



eThekweni Municipal Council

MINUTES

Meeting held Monday, 2022-04-04

No. 08

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Monday, 2022-04-04T14:00, streamed from
Inkosi Albert Luthuli Conventional Centre, Durban.

PRESENT : Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), PG Mavundla (Deputy Mayor), A Abdul ; J Annipen, AD Beesley, A Beetge, S Bhanprakash, M Billy, T Biyela, JM Davies-Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, GD Clarivette, R Cloete, TP Collins, SV De Boer, Z Dzanibe, J Essop; BA Fortein, SN Gabela, GM Gasa, DM Gcabashe, FO Gcabashe, NBC Godlwana; R Gokool, G Govender, S Govender, Y Govender, NL Graham; BR Gumede, NC Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa; NP Hlomuka, SD Hlongwa, F Ismail, MF Ismail, LBS Jali, DM James, M Johnson, MA Jokweni, K Khambule, MH Khan, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kissoon, BG Kubheka, V Kunju, CJ Laing, CB Langa, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, MA Madlala, NI Madlala, SR Madlala; S Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, WM Mazibuko, M Mbambo, KT Mbhele, RP Mbonambi, BA Mchunu, SW Mcineka; RL McKenzie, X Mdlazi, FW Mdletshe, SM Memela, SP Mfeka, K Mhlaba; GN Mhlongo, NM Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, KV Mkhize, MA Mkhize, ME Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, BR Mngadi, DF Mngadi, E Mngadi, S Mngadi, SV Mngadi, MR Mngonyama; BV Mngwengwe, PB Mnikathi; ZO Mnomiya, S Mnyandu; MV Molife, SR Moodley, T Mohamed, ND Motseke, NP Msibi, LI Msomi, NP Msomi, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, ZP Myeni, SK Mzimela, BD Naidoo; J Naidoo, M Nair, V Ncukana, WP Ndiweni, NB Ndlela, AB Ndlovu, MF Ndlovu, PB Ndlovu, NS Ndlovu, V Ndlovu, SG Nene, TH Nene, MM Ngiba; S Ngema, SP Ngcobo, SB Ngcongo, DB Ngubane, LE Nkomeni, MS Nkosi, DR Nowbuth, XM Nqweniso; DM Nsundwane, PC Ntshangase, SH Ntombela, BT Ntuli, N Ntuli, ZN Ntuli; PB Ntuli, MR Nxumalo; B Nxumalo, PH Nxumalo, NN Nyanisa, MV Nzimande-Madlala; AAK Paruk, BW Phewa, DT Pillay, DR Pillay, P Pillay, GDA Pullan, A Rampersad, B Radebe; VG Reddy, T Sabelo, S Sewshanker, BH Shange, LP Shange; MG Shange, A Shaheed; TE Shezi, IM Shinga, HP Shoji; JN Sibisi, KS Sibisi, N Sibiya, LC Sikhakhane, BSB Sindane, EL Singh, J Singh; S Singh, PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZR Sokhabase, I Syed, BB Thusi, ME Thusi, M Thusi, ZN Tshazela, NT Tyelinzima, JC Van den Berg, NB Vilakazi; HM Van Der Ryst, SM Windvogel, TV Xulu, T Xuma; NY Young; M Zondi; N Zondi, ON Zondi, TG Zungu, and there being two (02) vacancies.

ABSENT : Councillors A Maharajh; T Miya (Indisposed); B Mkhwanazi, TJ Mnguni; SB Mpanza, ZA Solomon and NI Webster.

AMAKHOSI

PRESENT : None.

AMAKHOSI

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

OFFICIALS

PRESENT : Messrs/Mesdames M Mbhele (Acting City Manager), Dr M Gumede (Deputy City Manager: Community & Emergency Services) S Mnguni (Deputy City Manager: Finance); S Cele (Deputy City Manager: Governance & International Relations); K Makhathini (Deputy City Manager: Corporate & Human Resources); M Mhlongo (Acting Chief Operations Officer), A Seheri (Head: City Administration & Secretariat); M Mthiyane (Acting Head: Legal & Compliance Services) BM Mhlongo (Deputy Head: Office of the Speaker), M Mayisela (Senior Manager: Media Relations); T Ndlovu (Senior Manager: Secretariat) and SC Zondi (Chief Committee Officer).

(At the commencement of the meeting 210 Councillors were present, comprising ANC - 93, DA - 56, EFF - 22, IFP - 16, ASA - 04, ABC - 02, ACC – 02; ACDP - 02, AIC -01, DLC - 01, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 01, JEP - 01, KZNI - 01, MF - 01, MOSA - 00, NFP - 00, PFP - 00, PRM - 01, TA- 01, 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 and thereafter extended a warm welcome to Councillors; Traditional Leaders; Acting City Manager; Deputy City Managers; Acting 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 all present stood to sing the African Union Anthem and the National Anthem 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

On behalf of the City, the Speaker expressed heartfelt condolences to families of the two learners from Hoerskool Birchleigh, Gauteng who drowned at the North Beach last Sunday, whilst there were here in Durban for a rugby tour.

Council Members were reminded of the Government Gazette dated 02 November 2021 issued by the Minister of Cooperative Governance and Traditional Affairs, pertaining to the Determination of Upper Limits of Salaries, Allowances and Benefits of different Members of Municipal Councils for 2020/2021 Municipal financial year, where a zero percent (0%) was determined. That the above remains applicable, and MEC: COGTA has since sent communication to all Municipalities in this regard cautioning Accounting Officers and Chief Financial Officers not to implement any increases in the remuneration levels of Councillors and requesting that Councillors be reminded of the provision of this Notice.

The Speaker requested Council to welcome Councillor Busi Radebe who had recently joined Council replacing erstwhile Cllr Makhosi Khoza, from ActionSA.

Attention was drawn to Rule of Order 16(1) (a)-(e) and (4), (5), (6), (7) and (9). As per these Rules, Councillors were requested to conduct themselves in a respectful manner, to refrain from interrupting the proceedings and were encouraged to conduct Council business with the highest decorum and integrity that the occasion and the residents of the Municipality deserve.

In conclusion, the Speaker extended best wishes to Councillors celebrating their birthdays this month.

6. SPEAKER'S REPORT

The Speakers Report was presented at this meeting.

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor S Bhanprakash:	2022-04-20 to 2022-05-03 (Overseas Trip)
Councillor T Biyela :	2022-04-04 (Requested to leave at 16h30).
Councillor MH Khan :	2022-04-04 (Requested to leave at 16h00).
Councillor T Miya :	2022-04-04 (Indisposed)

Councillor S Maharaj : 2022-04-04 (Requested to leave at 16h30).
Councillor SR Moodley : 2022-04-04 (Requested to leave at 16h30).
Councillor T Mohamed : 2022-04-04 (Requested to leave at 16h00).
Councillor AAK Paruk : 2022-04-04 (Requested to leave at 16h30).
Councillor P Pillay : 2022-04-04 (Requested to leave at 16h30).
Councillor A Shaheed : 2022-04-04 (Requested to leave at 16h30).

The Mayor, Deputy Mayor and some Executive Committee Members also requested to be excused from the meeting at 17h00, to attend an engagement with Ratepayers Association at Moses Mabhida Stadium.

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

The following Questions in terms of Section 27 of the Rules of Order were submitted:

8.1 Questions submitted by Councillor Y Govender: (7/12/3/1):

eThekweni Municipality is experiencing debilitating interruptions in service delivery, which appear to be worsening each month. Whilst infrastructure is old and failing, a considerable amount of infrastructure has been damaged by serious sinister criminal acts under the broad ambit of vandalism. Sub-stations, reservoirs, Wastewater pump stations and street lights have been severely impacted.

Substations have been stripped and burnt, reservoirs have had cables and air valves stolen, panels 'burnt out' and repeated bursts on main lines. Sewage pump stations have been vandalized and pumps stolen while street poles and cables are continuously stolen.

It is against this background that I pose the following questions:

1. **Has the City Manager commissioned and investigation into the increase of acts of 'vandalism'? If not, why not?**
2. **Have the Unit Heads submitted monthly reports to the Mayor or the City Manager on the number of incidents of vandalism, theft and malicious injury to property? If not, why not?**
3. **Is a case registered or an incident report filed with SAPS each time an incident of vandalism, theft or malicious damage to property is noted by or reported to the Municipality. If not, why not?**
4. **For the period July 2021 to February 2022, the following statistics are required:**
 - 4.1 **How many pump stations have been vandalized?**
 - 4.2 **How many pumps have been stolen?**
 - 4.3 **How many substations have been vandalized, stripped or burnt?**
 - 4.4 **How many kilometers of cables have been stolen?**
 - 4.5 **How many streetlight poles have been vandalized?**
 - 4.6 **How many streetlight poles have been stolen?**
 - 4.7 **How many air valves (EWS) have been vandalized?**
 - 4.8 **How many reservoirs have been vandalized?**
 - 4.9 **How many water meters have been vandalized and how many stolen?**

- 4.10 Are there any other assets, not listed above which have been vandalized? Kindly list them.**
- 5. What is the total loss or damages suffered by eThekweni Municipality in Rands, with regard to 4.1 to 4.10 above?**
- 6. How much has it cost the City to repair or replace infrastructure which was vandalized under 4.1 to 4.10 above?**
- 7. What is the City's current plan to deal with illegal connections, cable theft and vandalism? In addition, will a report be presented to EXCO?**
- 8. Why has the City not considered a rapid response team, or task team to deal with the scourge of cable theft and vandalism? If such a structure exists, what are the terms of reference and success rate thereof?**

The Deputy Mayor provided the following respective responses:

1. There was a partnership between SAPS and Metro Police to dismantle a syndicate that is trading in metals that are stripped from City's infrastructure. This partnership has yielded some positive results leading to the arrest and successful conviction of perpetrators as per below table: -

Cable/Infrastructure Theft Status Update: Current Financial Year

Arrests	Number Of Convictions	Sentence	Cases Pending In Court
65	16	Monetary Fines	47
	2	8/10 Years Imprisonment	

The Inner-City regeneration program has been resuscitated with a specific focus on enhanced and centralised enforcement which has acted as a serious deterrent of stripping of city's infrastructure.

Awareness campaigns to the public about the danger and usefulness of reporting the stripping city's infrastructure are being conceptualised to be communicated through radio and print media.

New forms of engineering designs have been implemented to protect our infrastructure from vandalism. These include welded steel service panels on the electricity street light poles and a tender to safeguard bulk water infrastructure such as reservoirs is under way, the SCM process will be concluded by end of June 2022.

2. Content of the SSA draft report with typical incidents has been provided to the Office of the Mayor though at this stage more information was needed to finalise this report.

3. The approach was to address this through SSA hence it was not reported to SAPS.
4.
 1. Malabar Tower DB
 2. Lotus Park
 3. Magabeni 2
 4. NR5 Multiple instances
 5. NR7
 6. Etafuleni Res
 7. Chats 1 Booster X 2
 8. Waterloo Res
 9. Mfume
 10. Garden Lots
 11. Lewis Dr
 12. Chats 2
 13. E1
- 4.2 None.
- 4.3 15.
- 4.4 +/- 120 km of cables stolen.
- 4.5 +/- 40 000 street light poles vandalised per section.
- 4.6 +/- 40 000 street light poles.
- 4.7 29 air valves have been stolen, 17 being reticulation lines and 12 being bulk lines
- 4.8
 1. Malabar Tower DB
 1. Lotus Park
 2. Magabeni 2
 3. NR5 Inlet control x 2
 4. NR7 inlet control x 2
 5. Etafuleni Res
 6. Chats 1 Booster X 2
 7. Waterloo Res
 8. Mfume
 9. Garden Lots inlet x 2
 10. Lewis Dr
 11. Chats 2
 12. E1
 13. St Thomas inlet x 4, High zone x 1
 14. North Ridge res x 3
 15. Ridge End inlet x2, High zone x 1
 16. Currie Road res x 3
 17. Burbreeze res inlet x 4
 18. Canelands x 2
- 4.9 216
- 4.10 Controls & instruments for Telemetry Unit
5. R3 24 000
6. Approximately R40 Million.

7. It was noted that most treatment works do experience these incidents due to poor security and loss control is aware of the situation. Security risk assessments have been done for some sites but recommendations have not been implemented due to budget constraints.

The Municipality have an established revenue protection team that was responsible for removing identified illegal connections. Illegal connections are identified through the following processes:

1. Customers reporting them to the call centre.
2. Customers reporting them in writing.
3. Customers reporting them through the CIU unit.

The Municipality also have an established Data Cleansing team that does a desktop investigation of all properties on GIS against RMS and where anomalies are found in terms of services linked to the property, such properties are investigated. Illegal connections are exposed, photograph evidence obtained and the illegal connection removed. Thereafter a report is written up based on what is found on the property, back charges are raised on the account and the home owner/occupier is charged. Charges are raised through Metro Police system and a summons is served for the owner to attend court. Unfortunately, the Municipal courts have been reluctant to prosecute these cases.

8. The Unit was currently in the process of acquiring a rapid response team to assist the internal team. In the current financial year 47 cases are in court process, some from 2019. There were 16 convictions with sentencing ranging from monetary fines to 8-10 years direct custodial imprisonment.

9. REPORTS:

It was noted that none of the Members have declared interest on items appearing in the Agenda.

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

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-03-22)

- PRESENT :** Executive Committee Members TM Kaunda (Mayor and Chairperson), PG Mavundla (Deputy Mayor), Y Govender, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, T Sabelo, and ZR Sokhabase.
- ABSENT :** Executive Committee Member NL Graham (Leave - Personal Commitments)

1. **REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE:
MEETING HELD 2022-03-09**

(Page R1)

1.1 **Renewal of Memorandum of Agreement (MOA): Advancing the City's Collaborative and Strategic Research Partnership with Academia and Industry for 2022-2024 (20/1/6/1):**
(Page 130: Governance and Human Resources Committee - Agenda 2022-03-09)

The Committee received the report related to the renewal of Memorandum of Agreement (MOA) with Durban University of Technology (DUT), University of KwaZulu-Natal (UKZN), Mangosuthu University of Technology (MUT), Human Sciences Research Council (HSRC), Stellenbosch University (SUN), University of South Africa (UNISA) and University of Zululand (UNIZUL) for a further 3 years until 2024. The current formal agreement (MOA) between eThekweni Municipality and its research-aligned partners reached the end of its 3-year duration on 31 December 2021. It was advised that this strategic agreement has provided the basis for the delivering very positive outcomes on a number of initiatives between faculty and line departments; improved on-going and historical relations across the partnerships and has demonstrated impacts on sectoral initiatives as highlighted. As a part of the consultative provisions, eThekweni Municipality via MILE has undertaken and secured in-principle commitments from each of the potential research partners. In addition, this forward-looking agreement will once again include business and industrial participation as represented by the Durban Chamber of Business. This nexus allows academia- business / industry and government to work towards a shared vision and a common research agenda to support the efforts of eThekweni Municipality in responding to key development challenges facing the City of Durban.

The strategic roles for each institutional partner broadly relates to the following:

Business and Industry (Durban Chamber of Business):

- Development of products and services to attract the localized economy
- Support youth-led entrepreneurial venturing
- Support SMME development & innovation

eThekweni Municipality:

- Lead on a research agenda informed by key strategic development challenges
- Embrace evidence-based research for policy formulation and practice
- Provide an enabling environment and research test bed for innovation
- Mile to coordinate CRM activities with academic institutions

Academic /Research Partners: (DUT; MUT; HSRC; UKZN; SUN; UNISA; UNIZUL)

- Support eThekweni Municipality in its response to key development challenges using problem-based approach
- Provide technical support to policy development
- Support incubation and entrepreneurial development

To advance the city' research agenda, it is suggested that a funding mechanism be established to facilitate priority research deemed strategic and collaborative using dedicated research funds from each of the sector in the partnership. It is therefore suggested that eThekweni Municipal Academy (EMA) make provisions for a dedicated and ring-fenced vote to support the 3-year MOA (2022-2024). It is proposed that the co-funding model form the basis of shared responsibility using the ratio (2: 1: 1), where eThekweni: Academic: Industry Business jointly contribute to a newly established partnership fund. All other partners will budget according and contribute proportionally to joint venture projects for each year of the allocation of the principle of 2:1:1 from their own cost centers. No funds will be transferred to eThekweni Municipality.

At the Support Committee level; members of the EFF abstained on the matter.

With the Executive Committee being in support;

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the Acting City Manager to enter into a new strategic Memorandum of Agreement (MOA) with Durban University of Technology (DUT), University of KwaZulu-Natal (UKZN), Mangosuthu University of Technology (MUT), Stellenbosch University (SUN), University of South Africa (UNISA) and University of Zululand (UNIZUL) for a further 3 years until 2024.
- 1.1.2 That the request to include the Stellenbosch University (SUN) as a new partner in the revised 3-year strategic Memorandum of Agreement (MOA) (2022-2024) because of their high-tech innovative solutions, be supported.
- 1.1.3 That the already established Municipal Research for Impact Committee to support a developmental research agenda for the next 3 years until 2024, be noted.
- 1.1.4 That the provisions for funding on the eThekweni Municipal Academy (EMA) budget to support the MOA for a dedicated strategic and collaborative research with allocation for each of the financial years commencing 01 January 2022, be noted.
- 1.1.5 That the establishment of a dedicated Steering Committee comprising of nominated officials from each of the partner institutions to play an oversight role, be supported.
- 1.1.6 That approval be granted to the Acting City Manager to represent eThekweni Municipality in signing the new 3-year MOA (2022-2024).

Financial Implication:

- 2021/22: R500 000.00 on EMA budget to support collaborative research and research related activities (currently available from the EU Fund).
- 2022/23: R1 M on EMA budget to be utilised as per above
- 2023/2024: R1.5 M on EMA budget to be utilised as per above.

It should be noted that each of the 8 institutions will also contribute half of what the City will provide based on the 2:1:1 ratio.

FC Number: 2022/14/34

Vote Numbers:

33250.65260.3.12120. 0000.MRC01.0010	-	R500 0000
33250.19925.12120. 0000.MRC01.0010	-	R1 000 000
33250.19925.12120. 0000.MRC01.0010	-	R1 500 000

ADOPTED.

2. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING
HELD: 2022-03-11**

(Page R6)

- 2.1 **Request for Approval to Host Roadshows for Grade 12 Learners in Partnership with EThekweni Municipal Academy (EMA), the Department of Education (DOE), University of KwaZulu-Natal (UKZN), Durban University of Technology (DUT), Mangosuthu University of Technology (MUT) and Central Applications Office (CAO) and TVET Colleges: A Three (3) Year Programme 2022-2024: Science Technology Engineering and Mathematics (STEM) (6/3/1):**
(Page 83 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

During consideration of the matter at the Executive Committee; the Democratic Alliance noted that good intention of the programme as this pertained to learner knowledge expansion. However, clarity was sought regarding expenditure relating to telephone costs; fuel; and promotional material.

In response, attention was drawn to past experience and explanation given that in terms the Municipality had to supplement funding to hire vehicles to transport learners. Therefore, this results in fuel costs to be costed as an inter-departmental budget transfer. With regard to telephone costs this is necessary to beef up communication, where airtime vouchers would be purchased as employees would be required to perform duties outside working hours, to update learners and parents on the developments and logistics of the programme. Further, that promotional materials will include educational packages; calculators etc.; to be handed over to learners in attendance.

Thereafter, the Democratic Alliance abstained on the matter and with the majority being in support,

COMMITTEE RECOMMENDS:

- 2.1.1 That approval be granted to host the Roadshows Programme for Grade 12 learners in partnership with eThekweni Municipal Academy (EMA), KwaZulu-Natal, the Department of Education (DOE), University of KwaZulu-Natal (UKZN), Durban University of Technology (DUT), Mangosuthu University of Technology (MUT) and Central Applications Office (CAO) and TVT Colleges for a three (3) year programme 2022 - 2024 for Science, Technology, Engineering and Mathematics (STEM), aiming to provide an opportunity for learners to gain an insight into careers in the scarce skills sector, a broad range of opportunities, the different fields, support available in the region and also offer students the opportunity to network informally with employers and different Universities whilst finding out about the latest bursaries and graduate job opportunities.

- 2.1.2 That the Schools from previously disadvantaged backgrounds will be selected to participate i.e. Quintile one (01) two (02) and three (03) schools to be identified by the Department of Education and submitted to the Human Settlements and Infrastructure Committee for final approval.
- 2.1.3 That it be noted that the budget has been budgeted as indicated in the financial implications below together with the Vote No's and FC No allocated.
- 2.1.4 That feedback and updates from the STEM will be provided to the Human Settlements and Infrastructure Committee once every financial year.
- 2.1.5 That Covid-19 compliance and protocols will be adhered to in terms of social distancing, wearing of masks and sanitizers.

Financial Implications:

Item	Description	Details	Estimated Cost: 22/23	Estimated Cost: 23/24	Estimated Cost: 24/25
1.	Telephone costs		R4 564,35	R4 792,57	R5 032,20
2.	Fuel (NDM Vehicles)	3 NDM vehicles x distance per school (km's)	R6 339,38	R6 656,34	R6 989,16
3.	Fruits (Apple and Banana)		R10 143,00	R10 650,15	R11 182,66
4.	Promotional Item	R60 x 200	R12 000,00	R12 600,00	R13 230,00
CONTINGENCY			R10 000,00	R10 000,00	R10 000,00
APPROXIMATE TOTAL:			R43 046,73	R44 699,06	R46 434,02

Vote Number 68002.21820.12120.0000.35000-4.0010

FC No: 2022/68/011

MOTION TO AMEND

In terms of Rule of Order Bylaw 20(4), Councillor J Annipen of IFP, seconded by Councillor J Naidoo, moved as a procedural motion to amend the above recommendation number 2.1.2 to include the following: - “That Quintile (04) and (05) Schools from previously disadvantaged backgrounds be included in the 2024/2025 financial year and submitted to the Human Settlements and Infrastructure Committee for final approval”.

The above-mentioned Motion to Amend was unanimously; **CARRIED**

Discussion thereafter reverted to the substantive matter where the DLC supported the initiative and partnership with external stakeholders to enable and empower Grade 12 learners to pursue career opportunities within Science, Technology, Engineering and Mathematics fields. They also highlighted that Quintile (04) and (05) Schools from previously disadvantaged backgrounds be included in this programme.

The ANC welcomed the initiative and emphasised that the programme would assist to address the skills gap as youth from previously disadvantaged schools would be exposed to Science, Technology, Engineering and Mathematics broad range of opportunities, support available in the region and also offer students the opportunity to network informally with employers and different Universities whilst finding out about the latest bursaries and graduate job opportunities.

Meanwhile; ADEC submitted that in terms of Rule 20 (9); any amendment which would have the effect of increasing expenditure or reducing the income of Council must take the form of a reference back to the relevant Committee for consideration.

In providing a legal opinion on the matter, the Head: Legal & Compliance Services advised that the submitted amendment does not have any additional financial implications. Further; that the estimated costs for 2024/2025 were already part of the recommendations from the Executive Committee.

Thereafter, the above recommendations with the amendment were; ADOPTED.

- 2.2 Request for Approval to Host the Dress up Outreach Programme for Grade 7 Learners in Primary Schools: Three (3) Year Programme from 2022 - 2024: Science Technology Engineering and Mathematics (STEM) (6/3/1):
(Page 100 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

During consideration at the Executive Committee, the Democratic Alliance abstained on the matter and with the majority being in support;

COMMITTEE RECOMMENDS:

- 2.2.1 That approval be granted to host the Dress Up Outreach Programme for Grade 7 Learners in Primary Schools for Science, Technology, Engineering and Mathematics (STEM) for three (3) year programme from 2022 – 2024, aiming to provide career guidance and education support whilst steering learners towards choosing careers that they are passionate and encourage learners to conduct research, explore and learn of the great opportunities available to them ensuring that a broader scope has been open to them in wise decision making for future career choices.
- 2.2.2 That it be noted that the five (05) schools will be identified and approved by the District Manager: Department of Education and the Chairperson of the Human Settlement and Infrastructure Committee to participate in the Career Dress Up Programme.
- 2.2.3 That it be noted that the budget has been approved for the programme for the years 2021/2022, 2022/2023, 2023,2024 financial years.
- 2.2.4 That feedback and updates from the Career Dress Up will be provided to the Human Settlements and Infrastructure Committee once every financial year.
- 2.2.5 That Covid-19 compliance and protocols will be adhered to in terms of social distancing, wearing of masks and sanitizers.

Financial Implications:

Item	Description	Details	Estimated Cost: 21/22	Estimated Cost: 22/23	Estimated Cost: 23/24
1.	Telephone costs		R1 901-81	R 1 996-90	R2 096-75
2.	Fuel (NDM Vehicles)	3 NDM vehicles x distance per school (km's)	R3 169-69	R3 328-17	R3 494-58
3.	Fruits	5 schools	R8 875-13	R9 318-88	R9 784-83

Item	Description	Details	Estimated Cost: 21/22	Estimated Cost: 22/23	Estimated Cost: 23/24
	(Apple and Banana)				
4.	Trophies	R105 x 20	R 2 100-00	R 2 310-00	R 2 541-00
5.	Contingency		R 1 604-66	R 1 695-40	R1 791-72
APPROXIMATE TOTAL:			R17 651-29	R18 649-35	R19 708-88

Vote Number: 68002.21820.12120.0000.35000-4.0010
FC No: 2022/68/012

Speaking on the matter, some members appreciated the proposed programme and submitted that the programme would provide career guidance and educational support to Grade 7 learners whilst steering learners towards choosing careers that they are passionate about as well as encourage them to conduct research, explore and learn of the great opportunities available to them; ensuring that a broader scope has been open to them in wise decision making for future career choices. It was emphasised that learners from disadvantaged communities be prioritised on this programme.

Thereafter, the above recommendations were unanimously; **ADOPTED.**

- 2.3 Request for Approval to Host Early Childhood Development (ECD) Programme in Partnership with eThekweni Municipal Academy (EMA), the Department of Education (DOE) and Care for Education (LEGO SA): A Three (3) Year Programme from 2022-2024 (6/1):
(Page 117 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

Members of the Democratic Alliance abstained both at the Support Committee and Executive Committee levels; with the majority being in support;

COMMITTEE RECOMMENDS:

- 2.3.1 That approval be granted to host Early Childhood Development (ECD) in partnership with eThekweni Municipal Academy (EMA), Care for Education (Lego SA) and the KwaZulu-Natal, Department of Education (DOE) for age groups between three (03) and five (05) years for a three years from 2021/2022, 2022/2023, 2023/2024, aiming to provide educational support to the foundational level and promotes a creative way of thinking, enhancing communication and interaction, building cooperation (teamwork) skills/abilities, and enticing the young mind to acquire and abstract new useful knowledge which could be used in an everyday problem-solving scenario.
- 2.3.2 That the ECD Centres be identified by the District Manager and Department of Education to participate in the programme.
- 2.3.3 That it be noted that budget has been approved for the Programme for years 2021/2022, 2022/2023, 2023/2024.
- 2.3.4 That feedback and updates from the Career Dress Up will be provided to the Human Settlements and Infrastructure Committee once every financial year.
- 2.3.5 That Covid 19 compliance and protocols will be adhered to in terms of social distancing, wearing of masks and sanitizers.

Financial Implications:

Item	Description	Details	Estimated Cost: 2021/2022	Estimated Cost: 2022/2023	Estimated Cost: 2023/2024
1.	Venue Hire		R 6 402-77	R 6 722-91	R 7 059-05
2.	Legos at no cost to Council: Play box	Valued between R8 000 - R10 000 at no cost: 25 ECD sites to received as per no of learners	-	-	-
2.	Courier Services	LEGO Boxes from Sponsor	R31 696-88	R33 281-72	R34 945-80
3.	Catering (Training Workshop for ECD Educators)	Identified Principals/ Educators: Umlazi, Pinetown and Ugu Ward 98 and 15 District:	R106 501-50	R111 826-58	R117 417-90
4.	Contingency		R 14 460-12	R 15 183-12	R 15 942-28
APPROXIMATE TOTAL:			R159 061-27	R167 014-33	R175 365-03

Vote Number : 68002.21820.12120.0000.35000-0010
FC No.: 2022/68/013

In considering the matter; members were in agreement for the approval of the recommendations. It was mentioned that a number of ECD Centres had been closed down due to lockdown regulations. Also, that educational support to the ECD Centres would promotes a creative way of thinking, enhancing communication and interaction, building cooperation (teamwork) skills/abilities, and enticing the young mind to acquire and abstract new useful knowledge which could be utilised in an everyday problem-solving scenario. Mention being made that the programme be rolled-out to previously disadvantaged communities.

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

- 2.4 Proposed Granting of Rights to Use, Control or Manage Proposed Portion of Erf 8449 Durban on Part of Rem of Erf 1 Durban for Social Housing Purposes in Terms of Chapter 4 of the Municipal Asset Transfer Regulations (21/8/3):
(Page 139 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

COMMITTEE RECOMMENDS:

- 2.4.1 That the Municipal Council declares that in terms of Section 14 (2) (a) and (b) of the Municipal Finance Management Act No 56 of 2003 (MFMA) read together with Regulation 5 of the Municipal Asset Transfer Regulations 2008 (MATR) that:
- 2.4.1.1 That property described as Proposed Portion of Erf 8449 Durban on part of rem of Erf 1 Durban in extent of approximately 10158m² is not needed to provide the minimum level of basic municipal services and to be surplus to the requirements of the municipality for the period that the proposed granting of rights to use, control or manage the said property, subject to the provisions that the property be used for Social Housing Development.

- 2.4.1.2 The market value of the property is currently assessed at a value of R13 260 000.00 (Thirteen Million Two Hundred and Sixty Thousand Rand) with an annual market rental value of R1 236 000.00 (One Million Two Hundred and Thirty Six Thousand) which translates to the rental per month being assessed at R110 500.00 (One Hundred and Ten Thousand Five Hundred Rand) both exclusive of VAT.
- 2.4.2 The Municipal Council notes the outcome of the public participation process undertaken for the development of Social Housing in terms of Regulation 35 of the Municipal Asset Transfer Regulation and herein approves the granting of rights in terms of Regulation 34(1)(b) read with Regulation 36 of the Municipal Asset Transfer Regulation for granting long-term rights to use, control and manage the Property described as Proposed Portion of Erf 8449 Durban on part of rem of Erf 1 Durban in extent of approximately 10158m² for a period of 50(fifty) year. It being recorded that after this lease period has lapsed the control of the aforementioned property will revert to the Municipality.
- 2.4.3 The Municipal Council approves in principle that the proposed leases for exclusive social housing development will be discounted by up to 90% of the fair market rental value as indicated on Annexure E, having duly considered the principles as set out in Regulation 13(2) of the MATR subject to a rental deferment during construction phase of the proposed development on the Property. The conditions specific to the rental deferment during the construction phase will be included in the ancillary and lease agreements to be concluded between SHI and the Municipality. The SHI will be required to undertake the construction for a period of 36 (thirty-six) months from conclusion of the ancillary and leases agreement.
- 2.4.4 The Municipal Council approves in principle that in the event of commercial opportunities being created within the proposed social housing developments the commercial leases will be leased at full market value as set out in Regulation 13(1) of the MATR, subject to the following:
- 2.4.4.1 Should the occupant wish to change the current use (Social Housing) to commercial, the occupant will prior to change of business use, request approval from the Municipality's Head: Human Settlements and/or the Head: Development Planning who shall submit a Report to eThekweni Municipal Council appraising the eThekweni Municipal Council of the change in use being created with the proposed eThekweni Municipal Council of the change in use being created within the proposed social housing development.
- 2.4.4.2 That the Head: Human Settlements shall keep a record of the conversions to ensure that the purpose of social housing is retained and not taken over by commercial entities and report such statistics to the eThekweni Municipal Council quarterly.
- 2.4.4.3 All the requisite municipal processes being complied with together with approvals being granted for the development plans.
- 2.4.4.4 Confirmation that all conditions and obligations detailed in the various agreements concluded between the Municipality and the SHI including the Social Housing Lease Agreement in terms of this proposed development have been complied with.
- 2.4.5 That all costs incidental to the transaction shall be at the cost of the SHI to whom the right to use control or manage the capital asset is to be granted.

- 2.4.6 That all developmental plans and applications must be submitted and approved by the Local Authority prior to any commencement of construction.
- 2.4.7 That the Municipal Council delegates the Acting City Manager to sign all the documents necessary to give effect to this transaction subject to the provisions and compliance with the Delegations of Authority, and processes provided for in the Supply Chain Management Policy, the Land Disposal and Granting of Rights Policy of the Municipality, the Municipal Asset Transfer Regulations 2008, the Municipal Finance Management Act, No 56 2003, the Land Disposal and Granting of Rights Policy of the Municipality and any other applicable legislation.

Commenting on the matter, the IFP expressed concern about housing backlog. They submitted that housing allocation had to be fair and transparent and for allocations to accommodate commercial purposes.

Meanwhile, the ANC mentioned that the proposed application was critical in that well-developed areas such as Isibaya were surrounded by facilities. Therefore, the proposed development of Social Housing would maximise the potential utilization of the site.

Accordingly, the above recommendations were; ADOPTED.

- 2.5 Public Partnership in Respect of Social Housing on Remainder of Erf 1068 Sea View (21/8/3):
(Page 187 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

COMMITTEE RECOMMENDS:

- 2.5.1 That authority be granted for the Acting City Manager to conduct a public participation process regarding the proposed granting of rights referred to above in terms of Regulations 34 (1)(a) and (b) of the Municipal Asset Transfer Regulations of the Municipal Finance Management Act, 2003 for the granting of long terms rights by way of a lease for Remainder of Erf 1068 Sea View measuring in extent approximately 3.2190 ha which has a market value of R15 000.00 (Fifteen Thousand Rand).
- 2.5.2 That the above process be conducted in accordance with the provision of the above regulations including:
- 2.5.2.1 inviting the local community and other interested parties to submit comments or representations,
- 2.5.2.2 soliciting views and recommendation of the National Treasury and the Provincial Treasury on the matter;
- 2.5.2.3 Comply with Section 21 of the Municipal Systems Act by publishing the notification through the media, in a local newspaper (s) published in the area of jurisdiction of the Municipality, in a newspaper (s) circulating in its area of jurisdiction and determined by the Municipality as a newspaper record, or by means of a radio broadcast covering the area of jurisdiction of the Municipality.
- 2.5.3 That Council approves in-principle that the proposed granting of rights for Social Housing Development will be discounted by an amount of up to 90% of the fair market rental value subject to a rental deferment during construction phase of the

proposed development, having duly considered the principles as set out in Regulation 13(2).

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor I Syed, moved as a procedural motion and seconded by Councillor J Annipen that the above recommendations of the Executive Committee be referred back to the Executive Committee for further deliberations and clarification on the market-related value.

CARRIED

The above-mentioned motion to refer back was unanimously, CARRIED.

Thereafter, it was

RESOLVED:

That the recommendations in respect of the item entitled Public Partnership in Respect of Social Housing on Remainder of Erf 1068 Sea View be REFERRED BACK to the Executive Committee for further deliberations and clarification on the market related value.

- 2.6 Proposed Alienation on Portion 8 of Erf 5015 Durban in Extent Approximately 579m² as Depicted on Hand Plan Number SJ4755/9 (17/2/1/2/3):
(Page 274 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

Upon consideration at the Executive Committee; an enquiry was made with regards to the implications on the Municipal Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and the Supply Chain Management Policy; as a result of the Constitutional Court Judgement on the Preferential Procurement Policy Framework Act.

Thereafter, background information was provided that the Constitutional Court had ruled that the Preferential Procurement Regulations enacted by the Minister of Finance in 2017; were unconstitutional and therefore invalid. That; in summary the court judgement declared that the Minister of Finance acted ultra vires Preferential Procurement Policy Framework Act 5 of 2000 and that the Preferential Procurement Regulations, 2017; were invalid. Mention being made that a separate report on the matter would be submitted to Council for consideration.

Subsequently; the DA (02) dissented on the matter and the EFF (01) abstained.

With the ANC (04); ABC (01) and IFP (01) being in support;

COMMITTEE RECOMMENDS:

- 2.6.1 That Council declares that in terms of Regulation 5(1) (b), Regulation 7, Regulation 12 of the Municipal Asset Transfer Regulations, 2008, read with Section 14 (2) (a) and (b) of the Municipal Finance Management Act No. 56 of 2003 that:

- 2.6.1.1 The Portion 8 of Erf 5015 Durban in extent of 579m² as depicted on Hand Plan No. SJ 4755/9 is not required to provide the minimum level of a basic municipal services; and is surplus to the requirements of the Municipality.
- 2.6.1.2 The current market value of the Property is currently assessed at a value of R565 000.00 (Five Hundred and Sixty-Five Thousand Rand) exclusive of VAT.
- 2.6.1.3 The Proposed alienation of Portion 8 of Erf 5015 Durban in extent of 579m² as depicted on hand plan No.: SJ 4755/9, be sold by a public tender process at an upset price of R565 000.00 (Five Hundred and Sixty Five Thousand Rand) exclusive of VAT such price reflecting the current market value of the Property as assessed by the registered valuer in accordance with the provisions of the Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and the Supply Chain Management Policy.
- 2.6.2 That all cost incidental to the transaction shall be at the cost of the prospective buyer of the Property.
- 2.6.3 That all conditions by the Municipality's Service Delivery Units will form part of the sale agreement.
- 2.6.4 That subject to the adoption of paragraph .1 to .3 above, authority be granted for the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the SCM Policy of the Municipality, the Municipal Asset Transfer Regulations 2008, the Municipal Finance Management Act, No.56 of 2003, the Land Disposal and Granting of Rights Policy of the Municipality, and any other applicable legislation and it shall be further subject to such further conditions as the Head: Real Estate considers necessary to protect Municipal interest.

As some members were not in support of the recommendations; the matter was put to the vote. With 209 Councillors present, 105 Councillors (ANC - 90, ABC - 02, AIC -02, DLC – 01; ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 01, JEP - 01, KZNI – 01; MF – 01; MOSA - 00; NFP – 01; PFP – 00; PRM – 01 and TA – 01) voted in favour; 78 Councillors (DA – 56; IFP – 16; ASA – 04; UIM – 01 and VF Plus -01)voted against the matter and 26 Councillors (EFF- 22; ACC- 02 and ACDP -02) abstained on the matter.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

- 2.7 Proposed Alienation of Proposed Portion (A) of Erf 1272 Grove End for Residential Purposes to Adjoining Owner of 5 Cairngrove Place: Plan No: SJ 4723/3: Extent 168m² (17/2/1/2/3)
(Page 301 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

COMMITTEE RECOMMENDS:

- 2.7.1 That Council declares that in terms of Regulation 5(1) (b), Regulation 7, Regulation 11 of the Municipal Asset Transfer Regulations, 2008, read with Section 14 (2) (a) and (b) of the Municipal Finance Management Act No. 56 of 2003 that:
- 2.7.1.1 The Proposed Portion [A] of Erf 1272 Grove End in extent of 168m² is not required to provide the minimum level of a basic municipal services.

- 2.7.1.2 The current market value of the Property is currently assessed at a value of R40 000.00 (Forty Thousand Rand) exclusive of VAT.
- 2.7.2 That Property is currently zoned Special Residential 180.
- 2.7.3 That no encroachment over municipal sewer servitude permitted. Prior to any development Sewer Impact Analysis to be done for building plan submitted for approval.
- 2.7.4 That a 3-meter Sewer and Drain Servitude to be registered as depicted on Plan No.: SJ4723/3.
- 2.7.5 That proposed Portion [A] of Erf 1272 Grove end must be consolidated with the adjoining property Erf 611 Grove End, however, should that not be possible, the area may be notarially tied to the adjoining property.
- 2.7.6 That subject to the adoption of paragraph .1 to .3 above, authority be granted for the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the SCM Policy of the Municipality, the Municipal Asset Transfer Regulations 2008, the Municipal Finance Management Act, No.56 of 2003, the Land Disposal and Granting of Rights Policy of the Municipality, and any other applicable legislation and it shall be further subject to such further conditions as the Head: Real Estate considers necessary to protect Municipal interest.

ADOPTED.

- 2.8 Request for Extension of Mandate Given to the City Manager as Per Council Decision Dated 28 September 2017 for the Iqhaza Lethu Incremental Upgrading Partnership Project:
(Page 651 : Human Settlements and Infrastructure Committee - Agenda 2022-03-11)

COMMITTEE RECOMMENDS:

- 2.8.1 That authority be granted for the Acting City Manager in respect of signing amendments or addendum to the tripartite grant contract with the European Union (EU) and the related MOA with the Project Preparation Trust (PPT) in respect of the projects which have no additional financial implications for the Municipality such no cost time extensions.
- 2.8.2 That Council ratify the addendum already signed by the office of the City Manager in respect of the tripartite grant agreement with the EU and PPT (three signed addendum) and the bilateral MOA with PPT (including signed addendum).
- 2.8.3 That authority be granted for the Acting City Manager to enter into a Memorandum of Agreement (MOA) with the Project Preparation Trust (PPT) the co-applicant and partner non-profit organisation as per the condition of the grant contract between the eThekweni Municipality and the PPT with the EU and on the same terms and conditions as the previous MOA entered between the eThekweni Municipality and PPT in order to bring the bilateral agreement with PPT in line with the overarching grant contract including in respect of timelines and the EU approved project budget.
- 2.8.4 That there being no financial implication, authority be granted for the eThekweni Municipality the Acting City Manager to sign the MOA.

ADOPTED.

3. HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING
HELD: 2022-03-14

(Page R28)

- 3.1 Authority to Enter into a Memorandum of Agreement with the Water Research of South Africa to Co-fund Sludge Treatment Technologies for the Scalling Up, Demonstration and Evaluation of Sludge Treatment in eThekweni Municipality:
(Page 6 : Human Settlements and Infrastructure Committee - Agenda 2022-03-14)

COMMITTEE RECOMMENDS:

- 3.1.1 That authority be granted for the Head : Water and Sanitation to enter into a Memorandum of Agreement (MOA) with the Water Research Commission of South Africa to co fund Sludge Treatment Technologies for the scaling up, demonstration and evaluation of sludge treatment in eThekweni Municipality.
- 3.1.2 That subject to approval in .1 above, authority be granted for the Head: Water and Sanitation to invite a delegation from Water Research of South Africa to attend the next meeting of the Human settlements and Infrastructure Committee to be scheduled in due course.

ADOPTED.

- 3.2 Request for Authority for the Property Acquisition for the New Umdloti Wastewater Treatment Works and the Associated Servitudes:
(Page 19 : Human Settlements and Infrastructure Committee - Agenda 2022-03-14)

COMMITTEE RECOMMENDS:

- 3.2.1 That Council grants approval for the Head: Real Estate to procure the property, for the construction of the new uMdloti Regional Wastewater Treatment Works in uMdloti by means of:
- a) Private treaty, subject to the purchase price being obtained by a valuation of the land in line with the valuation principles or
 - b) Expropriation
 - c) Donation
 - d) Long term lease
- 3.2.2 That in the event that expropriation is deemed necessary the Head: Real Estate be authorised to proceed with the expropriation of the property for the new uMdloti Wastewater Treatment Works by complying with the provisions of the Expropriation Act No 63 of 1975 as well as its associated regulations, policy framework, rules, ordinances and guidelines.
- 3.2.3 That subject to the adoption .1 and .2 above, authority be granted for the Head: Real Estate to assess a purchase price or acquisition costs related to the donation, rental, or compensation respectively as the proposed acquisition is in the public interest and or for public purposes and as such the acquisition is deemed compulsory.
- 3.2.4 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

ADOPTED.

4. COMMUNITY SERVICES COMMITTEE MEETING HELD: 2022-03-11

(Page R30)

4.1 Request for Authority for Parks, Recreation and Culture Unit to Demolish Gate House Building at Umgeni Stamford Hill Cemetery (31/8/6/1/16):

(Page 100: Community Services Committee - Agenda 2022-03-11)

The Committee noted that the Gatehouse building at the Umgeni Cemetery has reached its life cycle and was now dilapidated thus posing a risk to the surrounding community as it harboured vagrants.

It was reported that application for the demolition of the building was made to the KwaZulu-Natal AMAFA and Research Institute and a permit was issued with validity from the date of issue of the permit until 29 September 2022.

Accordingly, authority is requested to proceed with the process of demolishing the building, as per the permission granted by AMAFA.

At the Support Committee level; the Democratic Alliance (11) voted against the matter and the Economic Freedom Fighters (3) abstained on the matter. The African National Congress (16), Inkatha Freedom Party (3) and KZNI (1) were in support of the recommendations.

During consideration at the Executive Committee; an enquiry was made regarding the internal Municipal capacity to demolish the gate house. Clarity was given that the Municipality does not have necessary capacity and the required resources to embark on the task. Further, that AMAFA has granted permission to demolish but with a requirement to comply with specific conditions which could only be achieved by engaging the service of an expert.

Subsequently; the DA (02) dissented on the matter; with the ANC (04); ABC (01); EFF (01) and IFP (01) being in support;

COMMITTEE RECOMMENDS:

4.1.1 That authority be granted for the Head: Parks, Recreation and Culture to engage the relevant department to undertake the demolition of the Gatehouse building at the Umgeni Stamford Hill Cemetery after a site assessment indicated that the building is in a dilapidated and vulnerable state.

4.1.2 That subject to the approval of .1 above, authority be granted to the Head: Parks, Recreation and Culture to incur expenditure in the amount of R200 000.00 (Two Hundred Thousand Rand) to demolish the Gatehouse building referred to in 1. above

Financial Implications:

Cost Estimate – R200 000.00 to be incurred under Operational vote.

Vote No.: 17501.11660.12120.0000. MRC01.0010.

Savings to be identified and reported on the Virements Budget 21/22.

As some members were not in support of the recommendations; the matter was put to the vote. With 209 Councillors present, 208 Councillors (ANC - 90, DA – 56; EFF – 22; IFP -16; ASA – 04; ABC - 02, ACC – 02; ACDP -02; AIC -02, DLC – 01; ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 01, JEP - 01, KZNI – 01; MF – 01; MOSA - 00; NFP – 01; PFP – 00; PRM – 01; TA – 01 and UIM - 01) voted in favour and 01 VF Plus Councillor abstained on the matter.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

5. IMPLICATIONS OF REVISED TRANSNET PORT EXPANSION PLAN FOR ETHEKWINI (21/14/2)

(Page 31)

In providing background on the matter, it was advised that eThekweni Municipality is responsible for strategic planning, land use management, environmental preservation, traffic and transportation planning; and the provision of bulk service infrastructure for the Municipal area. That this includes the strategic planning, oversight and management of areas surrounding the Port, transport corridors to and from the Port, and the recreational, tourism and environmental sustainability of the Durban Bay. Therefore, it is essential that eThekweni Municipality and Transnet SOC Limited work closely together to develop strategy, planning and manage the Port- City environment.

Mention being made that various roads and freight corridors around the Port-City interface have faced significant congestion, while the Port-City land use interface has developed sporadically with limited controls. That this remains a threat to both Transnet Port expansion plans and eThekweni's endeavour to improve industrialization and liveability.

The eThekweni Municipality has since engaged various operating divisions of Transnet SOC Limited, in various workgroups, to combat this ongoing challenge ranging from operating day to day challenges to long-term strategic development between the two organisations.

Transnet has recently announced new Port plans that look to grow the Port of Durban to more than four (04) times its current capacity, this will have a significant impact (both positive and negative) on eThekweni Municipality. Therefore, it is crucial that the Municipality further enhance their relationship with Transnet and integrate planning further, to fully exploit the Port Expansion plans and mitigate the negative impacts of the Port Expansion on eThekweni Municipality.

In this regard; a proposal was made that Council notes the importance of the current Memorandum of Understanding between Transnet SOC Limited and eThekweni Municipality. It being further proposed that Transnet and the Municipality work jointly to develop areas of common interest and resolve areas of misalignment and possible negative externalities that could be incurred by the City and its residents with regards to the new Port Plans.

Therefore;

COMMITTEE RECOMMENDS:

- 5.1 That the key changes to the Port of Durban long-term plans being undertaken by Transnet SOC Limited and Transnet National Port Authority, as outlined in the Report of the Acting City Manager dated 2022-03-10, be noted.
- 5.2 That the opportunities and threats related to the new expansion proposals, as indicated on the Report by the Acting City Manager dated 2022-03-10, be noted.
- 5.3 That Council notes the importance of integrated planning as recommended by the District Development Model (DDM) One Plan and the Mayor's 10-Point Plan between eThekweni Municipality and Transnet and the associated risks to both organisations when plans are developed in isolation.
- 5.4 That a Political Oversight Committee be set up to oversee eThekweni Municipality's responsibility and involvement in respect of the new port expansion proposal.
- 5.5 That the eThekweni Municipality lobbies for a position, on an ex-officio basis, on the Transnet National Port Authority Board, yet to be established.

Commenting on the matter, the DA submitted that Transnet's recent announcement for new Port Plans that look to grow the Port of Durban to more than four (04) times its current capacity meant that huge funds would be invested and therefore the matter should fall within Economic Development and Planning Cluster.

They mentioned that a report on the development plans from Transnet needed to be discussed further at the aforesaid Support Committee. They expressed reservations that the Port could not be developed further without necessary infrastructure. It being cited that the road network cannot cope with the current container movement. Mention being made that there was a backlog of ships that by-pass the Port and, in the process, the City was deprived of economic benefits.

They emphasised that the reporting lines of the proposed Political Oversight Committee had to be specific and linked to the Economic Development Cluster and that Council should also address the unpaid debt owed by Transnet.

The IFP also requested a detailed report which would outline the City's involvement, with cost implications for the proposed Transnet Port Expansion and the manner in which all negative impact would mitigated.

Thereafter, the ADEC welcomed the report on Transnet Port Expansion and submitted that it was critical for the development of the City in order to stimulate economic growth as well as job creation. They emphasised that Council lobbies for a permanent position, on the Transnet National Port Authority Board, and not at an ex-officio basis.

Meanwhile, the ANC also welcomed the report and clarity was provided that the report on the Implications of Revised Transnet Port Expansion Plan for eThekweni was submitted directly to the Executive Committee meeting and therefore it was part of this Council Agenda. It was confirmed that the matter fell within the Economic Development and Planning Committee and further reports on this matter would be deliberated at the aforementioned Support Committee.

Thereafter, the above recommendations were unanimously; **ADOPTED.**

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

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-03-31)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), PG Mavundla (Deputy Mayor), Y Govender, NL Graham, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, T Sabelo, and ZR Sokhabase.

1. REPORT OF FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE: MEETING HELD 2022-03-17

(Page R1)

1.1 Memorandum of Understanding Between the Independent Police Investigative Directive (IPID), the South African Police Services (SAPS) and the Durban Metropolitan Police Services (DMPS) (28/1/1/1):
(Page 156: Finance, Security & Emergency Services Committee - Agenda 2022-03-17)

In acknowledging that the Memorandum of Understanding to be entered into by the Independent Police Investigative Directive, the South African Police Services and the Durban Metropolitan Police Service would enhance accountability,

COMMITTEE RECOMMENDS:

That authority be granted for the Acting City Manager to enter into a Memorandum of Understanding (MOU) between Independent Police Investigative Directive, the South African Police Services and the Durban Metropolitan Police Services, which MOU seeks to create an acceptance manner of interaction and /or cooperation between all parties on matters pertaining to the policing of the eThekweni Municipal area.

In considering the matter, Members welcomed the initiative aimed to support crime prevention strategies and that Police Officers would also be held accountable and investigated in the event of misconduct.

Thereafter, the above recommendations were; **ADOPTED.**

- 1.2 Report on Social Responsibility Initiative – Global Star Food Group (Pty) Ltd Company Donating Painting of the Building and Accessories at Amanzimtoti Fire Station (17/2/2/2/1):
(Page 238: Finance, Security & Emergency Services Committee - Agenda 2022-03-17)

With the Committee in consensus, and the Executive Committee tasking the Acting City Manager to write a letter of appreciation to Global Star Food Group to continue partnering with the Municipality,

COMMITTEE RECOMMENDS:

- 1.2.1 That authority be granted for the Head: Fire and Emergency Services to accept the offer from Global Star Foods Group (Pty) Ltd to paint the building and accessories at Amanzimtoti Fire Station as part of their social responsibility initiative, it being recorded that there will be no cost to eThekweni Municipality.
- 1.2.2 That the Head: Legal and Compliance Services be requested to draft a Memorandum of Understanding that will stipulate terms and conditions of offer and acceptance.
- ADOPTED.**
- 1.3 EThekweni Municipality Monthly Public Tender Awards: 31 January 2022 (9/1/3):
(Page 418: Finance, Security & Emergency Services Committee - Agenda 2022-03-17)

In noting the report in the above regard,

COMMITTEE RECOMMENDS:

- 1.3.1 That the public tender awards by the City for the month of January 2022, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Acting City Manager dated 2022-02-11, be noted.
- 1.3.2 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.
- 1.3.3 That the Finance, Security and Emergency Services Committee calls for additional information on individual awards, where it deems appropriate and necessary to play its oversight role.
- 1.3.4 That the Acting 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.
- 1.3.5 That the Acting City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the Acting City Manager can only respond when the reports are available.

NOTED.

- 1.4 Report on Investments for the Month Ended 31 January 2022 (7/1/4):
(Page 508: Finance, Security & Emergency Services Committee - Agenda 2022-03-17)

Accordingly,

COMMITTEE RECOMMENDS:

That the report on investments for eThekweni Municipality as at 2022-01-31, which records the total funds invested at financial institutions as R2 769 000 000.00 (Two Billion Seven Hundred and Sixty Nine Million Rand), at an average rate of return on investment of 4,60%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act No. 56 of 2003, be noted.

Commenting on the matter, the DA mentioned that the report on investments for the Month ended 31 January 2022 that was deliberated at the Support Committee included figures of the cash at bank. They expressed a concern on the declining Municipal cash on hand. Mention being made that this was due to various reasons which included amongst others; that the Municipality had failed to maximise water and electricity sales; that the City had raised service charges which residents could not afford. They proposed that there ought to be a political will to compel Government Departments, Parastatals, Transnet etc to make payment towards their historical debts. Further, the Municipality had to be keep ratepayers satisfied by keeping streetlights on and provision of uninterrupted services.

In response; His Worship, the Mayor advised that the collection rates fluctuate and therefore this then has a direct impact on Municipal cash on hand. He reported that to date cash on hand was sitting at 58 days and the threshold being 90 days. He added that the Municipality has plans and interventions to address the sewer spillages, water leaks as well as to curb the theft of electricity etc. in order to increase the Municipal collection rate.

Thereafter, the above recommendations were; NOTED.

- 1.5 CF/01/22: Provision of Homebowser and on Road Automotive Fuel, With an Automated Fueling Solution for a Period of Ninety-Six (96) Months (8/1/9/1):
(Page 540: Finance, Security & Emergency Services Committee - Agenda 2022-03-17)

The Committee was advised that the merits to extend the period of contract for longer than thirty six (36) months is due to the large municipal fleet spread across the zones, technological dynamics, complex processes involved such as setting up and transitioning from the old service provider's solution to a new solution. Taking into consideration that the resultant contract after following the supply chain management process will impose a financial obligation to the Municipality for a period longer than thirty six (36) months, compliance with Section 33 of Municipal Finance Management Act No 56 of 2003 is necessary.

The DA, ASA EFF; IFP and MF abstained at the Support Committee level.

At the Executive Committee, the DA (03) voted against, EFF (01) and IFP (01) abstained. With the ANC (04) and the ABC (01) being in support,

COMMITTEE RECOMMENDS:

- 1.5.1 That Council notes in-principle the intention by the City Fleet Unit to utilise Section 33 of the Municipal Finance Management Act No 56 of 2003 to start the process of the long-term ninety six (96) months for Contract No. CF/01/22 to advertise a contract for the provision of home bowser and on road automotive fuel, with an automated fueling solution.
- 1.5.2 That public notice be issued for comments and/ or representation prior to submitting the matter for consideration by the Bid Committees, it being noted that National Treasury will also be invited to comment as this will be keeping in line with Section 33 of the Municipal Finance Management Act.

Speaking on the matter, the DA expressed concern that there was no sufficient motivation presented at the Support Committee to extend the period of contract for eight (08) years. They mentioned that the Committee was informed that in providing the fuel required by the Municipality, the service provider would be required to perform a combination of technical; administrative; and managerial actions required during the life cycle of the contract. They also cited that the report was tabled at Support Committee two (02) months later as the initial report was signed and concluded in January 2022. Therefore, on the basis, they dissented on the matter.

Thereafter, the DLC noted the need to extend the period of contract for longer than thirty six (36) months due to the large Municipal fleet spread across the zones, technological dynamics, complex processes involved. They supported the matter on the basis that National Treasury would also provide comments on the matter. In support, the ADEC noted that the matter would be undertaken in compliance with Section 33 of Municipal Finance Management Act No 56 of 2003. Further, that a process of consultation would commence and National Treasury would also provide comments on the matter.

The ANC also supported the matter and emphasised that this would be undertaken in compliance with Section 33 of the Municipal Finance Management Act No 56 of 2003.

As some members were not in support of the recommendations; the matter was put to the vote. With 196 Councillors present, 96 Councillors (ANC - 82, ABC - 02, ACC - 02; AIC -02, DLC - 01; ADEC - 01; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI - 01; MF - 01; MOSA - 00; NFP - 0; PFP - 00 and PRM - 01) voted in favour; 57 Councillors (DA - 56; VF Plus- 01) voted against the matter and 43 Councillors (EFF - 22; IFP -15; ASA - 03; ACDP -02; and UIM - 01) abstained on the matter.

Accordingly, the recommendations were, by the majority vote, NOTED.

1.6

Progress Report on Minimum Competency Levels (6/2/3/12/R):

(Page 542: Finance, Security & Emergency Services Committee - Agenda 2022-03-17)

The Committee was apprised of the progress and status of the Municipal minimum competencies to be attained by the designated Municipal officials as prescribed by the 2007 National Treasury Regulations and Section 168 of the Local Government: Municipal Finance Management Act, No. 56 of 2003. It was thereafter confirmed that some staff members in Senior Management have met the minimum requirements in respect of their relevant designations and portfolios.

On this basis,

COMMITTEE RECOMMENDS:

That the progress relating to the status of compliance on Municipal Minimum Competencies levels, as per Regulations set in terms of Section 168 of the Local Government: Municipal Finance Management Act No. 56 of 2003; as contained in the report of the Acting City Manager dated 2022-03-07, be noted.

Progress:

Category	Summary Report
Accounting Officer	Complaint as per regulation
Chief Financial Officer	Not in compliant as per regulation 75% modules completed 25% modules in progress
6 Senior Managers (MSA S56)	3 Complaint as per regulation 3 completed 66% of modules 34% of modules in progress
3 Supply Chain Management	2 Complaint as per regulation 1 completed 81% of modules; and 19% of modules in progress
1 Middle Manager: Finance	1 Complaint as per regulation

NOTED.

2.

REPORT OF ECONOMIC DEVELOPMENT & PLANNING COMMITTEE
MEETING HELD: 2022-03-18

(Page R12)

2.1

EThekweni Municipality Informal Economy Forum (3/3 and 20/1/7/6):

(Page 4 : Economic Development & Planning Committee - Agenda 2022-03-18)

Committee was requested to deploy Councillors to serve on the eThekweni Municipality Informal Economy Forum (EMIEF) in order to drive the informal economy development agenda in line with the Council approved eThekweni Municipality Informal Economy Policy (EMIEP), and to play an advisory and oversight role for a duration of 5 years.

The objectives of the Forum are to allow engagement of relevant stakeholders to engage on strategic informal economy issues, it serves as an information sharing and networking structure; development issues pertaining to informal traders are deliberated on and recommendations are made to the Economic Development and Planning Committee. The Forum does not however deal with day-to-day operational issues relating to specific markets or street trading site, nor does it override the mandate of the existing market or street trader Committees.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 2.1.1 That Councillors be nominated to serve on the eThekweni Municipality Informal Economy Forum (EMIEF) in order to effect objectives and strategies, outlined in the report by the Acting City Manager dated 2022-02-10 which have a direct bearing to Informal Economy policy, and harmonization of initiatives for the purpose of integration and co-ordination
- 2.1.2 That subject to the adoption of .1 above, Councillors from various political parties be deployed and allocated to the eThekweni Municipality Informal Economy Forum (EMIEF) structure.

ADOPTED.

- 2.2 Township Regeneration Development of Mixed Used Development on Portion a of Erf 395 Savannah Park (20/1/3/1):
(Page 17 : Economic Development & Planning Committee - Agenda 2022-03-18)

Authority is being sought for the Head: Economic Development to investigate the optimal economic use of Portion A of Erf 395 Savannah Park to maximize community benefit and improve the City's revenue base. The site is currently vacant and is intended to be used for mixed use development, comprising, primarily, medium density housing as an acceptable density as per the controls of the Town Planning Scheme, as well as having supported commercial retail land uses.

To accommodate such a development, the site will have to be rezoned to an appropriate land use which will accommodate the intended mixed-use development, it being noted that the project is aimed at achieving Radical Economic Transformation

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Economic Development to investigate the optimal economic use of Portion A of Erf 395 Savannah Park to maximise community benefit and improve City's revenue base.

ADOPTED.

- 2.3 Shareholders Compact – Durban ICC SOC Ltd (ICC) and Durban Marine Theme Park SOC Ltd (DMTP):
(Page 32: Economic Development & Planning Committee - Agenda 2022-03-18)

Authority is being sought to terminate the Shareholder Performance Agreements that were concluded with the Municipal Entities, and to replace these with updated Shareholder Compact in order to regulate the relationship between the Municipality and the Municipal Entities.

This is also aimed at expressing the parties' intentions to improve transparency, accountability and sound management; subscribe to good governance principles and to set out the parameters of the relationship between the parties.

The agreement has also been updated to make provision for the appointment of Lead Independent Director to lead in the absence of the Chairperson, act as an intermediary between the Chairperson and other Board members, deal with shareholders' concerns when necessary, lead performance appraisal of Chairperson, and, to chair the decision-making process where Chairperson has a conflict of interest.

It was noted that the Council's Legal and Compliance Unit guided the process and have stamped the relevant documents confirming that all is in order.

The Democratic Alliance abstained at both Support Committee and Executive Committee level. The DA felt that there were challenges surrounding governance at DMTP, reference being made to the delays in appointing service provider to conduct feasibility study and asset management issues.

Thereafter, the issue of changes in the Compact relating to the introduction of Lead Independent Director was explained, in that this is acceptable best practice in terms of the governance processes and that both the ICC and DMTP Boards have agreed to this institutional arrangement.

Thereafter, the EFF (01) also abstained on the matter, whereas ANC (04) and ABC (01) supported the matter.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.3.1 That the motivation to replace the Shareholder Performance Agreement with an updated Shareholders Compact to regulate the relationship between the Municipality and the entities be noted.
- 2.3.2 That the termination of the Shareholder Performance Agreement dated 2016-03-09 with the Durban ICC SOC Ltd and replace it with the updated Shareholders Compact, be approved.
- 2.3.3 That the termination of the Shareholder Performance Agreement dated 2013-12-09 with the Durban Marine Theme Park SOC Ltd and replace with the updated Shareholders Compact, (Annexure B) of the report by the Acting City Manager dated 2022-02-22, be approved.
- 2.3.4 That subject to approval of .1 and .2 above, authority be granted for the acting City Manager to conclude the Shareholders Compact with the Durban ICC SOC Ltd and the Durban Marine Theme Park SOC Ltd.

Commenting on the matter, the DA noted with concern that the Shareholder Performance Agreements had been replaced and updated to cater for the position of a Lead Director. Also, that the Lead Director would monitor the performance of the Chairperson and to chair the decision-making process in the absence of Chairperson or when the Chairperson has a conflict of interest. They mentioned that Council needed to focus on addressing the reasons for non-performance of

the Entities and not to create further positions as there would be financial implications involved.

Meanwhile, the ADEC supported the recommendations and submitted that the amendment to the Shareholder Performance Agreements would enable Council to have more inputs on the affairs of the Entities.

Thereafter, the ANC provided a brief background on the matter and mentioned that the aim was to enhance cooperative governance principles and that this approach was not unique to eThekweni Municipality as it was a standard practice for State Owned Entities across the Country. They emphasised that the role of Lead Independent Director was to lead in the absence of the Chairperson, act as an intermediary between the Chairperson and other Board members and to deal with shareholders' concerns when necessary.

Therefore, they mentioned that the Shareholder Performance Agreements had to be amended. In support, reference was also made to King IV Note Report on the Role of Chair and Lead Independent Director. That the governing body should appoint an independent non-executive member as the lead independent to fulfil the following functions:

- “a) To lead in the absence of the chair.
- b) To serve as a sounding board for the chair.
- c) To act as an intermediary between the chair and other members of the governing body, if necessary.
- d) To deal with shareholders' concerns where contact through the normal channels has failed to resolve concerns, or where such contact is inappropriate.
- e) To strengthen independence on the governing body if the chair is not an independent non-executive member of the governing body.
- f) To chair discussions and decision-making by the governing body on matters where the chair has a conflict of interest.
- g) To lead the performance appraisal of the chair.”

As some members were not in support of the recommendations; the matter was put to the vote. With 205 Councillors present, 127 Councillors (ANC -93, IFP -15; ASA -03; ABC - 02, ACC – 01; ACDP – 02; AIC -02, DLC – 01; ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI – 01; MF – 00; MOSA - 00; NFP – 1; PFP – 00; PRM – 01 and UIM -01) voted in favour; 55 DA Councillors voted against the matter and 23 Councillors (EFF – 22; and VF PLUS – 01) abstained on the matter.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

2.4

Application in Terms of the Provisions of the eThekweni Municipality Planning and Land Use Management Bylaw 2016 (Municipal Notice No.114 Of 2017) for the Amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme by Amending Section 7: Development Facilitation Table: Special Zone 12: Theme Park /Entertainment Complex (21/6/1/6):

(Page 114 : Economic Development & Planning Committee - Agenda 2022-03-18)

Authority is being sought for the amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme: Section 7: Development Facilitation Table by the deletion of Additional Control Number 9 pertaining to Special Zone 12: Theme Park/Entertainment Complex and adding in that Portion 1271 (of 838) of the Farm Lot 31 of 1560 be restricted to a maximum 340 dwelling units only.

The site forms part of the Sibaya Casino entertainment complex which is being developed as part of a larger mixed residential and business use precinct, and by the deletion of Additional Control No. 9, will enhance the development potential of the site and create economic investment.

The EFF abstained at the support Committee level.

With the Executive Committee being in agreement,

COMMITTEE RECOMMENDS:

2.4.1 That in terms of Section 46(1)(b) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) the application for the amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme: Section 7 Development Facilitation Table: Special Zone 12: Theme Park/Entertainment Complex, by the deletion of additional control number 9, and by the insertion of a new clause: “portion 1271 of (838) of the Farm Lot 31 no 1560, be approved, for the following reasons:

2.4.1.1 That the proposed amendment will allow for optimal use of the property, by providing additional compatible residential opportunities in a well-established area, and not restricting the site to only the Casino and associated uses.

2.4.1.2 That the development will create a new range of residential typologies and is consistent with other such developments in the surrounding area.

ADOPTED.

2.5 Motivation for Durban Film Office to Support Youth Development and Skills Transfer in the Filming of “Not Joe’s Wedding” (20/2/3):
(Page 225 : Economic Development & Planning Committee - Agenda 2022-03-18)

Authority is being sought to support the development of skills training initiatives as part of the Durban Film Office Development Programs, and to support youth development initiatives and transfer of skills in the shooting of the film “Not Joe’s Wedding”.

Having noted that this will promote Durban as a world class film and television production destination, and facilitate the development of the local film industry, as well as create both temporary and sustainable employment opportunities within the industry,

COMMITTEE RECOMMENDS:

2.5.1 That, as part of supporting youth development and skills transfer, the grant funding of R250 000.00 (Two Hundred and Fifty Thousand Rand) towards the development of the youth programme in the film “Not Joe’s Wedding” be approved.

2.5.2 That subject to the approval of .1 above, authority be granted for the City Manager to conclude the necessary contractual agreement with “Not Joe’s Wedding” film project as being part of the Durban Film Office’s Development programmes.

2.5.3 That subject to the approval of .1 and .2 above, the Head: Economic Development Unit be duly authorised to disburse funding in accordance with the approved contractual agreement.

ADOPTED.

2.6 Durban Tourism Artists’ Economic Recovery and Destination Promotion Programme Status Update (20/1/4/3):
(Page 257 : Economic Development & Planning Committee - Agenda 2022-03-18)

Authority is being sought for the approval and support for the continued execution of the of the Durban Tourism Artists’ program to be concluded in June 2022 for artists’ economic recovery, considering the milestones to date, outlined in the report by the Acting City Manager, dated 2022-02-02, and extended beneficiation.

The cost implications were approved by Council in the submission of July 2021 within the current financial year of 2021/2022, and there are therefore no new financial implications.

It was noted that the City of Durban would be promoted as a premium leisure and business tourism destination and sporting capital.

With the DA (03) voting against at the Executive Committee level, the ANC (04); EFF (01); IFP (01); and ABC (01) being in support, by majority,

COMMITTEE RECOMMENDS:

2.6.1 That the milestones through the various platforms at which Durban Tourism has achieved in Durban Artists’ beneficiation through destination leveraging before and during the COVID – 19 period, be noted, as outlined in the Report by the Acting City Manager.

2.6.2 That the appraisal on the Durban Tourism Artists Economic Recovery Destination Promotion Programme from July 2021 to December 2021, be noted.

2.6.3 That the Artists Destination Leveraging Programme from July 2021 to December 2021 and the financial implications of R2 000 000.00 (Two Million Rand) towards the Programme, be approved.

Financial Implications:

- Financial implications for the July to December Programme is R2 000 000.00 (Two Million Rand), (Excluding VAT), which will be used toward the stipend for the artists, and topping up venue equipment.

Vote No: 26723.11330.12120.0000.85505.0010
Amount: R2 000 000.00 (Two Million Rand)

Financial Year: 2021/2022
F/ : 2022/13/02.

Commenting on the matter, the DA submitted that a government that fails to prioritize cannot effect its mandate. They mentioned that the City had to prioritize funding for water, electricity and to focus on areas where there were no basic services. They opposed the approval of the recommendations.

Thereafter; the ANC supported the matter and mentioned that the proposal was meant to uplift the majority of black people, in particular who are Artists and had been struggling during the Covid-19 pandemic. That matters be scrutinised with utmost fairness for the benefit of all without any favour or bias.

Subsequently, as some members were not in support of the recommendations, the matter was put to the vote. With 205 Councillors present, 155 Councillors (ANC -94, EFF – 21; IFP -15; ASA -03; ABC - 02, ACC – 02; ACDP – 02; AIC -02, DLC – 00; ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI – 01; MF – 00; MOSA - 00; NFP – 1; PFP – 00; PRM – 01; UIM -01 and VF PLUS - 01) voted in favour and 55 DA Councillors voted against the matter. There were no abstentions recorded.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

3. ADDENDUM: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE
MEETING HELD: 2022-03-18

(Page R24)

3.1 EThekweni Waste Materials Recovery Cluster (20/1/6/3):
(Circulated separately)

The eThekweni Waste Materials Recover and Industry Development Cluster, trading as USE-IT, is one of few initiatives within the City that specifically supports development and growth of the waste economic sector within the eThekweni Municipal area. The Municipality has also recognized the importance of supporting green economy and the importance of waste economy as one of the potential key contributor to the local and the national economy, especially in the rural and township areas of eThekweni.

This Report then seeks authority for the Municipality to continue supporting this program, with an enhanced focus in the next 3 years, championing the Zero Waste Programme for the township and rural economy.

COMMITTEE RECOMMENDS:

- 3.1.1 That, authority be granted for the Head: Economic Development and Investment Promotion to continue participation in the eThekweni Waste Materials Recovery Industry Development Cluster, trading as USE-IT, for the development, growth and competitiveness of the sector.
- 3.1.2 That subject to the approval of .1 above, authority be granted for the City Manager to conclude a Memorandum of Agreement (MOA) to give effect to the above.
- 3.1.3 That subject to the approval of item .1 and .2 above, authority be granted for the Head: Economic Development, in accordance with the MOA, to disburse funds to USE-IT amounting to R2 402 000.00 (Two Million Four Hundred and Two Thousand Rand)

(Excl. VAT) for the 2021/2022 financial year; R 2 874 160.00 (Two Million Eight Hundred and Seventy Four Thousand One Hundred and Sixty Rand)(Excl. VAT) for 2022/2023 and R3 153 226.00 (Three Million One Hundred and Fifty Three Thousand Two Hundred and Twenty Six Rand)(Excl. VAT) for 2023/2024, in line with the requirements of Section 67 of the MFMA, 2003.

3.1.4 That authority be granted for the programme to continue to utilise the excess funds of R521 398.00 (Five Hundred and Twenty One Thousand Three Hundred and Ninety Eight Rand) beyond the term of the previous 3-year partnership cycle for the implementation of outstanding activities.

3.1.5 That the Head: Economic Development and Investment Promotion be authorised to report on this initiative on an annual basis and to present the annual business plan for noting.

ADOPTED.

4. REQUEST FOR AUTHORITY TO INITIATE PROCESS TO ENTER INTO 5-YEAR CONTRACT FOR ETHEKWINI MUNICIPALITY PARKING MANAGEMENT SYSTEM: ENQUIRY IT 18510 (26/1/2/7/1/1)

(Page 187)

COMMITTEE RECOMMENDS:

4.1 That Council notes the two-part solution (short term and long-term) for the restoration of effective parking management in the City for Contract No. 1T-18510, as outlined below:

4.1.1 The short-term solution: 12-month contract starting from May 2022 to plug the gap while the procurement process for the long-term contract is undertaken, inclusive of taking out some of the parking in the CBD temporarily to support activities aimed at Inner City Revitalization.

4.1.2 The intention by the EThekweni Transport Authority Unit to utilise Section 33 of the Municipal Finance Management Act No 56 of 2003 to start the process of the long-term sixty (60) months to appoint a service provider for the complete financing, provision, installation, operation, and maintenance of an on-street and municipal parking grounds parking management system within the eThekweni Municipal areas.

4.2 The requirement for the City to comply with provisions of Regulations 34 and 35 of the Municipal Asset Transfer Regulations that the eThekweni Municipality intends advertising a tender for proposals for the provision of a parking management system.

4.3 The process to be followed in complying with the requirements of both the Municipal Finance Management Act as well as the Municipal Asset Transfer Regulations that the eThekweni Municipality intends advertising a tender for proposals for the provision of a parking management system.

Financial Implications:

(a) The financial implications are associated with the long-term solution will be informed by the solution offered by the prospective service provider.

(b) The financial implications associated with the short-term solution is as follows:

- The estimated cost to the City for the implementation of short-term parking management solution is estimated to the value of R300 000.00 (Three Hundred Thousand Rand) excluding VAT. Provision has already been in the operating budget of the department.
- The prospective service provider will be responsible for any other costs including Capital and Operating expenses to make the solution work.

Commenting on the matter, the DA appreciated an initiative of this magnitude and they were pleased that the system would be implemented by the Municipality. They mentioned that the parking management system has been well-established in other Cities within the Country and that it would assist caregivers to obtain employment and in the process jobs would be created for individuals that were already working on the streets.

Thereafter, the above recommendations were; NOTED.

5. ESTABLISHMENT OF MUNICIPAL RAPID RESPONSE TEAM (2/3/4 & 2/3/2/1/1)

(Page 195)

COMMITTEE RECOMMENDS:

- 5.1 That authority be granted for the establishment of Municipal Rapid Response Team (MRRT) to deal with public protests, in compliance with the KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs (COGTA) requirement.
- 5.2 That the composition of the MRRT be as follows:
 - 5.2.1 The Speaker of Council, Councillor TE Nyawose, as the responsible person for public participation, be elected Chairperson of the MRRT.
 - 5.2.2 The Chairpersons of Support Committees, namely, Councillors TM Kaunda: Finance, Security & Emergency Services Committee, PG Mavundla: Human Settlement & Infrastructure Committee, T Sabelo: Economic Development & Planning Committee, NI Madlala: Governance and Human Resources Committee and ZR Sokhabase: Community Services Committee, be elected members of the MRRT.
 - 5.2.3 That Ward Councillors be co-opted as members of the MRRT; to deal with public protests in their respective Wards.
 - 5.2.4 The Municipal Manager or a consistent delegate referred by the Municipal Manager;
 - 5.2.5 Public participation;
 - 5.2.6 Heads of Department as assigned by Council;
 - 5.2.7 Head: Sizakala Unit (Complaints Management Head);
 - 5.2.8 The identified core external stakeholders being:
 - 5.2.8.1 The South African Police Services (Social Crime Prevention);

- 5.2.8.2 Department of Community Services and Liaison; and
- 5.2.8.3 A representative from Local Traditional Leadership;

- 5.3 That subject to the approval of .2 above, the City Manager be delegated authority to finalise names of relevant officials to serve on the MRTT, as per the composition outlined in this regard.

MOTION TO AMEND

In terms of Rule of Order Bylaw 20(4), Councillor MS Gwala of the IFP, seconded by Councillor MB Mjadu, moved as a procedural motion to amend the above recommendations to include the following: - “5.2.3 That Ward Councillors be co-opted as members of the MRRT; to deal with public protests in their respective Wards.”

As some Councillors were not in support of the above-mentioned Motion to Amend, the matter was put to the vote. With 192 Councillors present, 171 Councillors (ANC -88, DA – 56; IFP – 13; ASA -01; ABC - 02, ACC – 02; ACDP – 01; AIC -02, DLC – 00; ADEC – 01; APF - 00, ATM - 01, AL JAMA-AH - 00, JEP - 00, KZNI – 00; MF – 00; MOSA - 00; NFP – 1; PFP – 00; PRM – 01; UIM -01 and VF PLUS - 01) voted in favour and 21 EFF Councillors voted against the matter. There were no abstentions recorded.

The above-mentioned Motion to Amend was, by the majority vote, CARRIED.

Discussion thereafter reverted to the substantive matter where the Municipal Rapid Response Team (MRRT) to deal with public protests, in compliance with the KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs (COGTA) requirement was outlined as well as the composition thereof.

Thereafter; with some Councillors not in support of the above-mentioned recommendations, the matter was put to the vote. With 192 Councillors present, 171 Councillors (ANC -88, DA – 56; IFP – 13; ASA -01; ABC - 02, ACC – 02; ACDP – 01; AIC -02, DLC – 00; ADEC – 01; APF - 00, ATM - 01, AL JAMA-AH - 00, JEP - 00, KZNI – 00; MF – 00; MOSA - 00; NFP – 1; PFP – 00; PRM – 01; UIM -01 and VF PLUS - 01) voted in favour and 21 EFF Councillors voted against the matter. There were no abstentions recorded.

**Thereafter, the above recommendations with the amendment were;
ADOPTED.**

- 6. **REVIEW OF ETHEKWINI MUNICIPALITY’S SYSTEM OF DELEGATION (2/2/2 & 2/2/3)**

(Page 228)

Part C and Part D of the eThekweni Municipality Terms of Reference and Delegations document was first adopted by Council on 25 February 2015. Part C contains the delegations from Council and Part D contains the administrative delegations, providing for delegations and sub-delegations by the Municipal Manager.

Subsequent to its first adoption, the System of Delegation has been reviewed and amended on numerous occasions to provide for amendments to existing delegations as well as additional delegations made in terms of newly adopted By-laws and other legislation.

On 22 November 2021, a City Manager Circular (Circular No. 42 of 2021) that was emailed to management requesting them to advise the Legal and Compliance Unit on any amendments proposed to the system of delegation. Such amendments and additional delegations, as proposed, relate to the following:

- (a) the appointment of an Acting Municipal Manager by the Municipal Manager;
- (b) the appointment of an Acting Deputy City Manager;
- (c) the administration of the Self Insurance Fund;
- (d) the Environmental Conservation Act, 1989 (ECA);
- (e) the National Building Regulations and Building Standards Act. 103 of 1977 (NBR);
- (f) the eThekweni Municipality: Scheduled Activities By-law 2019; and
- (g) Section 61 of the Municipal Systems Act.

Appointment of an Acting Municipal Manager by the Municipal Manager:

Currently, the Executive Committee has been delegated the authority to appoint an Acting Municipal Manager in instances where the Municipal Manager is on leave, away on Municipal business, absent from duty or incapacitated through illness or any other cause, and was unable to appoint a substitute (our emphasis). Accordingly, the Municipal Manager has been tacitly afforded the authority to appoint an Acting Municipal Manager in the aforementioned delegation without it being documented appropriately. Accordingly, the proposed additional delegation authorises the Municipal Manager to appoint, for a period no longer than seven (7) calendar days, an Acting Municipal Manager prior to the Municipal Manager being on leave, away on municipal business, absent from duty or incapacitated through illness or any other cause. This power is to be exercised in consultation with the Mayor and reported on at the first sitting of Executive Committee following such appointment;

Appointment of an Acting Deputy City Manager:

Currently, the Municipal Manager has been delegated the authority to appoint and Acting Deputy City Manager in instances where the Deputy City Manager is on leave, away on municipal business, absent from duty or incapacitated through illness or any other cause. This delegation has now been limited to such appointment being made for a maximum period of seven (7) calendar days, and subject to consultation with the respective Committee Chairperson of the DCMs' Cluster.

Insurance Decisions and Administration of the self-Insurance Fund:

As per Council resolution dated 4 June 1962, authority was granted to the City Treasurer, to administer the Self-Insurance Fund, which included the authority to settle claims made by or against the Fund. It is now proposed that this delegation be documented in the System of Delegation.

ECA and NBR delegations:

The amendments to the delegations made under the ECA and the NBR relate to the respective powers and duties being subdelegated to additional officials.

EThekweni Municipality: Scheduled Activities' By-law 2019:

The eThekweni Municipality: Scheduled Activities By-law came into effect in February 2021. The delegations proposed thereunder are required for the efficient and effective discharge of powers and duties contained in the By-law, as enforced by authorised officials within the Environmental Health Unit.

Section 61 of the Municipal Systems Act:

Section 61 of the Municipal Systems Act regulates the referral of matters to delegating authorities for decisions to be taken. This section allows for a delegator to personally discharge a power or duty notwithstanding the fact that such power or duty has been delegated to another functionary. This section merely codifies an inherent operational rule of delegation and it is proposed that Section 61 be summarised on the respective 'cover pages', for both part C and D of the System of Delegation to remedy any misunderstanding on who may discharge a delegated power or duty.

Accordingly,

COMMITTEE RECOMMENDS:

- 6.1 That the amendments to the Municipality's System of Delegation as contained in Annexure "A" in the report of the Acting City Manager dated 2022-03-23 hereto be approved and inserted into the respective Part C and part D of the Municipality's Terms of Reference and Delegation document, with the item numbers of the additional delegations being determined accordingly to enable an orderly reading of the System of Delegation; and
- 6.2 That in terms of Section 61 of the Local Government: Municipal Systems Act, 32 of 2000, be summarised on the respective 'cover pages' for both Part C and D of the System of Delegation.

ADOPTED.

**NOTICES OF MOTION
IN TERMS OF SECTION 18 OF THE RULES OF ORDER**

1. NOTICE OF MOTION: PROPOSED BY COUNCILLOR V REDDY AND
SECONDED BY COUNCILLOR A SHAHEED : MUNICIPAL ACCOUNTS IN
ARREARS OWING TO LOCKDOWN RESTRICTIONS, ESTIMATED BILLING
PROCEDURES AND QUESTIONABLE METER READINGS (7/6/3/1)

This Council noting that:

Ratepayers, including the indigent, have fallen into arrears with municipal accounts owing to lockdown restrictions, estimated billing procedures and questionable meter readings.

Disconnections are proceedings causing untold misery.

Council hereby resolves that the Executive Committee consider the following proposals and report back on its findings:

1. Extend Debt Relief Programme (DRP) and suspend all disconnections during this period.
2. Provide a 50% immediate debt write off for all successful applicants and the balance to be written off within a period of three (3) years provided all current charges are paid in full.
2. Determine the qualifying criteria for DRP in line with the resolution passed by JHB Municipality.

Councillor VG Reddy moved the Notice of Motion seconded by Councillor A Shaheed and thereafter motivated same.

Thereafter; with some Councillors not in support of the above-mentioned Motion, the matter was put to the vote. With 198 Councillors present, 142 Councillors (ANC - 90, EFF – 21; IFP – 13; ASA -01; ABC - 02, ACC – 02; ACDP – 02; AIC -02, DLC – 01; ADEC – 01; ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI – 01; MF – 00; MOSA - 00; NFP – 1; PFP – 00; PRM – 01; UIM -01 and VF PLUS - 01) voted in favour and 56 Councillors (DA – 55 and APF – 01) abstained on the matter.

The Motion submitted by Councillor VG Reddy was by a majority vote, CARRIED.

2. NOTICE OF MOTION: PROPOSED BY COUNCILLOR PG MAVUNDLA AND SECONDED BY COUNCILLOR BM GWALA : DIVERSE RACIAL GROUPS REPRESENTATION IN THE MUNICIPALITY (12/5/1/1)

An observation has been made that the logo and statues within the eThekweni Municipal areas do not take a form of inclusive representation when it comes to diverse racial groups. It is imperative that the harsh imbalances of the past be addressed and effectively rectified thereby removing the symbols that once represented the mindset of colonization.

Council hereby resolves that:

The Executive Committee should investigate whether the Municipality's logo and the display of statues within the municipal areas adequately reflects the diverse racial groups represented in the Municipality and report back to Council on its findings and a proposal plan to address any shortcomings where it is found a bias exists towards a particular race group/s.

Councillor PG Mavundla moved the Notice of Motion seconded by Councillor BM Gwala and thereafter motivated same.

Thereafter; with some Councillors not in support of the above-mentioned Motion, the matter was put to the vote. With 198 Councillors present, 127 Councillors (ANC - 90, EFF – 21; ABC - 02, ACC – 02; AIC -02, DLC – 01; ADEC – 01; APF – 01; ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI – 01; MF – 00; MOSA - 00; NFP – 1; PFP – 00; PRM – 01; UIM -01 and VF PLUS - 01) voted in

favour and 71 Councillors (DA – 55; IFP – 13; ASA -01 and ACDP – 02) abstained on the matter.

The Motion submitted by Councillor PG Mavundla was by a majority vote, **CARRIED.**

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**

Meeting held on : 2022-02-10

2. **EXECUTIVE COMMITTEE**

Meetings held on : 2022-02-15
: 2022-02-22
: 2022-03-15

3. **GOVERNANCE AND HUMAN RESOURCES COMMITTEE**

Meeting held on : 2022-03-09

4. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**

Meeting held on : 2022-03-14

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 38 to 47 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of February 2022 were, **NOTED.**

The meeting terminated at 17h49.

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2022-05-31.

SPEAKER