:

(Y8844) Ntuzuma B sewer reticulation phase 2	R3 500 000.00	To be met by vote transfer 2023/2024 project Y 6983 R3 500 000.00
Y9250 Bridge City sewer upgrades	R3 000 000.00	To be met by vote transfer 2023/2024 project Y6983
Y8697 Rem of Erf 149 No. 101 RK Khan	R1 800 000.00	To be met by vote transfer 2023/2024 Project Y6712 R1 800 000.00
Y9056 sewer replacement Helen Joseph Rd	R1 500 000.00	To be met by vote transfer 2023/2024 project Y6712 (R1 500 000.00)
Y8760 Westville Edgabston Phase 4 sewer reticulation	R900 000.00	To be met by vote transfer 2023/2024 project Y8754 R900 000.00
Y8696 Chesterville 138 Mahlathi Road Rem of erf 2131	R1 000 000.00	To be met by vote transfer 2023/2024 project Y8754 R1 000 000

Total	R11 700 000.00	
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FC No.: 365/C394

Commenting on the matter, the ActionSA supported reprioritization of budget with Water and Sanitation Unit, further mentioning that water and sanitation projects were critical.

However, the IFP mentioned that the funding was sourced from other critical projects in Ward 62, and with expectations having been created in the local community that the project will be undertaken. On this basis, they abstained on the matter.

As some members were not in support of the recommendations; therefore, the matter was put to the vote. With 182 Councillors present, 169 Councillors (ANC - 83, DA- 50, EFF – 18; ActionSA – 03, ABC – 02; ACC - 01, ACDP – 01, AIC – 02, DLC – 00; ADEC – 00; APF – 01; ATM -01; ALJAMAH – 01; JEP -01; KZNI - 00, MF - 01, NFP -00; PFP – 01, PRM – 01, TA- 00, UIM – 01 and VF Plus – 01) voted in favour of the recommendations. 13 IFP Councillors abstained on the matter.

Accordingly, the above recommendations of the Executive Committee, were, by the majority vote; **ADOPTED.**

5.4

Request for Authority to Acquire Land and Register Servitude for Project No. 8612: Northdale Pumpstation and Rising Main Replacement (23/2/1/3/3/1):
(Page 210: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

Authority is sought for the Real Estate Unit to acquire land and register servitude for the property described as Remainder of Sub 1 of Lot No. 1531 Erf 6859, Tongaat Ext 44 and Portion 5 of Erf 467, Tongaat Ext 44 from the private owner via donation; private treaty; or expropriation if necessary, for Project No. Y6812, Northdale Pumpstation and Rising Main replacement. The land acquisition is required for proposed new pumpstation located alongside the existing pumpstation for the area of approximately 500m². The sewage rising main servitude required is detailed in the table below:

INFRASTRUCTURE	Width of Servitude Required	PIPE LENGTH	PIPE DIAMETER	LOCATION
Sewage Rising main	6m	510m	160mm Ø HDPE	Ward 62

With the Committee being in support of the proposal,

COMMITTEE RECOMMENDS:

5.4.1

That authority be granted for the Head: Real Estate to acquire land and sewer servitude within the properties described as Remainder of Sub 1 of Lot No 1531 Erf 6859 Tongaat Ext 44 and Portion 5 of Erf 467 Tongaat Ext 44 from the private owner via donation; private treaty; or expropriation, if necessary, and this to follow the appropriate procurement processes, as described by the relevant legislation, including the Municipal Supply Chain Management Policy where applicable, be approved.

- 5.4.2 That in the event expropriation is deemed necessary, authority be granted for the Head: Real Estate to proceed with the purchase of land and the expropriation of the sewer servitude over Remainder of Sub 1 of Lot 86 No 1531, Erf 6859 Tongaat Ext 44 and Portion 5 of Erf 467 Tongaat Ext 44.
- 5.4.3 That subject to the adoption of .2 above, authority be granted for the Head: Real Estate to assess compensation in terms of Section 25(3) of the Constitution of the Republic of South Africa, No 108 of 1996, read in conjunction with the Expropriation of Land Act No. 63 of 1975, as the proposed acquisition is in the public interest and/or for public purposes and such acquisition is deemed compulsory.
- 5.4.4 That subject to the adoption of .3 above, authority be granted for the Head: Real Estate to conclude the appropriate agreement and sign all necessary documents to effect the transfer, donation or expropriation and registration, in favour of the eThekweni Municipality.

Financial Implication:

Project No.: Y8612; (R920 000.00, including VAT (Provided in the capital budget 2023/2024 financial year).

FC No.: 365/C392

DEFERRED, to the next Special meeting.

- 5.5 Request for Authority to Renew Implementation Protocol for Level 2 Accreditation for Undertaking the Housing Function (22/1):
(Page 216: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

The eThekweni Municipality enters into a 3-year Implementation Protocol agreement with the KwaZulu-Natal Provincial Government to enable the Municipality to undertake the housing function. The agreement which has in place has expired in April 2023, and a need exists to enter into and sign new agreement.

The 3-year protocol agreement is renewable upon the Municipality having displayed capacity to implement programs accredited in terms of the agreement. The table below reflects financial implications pertaining to the Implementation Protocol:

Year	Project Management	Property Management	Planning	Total	ISUP	Capacity Building
2023/2024	R376 710 041.00	R79 500 000	R4 550 000	R460 760 041	R177 557 920	R14 172 000
2024/2025	R435 726 378.00	R98 350 000	R10 400 850	R 98 350 000	R7 000 000	R14 172 000
2025/2026	R423 555 743.00	R81 991 622.56	R49 900 850	R81 991 672.56	R1 500 000	R14 172 000
TOTAL OPERATIONAL COST PAYABLE						R42 616 000

In terms of the agreement, the Municipality is required to report monthly, quarterly, and annually regarding the performance and progress of the Human Settlements programs and projects undertaken by the Municipality. The reporting will focus on financial and subsidy data in order to comply with the National Department of Human Settlements financial requirements; DORA requirement. Reporting will include financial and non-financial information.

As per the request, monthly progress reports on the Implementation Protocol will be submitted to the Human and Settlements Committee. Thereafter, with the Committee being in support of the proposal,

COMMITTEE RECOMMENDS:

- 5.5.1 That authority be granted for the Head: Human Settlements to renew the Implementation Protocol for the Level 2 Accreditation to be entered into and signed between the eThekweni Municipality and the KwaZulu-Natal Provincial Department of Human Settlements to enable the eThekweni Municipality to undertake the housing function for a period of three (03) years upon the signing of the agreement.
- 5.5.2 That subject to .1 above, His Worship the Mayor of eThekweni Municipality, Councillor TM Kaunda be mandated to, on behalf of the eThekweni Municipality, signs the Implementation Protocol with the Provincial Department of Human Settlements.

DEFERRED, to the next Special meeting.

- 5.6 Noting of Intention to Amend Contract IT-34776, in Terms of Section 116(3) of the Local Government: Municipal Finance Management Act No. 56 of 2003, for the Construction of BRT Route C1A Work Package 3 Inanda Arterial Between N2 and Seacow Lake Road (26/3/1/1):
(Page 240 : Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

The Executive Committee is requested to note the reasons detailed below, which give rationale for the intention to extend Contract IT-34776:

Suspension costs due to late/non-payment of Contractor:

- Soon after the award of Contract IT-34776 to Messrs Group Five Pandev BRT WP3 JV, Group 5 went into business rescue (on 11 March 2019); this then negatively impacted the ability of Group Five to honour their JV agreement/contract towards Pandev and by extension the ability of the JV to honour their contractual commitment to the City.
- Pandev, the JV partner, approached the EThekweni Transport Authority (ETA) requesting permission for partial assignment of Contract IT-34776 in favour of Steffanutti Stocks Roads & Earthworks and, such request was acceded to by the Employer's Agent on 5 June 2019.
- Whilst works on site went ahead (note contract commencement date of 01 February 2019) formalization of the partial assignment in terms of procurement prescripts and process took the better part of three (3) years to conclude, culminating in the need for a ratification of the Employer's Agent's decision by the Accounting Officer which happened on 09 March 2022 and subsequently noted by the Bid Adjudication Committee (BAC).
- The absence of formal BAC decision in respect of the partial assignment meant that it was not possible to settle invoices submitted by BRT WP3 JV on a monthly basis because such payment needed to be done through a regularization process on receipt of each payment certificate and completed prior to payment being effected.
- Due to more elaborate payment process, the Contractor's invoices were settled on average two (2) to three (3) months after the due date; the Contractor responded by suspending works on site as soon as contractual provisions permitted. Along with such suspension came extension of time claims

as the due completion date would have to be revised (indirect costs), as well as standing time claims (direct costs).

- The partial assignment was subsequently ratified by the City Manager and Noted by the BAC to normalize the contract.

Variation/Change Orders:

- As a result of technical, practical and stakeholder management challenges encountered on site during the execution of the works, fifteen (15) variation/change orders have had to be issued to the Contractor.
- Furthermore, the ETA was requested to assist the eThekweni Water and Sanitation Unit in responding to the April 2022 floods damages. In response to same, a variation order to the value of **R54 960 579,00 (Vat. incl.)** was approved through Section 55 of the Supply Chain Management Policy.

The estimated cost to complete contract 1T-34776 is R176 000 000.00 (One Hundred and Seventy-Six Million Rand), including VAT and escalation, the scope of works upon which this estimate is based consists of the following elements:

- i) Construction of 460m long stretch of mixed-use traffic lanes between the Inanda Arterial-Palmfield/Elmfield intersection and the Inanda Arterial-Teakfield/Willowfield intersection, including full layerworks up to the asphalt base and wearing course, drainage infrastructure and relocation of services.
- ii) Completion of the layerworks (specifically the asphalt base and wearing course) between the Inanda Arterial-Peter Road and Inanda Arterial-Palmfield/Elmfield intersection.
- iii) Re-alignment and protection of the Transnet pipeline in the vicinity of the Inanda Arterial-Peter Road intersection and subsequent completion of the Peter Road IRPTN station platform.
- (iv) Finalization of the widening of the 135m stretch of west bound mixed-use traffic lane adjacent to Gundle Plastics (Growth-Point) along Inanda Arterial Road.

Section	Part	Description	Total Estimate to Complete Works Incl Peter Road North
1	1200	GENERAL REQUIREMENTS AND PROVISIONS	R48,205,988.32
1	1300	CONTRACTOR'S ESTABLISHMENT & GENERAL	R26,797,358.55
1	1400	HOUSING, OFFICES AND LABORATORIES	R685,017.99
1	1800	VARIATIONS - DAYWORKS	R1,282,119.80
	TOTALS	PRELIMINARIES AND GENERAL	R76,970,484.66
2	1500	ACCOMMODATION OF TRAFFIC	R4,064,796.23
2	1700	CLEARING AND GRUBBING	R1,030,964.59
2	2100	DRAINS	R51,618.94
2	2200	PREFABRICATED CULVERTS	R3,835,807.07
2	2300	CONCRETE KERBING AND CHANNELLING	R3,992,813.00
2	3300	MASS EARTHWORKS	R1,705,553.13
2	3400	PAVEMENT LAYERS OF GRAVEL MATERIAL	R4,843,858.00

Section	Part	Description	Total Estimate to Complete Works Incl Peter Road North
2	4100	PRIME COAT	R244,006.17
2	4200	ASPHALT BASE AND SURFACING	R11,443,440.15
2	4800	TREATMENT OF AN EXISTING SURFACE	R -
2	5100	PROTECTION AGAINST EROSION	R1,197,930.00
2	5200	GABIONS	R94,539.78
2	5400	GUARDRAILS	R253,188.16
2	5600	ROAD SIGNS	R953,512.21
2	5700	ROAD MARKINGS	R1,033,653.18
2	5800	LANDSCAPING AND PLANTING PLANTS	R571,322.80
2	5900	FINISHING THE ROAD AND ROAD RESERVE	R66,976.71
2	8100	TESTING MATERIAL AND WORKMANSHIP	R53,500.00
	TOTALS	ROADWAY	R35,437,480.12
3	6200	FALSEWORK,	R324,068.00
	TOTALS	STRUCTURES	R324,068.00
			R -
4	ST03	CONCRETE, FORMWORK& REINFORCEMENT	R198,680.00
4	ST16	TICKET OFFICE	R964,729.89
4	ST17	GENERATOR ROOM	R74,017.92
4	UPS1	UPS INSTALLATION	R -
	TOTALS	STATION PLATFORMS	R1,237,427.81
	TOTALS		R113,969,460.59
		Contingency	R9,691,266.11
		Escalation	R29,382,751.56
			R153,043,478.26
		15% VAT	R22,956,521.74
			R176,000,000.00

The intention to amend the contract was advertised on 12 June 2023 and there were no objections received in this regard In terms of financial implications, the required budget to fund the proposed expansion of contract 1T-34776 will come from the PTNG Grant as described below:

2023/24 FY – R161 920 000-00
2024/25 FY – R14 080 000-00

Vote No.: P8529.55100.18000.51160.0000.P8529.R003
FC No.: 2023/50/C020

With the Committee being in support of the proposal,

COMMITTEE RECOMMENDS:

5.6.1

That Council notes the reasons to amend contract period of performance on Contract 1T-34776 for the construction of BRT Route C1A – Work Package 3 Inanda Arterial between N2 and Sea Cow Lake Road in terms of Section 116(3) of the Local Government: Municipal Finance Management Act No. 56 of 2003, by increasing the same from R457 458 813.65 (Four Hundred and Fifty Seven Million Four Hundred and Fifty Eight Thousand Eight Hundred and Thirteen Rand Sixty Five Cent), including VAT, to R176 000 000 (One Hundred and Seventy Six Million Rand), including VAT, and thus an additional allocation in the amount of R633 458 813.65

(Six Hundred and Thirty-Three Million Four Hundred and fifty-Eight Thousand Eight Hundred and Thirteen Rand Sixty-Five Cent), including VAT), to be split as follows:

- (i) Value of works: R113 969 460.59 (Excl VAT)
- (ii) Contingencies: R9 691 266.11 (Excl VAT)
- (iii) Escalation: R29 382 751.56 (Excl VAT)

5.6.2

That Council notes the public participation process advertised through the media, in terms of Section 116(3) of the MFMA, as part of achieving compliance requirements pertaining to the public participation process to invite public comments on the proposed contract amendment, and that there were no objections received in this regard.

Financial Implication:

- (a) That the required budget to fund the proposed expansion of contract 1T-34776 will come from the PTNG grant as follows:
- (b) 2023/2024 FY: R161 920 000.00
- (c) 2024/2025 FY: R14 080 000.00

Vote No: P8529.55100.18000.51160.0000. P8529.R003

FC No.:2023/50/C020

DEFERRED, to the next Special meeting.

5.7

Noting Intention to Amend Contract 1T-679, in Terms of Section 116(3) of the Local Government: Municipal Finance Management Act No. 56 of 2003 for Technical Advisory Services to Support Mini-Bus-Taxi Operators to Participate in the City City's Integrated Public Transport Network and Other Programs (26/3/1/2):
(Page 292: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

The Executive Committee is requested to note the reasons detailed below, which give rationale for the intention to extend Contract IT-679:

- During May 2021, the Municipality communicated its intention to resume with the negotiations with the relaxation of the Covid-19 gathering restrictions. Notwithstanding the restrictions, the eThekweni Municipality was still expected by the National Department of Transport to operationalize the C3 Corridor.
- With the commencement of the negotiations in May 2021, it was resolved by all stakeholders that the operations along C3 should commence in October 2021 this meant all agreements needed to be signed and all fifteen (15) minibuss taxi associations and four (4) bus operating companies needed to be engaged and consulted.
- The negotiations with the operators reached deadlock on the vehicle ownership, with the operators demanding that vehicle ownership had to be 100% by them through the VOC, or there would be no deal. The Municipality's position was and has always been that of joint ownership shareholding at 51% for the Municipality and 49% for the operators.
- Vehicle ownership is one of the six principles that had already been negotiated at a city-wide level, and around which full or some agreement had already been reached as follows:

- In order to facilitate the start of operations on the C3 Corridor, the Municipality could procure half of the ultimate fleet requirement, about 50 vehicles, including the spare fleet.
- Once the operation was under way, the vehicle ownership principle would be revisited.

The six principles negotiated and agreed with the operators affected are listed below:

No.	Principle	Description
1.	The Eligibility of Operator Participation in the IPTN project	This principle determines the criteria by which operators and associations will be considered as affected operators
2.	The Compensation Formula in relation to Operating Permit/licence, business, and vehicles	This principle will determine the factors to be used to calculate the operator's business value, reparations or share value and serves to guide how affected operators participate or exit the IPTN trunk and feeder routes
3.	Empowerment and Value Chain Opportunities	This principle will establish how eligible participants and their affected employees are provided with organizational capability and business capacity to meaningfully participate in value chain opportunities
4.	Training and Skills development Initiatives	The purpose is to ensure that the skills required for an effectively run IPTN are available. The process and approach will develop plans and supporting mechanisms that seek to address the skills and training gaps at various levels are required by the IPTN.
5.	Minimum Terms that would regulate the Service Contracts; and	The aim is to identify the service contracts and related performance levels needed to support an efficiently run IPTN operation
6.	Vehicle Ownership and Vehicle Operating Models	The aim is to agree on who will own and maintain the buses: City, VOC, private company, etc. Agree on a vehicle ownership (VOC) model: private VOC (fully owned by operators), or public (owned by the City, or mixed (owned by a Municipal Entity)

- The EMTC Investment Company Change Management Work plan envisaged that the Sub Project Executive Team, the Technical Teams, and the Affected Operator Engagement forum would be supported once a month, however with the fast tracing of the negotiations, the negotiations structures were meeting at least once a week, resulting in a minimum number of four (4) engagements per month of the different structures with EMTC Investment Company supporting all three negotiations structures. The contract authority was used up at a faster rate than originally planned.
- Whilst at the outset it was anticipated that with the fast tracking of the program the operations on C3 would commence, this was not to be the case as the public transport operators and the city could not agree on the vehicle ownership principle in the implementation of the IPTN.

Continuation of services:

- While extensive work has been carried out to date, there is still a great deal that still needs to be done as per the scope of work and inception document submitted

by the EMTC Investment Company, the below summary outlines further work that needs to be concluded by the EMTC Investment Company

Activity	Progress to date	Work that needs to be completed
Formation of Association based Companies	60% complete (60 of 112 associations)	The EMTC Investment Company needs to facilitate and coordinate the finalisation of the association-based companies and ensure that all companies have proper governance to enable them to contract with both government and the private sector in the provision of services.
Stakeholder Engagement in the Tactical Adjustment approach in the implementation of the City's IPTN	40% complete	The EMTC Investment Company to coordinate the broad engagements with all associations as well as the input and feedback to the City in anticipation of the final approval by Council
Data Collection and Planning	50% complete	The EMTC Investment Company has commenced with data collection of their current operations to identify gaps and where there are infrastructure requirements to support the operations.
Conflict Management	Ongoing	The EMTC Investment on an ongoing basis play a mediation role in the resolution of conflict, this has been extended to the involvement of community policing forums (CPFs).
Change Management	Ongoing	With the transitioning from informal to formal structure and the associated governance, the EMTC Investment Company has secured various business opportunities for the minibus taxi industry sector in eThekweni Region.
Capacity Building and Training	50% Complete	The EMTC Investment has concluded a skill gap assessment for the association-based companies as well as the Regional Companies as well as the policies that will be required. The EMTC Investment Company still needs to complete a training guideline and advise on the appropriate skills level for the managing of the Association Based Companies

Subcontracting of Professional Services:

- From time to time the EMTC Investment Company needs to subcontract professional services in the establishment of entities, negotiations of operating contracts and managing of public transport contracts as it does not make financial sense for the company to employ such resources on a full-time basis. These are the professional services envisaged:

Category of Technical Advisory Service	Key Activities	Key Deliverables
1. Legal Legal advisory services in respect of the negotiated operating contract, the registration and establishment of operating companies	1.1. Provide Guidance to operators in the interpretation of the relevant legislation which includes at least the following: National Land Transport Act 5 of 2009, (NLTA), MFMA, PFMA, Labour Relations Act, Income Tax Act and Systems	i. Legally registered entity in terms of the Companies Act ii. Shareholders duly adopted shareholders agreement iii. Accepted and signed operating contracts f

Category of Technical Advisory Service	Key Activities	Key Deliverables
	<p>Act. Assist operator in understanding how best to comply with such legislation</p> <p>1.2. Provide Guidance to operators how the Public Transport Grants work</p> <p>1.3. Together with the change management advisors and Conflict Management advisor, assist the industry associations within the eThekweni Metro solidify their cohesion by generating appropriate agreements that bind them together in their participation in the industry transition process</p> <p>1.4. Provide legal assistance to the operators so that the operator can understand the legal ramifications of choices they wish to make</p> <p>1.5. Assist affected operators understand corporate structures, commercial contracts, service level agreements, shareholder agreements</p>	
<p>2. Financial</p> <p>advising the industry of the financial implications of the operational contracts</p>	<p>2.1. Assist operators in understanding the financial ramifications of the Operations Plan, specifically the impact of different passenger demands on number of vehicles and impact on potential revenue and costs.</p> <p>2.2. Assist the affected operators by working with the Legal Advisor and City in developing the prospectus for the established entities.</p> <p>2.3. Development of Business Plans</p>	<p>i. Input into the agreement on the final rate per kilometre for the Operating Contract</p> <p>ii. Prepare reports on financial implications on:</p> <p>(a) Operating</p> <p>(b) Company/ies legal structure and shareholding</p> <p>(c) Operating contracts</p> <p>iii. Business plans</p>
<p>3. Bus Operations</p> <p>Provide bus operations support in setting up the operating companies</p>	<p>3.1. Assist the industry in the inputs to costing in the bus contract.</p> <p>3.2. Set up systems for bus scheduling and monitoring.</p>	<p>i. Agreement in the final km rate</p> <p>ii. Operations SOPs for the companies</p> <p>iii. Scheduling systems</p>

- The EMTC Investment company will need to obtain prior approval from the eThekweni Transport Authority (ETA) before the subcontracting of any resources with a clearly defined work plan articulating the anticipated activities.

- The use of the professional services will be task based and its utilization will be limited to a particular task which will be in line with the scope of the EMTC Investment Company.

Project Engagement Allowance:

- Given that the operators need an extended amount of time in participating in meetings during the various meetings with the EMTC Investment Company and the City, a project engagement allowance is envisaged per meeting with the operators.
- It is only the meetings that are in line with the scope of work and the approved projects for contract 1T-679 that will be covered by the project engagement allowance. Should it be anticipated that the minimum number of engagements will be exceeded in a particular month, prior approval should be authorised by the City.

Variation in the scope of work:

Alternative approach to Implementation (Tactical Adjustment):

- The deadlock in the negotiations in October 2021 with the affected operators resulted in the EMTC Investment Company together with the eThekweni Transport Authority having to rethink the best approach to include affected operators whilst addressing the issues that led to the deadlock in the first instance.
- The Council Decision on Tactical Adjustment requires that among other stakeholders the Public Transport operators be consulted on the framework, however beyond that the EMTC Investment Company support is required to drive the change management processes associated with the revised approach to incorporating minibus taxi operators in the City's IPTN Program. The initial approach limited engagement to operators within the Phase 1 area, however with the tactical adjustment approach, all operators City wide have to be engaged.
- Change management support is required after the public participation process to manage the feedback process of the industry to inform how the tactical adjustment to implementation of the IPTN will incorporate the minibus taxi operators.
- It is anticipated that once the framework is approved, the EMTC Investment Company will manage the transition of participation of minibus taxi operators in a formalised subsidized environment.

Security Issues:

- The perceived adversarial relationships between government departments and minibus taxi owners and associations have complicated transitional and contract negotiations. What further presents as a challenge for the City to engage the minibus taxi leadership when engaging the City on projects they are viewed as aligning with the City resulting in their security being compromised.
- Currently, there are five (5) Regions within the eThekweni Metro represented by 5 Chairpersons and Directors of the EMTC Investment Company. At the inception of the negotiations none of the Regional Chairpersons had security

detail, however as negotiations progress 4 of the 5 Chairpersons had to have 24-hour security because of threats made to them.

- Given the above a prudent approach of dealing with the financial burden of the Directors of the EMTC Investment Company, who are also the Regional Chairs for paying for security as a result of being intrinsically involved in the successful implementation roll out of the IPTN Phases acting as the change management agents, it is proposed that the City should support the EMTC Investment Company in the security services by up to 50% of the cost, based on the rates that are currently used by the City's security management for an equivalent of the required level of security.

The estimated cost to complete contract 1T-679 is **R26 927 848.40** exclusive VAT & Escalation, the scope of works upon which this estimate is based on the following:

- (i) Provision of change management interventions to ensure the industry buys into the transition processes.
- (ii) Dispute Resolution and conflict management intervention to ensure that the associations, and members act in a unified manner.
- (iii) Administrative and co-ordination support for the minibus taxi operators in the Industry Transition process.
- (iv) Legal, financial and bus operations advisory services in respect of the negotiated operating contract, the registration and establishment of operating companies.
- (v) Advising the industry of the financial implications of the operational contracts and the compensation for the business value of the economic right

To ensure the following strategic objectives are achieved;

- (i) Transformation of public transport industry.
- (ii) Ensuring that the minibus taxi industry fosters collective working agreement.
- (iii) Resolves challenges at the negotiation table.
- (iv) Builds skill and capacity to deliver projects now and in the future.
- (v) Manages stakeholder both internally and externally to the industry; and
- (vi) Empowerment of operators individually and collectively

The above-mentioned services are to be rendered by EMTC to support the following projects:

- (i) GO Durban Tactical Adjustment in the implementation of the city's Integrated Public Transport Network.
- (ii) Business restructuring of all mini-bus taxi associations within eThekweni Metro.

Description	Value (all values are excluding VAT)
Professional Service	R14,464,212.36
• Legal	R6,500,000.00
• Finance	R4,200,000.00
• Bus Operations	R3,764,212.36
Change Management	R10,425,033.64

Description	Value (all values are excluding VAT)
• Business Restructuring	R4,050,033.64
• Conflict Management	R2,550,000.00
• Project Management	R3,825,000.00
Security Services	R2,038,602.40
Sub-Total	R26,927,848.40
Contingency 10% (Professional Service and Change Management)	R2,488,924.60
TOTAL	R29,416,773.00

In responding to the query raised regarding the financial implications, it was advised that the 50% security of Taxi industry and fund utilized were sourced from the PTMG and such had conditions. For the transition to take place, security measuring agent not against the conditions of the grant. Not only eThekweni Municipality taking into consideration the requirements of the grant conditions. Insofar as the contract authority, it was advised that such was R29 Million and the contract duration was for a period of 24 months. The provision made for 2022/2023 was cleared with financial certificate and the budget aligned accordingly. In addition, the contracts had been packaged and that tender process would be undertaken as soon as possible.

For the Committee to be kept posted of the developments on this matter, the Acting Head: ETA was requested to submit a report every two months. Thereafter, as some members were not in support of the recommendation, with 25 Councillors present, 16 Councillors (ANC – 11, EFF – 3, IFP – 2, KZN1 – 1) voted in support of the recommendations and 9 – DA Councillors voted against the recommendations. Therefore, by the majority vote,

COMMITTEE RECOMMENDS:

- 5.7.1 That Council notes the reasons to amend Contract IT-679 in terms of Section 116(3) of the Local Government : Municipal Finance Management Act (MFMA) No. 56 of 2003, for the Technical Advisory Services to support the Mini-Bus Taxi Operators in negotiations for the participation in the City's Integrated Public Transport Network (IPTN) and other programs by increasing the same from R20 386 142.01 (Twenty Million Three Hundred and Eighty Six Thousand One Hundred and Forty Two Rand One Cent), excluding VAT, by an amount of R29 416 773.00 Twenty Nine Million Four Hundred and Sixteen Thousand Seven Hundred and Seventy Three Rand), excluding VAT, to R49 802 915.01 (Forty Nine Million Eight Hundred and Two Thousand Nine Hundred and Fifteen Rand One Cent), excluding VAT), by extending the same by a period of twenty four (24) months with effect from 01 April 2024 to 30 March 2026, this proposed increased in contract authority shall be split as follows:

Value of works: R26 927 848.40 (Excl. VAT)
Contingencies: R2 488 924.60 (Excl. VAT)

- 5.7.2 That Council notes the public participation process advertised through the media, in terms of Section 116(3) of the MFMA, as part of achieving compliance requirements

pertaining to the public participation process to invite public comments on the proposed contract amendment.

DEFERRED, to the next Special meeting.

5.8

Request for Approval to Solicit Comments and Representations in Terms of Clause 33(1)(a) of the MFMA Relating to the Appointment of a Professional Services Provider for Contract No. PSC 2021/005: Provision of Multi-Disciplinary Engineering Consulting Services for the 10ml/d to 22.5ml/d Capacity Extension of the Tongaat Central Wastewater Treatment Works (72 Month Contract) (23/1/11/2/1/2):
(Page 343: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

The Water and Sanitation Unit intends entering into a long-term 72-month contract in relation to the Tongaat Central Wastewater Treatment Works for the plant to be upgraded to achieve the following:

- (i) Increase the capacity of this wastewater treatment works from 10 MI/d to 22,5 MI/d to accommodate the short to medium term increase in sewage flows;
- (ii) Support the completion of developments within the catchment that have been stalled due to the current constraints at this facility, thereby increasing the revenue generation stream; and
- (iii) Facilitate job creation and economic development from proposed developments.

The Department will ensure that the budget requirements beyond the current 3year financial cycle will be accordingly catered for in the forward cycle.

With the Committee being in support of proposal,

COMMITTEE RECOMMENDS:

That the City Manager be mandated to act in accordance with Clause 33 (1) (a) of the Local Government: Municipal Finance Management Act o. 56 of 2003, to solicit comments and representations relating to the appointment of a professional services provider under Contract No. PSC 2021/005: Provision of Multi-Disciplinary Engineering Wastewater Treatment Works (72) month contract), the said contract having financial implications beyond three (3) financial years.

Financial Implications:

Contract No. PSC 2021/005 will impose financial obligations on the Municipality over six (6) financial years, for which the anticipated expenditure is summarised in the table below.

Financial Year	Financial Year	Anticipated Expenditure (excl. VAT)	Approved Budget as per 23-25 MTREF
1	2023/2024	R 6 000 000	R 10 000 000
2	2024/2025	R 13 000 000	R 13 000 000
3	2025/2026	R 8 000 000	R 8 000 000
4	2026/2027	R 8 000 000	R 0
5	2027/2028	R 4 500 000	R 0
6	2028/2029	R 4 562 500	R 0
		<u>R 44 062 500</u>	

DEFERRED, to the next Special meeting.

5.9

Noting of Reasons to Amend Contract: 1H-21375 3 in Terms of Section (116(3) of the Local Government: Municipal Finance Management Act, No. 56 of 2003, for Lease of Premises: Shell House Building Situated at 221 Anton Lembede Street Durban (172/2/5/1):

(Page 476: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

The Real Estate Unit intends amending contract entered into for the purpose of continuing using the Shell House building situated at 221 Anton Lembede Street to accommodate the eThekweni Municipality office accommodation. The Municipality currently leases 13 828m² office space, together with 42 single parking bays and 27 tandem parking bays.

The building is fully occupied by various Municipal departments. As the largest occupier, the Human Settlements Unit carries the budget and assumes the role of the head lessee in this building. The current lease will expire on 31 October 2023. In an attempt to secure Municipal offices, the Head: Real Estate advertised tender 1H-4085 on 18 March 2022. However, there were no responsive tenderers and a non-award report was done and submitted to the Bid Evaluation Committee on 06 June 2022.

As a result of the tender not being awarded, the Head: Real Estate is seeking an extension of the lease in Shell House for a period of twelve months with an option to renew for 2 further periods of 12 months each. The extension will ensure that the Units continue working without any disruption to service delivery. The Head: Real Estate will be going out to tender again for the abovementioned units and their requirements.

It is kindly requested that permission be granted to amend the lease for the following reasons:

- i) The building is situated in a strategic location within close proximity to the Durban City Hall being 500m away and easily accessible to the public that has through the years come to be known as the building where Municipal services are rendered, especially, housing.
- ii) Different Municipal Units occupying the Shell House building have undertaken extensive renovations at a substantial cost to the Municipality, and the renovations undertaken include the following:
 - (a) **Human Settlements:**
Partitioned floors to create offices, boardrooms and kitchen. Installed CCTV cameras, telephones, network/power points and access control system.
 - (b) **eThekweni Municipal Academy:**
Partitioned floors to create training rooms, offices, boardrooms, staff lounge. Installed CCTV cameras, telephones, network points and access control system.
 - (c) **eThekweni Municipal Audit and Risk Services:**
Partitioned floors to create offices, boardrooms, and a kitchen. Installed CCTV cameras, telephones, network points and access control system

(d) **eThekweni Municipality Human Resources:**

Partitioned floors to create offices, boardrooms, and kitchen. Installed CCTV cameras, telephones, network points and access control system.

(e) **Accounts Payable:**

Telephones and security.

The costs of the work done, as outlined above, were incurred by various Units and at different financial years, therefore, the actual costs are not readily available, however a conservative estimate based on costs incurred in other buildings, the costs of the refurbishments and other upgrades could be approximately R15 000 000.00 (Fifteen Million).

With Committee being in support of the proposal,

COMMITTEE RECOMMENDS:

5.9.1 That the Council notes the reasons to amend Contract 1H-21374, in terms of Section 116(3) of the Local Government: Municipal Finance Management Act No. 56 of 2003 for the extension of existing lease contract with Delta Property Fund in respect of the Shell House Premises Building situated at 221 Anton Lembede Street, Durban in total of extent of 13828m² for an initial period of Twelve (12) months with effect from 01 November 2023 and terminating on 31 October 2024 with an option to renew for further periods of twelve months each, which basically relate to there being no alternative premises secured to accommodate the magnitude of various Municipal Units currently accommodated in this building, whilst Shell House is strategically located, with the building being close to the City Hall which is the Municipal headquarters, and with it being generally known by the public as the building rendering Municipal services, and the Units also having spent a fortune renovating their respective spaces.

5.9.2 That the Executive Committee notes the public participation process was advertised through the media, in terms of Section 116(3) of MFMA as part of achieving compliance requirements pertaining to the public participation process to invite public comments on the proposed contract amendments, and there were no objections received.

Financial Implications:

Basic (Monthly)	Basic Rental (Annual)	Period
R1 375 237.74	R16 502 852.88	1 November 2023-31 October 2024

DEFERRED, to the next Special meeting.

5.10 2023 National Transport Month: eThekweni Municipal Activities:
(Page LOT: Human Settlements and Infrastructure Committee - Agenda 2023-09-22)

The month of October is declared National Transport Month in South Africa. During this month different Transport Departments, Authorities and Entities showcase transport infrastructure, services and flagship programmes that are being delivered across all modes, including aviation, maritime, roads, rail, and public transport.

The eThekweni Transport Authority also has several programmes to celebrate and showcase local milestones and developments in the transport sector that are designed to improve the lives of its citizens through connectivity and access to opportunities. In addition, the Municipality will collaborate with the National and the Provincial Government where projects have an impact on the City's economy and overall society.

The Transport Month 2023 is planned around three (03) key areas, namely, the implementation and operational phases for the GO! Durban programme; Road Safety; and the Public Transport Industry Transformation and Empowerment. The focus on these specific areas is to demonstrate the advancement, inclusivity, empowerment, and transformation across both public and private transport in eThekweni Municipal area.

GO! DURBAN PROGRAMME:

The GO! Durban programme has made significant progress in recent months that will be celebrated during the 2023 Transport Month. For the Implementation Phase, the programme continues to demonstrate the expansion of the GO! Durban network (routes within phase one) as it hands over completed infrastructure for the C1 route, and the introduction of new contracts along the C3 and C9 routes that will serve as key connectors of the network. The long anticipated Operational Phase will launch various elements of the GO! Durban network and systems. These elements are a demonstration of true integration across various public transport services, systems, and modes of the GO! Durban programme. New conversations surrounding private and public transport e-mobility solutions and pedestrianization that responds to current issues such as climate change will be deliberated on, and imminent plans shared.

Also, there will be various community-driven activities that showcase the ramp-up to the start of operation for the trunk route service (C3) and the sustainability of the GO! Durban Cycle Academy. Towards the latter part of the month (and beyond the transport month) will be the official launch of the GO! Durban feeder service – new routes, service improvements, new and upgraded infrastructure and traffic management transport centres.

C1 Infrastructure Handover:

Completed public transport infrastructure will be handed over to communities affected by a portion of the C1 route. This completion will demonstrate the expansion of Phase One routes within the GO! Durban network

E-Mobility Launch:

The introduction of a new era for private and public transport in the City, bringing key partners closer to the discussion on integration of efforts and resources, as well as alignment with green sustainability models and concepts.

Mayor's Reception Breakfast: GO! Durban Academy:

Introduces the new strategy for the GO! Durban Academic whereby the impact of the programme is extended and realised by all members of the communities they serve (not only the participants of the programme) including attracting partners that align with this benefit/ value and sustainability modelling.

Open Streets: Dr. Pixley KaSeme Street:

The pedestrianization will transform the space from car-use to public use creating increased pedestrian safety, less air and noise pollution and green space development.

GO! Durban Feeder Service Launch:

The official launch of the GO! Durban network, specifically the launch of new feeder routes within the network. The routes will be operated by participants of the Moja Cruise programme that have graduated to a GO! Durban feeder service contracted environment comprising of new public transport improvement principles.

ROAD SAFETY:

The Road Safety Plan during transport month is strategic in that it is responding to research data of where and which stakeholders are exposed to various road safety related issues such as high child pedestrian and high serious and death crashes.

Programmes are the combined efforts of eThekweni Municipality (ETA- Road Safety Branch), the Department of Transport, Public Transport Industry, Metro Police and the Road Accident Fund and will be implemented in five regions across the City to ensure that the impact is wide-spread, messaging curated and streamlined to the relevant stakeholders including Pedestrians, Communities and Schools.

A new initiative will also be implemented at a high crash rate schools whereby a road safety park including road markings and signage will be incorporated into the school premises for further road safety education and support.

Taxi Rank Activations:

This is a partnership with the Minibus Taxi Industry (EMTC) under their road safety wing, Hlokomela and the City. This is aimed at reaching out to most of the public transport drivers, operators and the commuters in eThekweni. This will take place in all five (05) eThekweni taxi regions.

Road Safety Prayer:

This is a prayer against road accidents in eThekweni, and will include the public transport industry, interfaith organizations, law enforcement agencies and other stakeholders, and will take place in the Durban central and the south regions.

Road Safety initiatives:

This includes Road Safety awareness campaigns in schools, safety at pedestrian crossing points, public transport drivers (buses and taxis), and community safety related initiatives.

Moja Cruise driver of the month & year awards:

The ETA and the Minibus Taxi Industry will be recognizing all the drivers that continued to be on their best behaviour throughout the year with road worthy vehicles.

Public Transport Industry Transformation and Empowerment:

The Municipality in partnership with the eThekweni Metro Taxi Council (EMTC) and the Bus industry Leadership has launched various initiatives in recent years aimed at meaningfully transforming the industries. One of the most instrumental programmes has been the Moja Cruise programme, a programme that introduced a formal and contracted environment between the City and Operators. Moja cruise has one thousand (1 000) participants enrolled in the programme ensuring roadworthiness of vehicles and better customer service.

The mini-bus industry specifically has embraced the programme and advanced it to a point where they run their own facilities for monitoring and tracking of the programme. The programme cuts across various levels of the industry and acknowledges the contribution specifically by drivers. This programme combined with

Hlokomela activations reinforces road safety during transport month and beyond with operators, passengers, and other public transport stakeholders.

Accelerated transformation of the industries is being facilitated through the recent approval of the tactical adjustment approach in the implementation of the GO! Durban programme. Widespread awareness of the status, progress and way forward will be presented throughout the October Transport Month, with members of the sector and other stakeholders.

A milestone achievement will also be celebrated as the Municipality officially launches the GO! Durban feeder service under the tactical adjustment approach. The sector will continue to evolve and adapt in line with transformation principles. The City will continue to support this notion from a facilitation perspective, bringing key business partners to be part of the conversation to enable the sector to achieve accelerated transformation and empowerment.

Moja Cruise Driver of the Year Awards:

Demonstrating the growth and success of key contributors of the programme-drivers. The ceremony will showcase the steady transformation of the industry whereby there is improved driver behaviour and skills development, as well as safer vehicles and more a customer centred service overall.

SANTACO Business Summit:

Taking the conversation with partners to the next level whereby specific intent to support the industry is activated contributing to the further empowerment and transformation of the industry.

Financial Implications:

The table below reflects the activities and the associated costs for the implementation of the transport month activities. The activities that appear on the Transport Month Calendar, but are not listed on the table below, will be funded through the Unit's annual budget which is already approved. The Committee should note that the ETA will spend the amount of R 3 180 000.00 (Three Million One Hundred and Eighty Thousand Rand) to cover the costs for venue hire, sound, stage, Master of ceremonies, catering and other activities relevant to the success of the transport month. Provision for this amount has been made from the ETA budget.

No.	Programme	Cost
1.	Taxi Rank City/(EMTC) Road Safety Awareness Activities – Five Taxi Regions.	R800 000.00
2.	Road Safety Prayer (Central and South) regions	R450 000.00
3.	Public Transport Driver Awareness campaign	R150 000.00
4.	Bus Driver Competition – Promotion of safe vehicles and driving	R70 000.00
5.	Road Safety Prayer (Central and South) taxi regions	R450 000.00
6.	Open Streets: Dr Pixley KaSeme Street (City Hall portion only)	R500 000.00
7.	Walkabout with Human Settlements & Infrastructure Committee	R80 000.00
8.	ETA/SANTACO Business summit -	R680 000.00
TOTAL		R3 180 000.00

Some of the members were not in support of the recommendations at the Support Committee level, and the matter was accordingly put to the vote, and passed by the majority vote. With 25 Councillors present, 16 Councillors (ANC - 11, EFF - 3, IFP - 2, KZN1 - 1) voted in support of the recommendations and 9 - DA Councillors voted against the recommendations.

The DA (3) maintained its dissenting vote at the Executive Committee level pointing out there is no close out Report received on transport activities to play an oversight role through monitoring whether intended objectives are achieved. Further, the attention was drawn to the crisis faced by the Municipality, in particular, the infrastructural challenges. The view then being that the primary focus should be redirecting funds to addressing key service delivery matters, as opposed to the activities that the DA felt the Municipality can live without undertaking them.

The IFP (01) voted against as well, supporting the view that priority be given to key service delivery matters, and queering the significance of the Moja Cruise Programme for instance in the bigger scheme of things. Meanwhile, the ANC (03); and the NFP (01) supported the matter, given the compliance requirements associated therewith, and noting that the Moja Cruise is part of service delivery given its intended objectives surrounding the improvement of safety of both taxi drivers and commuters, and this having a major impact on protection of human life.

With there be equality of votes, the Chairperson exercised her casting vote, and therefore, the matter being approved by the majority vote. In view thereof, accordingly,

COMMITTEE RECOMMENDS:

That authority be granted for the Acting Head: eThekweni Transport Authority to lead the eThekweni Municipality programme of events schedule to celebrate the 2023 National Transport Month in October, it being noted that the events to be driven by the Municipality will cost an estimated the amount of R3 180 000.00 (Three Million One Hundred and Eighty Thousand Rands), which is budgeted for in the 2023-24 EThekweni Transport Authority's operating budget.

Financial Implications:

The table below reflects activities and the associated costs for the implementation of the transport month activities. The activities that appear on the transport month calendar but are not listed on the table below will be funded through the Unit's annual budget which is already approved. The Human Settlements and Infrastructure Committee's approval is therefore only required for R3 180 000.00 (Three Million One Hundred and Eighty Thousand Rands) which is the budget that is needed in order to successfully implement the October Transport Month for the year 2023 and provision for this budget has been made from the ETA fund.

NO	PROGRAMME	COST
1.	C1 Infrastructure Handover	R150 000.00
2.	E-mobility launch	R150 000.00
3.	Mayor's reception breakfast- GO! Durban academy	R200 000.00
4.	Open Streets: Dr Pixley KaSeme Street (City Hall portion only)	R500 000.00
5.	GO! Durban feeder service launch	R100 000.00
6.	Taxi Rank Activations- City (EMTC) Road Safety Awareness Activities- Five Taxi Regions.	R 800 000.00
7.	Road Safety Prayer (central and South) Regions	R450 000.00
8.	Road Safety Initiatives	R150 000.00

NO	PROGRAMME	COST
9.	ETA/SANTACO Business summit	R680 000.00
TOTAL		R3 180 000.00
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DEFERRED, to the next Special meeting.

DIRECT EXCO REPORTS

6. NOTING OF THE DECISION BY THE BOARD OF DIRECTORS OF THE DURBAN MARINE THEME PARK (USHAKA MARINE) TO WRITE-OFF IRRECOVERABLE EXPENDITURE (9/1/3)

(Page 1)

The Municipal Council is advised of the decision taken by the Board of Directors of the Durban Marine Theme Park (DTMP), trading as Ushaka Marine World, to write-off irrecoverable expenditure of R15 108 675.00 (Fifteen Million One Hundred and Eight Thousand Six Hundred and Seventy-Five Rand), mainly, due to irregularities surrounding the procurement processes followed to source goods and services where required.

This decision was made in line with Section 102 of the Local Government: Municipal Finance Management Act No 56 of 2003 and Regulations 75 of the Municipal Budget and Reporting Regulations, which empowers the Board of an entity to investigate Unauthorized, Irregular, Fruitless and Wasteful (UIFW) expenditure and therefore take a decision to recover or write off if deemed irrecoverable. It being noted that the Board is also expected to comply with a requirement to inform, in writing, the Mayor and the City manager of the parent Municipality, as well as the Auditor-General on the particulars of the cases, including steps taken to recover incurred UIFW, as well as the mitigating measures to be implemented going forward to avoid repeat of this conduct.

In a nutshell, the Board conducted investigations on cases involving alleged failure to obtain three (03) quotations, as per the requirement in terms of the Supply Chain Management Regulations. Also, the case involving alleged fraudulent letter of award. The outcome thereof revealed that value for money was achieved and that necessary processes were followed, including reporting in writing to the Internal Control Unit, the Bid Adjudication Committee and the DTMP Social & Ethics Committee. As part of mitigating measures, consequence management has been implemented against the DMTP officials implicated, and with the matter pertaining to fraudulent letter of award being submitted for the facilitation of a criminal investigation by the eThekweni Municipality City Integrity and Investigations Unit.

With the Executive Committee noting compliance requirements associated with this matter,

COMMITTEE RECOMMENDS:

That in compliance with Section 102 of the Municipal Finance Management Act, read together with Regulation 75 of the Municipal Budget and Reporting Regulation,

Council notes the decision taken by the Board of Directors of the Durban Marine Theme Park to write-off an irrecoverable expenditure of R15 168 765.00 (Fifteen Million One Hundred and Sixty-Eight Thousand Seven Hundred and Sixty-Five Rand), it being noted that the necessary processes including investigation; determining value for money; and implementing consequence management have been complied with, including facilitating criminal investigation in relation to fraudulent activities involved.

DEFERRED, to the next Special meeting.

7. MUNICIPAL DEMARCATION BOUNDARIES FORMAL INVESTIGATIONS PROCESS (21/1)

(Page 10)

It will be recalled that eThekweni Municipality submitted several objections for the proposed changes to boundaries of the eThekweni Municipality. In this regard, and in line with the Municipal Demarcation Board Act No. 27 of 1998, the Municipal Demarcation Board is in the process of conducting formal investigations. That this is also in accordance with Circular 3 of 2023 issued by the Board in terms of the Section 26 process, following consideration of views and representation for Class 2 – 4 of major proposed Municipal boundaries.

It should be noted that the process will attend to three major objections classified as DEM4011, DEM 4015 and DEM4520-7, from 2 to 4 October 2023. That the overall process will involve engagements with relevant participants and stakeholders to assist the Board by providing specifics in terms of proposed redetermination. In this regard, the Speaker and the City Manager are required to lead the eThekweni Municipality delegation to attend the hearings.

The three (03) objections are highlighted in the table below:

Province	DEM Number	Description	Public Meeting/ Formal Investigation	Venue	Date	Time
KZN	DEM4011	Proposed redetermination of the Municipal boundaries of KwaDukuza Local Municipality (KZN 292) Ilembe District Municipality (DC29) and eThekweni Metropolitan Municipality, by excluding Wards 58 and 62 from the area of eThekweni Metropolitan Municipality and by including them into the Municipal areas of KwaDukuza Local Municipality and Ilembe District Municipality	Proceed to Formal Investigation	eThekweni Boardroom	02 Oct	10h00
KZN	DEM4015	Proposed redetermination of the Municipal boundaries of eThekweni Metropolitan Municipality (ETH), Ndwedwe Local Municipality (KZN 293) and Ilembe District Municipality (DC29), by excluding the town Tongaat and Hazelmere Dam from the Municipal area of eThekweni Metropolitan Municipality and by including them into the Municipal areas of Ndwedwe Local Municipality and Ilembe District Municipality.	Proceed to Formal Investigation	eThekweni Boardroom	03 Oct	10h00
KZN	DEM4520-7	Proposed redetermination of the Municipal boundaries of Mkhambathini Local Municipality (KZN 226), UMgungundlovu District Municipality (DC22) and eThekweni Metropolitan Municipality (ETH) by excluding Embo/Timuni Traditional areas from the Municipal areas of Mkhambathini Local Municipality and UMgungundlovu District Municipality, and by including it into the Municipal areas of eThekweni Metropolitan Municipality by recategorizing the remaining UMgungundlovu District Municipality into a new Category A, Metropolitan Municipality in KwaZulu-Natal.	Proceed to Formal Investigation	eThekweni Boardroom	03 Oct	10h00

With the Executive Committee noting the Demarcation Board processes as outlined,

COMMITTEE RECOMMENDS:

- 7.1 That Council notes Circular 3 of 2023 has been issued by the Municipal Demarcation Board (MDB) outlining the process regarding the Municipal boundaries' redetermination process and formal investigations to be conducted to consider views and recommendations from members of the public in this regard.
- 7.2 That Council notes that, arising from the schedule of objections submitted by the eThekweni Municipality, in the meantime the MBD process will focus on three (3) of those objections, namely, DEM4011, DEM4015, DEM7353, and DEM4520-7, as detailed in the table included in the preamble of this item.
- 7.3 That Councillors affected, as well as the Governance and Human Resources Committee attend the Formal Investigation Meetings scheduled to take place from 02 to 04 October 2023 in the venue to be confirmed within the eThekweni Municipality.
- 7.4 That the Speaker and the Municipal Manager be mandated to lead the eThekweni Municipality delegation to the hearings referred to.
- 7.5 That Council notes the outstanding amendments to boundaries affecting the eThekweni Municipality in relation to areas to be relocated to form part of KwaDukuza Local Municipality, Ndwedwe Local Municipality, Cator Ridge/ Mkhambathini Local Municipality are still under investigation, and mandate the Speaker to follow this matter up to reach finality.

During consideration of the matter, the Speaker of Council and the City Manager were wished well for the upcoming negotiations, emphasis being made that the eThekweni Municipality had to retain its economic hub areas.

Thereafter, the above recommendations of the Executive Committee were, ADOPTED.

8. NOTICE OF MOTION: PROPOSED BY COUNCILLOR ZM MNCWANGO AND SECONDED BY COUNCILLOR M KUBHEKA: INSOURCING ALL SECURITY PERSONNEL WITHIN THE MUNICIPALITY THAT ARE UNDER PRIVATE SERVICE PROVIDERS (8/2/1/4/4)

(Page 21)

The Council at its meeting of 15 August carried the Notice of Motion by Councillor Mncwango regarding investigating the possibility of insourcing Security personnel serving the eThekweni Municipality as per the contracted service. The Motion was amended to also include the insourcing of contracted Cleaning Service. Further amendments were effected to mandate the City Manager to conduct the feasibility study on the proposed insourcing of contracted services and report to Council in a 3-month time from the date of this Motion. Also, that consideration be given to incorporating the insourcing proposal in the adjustment budget in preparation to place people affected.

This submission serves to provide update arising from the discussions at the Executive Committee level, but is not intended to rehash discussion since decision is already in place in this regard.

The Executive Committee then reaffirm the decision to mandate the City Manager to conduct a feasibility study to look into financial implications surrounding the proposed insourcing; organisational structure; and other relevant factors impacting the proposed insourcing. The Committee also accepted a legal opinion given regarding the feasibility, where clarity was given that the feasibility study referred to in Sections 76; 77; and 78 of the Local Government: Municipal Systems Act of 2003 entails an involved process which also include the public participation process and detailed cost-benefit analysis in consultation as well with National and Provincial Treasury, including the companies providing contracted service. That, if this is the approach to be taken, then the 3-month period stipulated is not achievable in terms of concluding all compliance processes.

The Committee then agree that the City Manager would have to submit a Report to the Executive Committee unpacking the process to be followed to investigate the practicality of insourcing contracted services, and gain insight into the broader issues involved and the timelines associated therewith.

Meanwhile, the Committee noted that the matter has drawn the attention of media, and with expectations raised that people affected will be absorbed by the Municipality in the near future, and this having potential to create challenges for the Municipality given the processes to be followed prior to eventually reaching finality on this matter.

In this regard, a decision was taken for the Communications to issue a statement, unpacking processes to be followed to attend to the Motion for all stakeholder to get accurate information in this regard and understand the processes to unfold.

Accordingly,

COMMITTEE RECOMMENDS:

- 8.1 That Council notes that the Executive Committee is attending to the Motion by Council ZM Mncwango, as amended by the Council, and pertaining to the insourcing of contracted security and cleaning services, subject to a feasibility study being conducted to determine the practicality thereon and informs final decision to be taken by the Council on this matter.
- 8.2 That Council notes the City Manager will provide progress report to the Executive Committee unpacking processes involved with regard to the insourcing to then enable the Executive Committee to propose reasonable timelines within which to submit outcome of the feasibility study to be undertaken
- 8.3 That, given that the Motion in question has attracted the attention of media and the general public, as well as people affected by the proposed insourcing, in particular, with unrealistic commitments being communicated whilst the proposal entails an involved process, the City Manager be tasked to issue accurate information on the processes to unfold in dealing with this matter, and such information to be disseminated through the Communication Unit for the information of all interested parties.

DEFERRED, *to the next Special meeting.*

(His Worship the Mayor, Councillor TM Kaunda presented the Fourth Report of the Executive Committee).

FOURTH REPORT OF THE EXECUTIVE COMMITTEE

(Special Meeting held 2023-09-27)

PRESENT : Executive Committee Members ZP Myeni (Deputy Mayor & In the Chair), A Beetge, NI Madlala, TM Mthethwa, OB Mvubu, BT Ntuli and ZR Sokhabase.

ABSENT : Executive Committee Member TM Kaunda (Mayor: Municipal Business), Y Govender and MS Nkosi.

It should be noted that the DA abstained on all items contained herein given that the Reports were circulated overnight, and with the Special Meeting of the Executive Committee convening the following day at 07h00 in the morning, thus leaving no room for Party Caucuses. The other Parties agreed to discussing the Reports given the urgency to address service delivery matters, in particular infrastructural restoration, even though it was also considered unacceptable to receive Reports at such an eleventh hour. Meanwhile, an apology extended by Management was also noted, as indication was given that the Public Holiday also impacted the internal Reports routing system.

1. ADOPTION OF INTEGRATED DEVELOPMENT PLAN PROCESS PLAN FOR THE 2024/2025 FINANCIAL YEAR (2/1/6/1)

(Page 1)

In terms of Chapter 5, Section 34 of the Local Government: Municipal Systems Act No. 32 of 2000 requires Municipalities to review and amend their Integrated Development Plans (IDPs) annually, in accordance with their performance assessment measurements. Section 28 further stipulates that the Municipal Council must adopt a process to guide the planning, drafting, adoption and review of its IDP. As such, the draft 2024/2025 IDP Process Plan was presented seeking authority to conduct the public participation process, and which was granted by the Council. The public participation process has been concluded and the matter is now resubmitted to the Council for final approval.

With the Executive Committee acknowledging that this was a statutory compliance matter, and the DA abstaining accordingly,

COMMITTEE RECOMMENDS:

- 1.1 That the final 2024/2025 Integrated Development Plan (IDP) Process Plan, contained in the report of the City Manager dated 2023-09-20 and circulated separately, developed in line with the requirements of the Local Government: Municipal Systems Act No. 32 of 2000, to guide the planning; drafting; adoption; and the review of the

Integrated Development Plan of the eThekweni Municipality, be adopted.

- 1.2 That upon obtaining Council approval as per .1 above, a copy of the Process Plan, be submitted to the Honourable MEC for Co-operative Governance and Traditional Affairs, as per the statutory requirement.

DEFERRED, to the next Special meeting.

2. NOTING OF REASONS TO AMEND CONTRACT IE-43085 IN TERMS OF SECTION 116 (3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT NO.56 OF 2003 FOR THE PROVISIONS OF SERVICE TO CONDUCT DEEDS OFFICE SEARCHES (17/1/1)

(Page 51)

The Real Estate Unit intends extending the existing contract with Lexis Nexis Risk Management (Pty) Ltd for the provision of Deeds Office searches. The service provider supports the Real Estate to manage the valuation roll which is required in terms of the Local Government: Municipal Property Rates Act, 2004, as amended, and with the valuation consisting of a number of five hundred and thirty thousand six hundred and forty-nine (530 649) properties which are key to revenue generation with the Municipality.

The reason for the intend existing contract with Lexis Nexis Risk Management is that they are the only provider that can deliver on the scope of work required by the Municipality, and this being undertaken at a reasonable cost. They provide seamless integration with the existing Value Assist System to ensure data integrity and reliable outcomes. Lexis Nexis Risk Management provides unique products which consists of the following:

- a) **Bulk Search Service:**
The valuation roll data on excel format is given to Lexis Nexis to run searches against their database and only charge costs based on the variance results, which is great value for money for the Municipality.
- b) **WinDeed Spider:**
The report is only available from Lexis Nexis and it gives access to in-depth property ownership profile, with current and historical ownership information of a person or company.
- c) **Batch Live Deeds Office Searches:**
The facility is automated and process multiple deeds office searches at real time.
- d) The datasets from Lexis Nexis are vector and refined.
- e) Lexis Nexis will provide the Municipality with datasets in a suitable flat line
- f) format (CSV/XLS/XLSX/ TXT) or any other format where analysis can be done to compare the data in a short space of time.
- g) The datasets will identify mismatches between the Municipal property data and WinDeed database.

- h) Report on the variance between the Municipal property data and WinDeed database.
- i) Datasets are fully interpretable with Municipal Systems (Value Assists)

The DA abstained on the matter, and the other Parties in support given the significance to retain the existing contract based on the provision of specialist valuation roll services thus supporting the Municipality to maintain authentic property valuation roll register.

Accordingly,

COMMITTEE RECOMMENDS:

2.1

That Council notes the reasons outlined in the table below for the proposed amendment of Contract: IE-43085, in terms of Section 116(3) of the Local Government: Municipal Finance Management Act No. 56 of 2003, for the provisions of Deeds Office Searches with Lexis Nexis Risk Management Pty Ltd Windeed/Wincredit:

Details	Existing Contract	Proposed Amendment	Reason
Contract Terms	36 months	A further 36 months	Lexis Nexis is the only service provider who can deliver on the scope of work required at a reasonable cost having considered system integration together with its unique offering explained above.
Scope	Deeds office Database search functions only	To include Windeed Database Search Functions	The existing contract allows for search function from the Deeds Office Database only. The proposed amendment will include a Windeed Database search function. This will ensure cost saving as the searches from the Windeed Database comes at a cost which is substantially lower than the cost of searches from the Deeds Office Database. The Windeed Database searches has a 24 hour delay for data updates from the Deeds Office Database. This would sufficiently meet the departments requirements. The searches via the Deeds Office Database will be undertaken under exceptional circumstances only when the need arises. The table under financial implications includes the bill of quantities which highlights the actual cost variations.

2.2

That Council notes the public participation process advertised through the media, in terms of Section 116(3) of the MFMA, as part of achieving compliance requirements pertaining to the public participation process to invite public comments on the proposed contract amendment, and that there were no objections received in this regard.

Financial Implications

Proposed Contract Extension and Variation								
	Bill of Quantity							
Item	Estimated Quantity Required	Description / item code	Rate per search Year 1 (Excl VAT)	Cost Year 1 (Excl VAT)	Rate per search Year 2 (excl VAT)	Cost Year 2 (Excl VAT)	Rate per search Year 3 (Excl VAT)	Cost Year 3 (Excl VAT)
1	4000	Deeds Office Property	R21.35	R85 400.00	R22.74	R90 960.00	R24.21	
2	1000	Document Search	R21.35	R21 350.00	R22.74	R22 740.00	R24.21	R96 840.00
3	1000	Document Copy per document	R103.81	R103 810.00	R110.5	R110 550.00	R117.73	R24 210.00
4	100	Surveyor General Diagram	R7.42	R742.00	R7.90	R790.00	R8.41	R117 730.00
5	100	Erf to Street Conversion	R11.33	R1 133.00	R12.06	R1 206.00	R12.85	R841.00
6	100	Scheme Conversion	R11.33	R1 133.00	R12.06	R1 206.00	R12.85	R1 285.00
8	4000	WinDeed Database Property	R13.94	R55 760.00	R14.86	R59 440.00	R15.81	R1 285.00
9	100	WinDeed Property Report	R15.44	R1 544.00	R16.44	R1 644.00	R17.51	R63 240.00
10	1000	WinDeed Database Document Search	R13.94	R13 940.00	R14.86	R14 860.00	R15.51	R1 751.00
7	200	Contact Information searches – VeriCredit	R8.01	R1 602.00	R8.53	R1 706.00	R15.81	R15 810.00
		Total (Excl VAT)						R324 808.00

Existing Contract								
	Bill of Quantity							
Item	Estimated Quantity Required	Description / item code	Rate per search Year 1 (Excl VAT)	Cost Year 1 (Excl VAT)	Rate per search Year 2 (excl VAT)	Cost Year 2 (Excl VAT)	Rate per search Year 3 (Excl VAT)	Cost Year 3 (Excl VAT)
1	6000	Deeds Office Property	R17.49	R104 940.00	R18.62	R111 720.00	R19.83	R118 980.00
2	2000	Document Search	R17.49	R34 980.00	R18.62	R372 240.00	R19.83	R39 660.00
3	1000	Document Copy	R79.07	R79 070.00	R84.20	R84 200.00	R89.68	R89 680.00
4	100	Surveyor General Diagram	R6.03	R603.00	R6.42	R642.00	R6.84	R684.00
5	100	Erf to Street Conversion	R8.71	R871.00	R9.28	R928.00	R9.88	R988.00
6	100	Scheme Conversion	R8.71	R871.00	R9.28	R928.00	R9.88	R988.00
7	200	Contact Information searches - VeriCredit	R5.71	R1 142.00	R1 216.00	R1 216.00	R6.47	R1 294.00
		Total (Excl VAT)		R222 477.00		R236 874.00		R252 274.00

DEFERRED, to the next Special meeting.

3. PROPOSED IMPLEMENTATION OF BLOCK SUM APPROACH TO EXPEDITE IMPLEMENTATION OF THE NATIONAL DISASTER MANAGEMENT CENTRE APPROVED PROJECTS UNDER THE RESPONSE AND REHABILITATION GRANT

(Page 103)

Authority is sought to implement the block sum approach to facilitate and expedite the reallocation of Response and Rehabilitation Grant budget across the National Disaster Management Centre (NDMC) approved projects. As the Council is aware that grant funding in the amount of R1. 5 billion was received from the NDMC for the City infrastructural restoration following the floods disaster of April 2022. The funds allocated mainly for the three (03) Units, with the Engineering Unit allocated bulk funding in the amount of R1.25 billion; followed by the Human

Settlements Unit at R94 Million; and the remainder being allocated to the Water and Sanitation Unit.

The eThekweni Municipality has a deadline of March 2024 to complete all disaster-related projects. Currently, there is a bit of a delay arising from the procurement process. This mainly relating to tender values, where some of the tender responses comes at a value higher than the Unit estimates; and with some lower than the Unit estimates. Under these circumstances, in particular when the tender responses are of a value higher than the Units costs estimates, the award is then delayed pending the process of budget transfer approval.

It is against this backdrop that Management requests authority to manage grant funding in a block sum approach, to give flexibility for the movement of funds within the projects where savings identified from projects which ended up costing lower than the Unit costs estimates are then utilise to cover the shortfall in those tenders which came at a value higher than the Unit estimates, subject to the proviso that the movement does not interfere with the bottom line.

During discussion, the DA was afraid that they are still abstaining on the matter even though reference is made to critical infrastructural rehabilitation projects, but with the Party's hands being tight since members have not interrogated the Report, hence, the difficult to commit the position of the Party in this regard. The other Parties then supported this proactive stance by Management and the commitment to accelerate disaster-related projects.

Accordingly,

COMMITTEE RECOMMENDS:

- 3.1 That Council notes time constraints associated with the implementation of the Response and Rehabilitation Grant, that of completing the disaster projects approved by the National Disaster Management Centre by end March 2024, as per the grant funding of R1.5 billion allocated for this purpose
- 3.2 That, given the timelines outlined in .1 above, there is a possibility of the Municipality not achieving the deadline given the delays encountered sometimes with the tender award by the Supply Chain Management Unit where there is a variance in the tender price of the Unit and that of prospective tenderers, thus a delay where budget transfer has to be approved to cover the tender price shortfall
- 3.3 That given the scenario outlined in .1 and .2 above, Council grants approval to manage the Response and Rehabilitation Grant of R1.5 billion allocated for the disaster-related projects approved by the NDMC for completion by end March 2024, as a block sum, thus allowing reallocation of funds between projects to expedite procurement and implementation of required works, it being noted that the approved project list and total grant quantum will remain unchanged, it being further noted that such approval to allow for the following:-
 - 3.1.1 Alignment of current budget provision line items with tendered sum received, where savings are realised (i.e., tender sum is lower than budget provision) such savings be reallocated to projects where the tendered sum extends the original budget provision.

- 3.1.2 Savings identified upon the award and completion of the works (viz lower tendered price, unspent contingencies and other savings arising etc), to be reallocated to other projects on the NDMC approved project list, where such projects have a budget shortfall.
- 3.1.3 Savings identified to be reallocated between Departments and/or Units, where necessary and projects be allowed to continue to award and implementation.
- 3.1.4 The administrative reallocation/reprioritization of budgets, to address amendments provided for through the 2022/2023 Budget override process, reflected as “Annexure B to D” on the Report of the City Manager dated 2023-09-04.
- 3.1.5 Savings identified, arising from the completion of the works through internal funding to be allocated to other projects on the NDMC approved list, where such projects have a budget shortfall.
- 3.2 That subject to the approval of the block sum approach as outlined in 3.1 above, the Municipal Units implementing Response and Rehabilitation projects are expected to retrospectively report amendments to the project budgets, on a quarterly basis where necessary to Council for noting purposes.
- 3.3 That Council approves the intention to direct any net savings realised on the total grant, to other storm related projects, subject to approval by Council and the NDMC of such project allocations.

Commenting on the matter, the IFP mentioned that there was a need for the Municipality to review the list of areas which have been affected by the April 2022 floods, reference being made to KwaMashu area.

Thereafter, the above recommendations of the Executive Committee were, ADOPTED.

4. UPDATE ON TONGAAT HULETT DEVELOPMENTS (Pty) Ltd BUSINESS RESCUE STATUS (7/6/4)

(Page 172)

The Tongaat Hulett Developments (THD) (Pty) Ltd and Tongaat Hulett Limited (THL) has been a leader in the property development sector in eThekweni and has made substantial contribution unlocking agricultural land development of the Gateway precinct, Umhlanga Ridge Town Centre, Mount Edgecombe Golf Estate, La Lucia Ridge Office Estate and Ridgeside.

As strategic partners, the THD and the Municipality have mutually beneficial strategic partnerships such as the Bridge City Joint Venture. THD and THL have multifarious relationships with the Municipality. It being noted that the relationship with THD is far more extensive than with THL, which relationships can be summarised as a Developer; Strategic Partner; Agent acting on the Municipality’s behalf, and a Ratepayer.

Therefore, this report intends to inform Council of the impact of the business rescue and the course of action undertaken thus far, as well proposed way forward, to leverage best outcomes for the Municipality. In this regard, THD Business Rescue

Practitioner (BRP), duly appointed in terms of the Companies Act No. 71 of 2008, oversees the entity during business rescue proceedings.

The BRP determines the most viable option for the rehabilitation of the business. The options thereof include, inter alia, trading as usual, a controlled winding down or liquidation. Mention being made that a plan must be adopted by creditors, the Municipality is a secured creditor for rates only, with voting interest recorded at 3,03%. It being noted that the business plan was published and adopted in May 2023. The BRP has opted for a controlled winding down of THD, which was viewed as favourable for the Municipality, and the implications thereof being reflected below:

(i) Rates:

The business rescue plan recorded that the Municipality enjoys a preferent claim for the payment of outstanding rates.

(ii) Development and infrastructure obligations:

In cases where THD had sold land parcels prior to business rescue, risk arises due to non-compliance with the conditional approvals.

The infrastructure obligations relate to the following precincts:-

- Ridgeside Development
- Sibaya Development
- Izinga Development
- Umhlanga Rocks Town Centre
- Greater Umhlanga Area
- Cornubia

The Municipality, THD and other holder of the guarantees are exploring various solves including, but not limited to completing projects which are close to finalisation, passing on approvals/amending conditions and calling up guarantees.

(iii) Claims in business rescue:

The Municipality's claim is recorded in the business rescue plan as an amount of approximately R228 Million, it being noted that eThekweni retains all statutory security/rights for arrear rates due to it on the properties owned by THD.

(iv) Effingham Development Joint Venture:

The Effingham Development Joint Venture (EDJV) is a joint venture entered into between the Municipality and the THD. In terms of this EDJV agreement, the EDJV controlled land in the Effingham Avoca and Bridge City complexes. The Effingham Avoca land component (Riverhorse Valley) has fully developed. The only land parcels that currently lie under the control of EDJV are properties within the Bridge City complex. The EDJV is obliged to develop land in its control and onward sell the sites for a profit. The profits after the deduction of certain stipulated expenses would be shared pursuant to the terms of the EDJV agreement.

It being noted that the departments within the Municipality have expressed interest in the remaining properties within the Bridge City complex. THD and the Municipality have determined that the best way forward would be to terminate the EDJV and to

allow for the parties to record the procedure for the dissolution and distribution of the funds held.

On the other hand, the Municipality was notified that the business plan rescue for THL is yet to be published. That a matter which will require attention is the Maidstone Water Purification Works (Purification Works) as the land upon which the Purification Works is constructed is owned by THL.

Given the background, and with the DA abstention being recorded,

COMMITTEE RECOMMENDS:

- 4.1 That Council notes that the Tongaat Hulett Developments (THD) (PTY) LTD and the Tongaat Hulet Limited (THL) have been subjected to business rescue impacting the Municipality as the strategic partner on property development, and further note various interventions undertaken to mitigate risk to the Municipality, it being recorded that Business Rescue Practitioner appointed has recommended a controlled wind down which is considered favourable to the Municipality, and with a Business Plan in this regard having been approved on 30 May 2023 to achieve the following:

- (i) Address certain limited specific environmental issues/directives affecting certain property developments;
- (ii) Conducting sale processes until April 2024 to generate income;
- (iii) Reduce the overhead cost base of THD, winding down its operations, and ultimately winding up the THD itself,
- (iv) Realise fair value from all legal claims and other assets held by the THD;
- (iv) Where possible and permitted, make provision from realizations to cater for the costs of the business rescue, including the costs of winding up;
- (v) Maintain the moratorium business rescue, other than to extend otherwise provided for in the business rescue plan; and
- (vi) Distribute surplus funds to creditors.

DEFERRED, to the next Special meeting.

5. APPROVAL OF BLOCKSUM REALLOCATION WITHIN THE WASTEWATER OPERATIONS CAPITAL BUDGET (7/1/2/2 & 23/1/11/2/1/2)

(Page 177)

Authority is sought to reallocate funds within the approved Rehabilitation of Sewer Infrastructure Blocksum within the Wastewater Operations Capital Budget to individual storm related projects listed in the table contained in the recommendations below and having potential hazard to the environment. The budget reallocation in the amount of R34 957 400.00 (Thirty-Four Million Nine Hundred and Fifty-Seven Thousand Four hundred Rand) is required to undertake individual projects outlined.

Accordingly, the Committee supported interventions to continue the restoration of the City, and with the DA recording abstention as per earlier indication,

COMMITTEE RECOMMENDS:

- 5.1 That authority be granted for the Deputy City Manager: Trading Services to facilitate the reallocation of funds under the Rehabilitation of Sewer infrastructure

Blocksum to various projects listed in the Table below, at an estimated costs of R34 957 400.00 (Thirty-Four Million Nine Hundred and Fifty-Seven Thousand Four hundred Rand) already approved under the Wastewater Operation Branch capital projects in the 2023/2024 financial year.

Project	Project Description	Region	Ward	Reason	Value
Y9473	Westville, Link Road, No. 5: Repairs To Washed Away 250mm Diameter, Vc Pipe And 160mm Diameter Ac Pipe.	West	24	Storm Damage - Causes Pollution	R3,500,000.00
Y9417	Relay Of A Storm Damaged 160mm Diameter Sewer At 41 Kingsmead Drive, Westville	West	24	Storm Damage - Causes Pollution	R190,000.00
Y9490	Malvern, Failight Road, No. 14: Repairs To Storm Damaged Ductile Iron Pipe Bridge	West	63	Storm Damage - Causes Pollution	R198,000.00
Y9445	Savannah Park, Erf 18818 Bungazi Lane: Repairs To Washed Away 160mm Upvc Sewer	West	17	Storm Damage - Causes Pollution	R350,000.00
Y9432	Mount Vernon, No.12 To28 Walworth Road: Repairs To A Washed Away 110mm Diameter Ac Pipe For House Connections	West	65	Storm Damage - Causes Pollution	R450,000.00
Y9407	Mahogany Ridge - Westmead, Mahogany Road, No. 99: Repairs To A Washed Away 250mm Diameter Ac And 160mm Diameter Upvc Sewer	West	15	Storm Damage - Causes Pollution	R2,816,000.00
Y9435	Malvern, Chester Road, No.128: Repairs To A Washed Away 160mm Upvc Sewer	West	63	Storm Damage - Causes Pollution	R190,000.00
Y9482	Mahogany Road, Westmead, No. 7: Repairs To Washed Away 200mm Upvc Sewer	West	15	Storm Damage - Causes Pollution	R350,000.00
Y9466	Demat, No. 24 Sage Drive: Repairs To A Storm Damaged 160mm Diameter Upvc Sewer	West	72	Storm Damage - Causes Pollution	R120,000.00
Y9463	Welberdadt West, No. 3 Snowdrop Road: Repairs To A Storm Damaged 160mm Diameter Sewer	West	72	Storm Damage - Causes Pollution	R170,000.00
Y9444	Y9444 -Saint Windolins, 200277 Street Erf 279 Repairs To Washed Away 160mm Upvc Sewer	West	16	Storm Damage - Causes Pollution	R175,000.00
Y9404	Y9404-Marian Park, Track 5014 Of Greyvillea Road, Repairs To A Washed Away 160mm Diameter Upvc Sewer	West	14	Storm Damage - Causes Pollution	R6,000,000.00
Y9438	Savannah Park, No. 46 Mpanza Road: Repairs To A Washed Away 160mm Diameter Sewer	West	17	Storm Damage - Causes Pollution	R190,000.00
Y9367	Westmead Repairs To A Washed Away Pipe Bridge At 8 Swanfield Road, 160m Diameter Pipe, 18m Long, Westmead	West	15	Storm Damage - Causes Pollution	R190,000.00
Y9367	Westmead Repairs To A Washed Away Pipe Bridge At 11 Suprise Road, 160m Diameter Pipe, 20m Long, Westmead	West	15	Storm Damage - Causes Pollution	R170,000.00

Project	Project Description	Region	Ward	Reason	Value
Y9368	Westmead Repairs To A Washed Away Pipe Bridge At 14 Swanfield Road, 160m Diameter Pipe, 30m Long, Westmead	West	15	Storm Damage - Causes Pollution	R175,000.00
Y9371	Motala Heightsrepairs To Awashed Away 250mm Diameter Sewer, 20m Long And One Manhole At 73 Motala Road, Motala Heights	West	15	Storm Damage - Causes Pollution	R140,000.00
Y9372	Motala Heights Protection To A Repaired 250mm Diameter Sewer On Erf 6, 14 Ramsammy Road In Motala Heights	West	15	Storm Damage - Causes Pollution	R140,000.00
Y9374	New Germany Repair To Damaged 160mm Diameter Upvc, Class 34 Sewer On 45 Rethman Road - New Germany, 12m Long	West	18	Storm Damage - Causes Pollution	R90,000.00
Y9379	Savannah Park Repair To 250mm Diameter Steel Pipe At No.51 Grassland Road, 40m Long	West	72	Storm Damage - Causes Pollution	R190,000.00
Y9380	Kwangengezirepair Of 160 Mm Dia. Upvc Sewer Pipe At 1080 Sakho Area, 18m Long	West	12	Storm Damage - Causes Pollution	R90,000.00
Y9381	Kwandisezi Repair Of 250 Mm Dia. Upvc Sewer Pipe At 1051 Sakho Area, Kwandisezi	West	12	Storm Damage - Causes Pollution	R70,000.00
Y9383	Northdenerepair Of 200 Mm Dia. Sewer Pipe, Upvc And Steel Pipes On 27 Scott Place, 24m Long	West	63	Storm Damage - Causes Pollution	R200,000.00
Y9296	Repairs To A 160mm Dia Sewer Pipe At 20 Golden Dawn, La Mercy	North	58	Storm Damage - Causes Pollution	R150,000.00
Y9297	Repairs To A 160mm Diameter Sewer Trunk Main, Bank And Manholes Washed Away At No. 13 End Street, Desainagar, Tongaat	North	58	Storm Damage - Causes Pollution	R200,000.00
Y9298	Repairs To A Washed Away 160mm Diameter Sewer Trunk Main And Manholes Washed At No. 8606 Qhuakaza Groove, Amstrong/ Tongaat	North	62	Storm Damage - Causes Pollution	R200,000.00
Y9299	Repairs To A Collapsed 160mm Diameter Sewer Trunk Main And Manholes Collapsed At No. 32 Rama Drive, Tongaat	North	62	Storm Damage - Causes Pollution	R100,000.00
Y9302	Repairs To Washed Away 160mm Diameter Sewer Trunk Main And Manholes At Car Wash Makawuse Road, Tongaat, No 14 Van Rova Road, Tongaat And No 10 Tobigazi Road, Tongaat	North	62	Storm Damage - Causes Pollution	R60,000.00
Y9305	160mm Diameter Sewer Trunk Main, 110 Mm Diameter Connection Pipes, Manholes And Bank Washed Away.	North	106	Storm Damage - Causes Pollution	R150,000.00
Y9307	Repairs To A Washed Awa 160mm Diameter Sewer Trunk Main, Piers And Manholes Washed Away At No 129 Allingstone	North	52	Storm Damage - Causes Pollution	R200,000.00
Y9310	Repairs To Washed Away 160mm Diameter Ductile Iron Sewer Trunk Main, Manholes, Piers And Bank At K 140 Vukuthu Road, Kwamashu	North	41	Storm Damage - Causes Pollution	R200,000.00
Y9312	Repairs To Washed Away 200mm Diamterr Sewer Trunk Main, 110mm Pipe Connections, Manholes, Piers And Bank At H1276 Buhle Besizwe Lane, Ntuzuma	North	47	Storm Damage - Causes Pollution	R150,000.00

Project	Project Description	Region	Ward	Reason	Value
Y9314	Repairs To Washed Away 160mm Diameter Ductile Iron Sewer Trunk Main, Manholes, Piers And Bank At F2113 Invumbu Grove, Ntuzuma	North	43	Storm Damage - Causes Pollution	R200,000.00
Y9315	Repairs To Washed Away 160mm Diameter Sewer Trunk Main, 110mm Pipe Connections, Manholes And Bank At B356 Sofaya Road, Inanda	North	107	Storm Damage - Causes Pollution	R150,000.00
Y9316	Repairs To Washed Away 250mm Diameter Sewer Trunk Main And Manholes At The Corner Of Somlandela Drand Sinamuva Rd, Inanda B	North	107	Storm Damage - Causes Pollution	R200,000.00
Y9317	Repairs To Washed Away 250mm Diameter Steel Sewer Trunk Main, Manholes, Piers And Bank At Inswenpe Road, Along The Stream, Inanda A	North	56	Storm Damage - Causes Pollution	R200,000.00
Y9320	Repairs To Washed Away 200mm Diameter Sewer Trunk Main, Manholes And Bank At The Corner Of Ntuzuma Access Road & Thendele Drive, Ntuzuma H	North	56	Storm Damage - Causes Pollution	R200,000.00
Y9321	Repairs To Washed Away 160mm Diameter Sewer Trunk Main, Manholes And Bank At M124 Mliko Road, Kwamashu	North	47	Storm Damage - Causes Pollution	R150,000.00
Y9281	Repairs To Washed Away 160mm Diameter Sewer Trunk Main, Manholes And Bank At E1131 Ntombela Road, Kwamashu	North	46	Storm Damage - Causes Pollution	R90,000.00
Y9322	Repairs To Washed Away 160mm Diameter Sewer Trunk Main, Manholes And Bank At 1453 Sikhwehle Road, Kwamashu	North	41	Storm Damage - Causes Pollution	R90,000.00
Y9326	Repairs To Washed Away 160mm Diameter Sewer Trunk Main, 110mm Pipe Connections, Manholes And Bank At Mandlethu Secondary School, Amaoti	North	53	Storm Damage - Causes Pollution	R200,000.00
Y9327	Repairs To Washed Away 200mm Diameter Steel Sewer Trunk Main, Manholes, Piers And Bank At Sipho Siwela Road, Emaoti	North	53	Storm Damage - Causes Pollution	R200,000.00
Y9328	Repairs Washed Away 3 Manholes, 160mm And 200 Mm Diameter Pipes River Crossing At No 180 Genezanno Road, La Mercy	North	58	Storm Damage - Causes Pollution	R200,000.00
Y9335	Repairs To Washed Away 3 Manholes, 160mm Diameter Pipes, 110mm Diameter Pipes And Retaining Wall At No 337 Izwelisha Drive	North	67	Storm Damage - Causes Pollution	R200,000.00
Y9193	Rehabilitation And Repairs To Flood Damage Works At Nkonyameni Rural Area - Pipe Bridge - Phase 1	South	84	Storm Damage - Causes Pollution	R3,813,400.00
Y9194	Rehabilitation And Repairs To Flood Damage Work At Avenue East Rising Main, Across Prospection Bridge Next To Golf Course - Phase 1	South	90	Storm Damage - Causes Pollution	R11,500,000.00
					R34,957,400.00

5.2

That, subject to the adoption of .1 above, authority be granted for the Deputy City Manager: Finance to include in his Adjustments Budget Report the transfer of funds from the Capital Block Sums Projects to the individual projects.

Financial Implications:

Projects totalling R34,957,400.00 as per reflected on the Table above are proposed for implementation utilising the Rehabilitation of Sewer infrastructure Blocksum that has been approved in the Wastewater Operations Capital Budget for the financial year 2023/2024.

Rehabilitation of Sewer infrastructure	R34,957,400.00	To be met by vote Transfer 2023/2024 (Project Y9163A)
Total	R34,957,400.00	

FC No. 365/C399

The IFP submitted that the approved funds had to be utilised to address the infrastructure challenges, specifically the sewer spillages within the Municipality. Thereafter, the above recommendations of the Executive Committee, were **ADOPTED.**

(At this stage of the proceedings Councillor T Xuma, in his capacity as the Chairperson of the Municipal Public Accounts Committee, presented the report of the Committee).

REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

1. ASSESSMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FUNCTIONALITY ON UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) OVERSIGHT PERIOD ENDING 30TH JUNE (QUARTER 4 OF 2022/23)
(as contained in the Council Agenda (2023-09-28))

The role and duties of MPAC, as stated in the UIFW process, have been documented in line with Section 32 (2) (ii) and (3) of the MFMA which states as follows:

2. *A municipality must recover unauthorised, irregular or fruitless expenditure and wasteful expenditure from the person liable for that expenditure unless the expenditure –*
 - (a) *In the case of unauthorised expenditure, is –*
 - (i) *authorised in an adjustment budget; or*
 - (ii) *certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by Council; and*
 - (b) *In the case of irregular expenditure is, after investigation by a council committee, certified by the council as irrecoverable and written off by council.*
3. *If the accounting officer became aware that the council, the mayor or the executive committee of the municipality has taken a decision, which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure, the accounting officer is not liable for any ensuing unauthorised, irregular or fruitless and wasteful expenditure provided the accounting officer has informed the council, the mayor or the executive*

committee, in writing, that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure.

MPAC is identified as the Council Committee responsible for investigating and making recommendations to Council on the recovery or write off of UIFW related matters.

COGTA, whilst undertaking its oversight and monitoring role over municipalities, has been highlighting the views of National Government with regard to the reduction of UIFW and the implementation of consequence management.

It was, therefore, resolved at The Speaker's Forum convened on 2021-06-22 that COGTA would support municipal initiatives to reduce UIFW. A tool was developed by COGTA and the expectation was that all municipalities would use the tool to assess their functionality on UIFW oversight. Hence, MPAC is required to report quarterly to Council on its performance based on COGTA's tool for the assessment of functionality on UIFW Oversight.

It had been ascertained that the City may not have been fully compliant in its treatment of UIFW once it was incurred. Following workshops with National Treasury, the city aligned its process with National Treasury Circular 68 and the MFMA. There was also input from COGTA and the amended process was workshopped by Internal Control at the Mayoral Workshop held on 12th August 2021. Subsequently, the revised process was adopted by Council on 2021-08-26.

In terms of the assessment, MPAC's oversight role would be measured as follows:

- 80-100% - Functional
- 50-79% - Challenged
- 0-49% - Dysfunctional

As COGTA requires the assessment report to be submitted by the fourth quarter of the financial year 2022/2023, we have acceded to the request and completed the assessment.

We are proud to report, as per the Assessment of MPAC's functionality on UIFW Oversight, (**Annexure 1**), that MPAC has achieved 100% for the fourth quarter and is fully functional.

Therefore,

COMMITTEE RECOMMENDS:

That the Assessment of Municipal Public Accounts Committee Functionality on Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) Oversight for the period ending 30th June 2023, attached hereto as Annexure 1, be noted.

DEFERRED, to the next Special meeting.

2. UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL (UIFW) EXPENDITURE: MULTIPLE FINANCIAL YEARS FROM 2017/2018 TO DATE (2022/2023)
(as contained in the Council Supplementary Agenda (2023-09-28))

BACKGROUND

Section 32(2) of the MFMA provides that a Municipality must recover UIFW expenditure, except where the unauthorised expenditure is regularised through an adjustments budget, or where the expenditure is deemed to be irrecoverable following an investigation into the expenditure incurred.

The section reads as follows:

“A municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure—

- (a) in the case of unauthorised expenditure, is—
 - (i) authorised in an adjustments budget; or
 - (ii) certified by the municipal council, after investigation by a Council committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.”

ANALYSIS OF UIFW CASES FINALISED

In line with National Treasury’s Municipal Finance Management Act Circular No. 68 and as outlined in Regulation 74 of the Municipal Budgets and Reporting Regulations, the process outlined below, was followed:

- A report was prepared by the Unit that incurred irregular expenditure after investigation by the said Unit. The report disclosed the deviation from Supply Chain Management Policy, the reasons for the deviation and the value of the expenditure.
- The report together with the supporting documents were submitted to the Internal Control Unit for review and thereafter were submitted to the Bid Adjudication Committee for noting purposes.
- The Internal Control Unit reviewed and applied its mind on the report and considered whether there was any value for money obtained by the municipality or any losses suffered by the municipality due to non-compliance detected using the following questions:
 - a) The nature of the irregularity
 - b) Whether or not the contracts followed the SCM public tender process
 - c) Whether or not the Unit Head had certified that value for money was received
 - d) Whether or not the Unit Head has confirmed that goods or services were delivered as per contract specifications and initial contract rates
 - e) Whether corrective action needed to be undertaken
 - f) Whether preventative measures were required to be implemented and the status of such actions; where deemed necessary
- Irregularities were identified during the audit by the Auditor-General South Africa as well as irregularities identified through investigations by the City Integrity & Investigations Unit.

Cumulative UIFW expenditure totaling **R310,526,205.34** (Three hundred ten million five hundred twenty-six thousand two hundred five rands and thirty-four cents) was identified by the following sources namely:

Source	Year	Annexure	Amount
Auditor General South Africa	2022/2023	A	7,994,323.73
City Integrity & Investigations	2015-2019	C	19,262,928.25
Auditor General South Africa	2016-2022	B	219,963,106.05
Internal Control	2011-2016	D	63,305,847.31
TOTAL			R310,526,205.34

We interviewed each Unit Head and relevant Officials to establish the root causes of the UIFW expenditure. We further established the mitigating measures that had been implemented to prevent a recurrence of the expenditure and confirmed that disciplinary action had been taken or would be taken against the officials that had caused the expenditure to be incurred. In some instances, we noted that matters had been referred for criminal investigation.

In addition, the Committee received a presentation on an investigation of UIFW expenditure by the City Integrity and Investigations Unit (CIU) in prior years. We delved into this investigation to ascertain the root cause of the UIFW expenditure and to establish the reason for delays in implementing CIU's recommendations.

Many of the matters that we dealt with date back to 2015-2019, therefore it is unlikely that any disciplinary action that is initiated now will be successful as Section 7.4 of the Disciplinary Collective Agreement states that a disciplinary hearing should commence as soon as possible but no later than three months from the date when a decision is taken to institute disciplinary proceedings. Furthermore, recovery also has a deadline as debt prescribes after three years. It will therefore be impossible to institute recoveries in matters that are three years and older.

Whilst we believe that officials should be held responsible for incurring UIFW expenditure and believe that the necessary disciplinary proceedings should be instituted in this regard, it is unfortunately not our responsibility to undertake such actions. It is the sole responsibility of the Accounting Officer and his management; with the Financial Misconduct Disciplinary Board playing a role in instances of financial misconduct. However, as part of our oversight duties we receive quarterly reports from the Financial Misconduct Disciplinary Board and the team, that is led by the Deputy City Manager: Corporate and Human Capital, to monitor the implementation of consequence management in the municipality.

Having duly considered and deliberated on the expenditure,

COMMITTEE RECOMMENDS:

- 2.1 That in compliance with Section 32(2) of the Municipal Finance Management Act (MFMA), irregular, fruitless and wasteful expenditure totaling **R310,526,205.34**

(Three hundred ten million five hundred twenty-six thousand two hundred five rands and thirty-four cents) as detailed in ‘**Annexure A, B, C & D** of this report be certified as irrecoverable and written-off by Council based on the outcomes of the investigations of such expenditure.

- 2.2 That it be noted that any consequence management recommendations will be implemented in accordance with the relevant legislation, Council Policy and Procedures; including oversight by the Financial Misconduct Disciplinary Board.
- 2.3 That the City Manager ensures that consequence management processes are expedited to ensure that errant officials and service providers are held responsible for UIFW expenditure incurred, as any delays in this regard can result in debt prescribing and disciplinary processes not having prospects of success.

DEFERRED, to the next Special meeting.

3. UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL (UIFW) EXPENDITURE IN RESPECT OF REVENUE MANAGEMENT SYSTEM (RMS)
(as contained in the Council Supplementary Agenda (2023-09-28))

BACKGROUND

Section 32(2) of the MFMA provides that a Municipality must recover UIFW expenditure, except where the unauthorised expenditure is regularized through an adjustments budget, or where the expenditure is deemed to be irrecoverable following an investigation into the expenditure incurred.

The section reads as follows:

“A municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure—

- (a) in the case of unauthorised expenditure, is—
 - (i) authorised in an adjustments budget; or
 - (ii) certified by the Municipal Council, after investigation by a Council Committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a Council Committee, certified by the Council as irrecoverable and written off by the Council.”

Revenue Management System

Having been presented with irregular expenditure amounting to R727,251,789.00 which had been incurred on the Revenue Management System (RMS) Project, we sought further information about the process undertaken to procure the system; including the reasons the Auditor-General deemed all expenditure incurred on the project irregular. In our deliberations we were advised as follows:

- In 2003, the Municipality took a strategic decision to develop its revenue management system in-house rather than buy an off-the-shelf product. Following a public process, the Council in 2003 purchased the Virtual Works Platform which was Microsoft enabled. RMS was then developed on this

platform and in 2004 the replacement of the revenue management system, COINS, was approved.

- Council approval was sought and obtained to embark on and complete the project. Project authority was obtained before expenditure was incurred.
- Council deliberated on matters pertaining to RMS, including scope changes, budget changes, the functionality of the system, as well as the decision to continue with the development of the system following independent assessments and reviews.
- The RMS project predated the Municipal Finance Management Act (MFMA) and Supply Chain Management (SCM) Regulations. However, once the SCM Regulations became effective, the supply chain management processes were undertaken in 2013 and 2016. Both contracts were awarded to City Works by the Bid Adjudication Committee (BAC).

We also received the following information that:

- CIU concluded its investigation of the Project. However, the then City Manager had indicated that he was appointing an independent IT expert to review the RMS and determine its functionality. At that point, the said former City Manager had indicated that he would make a determination on the findings of CIU, other findings by internal and external auditors as well the expert opinion and report back to MPAC. However, this did not happen and the irregular expenditure remained on the UIFW expenditure register.
- CIU and Internal Audit had undertaken their own investigations of the system. The R727 million incurred and deemed irregular was capital investment. Payments for maintenance and support of the system are additional this amount.

In our interrogation of the matter, we received extensive presentations on reports/findings by the following:

- City Integrity and Investigations
- Internal Audit
- Corruption Hotline
- Auditor General

Having discussed the matter at length, we initially expressed our reservations about recommending the write-off the expenditure; as there were some concerns whether value for money was indeed received due to the numerous challenges with RMS. But we acknowledged that some value was derived from system as it was being utilised by the municipality; notwithstanding its weaknesses. We were also concerned that RMS was not mSCOA (Municipal Standard Chart of Accounts) compliant and had to be replaced. However, we noted that mSCOA compliance had not been a requirement at the inception of the project. Ongoing modifications of the system, we noted, were required to ensure the continued functionality of the system and to ensure compliance with changes in legislation.

However, as MPAC, we recognise the need to process all expenditure on our UIFW register as failure to do so will have undesirable consequences for the municipality such as reputational damage and a reduction in the equitable share allocation. The

Department of Cooperative Governance & Traditional Affairs has informed us that eThekweni Municipality has the second highest irregular expenditure in the country.

We have established through various CIU reports read together with expert advice that the expenditure that could have been recoverable is the sum of R131 575.95 which was deemed fruitless and wasteful, however this amount cannot be recovered as it has now prescribed. Furthermore, there are no prospects of success should disciplinary action be taken against the only official who remains in the employ of the municipality. The Financial Misconduct Disciplinary Board found that there was insufficient evidence to take disciplinary action against one official. The other official cited in the CIU Report has since left the employ of the municipality.

We note that this matter was on the agenda of two previous MPACs which failed to bring it to its logical conclusion. Unfortunately, this has now become our responsibility at a time when there is no opportunity to hold those responsible accountable.

We urge Council to finalise this long outstanding matter as it is in the best interests of the Municipality.

Having duly deliberated on this matter, Committee

COMMITTEE RECOMMENDS:

That having considered the various reports, both investigative and for information relating to the Revenue Management System and having discussed the matter at length, it is the determination of the Municipal Public Accounts Committee that the irregular expenditure incurred on the project in the amount of R727,251,789.00 (seven hundred twenty-seven million two hundred fifty-one thousand seven hundred eighty-nine rands) be written off on the basis that the municipality has derived value from the system as it is currently utilised as a revenue billing and receipting system, and in any event the amount that could have been recommended for recovery has prescribed, no disciplinary processes can be undertaken, nor can any amount be recovered, with Councillor Naidoo (IFP) abstaining.

DEFERRED, *to the next Special meeting.*

(At this stage of the proceedings Councillor ON Zondi-Mthembu, in her capacity as the Chairperson of the Ethics Committee, presented the report of the Committee).

REPORT OF THE ETHICS COMMITTEE

OUTSTANDING CASES : ALLEGED BREACH: CODE OF CONDUCT FOR COUNCILLORS COMMUNITY ENGAGEMENTS HELD OVER QUARTER ONE OF 2022/2023 FINANCIAL YEAR : JULY - SEPTEMBER 2022) (3/4/6)

1. INTRODUCTION

- 1.1 The Preamble of the Code of Conduct stipulates that: "*Councillors are elected to represent Local Communities on Municipal Councils, to ensure that Municipalities have structured mechanisms of accountability to Local Communities and to meet the priority needs of Communities by providing services equitably, effectively and sustainably within the means of the Municipality.*"

In fulfilling this role, Councillors must be accountable to local Communities and report back at least quarterly to constituencies on Council matters, including the performance of the Municipality in terms of established indicators." As part of fulfilling their obligations to the Community, Councillors are required to support the achievement by the Municipality of its objectives, must adhere to the Code of Conduct for Councillors, to comply with the Rules of Order, the By-Laws of the Municipality and at all times to respect the Rule of Law.

2. BACKGROUND

- 2.1 The Municipal Council will recall that on 2023-08-15, the Ethics Committee had a total of five (5) outstanding cases which was yet to be concluded for Quarter One (July - September 2022) and for a report back to be provided on its findings and recommendations.

- 2.2 On 2023-09-18, the Ethics Committee held hearings in respect of the outstanding cases involving three (3) Councillors namely, A Beetge, RD Macpherson and S Mthethwa.

For the matter relating to Councillor M Ngiba, Council will recall that at a previous Council meeting held on 2023-05-26, there was an allegation of which resolution had requested for the removal of Councillor Ngiba from Office in line with Item 16(2)(e) of Schedule 7: Code of Conduct for Councillors contained in the Local Government: Municipal Structures Act, No. 117 of 1998 subject to the concurrence by the MEC for Co-operative Governance & Traditional Affairs. Therefore, with it being noted that whilst the outcome of the Council decision of the MEC: Co-operative Governance & Traditional Affairs was still pending, the Ethics Committee decided to hold Councillor Ngiba's matter in abeyance.

- 2.3 For the matter involving Councillor TJ Mnguni, for the Municipal Council to note that the hearing remains inconclusive due to further information being awaited in the finalization of this matter, it being noted that pending conclusion of its case against the Councillor, further reporting would be made to the Municipal Council on its findings and recommendations.

- 2.4 On 2023-04-20, the Ethics Committee considered the matter involving Councillor S Govender relative to the alleged breach of the Code of Conduct for Councillors Community engagements held over Quarter One (July - September 2022). However, due to an oversight in the inclusion of Councillor Govender's matter in its Report to Council meeting held on 2023-08-15, the matter is before the Municipal Council for adoption.

- 2.5 The Municipal Council to note that the Ethics Committee applied the principles of natural justice whilst undertaking the abovementioned Inquiry sessions and the respective Councillors had been advised of their rights to appeal the sanctions imposed in relation to the breaches, in line with Section 16(4)(a) of Schedule 7, Code of Conduct for Councillors.

3. HEARINGS

Hearings were held in respect of the following Councillors, namely:-

3.1 COUNCILLOR ANDRE BEETGE

3.1.1 Breach One

It is alleged that Councillor A Beetge failed to hold at least one meeting per quarter for period July 2022 to September 2022 and to report back to his local Community (Ward 97) on Council matters as required in terms of the preamble of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended) which is in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended).

3.1.2 Breach Two

It is alleged that Councillor A Beetge failed to make representations to the Ethics Committee when required to do so by close of business on 1 November 2022 in terms of a letter issued by the Ethics Committee dated 21 October 2022 of which was duly served on the same date, which was in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 2 of 2021 (as amended).

3.1.3 Plea on the breach by Councillor A Beetge

- i) In pleading to the allegations contained in breach one of the Charge Sheet that he failed to hold at least one meeting per quarter for period July 2022 to September 2022 and to report back to his local Community (Ward 97) on Council matters as required in terms of the preamble of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended), Councillor Beetge pleaded **NOT GUILTY**.
- ii) In pleading to the allegations contained in breach two of the Charge Sheet that he failed to make representations to the Ethics Committee when required to do so by close of business on 1 November 2022 in terms of a letter issued by the Ethics Committee dated 21 October 2022, of which was duly served on the same date, thereby contravening Section 2(b) of Schedule 7 of the Municipal Structures Act 2 of 2021 (as amended), Councillor Beetge pleaded **NOT GUILTY**.

The Committee considered factors and evidence presented before it through the Evidence Leader as well as Councillor Beetge submission, Councillor Beetge was indeed guilty of breach one and found to be not guilty for breach two raised against him pertaining to Quarter One (July – September 2022).

Accordingly,

COMMITTEE RECOMMENDS:

That the Municipal Council approves that Councillor Beetge be issued a **formal written warning** in respect of **Breach One**, pertaining to failure to hold and report on one Community engagement held over Quarter One (July - September 2022).

DEFERRED, to the next Special meeting.

3.2 COUNCILLOR RORY DEAN MACPHERSON

3.2.1 Breach One

It is alleged that Councillor RD Macpherson failed to hold at least one meeting per quarter for period July 2022 to September 2022 and to report back to his local Community (Ward 102) on Council matters as required in terms of the preamble of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended) which is in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended).

3.2.2 Breach Two

It is alleged that Councillor RD Macpherson failed to make representations to the Ethics Committee when required to do so by close of business on 1 November 2022 in terms of a letter issued by the Ethics Committee dated 21 October 2022 of which was duly served on the same date, which was in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 2 of 2021 (as amended).

3.2.3 Plea on the breach by Councillor RD Macpherson

The Ethics Committee noted that Councillor Macpherson's Ward (Ward 102) was reported to have held Community meetings for Quarter One (July - September 2022). Under the circumstances, it appeared that Councillor Macpherson was erroneously summoned to appear before the Committee. Therefore, having considered the factors and evidence before it through the Evidence Leader, Councillor Macpherson was not implicated for having breached the Code of Conduct for Councillors and the Charges held against Councillor Macpherson for breaches one and two for not holding Community engagements and reporting as required, was withdrawn.

Accordingly,

COMMITTEE RECOMMENDS:

That the Municipal Council notes the **withdrawal** of the alleged breaches in the matter involving Councillor RD Macpherson for failure to hold and report on one Community engagement as the Councillor did hold meetings for Quarter One (July - September 2022) as required and did not contravene Schedule 7: Code of Conduct for Councillors as contained in the Local Government: Municipal Structures Act No. 117 of 1998 (as amended).

DEFERRED, to the next Special meeting.

3.3 COUNCILLOR SIZWE STANLEY SANDISELE MTHETHWA

3.3.1 Breach One

It is alleged that Councillor SSS Mthethwa failed to hold at least one meeting per quarter for period July 2022 to September 2022 and to report back to his local Community (Ward 86) on Council matters as required in terms of the preamble of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended) which is in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended).

3.3.2 Breach Two

It is alleged that Councillor SSS Mthethwa failed to make representations to the Ethics Committee when required to do so by close of business on 1 November 2022 in terms of a letter issued by the Ethics Committee dated 21 October 2022 of which was duly served on the same date, which was in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 2 of 2021 (as amended).

3.3.3 Plea on the breach by Councillor SSS Mthethwa

- i) In pleading to the allegations contained in breach one of the Charge Sheet that he failed to hold at least one meeting per quarter for period July 2022 to September 2022 and to report back to his local Community (Ward 86) on Council matters as required in terms of the preamble of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended), Councillor Mthethwa pleaded **NOT GUILTY**.
- ii) In pleading to the allegations contained in breach two of the Charge Sheet that he failed to make representations to the Ethics Committee when required to do so by close of business on 1 November 2022 in terms of a letter issued by the Ethics Committee dated 21 October 2022, of which was duly served on the same date, thereby contravening Section 2(b) of Schedule 7 of the Municipal Structures Act 2 of 2021 (as amended), Councillor Mthethwa pleaded **GUILTY**.

The Committee considered factors and evidence presented before it through the Evidence Leader and noted that Councillor Mthethwa was indeed guilty of the two breaches raised against him pertaining to Quarter one (July – September 2022).

Accordingly,

COMMITTEE RECOMMENDS:

That the Municipal Council approves that Councillor SSS Mthethwa be **reprimanded** in respect of **Breach One**, pertaining to failure to hold and report on one Community engagement held over Quarter One (July - September 2022) and **Breach Two**, for not making representations to the Ethics Committee when required to do so by close of business on 01 November 2022, thereby contravening Schedule 7: Code of Conduct for Councillors as contained in the Local Government: Municipal Structures Act, No.117 of 1998 (as amended).

DEFERRED, to the next Special meeting.

3.4 COUNCILLOR SATHASIVAN GOVENDER

3.4.1 Breach One

It is alleged that Councillor S Govender failed to hold at least one meeting per quarter for period July 2022 to September 2022 and to report back to his local Community (Ward 70) on Council matters as required in terms of the preamble of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended) which is in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended).

3.4.2 Breach Two

It is alleged that Councillor S Govender failed to make representations to the Ethics Committee when required to do so by close of business on 1 November 2022 in terms of a letter issued by the Ethics Committee dated 21 October 2022 of which was duly served on the same date, which was in contravention of Section 2(b) of Schedule 7 of the Municipal Structures Act 2 of 2021 (as amended).

3.4.3 Plea on the breach by Councillor S Govender

- i) In pleading to the allegations contained in breach one of the Charge Sheet that he failed to hold at least one meeting per quarter for period July 2022 to September 2022 and to report back to his local Community (Ward 70) on Council matters as required in terms of the preamble of Schedule 7 of the Municipal Structures Act 3 of 2021 (as amended), Councillor Govender was found to be **GUILTY**.
- ii) In pleading to the allegations contained in breach two of the Charge Sheet that he failed to make representations to the Ethics Committee when required to do so by close of business on 1 November 2022 in terms of a letter issued by the Ethics Committee dated 21 October 2022, of which was duly served on the same date, thereby contravening Section 2(b) of Schedule 7 of the Municipal Structures Act 2 of 2021 (as amended), Councillor Govender was found to be **GUILTY**.

Council to note that Councillor S Govender did not honor the Ethics Committee's invite to the hearing and did not make submission on reasons for the inability to attend the said hearing. The Committee resolved to proceed with the hearing as scheduled in his absence. It considered factors and evidence presented before it through the Evidence Leader and noted that Councillor Govender was indeed guilty of the two breaches raised against him pertaining to Quarter one (July – September 2022).

On that basis,

COMMITTEE RECOMMENDS:

- i) That the Municipal Council approves that Councillor S Govender be fined **R2 500,00 (Two Thousand Five Hundred Rand)** in respect of **Breach One**, for failure to hold and report on one Community engagement over Quarter One (July - September 2022), in breach of Schedule 7: Code of Conduct for Councillors as contained in the Local Government: Municipal Structures Act, No.117 of 1998 (as amended).
- ii) That for **Breach Two**, the Municipal Council, subject to the behaviour of the Councillor, suspends a further fine of **R2 500,00 (Two Thousand Five Hundred Rand)** for not making representations to the Ethics Committee as having been required to do so by this Committee by close of business on 1 November 2022, thereby contravening Section 2(b) of Schedule 7: Code of Conduct for Councillors of the Local Government: Municipal Structures Act 3 of 2021 (as amended).

DEFERRED, to the next Special meeting.

4. OUTSTANDING HEARINGS: ALLEGED BREACH IN RESPECT OF COUNCILLORS NOT HOLDING AND REPORTING AT LEAST ONE COMMUNITY MEETING FOR QUARTER ONE (JULY 2022 - SEPTEMBER 2022) (3/4/6)

- 4.1 The Ethics Committee had five (5) outstanding cases during which three (3) cases had been concluded for Quarter One (July - September 2022). A further case is currently pending for the said Quarter due to information awaited and upon conclusion of the above Inquiry, reporting will be made to the Municipal Council on its findings and recommendations.

On that basis,

COMMITTEE RECOMMENDS:

- 4.1.1 That Council notes that there is one (1) outstanding case of the Ethics Committee relative to the alleged breach in respect of Councillors not holding and reporting at least one Community meeting over Quarter One (July - September 2022) in terms of Schedule 7: Code of Conduct for Councillors as contained in the Local Government: Municipal Structures Act, No.117 of 1998 (as amended).
- 4.1.2 That Council notes that upon finalization of the hearings alluded to in .1 above, a Report with findings and recommendations will be submitted accordingly to the Municipal Council for consideration.
- 4.1.3 That Council approves the recommendations of the Ethics Committee arising from the outcome of the Hearings conducted on 2023-04-20 and 2023-09-18 in respect of the Alleged Breach of the Code of Conduct for Councillors due to failure by certain Councillors to convene Community Engagements during Quarter One (1) of the 2022/2023 Financial Year (July - September 2022), and with specific outcomes being recorded as follows:-

Item No.	Name of Councillor	Plea by Councillor	Sanction
3.1	Councillor A Beetge	Plea 1: Not Guilty Plea 2: Not Guilty	Formal Written Warning
3.2	Councillor RD Macpherson	Plea 1: Withdrawn Plea 2: Withdrawn	Item Withdrawn
3.3	Councillor SSS Mthethwa	Plea 1: Not Guilty Plea 2: Guilty	Reprimanded
3.4	Councillor S Govender	Plea 1: Councillor not present, hence was found to be Guilty. Plea 2: Councillor not present, hence was found to be Guilty.	A Fine of R2 500,00 Subject to a behaviour of the Councillor, a further fine of R2 500,00 be suspended for disrespecting the Ethics Committee by not attending the scheduled hearing, as per Council decision taken on 2023-08-15.

- 4.1.4 That in view of .3 above, the outcome revealed that three (3) Councillors have been found to be in breach of the Code of Conduct for Councillors for failing to convene Community Engagements during the aforesaid period, and with the sanctions ranging from a formal written warning, reprimanded and the imposition of a fine of R2 500,00 (Two Thousand Five Hundred Rand), depending on the severity of the breach and the Conduct for Councillors, with the full details being reflected in the table alluded to .3 above, it being recorded that one (1) Councillor's matter was withdrawn due to the Councillor not being implicated for having breached the Code of Conduct and was erroneously summoned to appear before the Ethics Committee.
- 4.1.5 That, it being noted that the three (3) Councillors in breach of the Code of Conduct for Councillors and sanctioned accordingly, have a right to appeal to the MEC for Co-operative Governance & Traditional Affairs, within a period of fourteen (14) days upon receiving official notification of the Council decision, and to give reasons for appealing the Council decision.

- 4.1.6 That, in noting previous allegations held against Councillor M Ngiba and the pending decision of MEC: Co-Operative Governance & Traditional Affairs for the removal of Councillor M Ngiba from Office, Council notes the alleged breach in respect of Councillor M Ngiba for not holding and reporting at least one Community meeting over Quarter One (July -September 2022) in terms of Schedule 7: Code of Conduct for Councillors as contained in the Local Government: Municipal Structures Act, No. 117 of 1998 (as amended), be held in abeyance subject to the concurrence by the MEC for Co-operative Governance & Traditional Affairs' decision on the Council resolution dated 2023-05-31.

DEFERRED, to the next Special meeting.

**NOTICE OF MOTION
IN TERMS OF SECTION 18 OF THE RULES OF ORDER
BY-LAW, 2014, AS AMENDED**

1. NOTICE OF MOTION: PROPOSED BY COUNCILLOR VG REDDY AND
SECONDED BY COUNCILLOR MH BUTHELEZI: EMPLOYEES ON
SHORT-TERM CONTRACT UNDER THE PEP PROGRAMME (4/3/5/1)

This Council noting that:

The eThekweni Municipality has employed over 8000 unemployed people under PEP programme on short term contracts. They have no job security. Additionally, the entire PEP programme is poorly managed, and there is no clear direction on how these workers should be utilised effectively to provide value for money.

Further noting that:

Volunteers within the Municipality are doing excellent work in assisting communities with street patrols, maintaining verges, parks and other work normally meant to be undertaken by the Municipality and can be incorporated into the PEP programme.

This Council resolves that:

Executive Committee deliberate and report on converting all PEP worker contracts to permanent ad that the job description of PEP workers should be expanded. The current system of contract workers must end, as it is inhumane and a violation of human rights.

DEFERRED, to the next Special meeting.

REPORT OF COMMITTEE DECISIONS

Decisions of Committees reflected below have been reported to Council by way of circulating minutes of such Committees to each Member of the Council:-

1. COMMUNITY SERVICES COMMITTEE

Meetings held on : 2023-07-27
: 2023-08-17

2. ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

Meeting held on : 2023-08-17

3. EXECUTIVE COMMITTEE

Meetings held on : 2023-08-08
: 2023-08-11
: 2023-08-22

4. HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE

Meeting held on : 2023-08-18

5. LOCAL LABOUR FORUM: COMMUNITY AND EMERGENCY SERVICES CLUSTER

Meeting held on : 2023-08-29

6. LOCAL LABOUR FORUM: ECONOMIC DEVELOPMENT AND PLANNING CLUSTER

Meeting held on : 2023-08-16

7. LOCAL LABOUR FORUM: TREASURY & OFFICE OF THE CITY MANAGER CLUSTER

Meeting held on : 2023-06-14

8. SECURITY AND EMERGENCY SERVICES COMMITTEE

Meeting held on : 2023-08-31

9. SPEAKER'S COMMITTEE

Meetings held on : 2023-07-11
2023-07-31

10. TOWN PLANNING APPEALS COMMITTEE

Meeting held on : 2023-07-26

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 38 to 50 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of August 2023 were, **NOTED.**

The meeting terminated at 17h44.

APPROVED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2023-10-26.

SPEAKER