

No. 25

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Tuesday, 2022-12-13T10:00, streamed from
Inkosi Albert Luthuli International Conventional Centre, Durban

PRESENT : Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), PG Mavundla (Deputy Mayor), A Abdul, A Beetge, M Billy, JM Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, GD Clarivette, R Cloete, SV De Boer, Z Dzanibe, J Essop, BA Fortein, SN Gabela, GM Gasa, FO Gcabashe, NBC Godlwana, R Gokool, G Govender, S Govender, Y Govender, BR Gumede, S Gumede, BM Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, MF Ismail, LBS Jali, DM James, M Johnson, MA Jokweni, K Khambule, MH Khan, MN Khubisa, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kisson, BG Kubheka, V Kunju, CJ Laing, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, MA Madlala, NI Madlala, SR Madlala, A Maharajh, RP Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, WM Mazibuko, M Mbambo, KT Mbhele, JL Mchunu, SW Mcineka; RL McKenzie, X Mdlazi, FW Mdletshe, SM Memela, SP Mfeka, K Mhlaba, GN Mhlongo, NM Mhlongo, SE Mhlongo, AZ Mkhize, KV Mkhize, ME Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, BR Mngadi, DK Mngadi, S Mngadi, SV Mngadi, MR Mngonyama; ZM Mncwango, BV Mngwengwe, PB Mnikathi, ZO Mnomiya, S Mnyandu; SR Moodley, T Mohamed, R Moses, ND Motseke, SB Mpanza, NP Msibi, LI Msomi, NP Msomi, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, ZP Myeni, SK Mzimela, BD Naidoo; V Ncukana, WP Ndiweni, NB Ndlela, AB Ndlovu, MF Ndlovu, PC Ndlovu, NS Ndlovu, V Ndlovu, SG Nene, TH Nene, SB Ngcongco, S Ngema, DB Ngubane, LE Nkomeni, DR Nowbuth, XM Nqweniso, DM Nsundwane, SH Ntombela, PC Ntshangase, BT Ntuli, N Ntuli, NZ Ntuli, B Nxumalo, PH Nxumalo, NN Nyanisa, MV Nzimande-Madlala, AAK Paruk, BW Phewa, DT Pillay, DR Pillay, P Pillay, GDA Pullan, A Rampersad, T Sabelo, S Sewshanker, A Shaheed, LP Shange; MG Shange, TE Shezi, IM Shinga, JN Sibisi, KS Sibisi, N Sibisiya, 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, M Thusi, NT Tyelinzima, JC Van den Berg; HM Van Der Ryst, NB Vilakazi, NI Webster, SM Windvogel, TV Xulu, T Xuma, NY Young, GN Zondi, M Zondi, N Zondi, ON Zondi-Mthembu and TG Zungu and there being one (01) vacancy.

ABSENT : Councillors J Annipen (Personal Commitments), T Biyela (Personal Commitments), AD Beesley (Overseas Trip), DM Gcabashe (Personal Commitments), NC Gumede (Personal Commitments), MS Gwala (Personal Commitments), KNN Khubone, F Ismail, RD Macpherson, S Maharaj (Indisposed), BA Mchunu (Personal Commitments), NP Mchunu (Personal Commitments), RP Mbonambi (Personal Commitments), MB Mjadu (Personal

Commitments), MA Mkhize (Personal Commitments), E Mngadi (Personal Commitments), TJ Mnguni, T Miya (Personal Commitments), J Naidoo (Personal Commitments), PB Ndlovu (Indisposed), MM Ngiba, MS Nkosi (Personal Commitments), PB Ntuli, MR Nxumalo (Personal Commitments), HP Shoji (Personal Commitments), ZA Solomon, VG Reddy (Overseas Trip), BH Shange (Personal Commitments), ZN Tshazela (Personal Commitments) and ME Thusi (Personal Commitments).

AMAKHOSI

PRESENT : Inkosi EB Shoji.

AMAKHOSI

ABSENT : Inkosi S Mlaba and JJ Shangase.

OFFICIALS

PRESENT : Messrs/Mesdames M Mbhele (City Manager), M Mhlongo (Head: Legal & Compliance), A Seheri (Head: City Administration & Secretariat); BM Mhlongo (Deputy Head: Office of the Speaker), T Ndlovu (Senior Manager: Secretariat) and SC Zondi (Chief Committee Officer).

(At the commencement of the meeting 183 Councillors were present, comprising ANC - 87, DA - 53, EFF - 20, IFP - 00, ASA - 03, ABC - 02, ACC - 02, ACDP - 02, AIC -02, ADEC - 00, APF - 01, ATM - 01, AL JAMA-AH - 01, DLC - 01, JEP - 00, KZNI - 01, MF - 00, MOSA - 01, NFP - 01, PFP - 01, PRM - 01, TA- 01, UIM - 01 and VF Plus - 01).

1. NOTICE CONVENING THE MEETING

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

2. OPENING

The Speaker declared the meeting open at 10h13 and extended a warm welcome to Councillors; Traditional Leaders; City Manager; Deputy City Managers; Head Legal and Compliance and other Unit Heads; Members of the Administration; Media; and Members of the Public viewing on social media live streaming.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

4. OPPORTUNITY FOR PRAYER/MEDITATION

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

At this stage of the proceedings, Councillor TM Mthethwa of the DA drew the attention of Council to Rule 15 (j) of the Rules of Order By-Law, 2014, as amended, which he read as follows:

“The Speaker, as the Presiding Officer, consider all points of order and rule on them”.

He mentioned that for the smooth running of the meetings, the Speaker is required to consider all points of order raised during meetings, as prescribed, and to rule on them irrespective of the decision to be taken.

This was NOTED accordingly by the Speaker.

Thereafter, the Speaker also drew the attention of Council to Rule 12 (2) of the same By-Law, which stated that *“The Speaker may change the order in which the matters appear on the agenda after considering suitable motivation.”*

In this regard, the Speaker altered the order of procedure for this meeting and requested Council to first consider an Urgent Notice of Motion which his office had received as per Rule 22.

It should be noted that this item was considered first, but for the Minutes to be sequential, the details thereof are reflected under “Notices of Motion” appearing towards the end of the Minutes document.

5. OFFICIAL ANNOUNCEMENTS

- 5.1 The Speaker presented the following announcements for the attention of the Members of Council:**
 - 5.1.1 Councillors were requested to mind the cables passing in between the tables and also to avoid lifting up the delegates microphones when talking as this destabilizes the entire sound system.**
 - 5.1.2 The eThekweni Municipality mourned the passing on of the Senior Manager for the EPWP in the office of the Mayor, the late Mr Bongani Hlophe, who passed on 06 December 2022. Mention being made that he would be solely missed for his outstanding work ethic, serving all selflessly. Condolences were extended to his family, friends and Colleagues.**
 - 5.1.3 The City of eThekweni wished its citizens and visitors a wonderful festive season. Also, that the City was ready and prides itself for having developed a sound Festive Season Management Plan, which would ensure that everybody enjoys the attractions in the City of Durban in a safe and exciting manner.**
 - 5.1.4 It was mentioned that the City was also ready from the crime management perspective, as having hosted a 2-day Crime and Social Cohesion Summit on 06 and 07 December 2022. That this Summit focused on strengthening crime fighting strategies and to build socially cohesive communities.**
 - 5.1.5 The Councillors’ attention was drawn to the fact that this was the last Council meeting of the year. The Speaker extended gratitude to all Councillors and officials for maintaining good work ethic thus ensuring that the Municipal Council fulfils its strategic objectives in a bid to provide sustainable service delivery to citizens.**

- 5.1.6 In this regard, it was advised that the Municipal Council was going on recess with effect from 2022-12-15 to 2023-01-15. That any matters that required decision during this period will be dealt with in terms of Rule 28 of the Rules of Order By-Law and thereafter reported to the first Council meeting in January 2023 for ratification purposes.
- 5.1.7 The City of eThekweni congratulated the eThekweni Team for flying the City's flag high during the 2022 SALGA Games held at Amajuba District Municipality from 08 to 11 December 2022. It being reported that the Team scouped almost all trophies and was announced as the overall winner of these games.
- 5.1.8 Councillors were reminded to conduct themselves in line with the provisions of the Councillors' Code of Conduct to ensure that the meeting was conducted in a dignified manner and portraying a good leadership image to the residents of eThekweni.
- 5.1.9 Best wishes were extended to all Councillors celebrating their birthdays during the month of November and those who would celebrate their birthdays during December.

6. SPEAKER'S REPORT

(It should be noted that this item was considered as the last item, but is recorded herein to achieve the Minutes sequence).

6.1 Purpose:

The Speaker mentioned that the purpose of the report was to apprise the Municipal Council on the following:

- 6.1.1 On activities that the Municipal Council had undertaken over the month of November 2022, in line with the provisions of the Rules of Order By-Law (2014).
- 6.1.2 The Municipal Council achievements in its first year of the 2021-2026 term of office.
- 6.1.3 The status of community engagements and Ward Committee meetings held over the month of November 2022.
- 6.1.4 The status of the Municipal Council Membership.
- 6.1.5 Resignation of Councillor Braveman Themubuhle Ntuli as Whip of Council.
- 6.1.6 Membership changes in the Executive Committee.

6.2 Municipal Council Activities:

- 6.2.1 The Municipal Council led by His Worship, Mayor Kaunda, successfully launched the Municipality's Festive Season Programme aimed at attracting many tourists to visit the warmest City with the greatest tourist attraction. The launch marked the official commencement of the 2022 festive season.
- 6.2.2 The Speaker was pleased to report that the Municipality has been working tirelessly to ensure that it speedily resolves issues around water shortages; quality of water in beaches; fixing swimming pools and other activities to ensure that the City was ready to welcome tourist for the said festive period and that communities are comfortable during this period.

- 6.2.3 It was indicated that the Municipality also hosted the Office of the Premier in launching the 16 Days of Activism Programme, with this being successfully launched in Ward 80.

6.3 **First Year of the Municipal Council: November 2021-November 2022:**

- 6.3.1 Council was pleased to note that the month of November 2022 marked exactly a year since the establishment of the Municipal Council, and to report that since its inception, the Municipal Council has been able to carry out its statutory obligations as follows:

NO.	ACTIVITY	ACHIEVEMENT
1.	Establishment of the Municipal Council and its Committees	<ul style="list-style-type: none"> - The Municipal Council was successfully established, with its Section 79 and 80 Committees that support its functioning. - The Municipal Council has been meeting as required and has been able to successfully consider all its statutory items, such as the approval of the 2022/2023 Budget; Annual Report; Appointment of City Manager; Approval of By-Laws and other matters pertaining to the functioning of the Municipality. - Established Council Committees have also been meeting to consider items as per the delegation in the Terms of Reference. - It was however, noted that there was still a need to conduct ongoing Committee specific empowerment programmes to the respective Committee Members to enhance the Members' oversight role in the said Committees. - The issue of attendance at the Council Committees is an area that still requires to be strengthened. - The Municipal Council to note that it was currently using the Rules of Order By-Law (2014) approved by the previous Municipal Council, but these are being amended for consideration and approval by this current Municipal Council
2.	Establishment of Ward Committees	<ul style="list-style-type: none"> - As per the statutory requirement, the Municipal Council successfully established 110 Ward Committees, with just one (01) Ward Committee still remaining outstanding in terms of establishment.
3.	Code of Conduct for Councillors	<ul style="list-style-type: none"> - At the commencement of the Municipal Council term, all Council Members were issued with Schedule 7: Code of Conduct for Councillors, as per the legislative requirement. - During the first year of the Municipal Council term, Members have been getting accustomed to the expected conduct as per the Code. It being noted that a refresher presentation was undertaken by the Ethics Committee to all Council Members. - Council was pleased to report that since the inception of the Council term, Members have been upholding the Code of Conduct accordingly, however, emphasis is being made on ensuring compliance with attendance of Council Committee meetings, holding community engagements and annual disclosures whenever there are changes to the financial interests. - In noting that this marks the end of a Calendar year, Council Members were reminded, as per the Code of Conduct, to declare if there are any changes to their financial interest.

6.4 **Community Engagements:**

- (a) In line with the provision contained in the Councillor's Code of Conduct, community engagements remain a critical compliance matter, where it's required that these be held at least quarterly.

- (b) It was reported that during the month of November, only 10 Community engagements were reported, from Wards **03; 16; 42; 45; 65; 81; 83; 88; 94 and 107.**

6.5

Ward Committee Engagements:

- (a) Ward Committees, as part of the Municipal Council Committees, are also compelled to hold monthly meetings.
- (b) During the month of October/November, the following meetings were recorded:

Month	Meetings held	Evidence submitted	Evidence not submitted	No meeting held
October	87	63	24	23
November	93	36	57	17
TOTAL	180	99	81	40

- (c) The KZN Department of Cooperative Governance and Traditional Affairs (COGTA), on 25 November 2022, undertook the first Ward Committee functionality assessment for the quarter July-September 2022. The outcome thereof is still awaited. It was noted during the assessment that some Ward Councillors' reports and evidence for community engagements held were not available and the absence of these documents impact negatively on the functionality outcome. Ward Councillors are reminded to cooperate and submit the required evidence in preparation for the future Ward Committee assessments by COGTA.
- (d) Council noted that, as per the Rules regulating the establishment and operation of Ward Committees, no Ward Committee meetings are scheduled in the month of December 2022. However, Ward Councillors were urged to convene these meetings when Council returns from the recess period.

6.6

Changes in the Municipal Council Membership:

- 6.6.1 Council noted that it had three (03) Proportional Representative (PR) Councillor vacancies, from the African National Congress (ANC); Democratic Alliance (DA) and the Action SA.
- 6.6.2 The above-mentioned vacancies have since been filled as follows:
- (a) Councillor Philisiwe Constance Ndlovu of the ANC and replacing the erstwhile Cllr SP Ngcobo with effect from 04 November 2022.
- (b) Councillor Rodney Moses of the DA and replacing the erstwhile Cllr CJ Laing with effect from 01 November 2022.
- (c) Councillor Zwakele Maxwell Mncwango of the Action SA and replacing the erstwhile Cllr B Radebe with effect from 30 November 2022.

The new Council Members were welcomed accordingly to the eThekweni Municipal Council.

- 6.6.3 Council also noted that the Ward Councillor vacancy in Ward 99, would be filled through a by-election that the Independent Electoral Commission (IEC) had scheduled for Wednesday, 14 December 2022.

6.7 Resignation of Cllr BT Ntuli as Whip of Council:

- 6.7.1 At its inception, the Municipal Council elected Whip of Council, Councillor Braveman Thembubuhle Ntuli, in line with the provision of section 41A of the Local Government: Municipal Structures Act.
- 6.7.2 Council was advised that the Speaker has since received a resignation letter from Councillor Ntuli, resigning with immediate effect as the Whip of Council.
- 6.7.3 The Whip of Council's resignation has therefore created a vacancy in the Whip of Council's Office, it being mentioned that this vacancy would be filled in the next Council seating, as per the provisions of Scheduled 3: Election of Office Bearers as contained in the Municipal Structures Act.

6.8 Membership Change in the Executive Committee:

- 6.8.1 The Municipal Council recalled that it established the Executive Committee comprising ten (10) Members on a proportional basis, with the Speaker and the Whip of Council serving on an ex-officio capacity.
- 6.8.2 The proportional allocation is as per the table below:

Political Party	No. of EXCO Representative(s)
African National Congress (ANC)	Five (05) Members, one of which was assigned to the ABC
Democratic Alliance (DA)	Three (03) Members
Economic Freedom Fighters	One (01) Member
Inkatha Freedom Party (IFP)	One (01) Member
TOTAL	10

Thereafter, it was

RESOLVED:

- 6.8.2.1 That Council notes that the Whip of Council, Councillor Braveman Thembubuhle Ntuli, who was elected in line with the provision of Section 41A of the Local Government: Municipal Structures Act 1998, has since resigned with immediate effect, and with this vacancy to be filled by the Municipal Council in its next sitting.
- 6.8.2.2 That Council notes the resignation of Councillor Thanduxolo Sabelo from the Executive Committee, thus creating a vacancy in this Committee, it being also noted that, with the removal of Councillor Philani Godfrey Mavundla from the Executive Committee, there are now two (02) existing vacancies in this Committee.
- 6.8.2.3 That Council notes the allocation of Councillor Braveman Thembubuhle Ntuli to serve on the Executive Committee, thus filling one of the two vacancies existing in the Executive Committee.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Prior to considering this item, it was noted that all IFP Councillors have been absent for two (02) consecutive Council meetings, with leave of absence being submitted though. However, that this matter be followed up by the Speaker.

The Speaker advised that there was no specific rule which had a contrary view from the actions of the IFP Councillors. However, it was indicated that the matter would be discussed further with the leadership of the IFP.

With regard to the Applications for Leave of Absence submitted for this meeting, it was accordingly,

RESOLVED:

That the following Councillors be granted leave of absence as indicated:

COUNCILLORS

Councillor J Annipen	: 2022-12-13	Personal Commitments
Councillor T Biyela	: 2022-12-13	Personal Commitments
Councillor AD Beesley	: 2022-12-13	Overseas Trip
Councillor DM Gcabashe	: 2022-12-13	Personal Commitments
Councillor Y Govender	: Requested to leave at 16h00pm	
Councillor NC Gumede	: 2022-12-13	Personal Commitments
Councillor MS Gwala	: 2022-12-13	Personal Commitments
Councillor MH Khan	: Requested to leave at 15h00pm	
Councillor S Maharaj	: 2022-12-13	Indisposed
Councillor BA Mchunu	: 2022-12-13	Personal Commitments
Councillor NP Mchunu	: 2022-12-13	Personal Commitments
Councillor RP Mbonambi	: 2022-12-13	Personal Commitments
Councillor MB Mjadu	: 2022-12-13	Personal Commitments
Councillor MA Mkhize	: 2022-12-13	Personal Commitments
Councillor E Mngadi	: 2022-12-13	Personal Commitments
Councillor SR Moodley	: Requested to leave at 12h00pm	
Councillor T Mohamed	: Requested to leave at 15h00pm	
Councillor T Miya	: 2022-12-13	Personal Commitments
Councillor J Naidoo	: 2022-12-13	Personal Commitments
Councillor PB Ndlovu	: 2022-12-13	Indisposed
Councillor MS Nkosi	: 2022-12-13	Personal Commitments
Councillor MR Nxumalo	: 2022-12-13	Personal Commitments
Councillor HP Shozi	: 2022-12-01 to 2022-12-19	Personal Commitments
Councillor VG Reddy	: 2022-12-06 to 2022-12-15	Overseas Trip
Councillor BH Shange	: 2022-12-13	Personal Commitments
Councillor A Shaheed	: Requested to leave at 14h00pm	
Councillor ZN Tshazela	: 2022-12-13	Personal Commitments
Councillor ME Thusi	: 2022-12-13	Personal Commitments

8. DECLARATION OF INTEREST

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

9. CONFIRMATION OF MINUTES: MEETING HELD ON 2022-10-27

Prior to confirming the Minutes, correction was made on Page 1034, item 7 *Applications for Leave of Absence* to remove one name of Councillor GD Clarivette as it was recorded twice and to insert the name of Councillor X Mdlazi (indisposed).

Accordingly, with Councillors PC Ntshangase and BW Phewa moving and seconding respectively, for the adoption of the Minutes of the eThekweni Municipal Council meeting held on 2022-10-27, it was

RESOLVED:

That the Minutes of the meeting of the eThekweni Municipal Council held on 2022-10-27, as circulated and taken as read, be and are hereby confirmed.

10. MATTERS ARISING

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

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

There were no questions tabled at this Council meeting.

12. REPORTS:

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

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-11-15)

PRESENT : Executive Committee Members PG Mavundla (Deputy Mayor and Acting Chairperson), A Beetge, Y Govender, NI Madlala, T Miya, T Sabelo and ZR Sokhabase.

ABSENT : Executive Committee Members TM Kaunda (Mayor and Chairperson) (Municipal Business), TM Mthethwa (Indisposed) and MS Nkosi (Personal Commitments).

At this stage of the proceedings, the EFF requested progress report with regard to the relocation of the floods victims accommodated in Community Halls following the impact of the April floods; as well as the state of the Municipal beaches and Pools. They mentioned that these issues were raised at the adjourned Council meeting of 2022-12-08 and that an assurance was given that all displaced communities would be relocated before 2022-12-25.

In response, the Speaker mentioned that matters had to be presented and discussed in terms of the Rules, through submission at the relevant Support Committees, Executive Committee and thereafter to Council. However, the Speaker advised that the City Manager and His Worship the Mayor would be allocated a slot to present a comprehensive report on the issues raised at the end of all agenda items. This was noted accordingly.

1. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2022-11-08

(Page R1)

1.1 Request for Authority to Transfer the Human Settlements Unit Land Owned in the Phoenix Infill Project to the Relevant Line Departments (21/8/3):
(Page 24: Human Settlements and Infrastructure Committee - Agenda 2022-11-08)

Authority is sought to release sites owned by the eThekweni Municipality Human Settlements Unit in the Phoenix area to the Parks, Recreation and Culture Unit. The Unit undertook an Infill Housing Project in the Phoenix area to promote integration across racial and income lines; and reduce housing backlog. The infill sites comprised serviced individual sites and bulk un-serviced residential sites that require further subdivisions and additional services. These were sold off to developers at a nominal rate in a bid to prompt developers to provide affordable housing for the beneficiaries of the Phoenix Infill Housing Project as indicated in Annexure "A" of the report by the Head: Human Settlements dated 2022-06-01.

A motivation to release these sites owned by the Human Settlements Unit is as follows:

- Heeding the needs of the Phoenix area requires a concerted effort from eThekweni Municipality's line Departments, thus, the Human Settlements Unit has a responsibility to release surplus land for the betterment of the community.
- Section 52 (1) of chapter 2 of the eThekweni Municipality By-law notes that an approval of a land development application which provides for the use of land for residential purpose may be subject to the provision of land for parks, public open spaces, or social facilities.
- The objectives of the eThekweni By-law ought to provide for inclusive, developmental, equitable planning in the spirit of co-operative governance. It is therefore based on the above mentioned that the Human Settlements Unit seeks approval to release to the Parks, Recreation and Culture, the sites which have been identified as unfavorable land for development and to be rather used for conservation.
- Portions of the unfavorable land available for development fall under land that categorized as D'MOSS open space. It is crucial that the Unit transfers such land to the Parks, Recreation and Culture Unit to conserve and preserve viable ecosystems in meeting the health, social, cultural, and economic needs

of communities while striving towards being Africa's most caring and liveable City.

- According to the Land Use Management Scheme (LUMS), it is the responsibility of the Municipality to regulate and manage land development according to the vision, strategies and policies contained in the IDP and the SDF while supporting the interests of the public to promote sustainable development.
- The land that is proposed to be released to the Parks, Recreation and Culture Unit is owned by the eThekweni Municipality and zoned for residential but cannot be utilized for residential purposes because of various constraints. Although there is surplus land, it should not be assumed that the available vacant land is developable without assessing the land's status and intended developmental use for the land. Consequently, based on the aforementioned assessments the Human Settlements Unit requests to transfer the undevelopable land to the Parks Recreation and Culture Unit. The sites being released are indicated in Annexure "B" of the report by the Head: Human Settlements dated 2022-06-01.

The transferred sites will no longer be maintained by the Human Settlements Unit, thus the funds for future maintenance will be directed to the new custodian Unit (Parks, Recreation and Culture). The cost of sub-division and any other related town planning requirement will be borne by the Human Settlements Unit.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted to release sites listed in Annexure B of the report by the Head: Human Settlements dated 01 June 2022 from the Human Settlements Unit to the Parks, Recreation and Culture Unit within eThekweni Municipality for non-residential purposes.
- 1.1.2 That, subject to the approval of .1 above, authority be granted for the Head: Human Settlements to conclude all the processes that may be required in terms of the eThekweni Planning and Land Use Management By-law prior to the release of the sites in question.

Annexure B:

NO.	FARM TOWN NAME	ERF	REM
1.	Westham	2260	
2.	Westham	2238	
3.	Westham	2331	
4.	Westham	2418	
5.	Redfern	279	
6.	Whestone	1119	R
7.	Lenham	1403	R
8.	Whestone	1483	R
9.	Westham	2296	R

NO.	FARM TOWN NAME	ERF	REM
10.	Westham	379	R
11.	Redfern	973	R
12	Redfern	600	
13	Redfern	279	
14	Rydalvale	65	
15	Stonebridge	226	
16	Westham	2607	
17	Brookdale	1144	
18	Westham	745	
19	Westham	1270	
20	Lenham	316	R
21	Lenham	2314	
22	Lenham	316	
23	Lenham	1536	
24	Sunford	425	
25	Forest Haven	514	
26	Grove End	967	R
27	Forest Have	11	R
28	Woodview	871	R
29	Forest Haven	417	
30	Caneside	458	
31	Stanmore	1031	
32	Redfern	1096	
33	Redfern	1113	
34	Redfern	427	
35	Brookdale	1185	
36	Eastbury	861	R
37	Shastri Park	1442	R
38	Northcroft	766	R
39	Northcroft	612	
40	Shastri Park	1444	R
41	Trenance Manor	1378	
42	Caneside	1171	
43	Whetstone	1318	
44	Whetstone	1319	
45	Whetstone	1226	
46	Lenham	1256	R
47	Lenham	1560	
48	Lenham	1542	
49	Lenham	1537	

NO.	FARM TOWN NAME	ERF	REM
50	Lenham	584	
51	Lenham	2061	

Speaking on the matter, the DA mentioned that the above recommendations were long overdue and that more infill site land had to be allocated and handed over back to the Municipality. They cited that more land still needed to be identified and saved for recreational purposes to be maintained by the relevant Unit. Also, that community participation had to be undertaken and for the relevant Support Committee to play its oversight role and examine the status of the land.

Thereafter, the ANC extended gratitude for the work undertaken by the Human Settlements and Infrastructure Committee. They were in support of the matter and noted the need to build houses for communities on identified vacant land. However, they also motivated that recreational facilities had to be catered for.

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

1.2

Noting of Reasons to Amend Contract 1H-31415 in terms of Section 116(3) of the Local Government Municipal Finance Management Act 2003: Cornubia Integrated Housing Project Phase 2B: to Extend Professional Services Contract Project Management Services to Complete Cornubia Housing Project Phase 2A (22/7/1/1/3): (Page 36: Human Settlements and Infrastructure Committee - Agenda 2022-11-08)

The Committee received the report to note the reasons to amend Contract 1H-31415 in terms of Section 116(3) of the Local Government: Municipal Finance Management Act (MFMA) No. 56 of 2003, for the Cornubia Integrated Housing Project Phase 2B: To extend Professional Services Contract – Project Management Services to complete Cornubia Housing Project Phase 2A to include Cornubia Phase 2A thus managing the delivery of 6 107 fully serviced sites and top structures. It being noted that the public participation process was advertised through the media, in terms of Section 116(3) of the MFMA, as part of achieving compliance requirements pertaining to the public participation process to invite public comments on the proposed contract amendment and that on expiry of the 30-day notice period, no representations and/or comments were received.

The services of a Construction Project Manager on Cornubia Phase 2A is essential for the following reasons:

- The BRT (C9) Route along Cornubia Boulevard and the private sector development along this corridor has necessitated the re-design of the housing and infrastructure to ensure a seamless transition from GAP/Bondable housing to low cost BNG housing, thus maintaining the marketability of the housing instruments and integrating government delivered housing with the private sector precincts adjacent to the Phase 2A project. This corridor is at an advanced stage of design refinement and the BRT route is ready for tender but would create huge surplus fill material and could be utilized within Phase 2A, valley infills. The coordination of these processes, its timing and technical specifications need to be managed and coordinated by the Construction Project Manager.

- The bulk water and electricity to Phase 2B and Phase 2C traverse through Phase 2A. With Phase 2B SPLUMA approved on 13 September 2022, and construction commencement date being October 2022, the timing of the availability of the services via Phase 2A is critical to prevent delays and standing time cost implications on Phase 2B. Both these services need the bulk earthworks to be implemented within Phase 2A before they can be made available to Phase 2B. The coordination of these aspects is a critical task for the Construction Project Manager, thus the absence of the Construction Project Manager on Phase 2A will result to delays and has cost implications.
- As Phase 2A implementation is being rolled out in sub-phases, top structure and infrastructure, Contractors are being procured just in time post the SPLUMA approvals, coordination and managing these Contractors such that the service connections that traverse these sub-phases is available when top structures are made available for immediate occupation by beneficiaries, thus limiting invasions and vandalism, if left unoccupied, requires co-ordination between the Municipal line departments, Contractors and consultants. This task rests with the Construction Project Manager.
- The proposed extension of Phase 2B Construction Project Manager would be at the rates tendered in 2017 with contract price adjustment provisions applied to cover escalation of costs.
- The above reasons that talk to prevention of delays that translate to financial implications and to make available much needed housing opportunities in as short a time as possible, the line department is reliant on Section 116 (3) of the MFMA, listed below for ease of reference, to seek the amendment of Contract 1H-31415.

“116 (3) A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after—

- (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and*
- (b) the local community—*
 - (i) has been given reasonable notice of the intention to amend the contract or agreement; and*
 - (ii) has been invited to submit representations to the municipality or municipal entity.”*

- Consequences of not granting the extension of contract:
 - (a) The scope of the professional teams engaged on the project does not allow for coordination and management of the numerous infrastructure and top structure contractors on Phase 2A, thus the need for a Construction Project Manager is critical to ensure a coordinated housing delivery program where top structures are timeously serviced and occupied.
 - (b) The coordination of the implementation of infrastructure between Phase 2A and Phase 2B that traverses each phase would be unmanaged and would result in delays and top structures left un-serviced for months on end.

- ✓ The cost implications for delays as listed in items(a) and (b) above far outweighs the cost of the extension, let alone the delays to providing much needed housing opportunities, which cannot be quantified in monetary terms.

In view of the foregoing,

COMMITTEE RECOMMENDS:

- 1.2.1 That Council notes the reasons to amend Contract 1H-31415 in terms of Section 116(3) of the Local Government: Municipal Finance Management Act (MFMA) No. 56 of 2003 for the Cornubia Phase 2B Housing Project: Project Management Services to include Cornubia Phase 2A thus managing the delivery of 6107 fully serviced sites and top structures due to the following reasons:
 - 1.2.1.1 That redesign of the Cornubia boulevard has necessitated the redesign of the housing and infrastructure to Cornubia Phase 2A housing project to ensure a seamless transition from GAP/Bondable housing to low cost BNG housing, thus maintaining the marketability of the housing instruments and integrating government delivered housing with the private sector precincts adjacent to Phase 2A project, thus contributing to delays in the roll out of the housing project.
 - 1.2.1.2 That a program that seeks to accelerate the roll out of Cornubia Phase 2A is required to ensure that Cornubia 2B which has achieved SPLUMA approval is not delayed as bulk services (water& sanitation) to Phase 2B and (Phase C which will follow) traverse through Phase 2A.
 - 1.2.1.3 That the Coordination and management of Contractors for multiple top structure and infrastructure contracts in Cornubia in Phase 2A and 2B that are being procured just in time post the SPLUMA approval such that the service connections that traverse these sub-phases are available when top structures are made available for occupation by beneficiaries, thus limiting invasions and vandalism. This requires co-ordination between municipal line departments, contractors and consultants. The responsibility to ensure immediate occupation of the completed units rests with the Construction Project Manager.
 - 1.2.1.4 There is a dire need for the accelerated delivery of housing projects due to delays caused by the Covid-19 pandemic and the devastating floods in April 2022.
- 1.2.2 That the Council notes the public participation process advertised through the media in terms of Section 116(3) of the MFMA as a part of achieving compliance requirements pertaining to the public participation process to invite public comments on the proposed contract amendment.
- 1.2.3 That Council notes that on expiry of the 30-day notice period, no representation and or comments were received.

Financial Implications:

Existing Financial Authority:

Existing Authority	Excl VAT	VAT	Incl VAT
	R4 365 432.66	R654 819.90	R5 020 247.56

Requested extension to existing financial authority and time extension:

Extension of Cost Due to Scope Increase	Extension of Cost Due to Escalation	VAT	Total Extension Incl. VAT	Total value of appointment Incl. VAT
R 5 093 004.77	R1 732 108.72	R1 023 767.02	R7 848 880.51	R12 869 128.07

Vote No.: H402921.34722.12B.54022.0000.4402921.W102

FC No.: 80/030/04/2022

ADOPTED.

1.3

Request for Approval to Enter into a Contract with 3 Non-Profit Organisations to Facilitate and Manage Projects Funded through the Public Employment Programme (22/6/4/2):

(Page 45: Human Settlements and Infrastructure Committee - Agenda 2022-11-08)

Authority is sought to approve in-principle the implementation of joint projects with the three (03) Non-Profit Organizations, namely, the Built Environment Support Group (BESG); Community Organisation Resource Centre (CORC); and the KZN Project Preparation Trust (PPT), under the Public Employment Programme (PEP).

In this regard authority is also sought for the Human Settlements Unit; Economic Development Unit; and the Legal and Compliance Unit to prepare and vet contracts as per Section 67 of the Local Government: Municipal Financial Management Act (MFMA) 2003 in order to secure the assistance of these organisations in training, managing and facilitating the PEP projects in various informal settlements within the eThekweni Municipality. To also obtain a mandate for the City Manager of the eThekweni Municipality to enter into contractual agreements with the three identified organisations for the purpose of undertaking these projects in informal settlements.

The aim is to support the economic recovery from the COVID-19 pandemic by creating additional employment that also makes a meaningful impact on industrial and business areas and on townships and the informal sector. As per the grant conditions, funds may be used to address informal settlement upgrading; the maintenance, development, management, greening and cleaning of public spaces and assets; food security; innovative service delivery; community safety; environmental services and management; digitization and community tourism.

Through the City Support Programme of National Treasury, CSOs were invited to propose new or ongoing projects that require additional funding for employment of informal settlement residents. In eThekweni, 3 proposals were submitted and all three are in alignment with the goals of the PEP and in line with the City's Informal Upgrading Strategy. All three have been included in the business plan for the 2022/2023 financial year.

Project 1: Built Environment Support Group (BESG):

The Built Environment Support Group (BESG) was established in 1983 as a support group that defended communities against eviction from informal settlements in urban areas. In the early 1990s the BESG became a key player in helping to shape a new generation of urban planning and housing policies through its association with the Urban Sector Network. It was registered as a Not-for-Profit Section 21 company in 1999. Since 1995, the BESG has geared over R120m of development funding. It uses its hands on experience in project management, process facilitation, and research to advocate pro-poor development policies and programmes, including:

- The first in situ upgrading project funded under the National Housing Subsidy Scheme in KwaZulu-Natal at Ntuthukoville, Pietermaritzburg (1995-7).
- The first social housing project of walk-up flats at Shayamoya, Cato Manor, Durban (1998-2001).
- The largest single township development in Pietermaritzburg, at the Glenwood 2 Less Formal Township undertaken by the local municipality since the construction of Sobantu in 1924 (1996-2005).
- Mail & Guardian Greening the Future award for Social Innovation in Climate Proofing Human Settlements (2014). The targeted informal settlements are:
 - ✓ Bhambayi in Ward 51;
 - ✓ Foreman Road in Ward 25;
 - ✓ amaHlongwana in Ward 99;
 - ✓ London Farm in Ward 99 and
 - ✓ Samsen Farm in Ward 99

Total number of participants: 296

Activities	Job specification	Number of participants
Cleaning, greening of spaces	Collecting non-recyclable rubble, clearing water wats and drains, planting indigenous trees and plants	45
Food security	Establish community-based food gardens (where there is no land, this may take a form of home-based gardens or alternative gardening methods)	70
Community Safety	Community members to monitor local safety risks (including gender-based violence, child safety, etc), develop strategies for addressing these, and liaising with SAPS and other security institutions	56
Community Digital Inclusion	Young people in the community are supported to provide IT and computer training services to learners, students and unemployed youth	15
ECD	Community members are trained to provide care and support to young children (6 months to 5/6 years). This will include facilitating recreation and play therapy activities. Also to offer after school care	20
Recycling	As part of climate change adaptation, community members to collect recyclable materials, and process them, either by turning them into new products, or selling items to recycling companies.	55
Environmental services	Cleaning and protecting of rivers and wetlands, setting up early warning systems, monitoring and reporting environmental crimes.	25
Community tourism	Community members identify tourist attractions in their area and develop a marketing strategy (including mobilising all community members to initiate local activities so as to attract tourists)	10

Budget:

Training, monitoring and evaluation	308,844.00
Travel	98,680.00
Publications and printing	11,500.00
Administrative	20,080.00
Equipment	578,687.00
Local labour stipends	5,140,814.00
Section 67 contract BESG	1,017,791.00
Total project cost	6,158,605.00

Project 2: Community Organisation Resource Centre (CORG):

The Community Organisation Resource Centre (CORG) is a registered NPO which works with grassroots structures as affiliates of Slum Dwellers International (SDI). The SA SDI Alliance through its 2 social movements of the Federation of the Urban and Rural Poor (FEDUP) and the Informal Settlement Network (ISN) has a wide reach inside of informal settlements and townships in eThekweni. The CORC, along with 3 other SDI-affiliated organisations, entered into a Memorandum of Agreement with the eThekweni Municipality in 2018, agreeing to a shared vision and principles with regard to informal settlement upgrading:

SETTLEMENT	JOB TYPES AND NUMBERS	TOTAL JOBS
KwaBeste - Area 10 (Ward 47)	- Cleaning, greening of spaces (10) - Food security (10) - Community safety (5) - Recycling (5)	30
KwaMathambo (Ward 34)	- Cleaning, greening of spaces (10) - Food security (10) - Community safety (5) - Recycling (5)	30
Malacca (Ward 34)	- Cleaning, greening of spaces (10) - Food security (10) - Community safety (5) - Recycling (5)	30
Sim Place (Ward 34)	- Recycling (5) - Food Security (10) - Cleaning, greening of spaces (10) - Community Safety (5)	30
	TOTAL	120

Budget:

Settlement	Ward	Worker Pay (30)	Supervisor Pay (2)	Total Wages	Overheads (S67 contract figure)	TOTALS
Besters-Area 10	47	R701 265,60	R60 000,00	R761 265,60	R300 000,00	R1 061 265,60
KwaMathambo	34	R701 265,60	R60 000,00	R761 265,60	R300 000,00	R1 061 265,60
Malacca	34	R701 265,60	R60 000,00	R761 265,60	R300 000,00	R1 061 265,60
Sim Place	34	R701 265,60	R60 000,00	R761 265,60	R300 000,00	R1 061 265,60
TOTALS		R2 805 062,40	R240 000,00	R3 045 062,40	R1 200 000,00	R4 245 062,40

Project 3: Project Preparation Trust of KZN (PPT):

The PPT has the necessary capacity and experience to successfully undertake the initiative. The PPT is a well-established and registered non-governmental organization (NGO) and non-profit organisation (NPO) with a proven track record of more than 25 years in supporting communities, CBOs and government in preparing, planning, managing and implementing a wide range of initiatives benefitting poor people (i.e. pro-poor projects) including informal settlement upgrading initiatives within eThekweni Municipality and more broadly in the Province of KwaZulu-Natal and South Africa. It is recognised that the PPT has extensive specialist capacity and experience relevant to informal settlement upgrading and that it has over the years secured substantial donor funding for purposes of numerous pro-poor projects in the Municipality, including those relating to informal settlement upgrading, housing, early childhood development, municipal infrastructure and the informal economy.

It is also recognised that the PPT has been a partner of the Municipality on the EU-funded iQhaza Lethu Incremental Upgrading Partnership Initiative and as such is uniquely positioned to support the municipality and communities in the identified priority upgrading focus areas. The PPT has the necessary financial, project management and administrative capacity to effectively hold a contract with the Municipality and discharge its responsibilities in respect of the Project, noting that it has a successful track record in successfully executing numerous similar projects and has a clean audit history in this regard. The Municipality and the PPT have a long history of collaboration in respect of informal settlement upgrading and other pro-poor initiatives, including those pertaining to early childhood development and the informal economy. Amongst others, the eThekweni and the PPT have recently collaborated successfully on the iQhaza Lethu Incremental Upgrading Partnership initiative from 2018-2022 (which was EU co-funded). It is noted that the PPT has secured significant donor funding for various pro-poor developmental initiatives in the Municipality over the past 20 years and has also collaborated successfully with and support the Municipality in respect of other initiatives such as Early Childhood Development (ECD), the informal economy and micro-enterprise development.

The PPT will act as the support organisation for, with and on behalf of the seven identified grassroots CBOs in the seven targeted informal settlement communities, it being recognised that these CBPs lack a recognised legal form as well as the necessary financial and administrative capacity to contract directly with the Municipality.

Budget:

Project / site	Ward	Site s	Jobs	Wages (6 Months)				Overhead	Total Budget
				Gen worker	CDC	Admin Supp	Totals Wages		
Progress place	72	1	6	111 785	30 768	0	142 553	64 170	206 723
Ezimbileni	22	1	8	134 142	30 768	91 568	256 478	107 462	363 940
Palmiet & Quarry Road	23	2	18	335 355	61 536	91 568	488 459	205 614	694 073
Havelock, Parkington, Johanna Road	34	3	19	335 355	92 304	91 568	519 227	227 306	746 533

Project / site	Ward	Site s	Jobs	Wages (6 Months)				Overhead	Total Budget
				Gen worker	CDC	Admin Supp	Totals Wages		
Bambayi	54/ 57	1	11	223 570	30 768	0	254 338	106 648	360 986
Hololo City	45	1	5	89 428	30 768	0	120 196	55 674	175 870
Uganda	90	1	10	201 213	30 768	0	231 981	98 153	330 134
Blackburn	35	1	8	156 499	30 768	0	187 267	81 161	268 428
Dakota Beach	90	1	10	178 856	30 768	91 568	301 192	124 453	425 645
		12	95	1 766 201	369 216	366 272	2 501 690	1 070 642	3 572 332
Percentage of total budget>				49,4%	10,3%	10,3%	70,0%	30,0%	100,0%
**Overhead includes: tools & equipment, fire extinguishers, safety equipment, solid waste bins/ mini containment areas, rubbish bags, R10k per site establishment costs, project management & administration (refer to detailed overhead budget and cashflow).									

At the Executive Committee level, the DA recorded their abstention on the matter for further interrogation on the processes followed to appoint the aforementioned Non-Profit Organisations.

With the other Political Parties being in support,

COMMITTEE RECOMMENDS:

- 1.3.1 That Council approves in-principle the establishment and implementation of joint projects with the three (3) Non-Profit Organizations, namely, the Built Environment Support Group (BESG); Community Organization Resource Centre (CORC); and the KZN Project Preparation Trust (PPT) under the Public Employment Programme.
- 1.3.2 That, subject to the approval of .1 above, authority be granted for the Human Settlements Unit; Economic Development Unit; and the Legal and Compliance Unit to prepare and vet contracts as per Section 67 of the Local Government: Municipal Financial Management Act (MFMA) in order to secure the assistance of these organisations in training, managing and otherwise facilitating Public Employment Programme projects in various informal settlements within the eThekweni Municipality aimed to support the economic recovery from the COVID-19 pandemic by creating additional employment that also makes a meaningful impact on industrial and business areas and on townships and the informal sector.
- 1.3.3 That, it be noted that as per the grant conditions, funds may be used to address informal settlement upgrading; the maintenance, development, management, greening and cleaning of public spaces and assets; food security; innovative service delivery; community safety; environmental services and management; digitization and community tourism.
- 1.3.4 That, subject to .1 and .2 above, authority be granted for the City Manager of eThekweni Municipality to sign these Section 67 agreements with the identified non-profit organizations to secure and resource their support and facilitation of the projects listed in the report of the Head: Human Settlements dated 22-09-2022 and to sign minor amendments which do not have substantial financial implications.

Commenting on the matter, the Action SA mentioned that the above report referred to Section 67 of the Local Government: Municipal Finance Management Act 2003, which allowed the Accounting Officer to implement, sustain proper and effective controls and procedures when transferring funds to organisations. Whilst they welcomed the initiative, the Action SA expressed a concern that the report was silent on the processes followed to appoint the three (3) Non-Profit Organizations (NPOs)

The ACDP indicated they were not in support of the matter and expressed reservations about the nomination process and the awarding of the contract. They also submitted that priority had to be given to local NPOs for local economic development purposes.

Meanwhile, the DA noted that funds for this project were allocated by the National Government, and also expressed reservation on the nomination process for the NPOs and whether they were locally based. They mentioned that the PPE Programme had its own issues, including delayed payment, lack of equipment etc. They requested that quarterly updates be provided going forward.

The EFF welcomed the report and extended gratitude to the City for providing youth with employment opportunities, particularly, those from the informal settlements and rural areas. They also encouraged transparency when such projects are to be implemented.

The ANC was in support of the recommendations and emphasised that this initiative would assist to boost local economy through job creation, following the devastating impact of the triple disaster which befell the KZN Province and the City.

As some members were not in support of the recommendations, the matter was put to the vote; With 187 Councillors present; 180 Councillors (ANC – 90, DA – 53; EFF – 23; IFP – 00; ABC – 02; ADEC – 00; AIC – 02; DLC – 01; APF-01; ALJAMAH – 01, ATM - 01, JEP -00; KZNI – 01; MF – 00; MOSA – 00; NFP -01; PFP – 01; PRM – 01; TA – 00; UIM- 01 and VF Plus- 01) were in support of the recommendations and 02 ACDP Councillors voted against the recommendations and 05 Councillors (Action SA – 03 and ACC – 02) abstained on the matter.

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

1.4

Re-Allocation of Funds Across Capital Projects (7/1/2/2):

(Page 89: Human Settlements and Infrastructure Committee - Agenda 2022-11-08)

The Committee received the report for authority to re-allocate savings identified in the approved capital budget for the Electricity Unit for the 2022-2023 Financial Year. It has been identified that expenditure on a certain capital project may not reach its planned spend within this financial year due to delays in the required contract award. The projects have been identified and funds reprioritised in order to execute projects that can spend and to ensure the efficient and prudent capital expenditure for the Unit, therefore the reallocation of funds to other projects is necessary.

Members were advised that the 2022/2023 financial year budget requires to be reviewed to ensure compliance with the Unit's budget allocation. The Underwood S/S Buildings project has been identified for savings in order to complete the required projects. The 11kV switchgear that was budgeted for Underwood S/S Buildings in 2022/2023 financial year has been reprioritised to the following financial year following delays in the contract award. This results in a total savings of R12 000 000.00 (Twelve Million Rand) excl. VAT of which R5 190 000.00 (Five Million One Hundred and Ninety Thousand Rand) will be used for the two (2) projects that have been identified. The balance shall be declared as savings in the mid-term budget adjustment as identified projects listed in Annexure A of the report by the Head: Electricity dated 2022-09-28.

The project funding will be reprioritised from existing funded projects to other projects that could not be completed with a zero increase in the overall bottom line of the 2022/2023 financial year Medium Term Revenue and Expenditure Framework (MTREF) budget.

Accordingly, authority is sought for the reprioritisation of funds in the amount of R5 190 000.00 identified as savings to be used to complete the Jameson Park Substation and Klaarwater Transformer projects within the approved 2022/2023 financial year MTREF.

With the Committee being in agreement.

COMMITTEE RECOMMENDS:

- 1.4.1 That authority be granted for the re-allocation and transfer of funds in the amount of R5 190 000.00 (Five Million One Hundred and Ninety Thousand Rand) identified as savings to be used to complete two projects, namely Jameson Park Substation in the amount of R3 950 000.00 (Three Million Nine Hundred and Fifty Thousand Rand) and Klaarwater Transformer in the amount of R1 240 000.00 (One Million Two Hundred and Forty Thousand Rand) within the approved 2022/2023 financial year MTREF.
- 1.4.2 That subject to approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in the adjustment budget report, the transfer of funds from the projects where savings have been identified to the list of projects where funding is required, as detailed in the report of the Head: Electricity dated 2022-09-28.

Vote No.: 37402.42946.51080.0000.HV037.W018

FC No.: 361/CA0259

Annexure A – LIST OF PROJECTS FOR RE-ALLOCATION OF FUNDS:

SAVINGS IDENTIFIED

BU	Project Description	Approved Budget	Expenditure Forecast	Savings Required	Comments	Contract No.	Status
37402.42946.51080.0000.HV037.W018	Underwood Substation Buildings	R24 000 000	R12 000 000	R5 190 000	Reprioritizing 11kV switchgear to the next financial year	E.9311	Contract at BAC
		R24 000 000	R12 000 000	R5 190 000			

ADDITIONAL FUNDING REQUIREMENTS

BU	Project Description	Approved Budget	Expenditure Forecast	Additional required amount	Comments	Contract No.	Status
37401.42945 .51080.0000. HV015Z1.W 027	Jameson Park Substation	R17 320 000	R24 130 00	R3 950 000	To pay for transformers	E.9307	Awaiting FC which is pending approval of HS & I Report
37401.42945 .51080.0000. HV018BZ	Klaarwater Transformer T21/1R	R960 000	R2 200 000	R1 240 000	To pay for cable sealing ends	EE220	Awaiting FC which is pending approval of HS & I Report

Commenting on matter, the ACC submitted that it was not sustainable for the Municipality to maneuver funds from one project to another.

Thereafter, a **MOTION TO AMEND** was submitted as follows: -

In terms of Rule of Order Bylaw 20(4), Councillor WJD Burne, seconded by Councillor NJ Bollman, moved as a procedural motion to amend the above recommendations of the Executive Committee by the substitution of the words “...unspent funds...” for the word “... savings ...” in the recommendations to read as follows:

“1.4.1 That authority be granted for the re-allocation and transfer of funds in the amount of R5 190 000.00 (Five Million One Hundred and Ninety Thousand Rand) *unspent funds* to be used to complete two projects, namely Jameson Park Substation in the amount of R3 950 000.00 (Three Million Nine Hundred and Fifty Thousand Rand) and Klaarwater Transformer in the amount of R1 240 000.00 (One Million Two Hundred and Forty Thousand Rand) within the approved 2022/2023 financial year MTREF.

1.4.2 That subject to approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in the adjustment budget report, the transfer of funds from the projects where *unspent funds* have been identified to the list of projects where funding is required, as detailed in the report of the Head: Electricity dated 2022-09-28.”

CARRIED

The amendment was unanimously carried.

Reverting back to the substantive matter, the ANC welcomed the report and emphasised that there were projects that were budgeted for, however due to various reasons which included litigation challenges etc, those projects could not be implemented within the specified timeframe. Therefore, it was for those reasons that the funds needed to be transferred to repair substations so that residents could be provided with electricity.

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

1.5

Motivation for Increase in Operating Budget: 2022/2023 Financial Year (7/1/3/2):
(Page 94: Human Settlements and Infrastructure Committee - Agenda 2022-11-08)

The Committee received the report outlining the consequence of the current OPEX budget constraints and the proposed MTREF OPEX related budget cuts and to motivate for additional OPEX funding for the 2022/2023 financial year, to allow for emergency responses to storm damages sustained due to the storm event of the 11 and 12 April 2022. A severe storm affected wide-spread regions of the eThekweni Municipality on 11 - 12 April 2022; such event, combined with continuous rainfall in the preceding days, resulted in high ground saturation levels, and high intensity flow, causing wide-spread damages across large sections of the Municipality.

During this period rainfall intensity exceeded a 1:100-year event for catchments responding to this duration storm. It is to be noted that the ground was already saturated at the time that the storm struck. The effect of this is to increase the runoff for a particular intensity since there is no infiltration or storage prior to the runoff beginning. As a result, there has been loss of life, substantial damage to Council and private infrastructure as well as severe inconvenience to residents & businesses alike.

Arising from such event, significant damages were recorded, such requiring Roads and Stormwater Maintenance (RSWM) to undertake clean-up operations as well as commence repair works where such was possible. The current budget constraints, detailed above and further discussed below, prohibit the respective departments from effectively responding to the works required to reinstate/repair infrastructure and require urgent review and consideration to ensure the departments are able to meet their service delivery mandates.

Overview of funding to date:

The eThekweni Municipality is currently facing financial constraints, arising from higher expenditure levels in relation to available funding. For the last 3 successive years, OPEX related budget cuts have been applied; concurrently with such cuts, the cost of providing services has been increased at above inflation rates. Further, in the financial year 2021/2022, OPEX budget shortfalls were noted by February 2022. Through engagement with Treasury, an additional R20 000 000.00 (Twenty Million Rand) was made available to RSWM, prior to the flood events, to allow operations to continue. Such funds are fully committed at this stage.

Roads and Stormwater Maintenance is affected by the recent budget cuts to do their day-to-day maintenance work. This unfortunately has a serious knock-on effect on the service delivery to the communities of eThekweni Municipality. The most affected votes are repairs and maintenance as well as material supply. The recent disaster event has placed further demand on the Department's OPEX budget, which is insufficient to respond to the repairs and maintenance requirements arising. As a result of the above cuts and infrastructure repair requirements, the RSWM department find itself unable to respond to OPEX related works over the full course of the year and works arising from the flood event of 11 - 12 April 2022. The funding shortfall has a consequential impact on service delivery and maintenance of assets. Additional OPEX funding is urgently required at this stage to support the above activities.

2022-23 Materials Requirements

The following table outlines the material requirements per region, for the 2022/2023 financial year:

22/23 FINANCIAL YEAR				
14300- MATERIALS				
Region	Contract Number	Available	Required additional	Total
WEST	Multi Contract No.	R2 655 270,00	R4 000 000,00	R6 655 270,00
NORTH	Multi Contract No.	R4 543 580,00	R8 000 000,00	R12 543 580,00
NORTH C	Multi Contract No.	R4 543 580,00	R8 000 000,00	R12 543 580,00
WEST C	Multi Contract No.	R4 543 580,00	R8 000 000,00	R12 543 580,00
SOUTH C	Multi Contract No.	R4 543 580,00	R8 000 000,00	R12 543 580,00
SOUTH	Multi Contract No.	R4 543 580,00	R4 000 000,00	R8 543 580,00
	TOTAL	R25 373 170,00	R40 000 000,00	R65 373 170,00

In addition to the above, an additional R20,000,000 is required in the 2022/2023 period, in order to respond to damages arising from the recent flood events.

- Material and related : R20m

Financial requirements – 2022/2023 financial year – FY2024/2025

In addition to the above, RSWM requires additional OPEX budget allocation of R215 281 305.70, over the next 3-year period, to support the following repairs and maintenance related contracts:

Description	Total Value	FY22/23	FY23/24	FY24/25
Stormwater Cleaning	R67 865 605,71	23 209 165,43	23 209 165,43	23 209 165,43
Stormwater Inspections	R12 290 921,40	7 347 833,45	7 347 833,45	-
Roads Reserve Maintenance	R64 527 236,42	22 848 409,60	22 848 409,60	22 848 409,60
Maintenance of Sidewalks	R70 597 542,20	34 071 228,78	34 071 228,78	-
TOTAL	R215 281 305,73	R87 476 637,26	R87 476 637,26	R46 057 575,03

The following projects have been delayed from January 2022 to July 2022 to accommodate for the budget shortage of January 2022 during the budget adjustment budget.

- Stormwater cleaning (36-month contract)
- Stormwater inspection (24-month contract)
- Road Reserve Maintenance (RRM) 1 (36-month contract)
- Maintenance of Sidewalks (24-month contract)

Past discussion with Treasury indicated that budget will be made available in July 2022. At this stage, the procurement process on the above works is far advanced and pending submission to the BEC; submission of such is dependent on the issuing of financial certificates (FC) to support the contracts.

These are multi-year projects which need to be budgeted for in the next 24/36 months. Serious implications will be experienced if these are not catered for such as:

- Possible flooding during rainy seasons due to stormwater blockages
- Non maintained sidewalks
- Non maintained road reserves on high order roads

11580- REPAIRS & MAINTENANCE					
Region	Contract Number	Contract Sum	22/23	23/24	24/25
NC	1M-47177	R12 433 528,50	R4 252 627,14	R4 252 627,14	R4 252 627,14
N	1M-47178	R12 586 060,00	R4 304 797,33	R4 304 797,33	R4 304 797,33
SC	1M-47179	R19 113 004,10	R6 537 201,40	R6 537 201,40	R6 537 201,40
S	1M-47180	R6 447 000,00	R2 205 300,29	R2 205 300,29	R2 205 300,29
WC	1M-47181	R10 298 960,00	R3 522 542,84	R3 522 542,84	R3 522 542,84
W	1M-47182	R6 987 053,11	R2 386 696,43	R2 386 696,43	R2 386 696,43
	TOTAL	R67 865 605,71	R23 209 165,43	R23 209 165,43	R23 209 165,43

Stormwater Inspection (24-Month Contract)

Region	Contract Number old)	Contract Sum	22/23	23/24	24/25
NC	1M-34453	R2 024 526,00	R1 210 314,46	R1 210 314,46	
N	1M-34446	R2 920 908,00	R1 746 195,00	R1 746 195,00	
SC	1M-34451	R2 284 446,00	R1 365 701,41	R1 365 701,41	
S	1M-34452	R1 406 737,20	R840 984,20	R840 984,20	
WC	1M-34448	R2 139 574,80	R1 279 093,63	R1 279 093,63	
W	1M-34449	R1 514 729,40	R905 544,75	R905 544,75	
	TOTAL	R12 290 921,40	R7 347 833,45	R7 347 833,45	

RRM 1 (36 Months Contract)

<u>Region</u>	<u>Contract Number</u>	<u>Contract Sum</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>
Central	1M-47724	R17 279 210,00	5 909 990,67	5 909 990,67	5 909 990,67
Central	1M-47725	R15 413 703,92	5 271 933,36	5 271 933,36	5 271 933,36
Central	1M-47726	R16 651 206,00	6 461 388,99	6 461 388,99	6 461 388,99
Central	1M-47727	R15 183 116,50	5 205 096,58	5 205 096,58	5 205 096,58
	TOTAL	R64 527 236,42	22 848 409,60	22 848 409,60	22 848 409,60

Sidewalks (24 Mont Contract)					
Region	Contract Number	Contract Sum	22/23	23/24	24/25
WEST CENTRAL	1M-46369	R12 444 874,50	R5 674 592,25	5674592,252	
WEST	1M-46370	R10 986 985,00	R5 350 184,00	5350184	
SOUTH	1M-46371	R9 720 986,80	R4 679 357,00	4679357	
SOUTH CENTRAL	1M-46372	R11 190 771,90	R5 449 419,36	5449419,361	
NORTH CENTRAL	1M-46373	R13 003 924,00	R6 465 502,25	6465502,252	
NORTH	1M-46374	R13 250 000,00	R6 452 173,91	6452173,913	
	TOTAL	R70 597 542,20	R34 071 228,78	R34 071 228,78	

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.5.1 That Council notes that the reduction in the operating budget of the Roads, Stormwater and Maintenance Department has the negative impact on service delivery and with a risk of possible flooding in the event of heavy rains due to stormwater blockages; non-maintained sidewalks and non-maintained road reserves.
- 1.5.2 That the operating budget allocation for the Roads, Stormwater and Maintenance (RSWM) Department be reviewed, to ensure that the department is able to maintain existing assets over the next three years, whilst the water infrastructure network is being prioritized for investment, to ensure that the Engineering Unit is, at the very least, able to meet current contractual obligations and avoid litigation and irregular expenditure issues and, further, is able to offer a level of service delivery in keeping with the residents' expectations and the Municipality's legal obligations.
- 1.5.3 That, an additional amount of R20 000 000.00 (Twenty Million Rand), excluding VAT, be made available for the RSWM Department in the 2022/2023 financial year for materials-related funding requirements in response to floods-related damages.
- 1.5.4 That the operating expenditure funding be made available to the RSWM Department over the 2022/2023 financial year, 2023/2024 financial year and the 2024/2025 financial year, based on the following allocation:

Description	Total value (excl. VAT)	FY22/23	FY23/24	FY24/25
Stormwater Cleaning	R67 865 605.71	R23 209 165.43	R23 209 165.43	R23 209 165.43
Stormwater Inspection	R12 290 921.40	R7 347 833.45	R7 347 833.45	-
Roads Reserve Maintenance	R64 527 236.42	R22 848 409.60	R22 848 409.60	R22 848 409.60
Maintenance of Sidewalks	R70 597 542.20	R34 071 228.78	R34 071 228.78	-
TOTAL	R215 281 305.73	R87 476 637.26	R87 476 637.26	R46 057 575.03

- 1.5.5 That authority be granted for the Deputy City Manager: Human Settlements and Infrastructure to submit a report on the maintenance plan to the Human Settlements and Infrastructure Committee for information purposes.

Speaking on the item, the ACC supported the matter in-principle, however, they cited that the items listed on the report indicated lack of proper planning from the Municipality. They mentioned that stormwater cleaning, amongst the other issues, needed to be undertaken timeously, so that basic needs of the City could be achieved.

The DLC welcomed the recommendations and highlighted that the April floods had a devastating impact and caused inconvenience to ratepayers and businesses. Therefore, urgent funding was required to repair the damaged infrastructure. However, a submission was made that firm oversight in this regard, had to be exercised so that the repairs are undertaken urgently with quality workmanship.

The NFP also joined and supported the recommendations and further acknowledged the infrastructural challenges within the City. They emphasised that the Council oversight role had to be intensified.

Meanwhile, the ANC submitted that other challenges emanated during the Covid-19 period where the Municipality was unable to collect sufficient revenue to undertake critical service delivery matters, including maintenance and rehabilitation of infrastructure. They indicated that the proposed budget adjustment would assist to repair the infrastructure.

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

- 1.6 Motivation to Increase Operating Budget for the Coastal Stormwater and Catchment Management Department (7/1/3/2):
(Page 100: Human Settlements and Infrastructure Committee - Agenda 2022-11-08)

The Committee received the report outlining the consequence of the current OPEX budget constraints and the proposed MTREF OPEX related budget cuts. A motivation was then submitted to allocate additional OPEX funding in the 2022/2023 financial year, to allow for emergency responses to storm damages sustained due to the storm event of the 11 - 12 April 2022.

A severe storm affected wide-spread regions of the eThekweni Municipality on 11 - 12 April 2022. Such event, combined with continuous rainfall in the preceding days, resulted in high ground saturation levels, and high intensity flow, causing wide-spread damages across large sections of the Municipality. During this period rainfall intensity exceeded a 1:100-year event for catchments responding to this duration of the storm. It is to be noted that the ground was already saturated at the time that the storm struck. The effect of this is to increase the runoff for a particular intensity since there is no infiltration or storage prior to the runoff beginning. As a result, there has been loss of life, substantial damage to Council and private infrastructure as well as severe inconvenience to residents and businesses alike.

Arising from such event, significant damages were recorded to Coastal Stormwater and Catchment Management (CSCM) infrastructure. The current budget constraints prohibit the respective departments from effectively responding to the works required

to reinstate/repair infrastructure and require urgent review and consideration to ensure the Departments are able to meet their service delivery mandates.

Overview of funding to date:

The eThekweni Municipality is currently facing financial constraints, arising from higher expenditure levels in relation to available funding. For the last 3 successive years, the OPEX related budget cuts have been applied; concurrently with such cuts, the cost of providing services has been increased at above inflation rates. As a result of the above cuts and infrastructure repair requirements, the CSCM Department find itself unable to respond to the OPEX related works over the full course of the year. The funding shortfall has a consequential impact on service delivery and maintenance of assets. Therefore, additional operating budget is required in the 2022/2023 financial year and subsequent years to deal with the demand.

Below are the stats for the last 4 years that indicates the deficiency of the budget allocated vs demand:

Financial Year	Original Budget (Rm)	Actuals Expenditure (Rm)	% Spend Actual Spend/ Original Budget
2021/22	42,770	65,692	153%
2020/21	42,270	84,785	200%
2019/20	38,352	67,500	176%
2018/19	31,826	46,070	145%

Financial requirements – FY22/23

The 2022/2023 financial year funding requirements, to address critical stormwater repairs is summarised below:

Department	Description	Current Budget (2022/2023) (Rm)	Additional required for 2022/2023 (Rm)	Total Required for 2022/2023 (Rm)
CSCM	Vote 46300.1158 Maintenance of Unspecified Assets	42,000	40,000	82,000
TOTAL				82,000

With the Committee being in agreement.

COMMITTEE RECOMMENDS:

- 1.6.1 That Council notes that the reduction in the operating budget of the Coastal Stormwater and Catchment Management (CSCM) Department has the negative impact on service delivery relating to the repairs and/or maintenance of the CSCM infrastructure.
- 1.6.2 That the OPEX funding allocation for the CSCM be reviewed to ensure that the department is able to proceed with critical emergency repairs to ensure that the Engineering Unit is able to offer a level of service delivery in keeping with the residents' expectations and the Municipality's legal obligations.

1.6.3 That approval be granted to allocate additional funds in the amount of R40 000 000.00 (Forty Million Rand) to be made available for the CSCM for the maintenance of assets in the 2022/2023 financial year (Vote Number 46300.11580-Maintenance of Unspecified Assets), subject to the availability of savings, as and when such are available within the eThekweni Municipality.

1.6.4 That the OPEX funding requirements for the outer MTREF consider the maintenance requirements and obligations of the Department and the provision of appropriate levels of funding, based on past expenditure and demand to inform future planning.

Financial Implications:

Department	Description	Current Budget (Rm)	Additional required for 22/23 (Rm)	Total Required for 22/23 (Rm)
Coastal Stormwater and Catchment Management	Vote 46300.1158 Maintenance of unspecified assets	42,000	40,000	82,000
TOTAL				82,000

ADOPTED.

1.7 Request for Approval and Implementation of the eThekweni Road Safety Plan 2022-2026 (26/2/4/1/1):
(Page 254: Human Settlements and Infrastructure Committee - Agenda 2022-11-08)

Authority is sought to approve the eThekweni Municipality Road Safety Plan for the period 2022-2026, as developed by the eThekweni Transport Authority (ETA). The Plan highlights key programmes to be implemented and is in alignment with the second United Nations Decade of Action for Road Safety 2021-2030.

In order to achieve reduction in pedestrian and motor vehicle crashes and to increase road safety awareness, the ETA implemented the campaigns/programmes tabled below, and some, which are in line with the Road Safety Plan:

▪ Adult Pedestrian/Passenger Road Safety Awareness Campaigns:

The objective of this campaign was to educate pedestrians and passengers on safe behaviours when walking and using public transport. These campaigns took place at bus/taxi ranks, community fairs and high crash locations.

▪ Primary Schools Road Safety Awareness Programme:

The Primary School Road Safety Awareness Programme was a primary intervention of the eThekweni Road Safety Plan 2017-2021. This programme targeted all learners at the 850 Primary Schools in eThekweni in a three-year cycle. The objective of this programme was to reduce child pedestrian crashes and this programme was based on the following key road safety design elements:

Key Road Safety Design Elements:

- ✓ Education should be based on practical training in a realistic road environment such as training in crossing streets, crossing near parked cars and crossing at intersections.
- ✓ Training should be regular, frequent and combined with practice.
- ✓ Training must consider the educational, cultural, transport and financial circumstances.
- ✓ Programs should be multi-modal (didactic, interactive, simulation, real life).
- ✓ Teaching methods should be consistent with the developmental level of the child.

▪ **Safe Schools Programme:**

There were four projects that were implemented under this programme i.e., eThekweni Safe Schools Project, Safe to School and Safe to Home project, Walk this Way project and the ETA/SARF schools' competition.

eThekweni Safe Schools Project - this project was implemented as a pilot project in 2016 - 2018. It was funded by the Janssen Pharmaceutical Company via FIA foundation and the Global Road Safety Partnership (GRSP). The risk criteria were based on the high child pedestrian crashes, an assessment of unsafe locations on routes to schools, high proportion of learners that walk to school and a commitment of participation from the school's management. A total of eight schools were identified to participate in this project using the criteria based on the risk assessment by the ETA and GRSP.

Safe to School Safe to Home - This pilot project was launched in 2019 as a result of the recommendations from the eThekweni Safe Schools Project. This programme focused on learner transport drivers and how to improve the safety of learners who are being transported to school. This project focuses on driver training, vehicle fitness and raising awareness of parents and care givers regarding the safety of learner transport. This project is implemented in partnership with Toyota and Netstar, with funding administered by the National Road Safety Partnership (SA).

ETA/SARF Schools' Competitions - The ETA together with the South African Road Federation (SARF) launched the ETA/SARF Poetry and Speech Schools' Competition in 2018. The objectives of this competition were to support and complement the National Curriculum statement on road safety education and delivery in schools, promote good road safety practices among the learners in schools and to raise and maintain public awareness of Road Safety among primary school learners. The learners were required to display through poetry and speech, the road safety knowledge and skills gained during the road safety lessons and activations that have been conducted in schools.

Walk this Way Project - In 2019, Childsafe in partnership with the ETA and the KZN Department of Transport (DoT) launched a "Walk this Way" pilot project. This project was one of several Childsafe projects aimed at keeping children away from harm. The Walk This Way project was a multilevel child pedestrian intervention for schools in "high risk" route areas. The aim of this project was to improve school learners' road safety knowledge and to introduce environmental modifications with the support of local Road Safety Partners.

This programme was launched as a pilot in 2019. This project had three phases which were:

- ✓ Road safety education for learners and parents
- ✓ Road user needs assessments on school roads and
- ✓ Modification of the environment around the school for safer pedestrian journeys to and from school.

From the five schools that were identified to participate, all schools received road safety training for the teachers, learners and the parents. Three of the five participating schools also received environmental modification where their road safety challenges that affected them were addressed through engineering interventions.

▪ **Festive Season - Road Safety Awareness Programme:**

The objective of this programme was to heighten road safety awareness and improve the road safety culture. The festive season road safety awareness programme was initiated in 2013 and conducted during the festive season at the Durban beaches. This programme was not specifically a part of the Road Safety Plan but formed part of the public awareness programme of the ETA. Since its inception in 2013 there has been tremendous growth and positive output from this programme and 2016 was the highlight. The beach awareness campaign targeted thousands of beach goers which included both children and adults who come to the eThekweni beaches every year during the festive season. This awareness programme included various road safety activities such as songs, presentations, competitions, and other various edutainment activities. This Programme was downscaled in 2019 due to budget constraints.

▪ **Freight Programme:**

The objective of this programme was to reduce heavy vehicle crashes and to improve the safety standards of the freight industry. The freight programme focused on the M7, which is the main freight corridor in the City. A working group comprising representatives from the ETA, Roads and Storm Water Department, contractors and Metro Police was established in 2014 to ensure that Solomon Mahlangu Drive (M7) is proactively maintained and managed. This was a secondary intervention of the eThekweni Road safety Plan (2017-2021) and was an element of the Road Safety Initiatives on freight routes. This programme was divided into three components, freight engineering interventions, freight education and awareness and lastly freight enforcement.

During discussion at the Support Committee level, Members requested the Head: eThekweni Transport Authority to submit a report on the implementation plan with timelines to the Human Settlements and Infrastructure Committee for information and also to ensure that Councillors are invited when such programmes are implemented in order to play an oversight role.

Upon consideration at the Executive Committee level, the significance to prioritize road safety, specifically for children was acknowledged. A proposal being made that the requested amount for the duration of four (04) years (2022-2026) had to be exclusive of the current year, on the basis that the Municipality is still under financial strain and that currently, there is an urgent need to address the challenge of sewer spillages within the City.

Thereafter, the DA Members abstained at this stage; and with the majority of the Political Parties being in support,

COMMITTEE RECOMMENDS:

- 1.7.1 That Council approves the eThekweni Municipality 2022-2026 Road Safety Plan as contained in the Report by the Head: eThekweni Municipality, and which Plan comprises activities to be undertaken to promote road safety within the eThekweni Municipal area.
- 1.7.2 That, subject to the approval of .1 above, authority be granted for the Head: eThekweni Transport Authority to implement the Road Safety Plan, which will also require participation by a number of role players, who will need to mobilize funding resources associated with their activities and responsibilities individually and collectively with the ETA, and with the Road Safety Plan being funded within the Road Safety Branch and with the operating budget in the amount of R3 252 340.00 (Three Million Two Hundred and Fifty Two Thousand Three Hundred and Forty Rand) being allocated during the 2022/2023 financial year and the amount of R9 660 000.00 (Nine Million Six Hundred and Sixty Thousand Rand) being allocated in the 2022/23 capital budget of the ETA.
- 1.7.3 That the budget provision for the other programs within the ETA has been made as follows:
- a) *Public Transport Service Improvement Incentives Program* to promote safe provision of services by the minibus-taxi sector for which R77 000 000.00 (Seventy-Seven Million Rand) has been provided in the 2022/23 Medium Term Expenditure Revenue Framework (MTERF).
 - b) *Non-Motorized Transport and Safety Improvement Programs* focusing on the development of pedestrian walkways and bridges, traffic calming, and installation and management of traffic signals for which R213 867 200.00 (Two Hundred and Thirteen Million Eight Hundred and Sixty-Seven Thousand Two Hundred Rand) has been provided in the MTERF
 - c) Over and above, the current budget provisions, which support the implementation of parts of the Road Safety Plan, it has been estimated that an increased allocation of budget for the Road Safety Branch is required for an effective and sustainable implementation of the plan. It is estimated that an amount of R45 000 000.00 (Forty-Five Million Rand) capital budget and R7 000 000.00 (Seven Million Rand) operational budget, will be required for this purpose.
 - d) That a separate report to address funding allocation will be submitted to the Human Settlements and Infrastructure Committee for approval as part of the budget process for the 2023/2024 MTERF.
- 1.7.4 That authority be granted for the Head: eThekweni Transport Authority to unpack the various activities relating to this programme and to proceed with the campaigns and programme/projects contained in the eThekweni Transport Safety Plan 2022-2026, as described in the report and subject to funding availability.
- 1.7.5 That the Head: ETA facilitates the development of strong partnerships with the Provincial Government role-players and the private sector, for effective and efficient implementation of the Road Safety Plan.

- 1.7.6 That the annual implementation be aligned to existing budgetary provisions and that where additional budget is warranted this be motivated as part of the budgeting process.

Commenting on the matter, the ACC was in support of the recommendations, however, emphasised that road rehabilitation needed to be prioritized over and above the awareness campaigns.

The ANC submitted that the intention of the proposed programme by the eThekweni Transport Authority was to reduce road incidents, particularly, for children, through installation of speed humps, awareness programmes, monitoring of school transportation etc.

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

2. **DIRECT EXCO REPORTS**

2.1 **AUTHORITY TO ISSUE MUVO CARDS TO THE PUBLIC AT NO COST FOR A LIMITED PERIOD DUE TO THE MANDATORY REQUIREMENT TO REPLACE EXPIRED CARDS (16/3/1/5)**

(Page 1)

It was recalled that the above matter was considered by the Municipal Council at its meeting of 2022-10-27. That a decision was taken to refer the matter back to the Executive Committee to undertake costs analysis given the proposed expenditure of R1 000 000.00 (One Million Rand) whereas, in terms of the content of the report, a number of twenty-two thousand (22 000) cards were to be replaced at the cost of R20.00 (Twenty Rand) per card. That this then amounted to R440 000.00 (Four Hundred and Forty Thousand Rand), according to the opinion raised during the Council meeting.

At its meeting of 2022-11-15, the Executive Committee considered a supplementary report which contained revised expenditure breakdown. The report indicated that the expenditure to be incurred to replace expired Muvo cards amounts to R927 245.00 (Nine Hundred and Twenty-Seven Thousand Two Hundred and Forty-Five Rand), including VAT. That approximately 22 000 (twenty-two thousand) Muvo cards will be replaced at the cost of R36.65 (thirty-six rand and sixty-five cents) each, excluding VAT.

Notwithstanding the explanation given, the DA (02) abstained at this stage as they were of the view that what was raised during Council has not been addressed. Meanwhile, the EFF (01) supported the matter in-principle subject to the figures being revised. With the ANC (03) and ABC (01) also being in support of the matter,

COMMITTEE RECOMMENDS:

That authority be granted to the Head: eThekweni Transport Authority to incur expenditure in the amount of R927 245.00 (Nine Hundred and Twenty Seven Thousand Two Hundred and Forty Five Rand), including VAT for the replacement of approximately 22 000 (twenty two thousand) Muvo Cards at no cost for a limited period.

Vote Number: 52200/14105.33/12120/0000/MRC01/0010
FC Number: 2023/50/006

Supplementary Information:

Card Procurement Cost (2021/2022) excl. VAT	R36.65 per card
Quantity to be replaced	22 000
Total Cost (excluding VAT)	R806 300.00
VAT	R120 945.00
Total Cost (including VAT)	R927 245.00

Speaking on the matter, the ACDP noted the programme and that it was intended to assist commuters, particularly, during the current state of the economy. It being recalled that the matter had been previously dealt with by Council and that the matter was referred back to the Committee for further consideration. The ACDP dissented on the matter and expressed reservations on the allocated amount for the programme.

Whereas the ANC was in support of the matter on the basis that issues which had been previously raised by Council had been rectified. They mentioned that the Municipality had a responsibility to provide its residents with affordable, efficient and safe transport system.

As some members were not in support of the recommendations, the matter was put to the vote; With 177 Councillors present; 126 Councillors (ANC – 88, EFF – 20; IFP – 00; ABC – 02; Action SA – 03 and ACC – 02; ADEC – 00; AIC – 02; DLC – 01; APF-00; ALJAMAH – 01, ATM - 01, JEP -00; KZNI – 01; MF – 00; MOSA – 00; NFP -01; PFP – 01; PRM – 01; TA – 00; UIM- 01 and VF Plus- 01) were in support of the recommendations and 02 ACDP Councillors voted against the recommendations and 49 DA Councillors abstained on the matter.

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

2.2

APPROVAL OF THE ETHEKWINI MUNICIPALITY 2022-2023 TOP STRATEGIC RISKS (2/10/1/1/8)

(Page 4)

Authority is sought for Council to approve the 2022-23 top strategic risks, in line with Section 62 (1) (c) (i) of the Local Government: Municipal Finance Management Act (MFMA) 56 of 2003. In terms of the said Act, the Accounting Officer has a responsibility to ensure that the Municipality has and maintains effective, efficient, and transparent systems of Financial & Risk Management and Internal Controls. Section 78 of the MFMA further allows the Accounting Officer to extend general responsibilities to Senior Managers and other Officials within the Municipality, the similar responsibilities for risk management in order to ensure same within their areas of responsibilities.

The requirements of the Enterprise Risk Management Framework dictates that the strategic risks profile be developed on an annual basis to identify risks that have potential to threaten the achievement of the Municipality's objectives. The strategic risks are those risks that may hinder/prevent the Municipality from achieving its objectives as defined in the Annual Business Plan and the Integrated Development Plan. Other strategic risks are those which if they materialise, the impact of exposure may cut across all and/or majority of the Municipal operations and affect delivery of basic services. While others require a strategic intervention and/or decision as a response or treatment plan to manage the risk exposure.

In this regard, the aim is to focus on the top strategic risks that are likely to hinder the Municipality from achieving targeted strategic objective during the 2022-23 financial year. The risk management process is forward looking, not historic and requires that reviewal of the risk profile be conducted quarterly in order to take into account operational changes that may alter objectives.

The profile is also subject to review and amendment through identification of emerging and materialised risks and opportunities on an ongoing basis, which are reported at various risk governance structures. This strategic risks profile serves to communicate and engage leadership together with all employees in understanding the Municipal areas that require proactive management.

The 2022-2023 eThekweni Municipality' top strategic risks are as follows:

- (i) Financial Sustainability;
- (ii) Economic Development and Job Creation;
- (iii) Human Capital;
- (iv) Cyber and IT Information;
- (v) Environmental, Health, Safety and Social Inclusion;
- (vi) Business Continuity and Resilience
- (vii) Basic Service Delivery;
- (viii) Fraud, Theft and Corruption;
- (ix) Asset Management and Infrastructure Risk;
- (x) Climate Change and Disaster Response;
- (xi) Political Risk and
- (xii) Safety, Security and Emergency.

In view of the foregoing;

COMMITTEE RECOMMENDS:

That Council approves the 2022-2023 eThekweni Municipality top 10 strategic risks, as listed below:

- (i) Financial Sustainability;
- (ii) Economic Development and Job Creation;
- (iii) Human Capital;
- (iv) Cyber and IT Information;
- (v) Environmental, Health, Safety and Social Inclusion;
- (vi) Business Continuity and Resilience
- (vii) Basic Service Delivery;
- (viii) Fraud, Theft and Corruption;
- (ix) Asset Management and Infrastructure Risk;
- (x) Climate Change and Disaster Response;
- (xi) Political Risk and
- (xii) Safety, Security and Emergency.

Speaking on the matter, the DLC noted that Fraud, Theft and Corruption Risk was listed as the eighth (08) strategic risk factor. Thereafter, a submission was made that the aforesaid risk had to be listed as number one (01) on the list, it being cited that elimination of this risk would result in the City being financially stable to provide quality services. That it was also crucial for the Municipality to provide officials with necessary tools to carry out their responsibilities effectively.

The DA acknowledged the report and emphasised that identification of risks should not be treated as a tick box exercise. They mentioned that one of the identified risks which was Fraud, Theft and Corruption might be a challenge to address, it being cited that an employee from the City Integrity and Investigation Unit (CIU) which was tasked to investigate corruption activities within the Municipality had been allegedly charged with fraudulent activities, mention being made that this act by the employee compromises the Municipality's fight against corruption.

Meanwhile, the ANC also noted the top ten (10) risk factors, with Financial Stability being placed as number one (01). They highlighted that the aforesaid risk posed a threat to service delivery. They mentioned that the Organisational Structure had to be in line with the Municipal core functions. It was advised that the Climate change issues and the Disaster Response which were also one of the risks were being attended to, reference being made to early weather warning system which the Municipality had installed.

On the issue of an employee from the CIU, it was advised that a letter of intention to suspend the employee has been issued, however, the implicated employee had subsequently resigned. However, it was mentioned that a follow-up would also be made for the Municipality to recover funds which might have been lost.

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

2.3

SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED 30 SEPTEMBER 2022. (2/10/1/1/9)

(Page 135)

COMMITTEE RECOMMENDS:

That in terms of the Local Government: Municipal Finance Management Act 2003, Circular No. 13, the Service Delivery and Budget Implementation Plan for the Quarter 1 ended 30 September 2022, which reflects an overall achievement of 64.02% for the eThekweni Municipality, and with its entities, Inkosi Albert Luthuli International Convention Centre recording 87.50% achievement and the Durban Marine Theme Park (Ushaka Marine World), recording 75.00%, be noted.

Summary of KPIs Per Plan:

Plan No	Plan Name	Achievement Rate (%)
1	Develop and sustain our Spatial, Natural and Built Environment	83.33%
2	Developing a Prosperous, Diverse Economy and Employment Creation	70.83%
3A	Creating a Quality Living Environment	58.70%

Plan No	Plan Name	Achievement Rate (%)
3B	Creating a Quality Living Environment	40.00%
3C	Creating a Quality Living Environment	33.33%
4A	Fostering a Socially Equitable Environment	50.00%
4B	Fostering a Socially Equitable Environment	57.14%
5	Supporting Design, Human Capital Development and Management	82.35%
6A	A vibrant and creative City - the foundation for sustainability and social cohesion	75.00%
6B	Stadia Facilities Unit	75.00%
6C	Agro Ecology	66.67%
7A	Good Governance and Responsive Local Government	54.55%
7B	Good Governance and Responsive Local Government	85.71%
7C	Good Governance and Responsive Local Government	75.00%
8	Financially Accountable and Sustainable City	71.88%
	Overall Achievement	64.02%

Plan No	Plan Name	Achievement Rate (%)
21	ICC	87.50%
	Ushaka	75.00%

NOTED.

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

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-11-22)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), A Beetge, NI Madlala, T Miya, TM Mthethwa and T Sabelo.

ABSENT : Executive Committee Members PG Mavundla (Deputy Mayor - Indisposed), Y Govender (Personal Commitments), MS Nkosi (Personal Commitments) and ZR Sokhabase (Municipal Business).

1. REPORT OF THE FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE: MEETING HELD 2022-11-16

(Page R1)

1.1 Progress Report of R1.5 Billion Borrowing for Capital Projects (7/3/1/1/2):
(Page 23: Finance, Security & Emergency Services Committee - Agenda 2022-11-16)

The Committee noted that eThekweni Municipality is in the process of issuing a Request for Proposal (RFP) inviting lenders to provide the Municipality with an annuity loan, as part of the long-term debt finance for the Municipal Capital Budget

for the 2022/2023 Financial Year as approved in Medium Term Revenue and Expenditure Framework (MTREF).

It was recalled that on 2022-06-07, Council had approved the Capital Budget for a three (03) year MTREF period (2022/2023, 2023/2024, 2024/2025). That the Municipality will utilise a combination of bilateral long-term loans from Commercial Banks, Development Finance Institutions as well as bonds through the Domestic Medium-Term Note Programme. That the split between these methods of funding will be determined using the debt capital market sentiments based on investor interest. A combination of the funding instruments, in appropriate proportion will ensure that the planned R1, 5 Billion borrowing is met accordingly.

The proposed brief timetable for the 2022/2023 long-term borrowing is as follows:

- (a) Make public the Information Statement on 05 October 2022
- (b) Deadline for receipt of comments from public on 31 October 2022
- (c) Advertise Request for Proposals on 04 November 2022
- (d) Closing date for receipt of proposals on 02 December 2022
- (e) Council in-principle approval of the proposed debt in January 2023
- (f) Comments by National Treasury and relevant Provincial Treasury in February 2023
- (g) Deadline for receipt of comments from National treasury and relevant Provincial Treasury in March 2023
- (h) Council final approval of the proposed debt in April 2023
- (i) Signing of loan agreement/s and draw of loan funding in May 2023

The request for proposals inviting Financial Institutions to submit proposal for the provision of debt for annuity long-term loan funding to the eThekweni Municipality to fund the Capital Budget as contained in the MTREF will be advertised in the local newspapers and Municipality's website. This is also in line with Section 46 (3) of the Local Government: Municipal Finance Management Act 56 of 2003, which provides that the Municipality may only incur long-term debt if the Accounting Officer of the Municipality has: -

- (a) Made public the Information Statement setting out the particulars of the proposed debt, including the amount of the proposed debt, the purpose for which the debt is to be incurred and particulars of any security to be provided; and
- (b) Invite the public, the National Treasury and Provincial Treasury to submit written comments or representations to Council in respect of the proposed debt.

It being also emphasised that the relevant Unit in conjunction with the Legal and Compliance Unit will ensure that all documents related to the borrowings, including loan agreement, will be scrutinised and negotiated by the Municipality to ensure that all terms and conditions are favourable to the Municipality.

In view of the foregoing,

COMMITTEE RECOMMENDS:

That Council notes the report on borrowing relating to an amount of R1.5 Billion long-term debt to finance the Municipality's Capital Budget in the 2022/2023 financial year, with the borrowing to be a combination of two (02) funding instruments, being an annuity loan and a bond, therefore, the Municipality will proceed to issue Request for Proposals (RFP) inviting lenders to provide the Municipality with annuity loan.

Capital Expenditure:

Council approved the Capital Budget for the three-year MTREF period as follows:

Table 1 Capital Budget:

2022/2023 RM	2023/2024 RM	2024/2025 RM
5,532	4,934	5,098

Table 2 Capital Budget Funding:

Funded as follows	2022/2023 RM	2023/2024 RM	2024/2025 RM
Grant Funding	3,453	3,203	3,400
Internal Funding	0,579	0,731	0,698
External Funding	1,500	1,000	1,000
TOTAL	5,532	4,934	5,098

The Table 2 above, it is evident that the Municipality is required to raise a Long-Term Debt of approximately R1,5 Billion from the external funding for financial year 2022/2023 and then R1 Billion for 2023/2024 and 2024/2025.

The raising of external funding will be used to ensure that critically needed expenditure continues and service delivery programme is not disrupted or postponed. The following will be using the new borrowings to fund its Capital expenditure, as depicted in Table 3 below:

Table 3 Capital Budget Funding:

Department	CAPEX Budget 2022/2023 '000
Engineering	236,119
EThekweni Transport Authority (ETA)	16,422
Water	144,866
Sanitation	60,768
Solid Waste	156,103
Electricity	255,254
Economic Development & Planning (EDP)	263,131
Community & Emergency Services (CES) - Health & Social Services	181,785
Finance - City Fleet & Bus Operations	182,400
Office of the City Manager (OCM) - Information Management	3,152
TOTAL	1,500,000

Financial Implications:

After careful evaluation, taking up a new borrowing 2022/2023 will be affordable and will not negatively impact the sustainability of the Municipality as indicated in Table 4 below:

Table 4 Gearing and Debt Service Cost Ratio:

	FY 2022/2023	FY 2023/2024	FY 2024/2025
Gearing Ratio (National Treasury Benchmark of max 45%)	23.2%	22.1%	20.9%
Debt Service Cost (National Treasury Benchmark between 6% -8%)	3.7%	3.9%	4.0%

Commenting on the matter, the Action SA were of the view that there was no reason to object to the proposed loan borrowing in terms of the gearing ratio and the National Treasury benchmark. They emphasised that the budget had to be re-adjusted to deal with water and sanitation challenges.

The ANC welcomed the report and emphasised that the borrowed funds would assist to fund capital projects, including repairing damaged infrastructure as a result of the recent floods.

Thereafter the above recommendations were; **NOTED.**

1.2

Request for Budget Reprioritisation for the Metro Police Unit (7/1/2/2)

(Page 50: Finance, Security & Emergency Services Committee - Agenda 2022-11-16)

Authority is sought to reprioritise the Metro Police Unit 2022/2023 Capital Budget based on the additional needs identified. Background information being given that the Metro Police Unit was allocated a Capital Budget in the amount of R3 000 000.00 (Three Million Rand) for the 2022/2023 financial year. It being noted that there has been significant progress in the procurement process on all Capital Budget items (Radio Equipment, Computer Equipment, Firearms and Furniture & Equipment). Also, that the total Capital Budget amount not yet committed is R200 000.00 (Two Hundred Thousand Rand).

Mention being made that the Metro Police Unit has set aside an amount of R90 000.00 (Ninety Thousand Rand) under Furniture and Equipment vote which was allocated for the acquisition of the refrigerator for the Hawkers Department.

This asset is required for storage of perishable goods that are impounded by the Hawkers Department of the Metro Police Unit due to non-compliance with Street Trading By-laws. The estimated amount of R90 000.00 (Ninety Thousand Rand) was based on the market search on the similar items. The item has been advertised based on the specification and the most responsive supplier quoted an amount of R115 000.00 (One Hundred and Fifteen Thousand Rand).

In addition to the refrigerator, there are critical items that were initially excluded on the procurement plan due to budget constraints. These included suitable furniture for employees living with disabilities and replacement of aircons, which items amount to R70 000.00 (Seventy Thousand Rand) and R105 000.00 (One Hundred and Five Thousand Rand), respectively.

With the Committee being in support,

COMMITTEE RECOMMENDS:

- 1.2.1 That Council approves the reprioritization of the Metro Police Unit Capital Budget from savings identified within the Units in the 2022/2023 financial year in order to cater for the items that are critically required by the Unit in the amount of R200 000.00 (Two Hundred Thousand Rand).
- 1.2.2 That subject to the approval of .1 above, authority be granted for the Deputy City Manager: Finance to issue financial clearance for the procurement process to continue.
- 1.2.3 That subject to the approval of .1 above, authority be granted for the Deputy City Manager: Finance to include an amount of R200 000.00 (Two Hundred Thousand Rand) in his Adjustment Budget Report for the 2022/2023 financial year.

Financial Implications:

The following re-prioritization of funds is required on the capital budget from savings identified within the Units 2022/2023 financial year in order to cater for the items that are critically required by the Unit.

	FUNDS REQUESTED		FUNDED FROM	
	Vote Number	Estimated Amount	Vote Number	Amount
1.	Furniture and Equipment 20051-44520-30015-0000-PC8400-0010	R95 000.00	Machinery and Equipment (Firearms) 20051-44200-30015-0000-PC8800-0010	R95 000.00
2.	Installation of Air Conditioners 20051-45334-12-30015-M0016-0010	R105 000.00	Machinery and Equipment (Firearms) 20051-44200-30015-0000-PC8800-0010	R105 000.00
	TOTAL	R200 000.00		R200 000.00

Speaking on the matter, the APF welcomed the report and mentioned that this initiative would assist the Metro Police Unit to carry out their duties effectively. However, they cautioned against Metro Police forcefully repossessing goods from street vendors and that this aspect needed to be treated with care.

Meanwhile, the EFF expressed a concern about the budget being requested for refrigerator for the Hawkers Department. They were also against the repossession of goods by the Metro Police from street vendors. Mention being made that the wellbeing and concerns from street vendors had to be attended to and addressed.

Whereas the ANC noted the need to adjust the budget to enable the Metro Police Unit to effectively carry out their mandate, it being cited that the new recruits would also be catered for in terms of the equipment to be procured. They emphasised that the Municipality has a responsibility to ensure that officials work in a conducive environment.

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

- 1.3 Investments Report for the Month Ended 31 October 2022 (7/11/4):
(Page 115: Finance, Security & Emergency Services Committee - Agenda 2022-11-16)

The Committee noted the Municipal funds invested at different Financial Institutions amount to R4 531 Billion, at an average rate of return on investments of 6.75%. Also, that the Municipality has an overdraft facility of R682 Million and the unutilized Capital and Operational Grants as at the end of September 2022 was reported to be R1 620 Million. It being noted that there was 40 (forty) days cash on hand.

Accordingly,

COMMITTEE RECOMMENDS:

That the report on investments for the eThekweni Municipality as at 2022-10-31, which records the total funds invested at financial institutions as R4 531 000 000.00 (Four Billion Five Hundred and Thirty-One Million Rand), at an average of return on investment of 6,75%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Local Government: Municipal Finance Management Act No. 56 of 2003, be noted.

NOTED.

- 1.4 EThekweni Municipality Public Tender Awards for the Month Ended 31 October 2022 (9/1/3):
(Page 121: Finance, Security & Emergency Services Committee - Agenda 2022-11-16)

The Committee noted total value of tenders in the amount of R317 237 323.72 (Three Hundred and Seventeen Million Two Hundred Thirty-Seven Thousand Three Hundred Twenty-Three Rand Seventy-Two Cents) issued during the month of October 2022.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.4.1 That the public tender awards by the City for the month of October 2022, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Head: Supply Chain Management dated 2022-11-07, be noted.
- 1.4.2 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.
- 1.4.3 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.
- 1.4.4 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.

- 1.4.5 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the City Manager can only respond when the reports are available.

NOTED.

At this stage of the proceedings, time being 14h03, Council took a comfort break and resumed at 15h00.

- 1.5 Budget Statement Report for the Month Ended 31 October 2022 (7/1/4):
(Page 216: Finance, Security & Emergency Services Committee - Agenda 2022-11-16)

In giving an overview, the Head: Expenditure took the meeting through the salient features of the report relative to the actual operating revenue of 99% of the year-to-date budget, with a variance of -1%, and revenue generated to date is 35.5%. The actual operating expenditure reported as a percentage of year-to-date budget figure is 97% with a variance of -3% and Operating Expenditure spent to date is 31.5%. A cash collection of 89% as at the end of October 2022 was reported, and slightly lower when compared to the same period in the previous year (91%).

Upon deliberations, some members were dismayed with the increasing historical debts from Government Departments and Parastatals, reference being made to the Tansat Durban CC unresolved litigation matter. It was also emphasized that Management should present a Turnaround Strategy to address water and electricity losses as well as its implementation thereof. It being also stressed that Councillors and Municipal employees were not permitted to be in arrears with their Municipal accounts.

With an assurance being given that interventions were being made by Management to address various challenges;

COMMITTEE RECOMMENDS:

- 1.5.1 That the Budget Statement report for the month ended 2022-10-31 and the supporting documents, submitted by the City Manager as per his report dated 2022-11-11, in compliance with Section 71 of the Local Government: Municipal Finance Management Act 56 of 2003, and in terms of Government Notice 32141 dated 17 April 2009, relating to the "Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations", be noted.
- 1.5.2 That in compliance with Section 32(2) of the Municipal Finance Management Act, Council notes that there was no Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) incurred for the month of October 2022, as reported by the line departments under section 10 of the Budget Statement Report.

Speaking on the matter, the EFF noted the budget statement report and further expressed their dissatisfaction on the declining revenue collection rate during the past year. They cited that it had to be improved and that a turnaround strategy thereof be developed and implemented, specifically for the debts of the Government Departments and the Parastatals.

Thereafter, His Worship the Mayor welcomed the report and mentioned that the Municipality was financially stable. However, he indicated that there were still challenges in terms of the expenditure patterns that needed to be addressed. He mentioned that the Municipality was still working towards the enhancement of the revenue collection strategies for the Public Entities, Government etc. and

that services would be disconnected in the event of non-payment. He reported that Section 21 Schools are provided with budget by the Department of Education to service their debts and that the Municipality was obliged to collect monies due. It was also indicated that the value of properties had been increased from R500 000-00 to R600 000-00 to cater for indigent households, as a result of the adverse impact in the economy as well as the inflation rate.

Thereafter, the above recommendations were; NOTED.

1.6 Implementation of Debt Payment Relief for the Period of 3 Months (7/6/3/1):
(Page 419: Finance, Security & Emergency Services Committee - Agenda 2022-11-16)

Approval is sought to reinstate debt relief to account holders with arrear debt in line with the Local Government: Municipal Finance Management Act 2003, read together with the eThekweni Municipality Credit Control Debt Collection Policy 2021/2022. It was recalled that as a response to the Covid-19 pandemic hard lockdown challenges which negatively impacted some of the customers due to reduced salaries, loss of jobs etc., in April 2020; Council took a resolution to provide payment relief to customers of eThekweni Municipality. It being noted that this relief was extended till December 2021, and it was thereafter terminated.

It was reported that the termination of the payment relief has caused an outcry and many customers submit requests for the relief to be extended. That the financial position of the Municipality is also in a precarious condition due to a two (2) year lockdown caused by the pandemic, hence, several companies are struggling to stay afloat. Mention being made that the collection rate has averaged 95% over the years and it dropped to below 95% when the Covid-19 hits the Country. Upon enquiries received from customers on the lapse of the relief in December 2021, and requesting for extension, Council considered and approved a further relief with more add-ons benefit from April 2022 to June 2022. As a result, an amount of R830 Million was committed to be paid through debt relief arrangement, with an amount of R91 Million collected from arrears through down payments.

As at the end of September 2022, an amount of R47 Million was written off for both capital debt and interest as per the agreements signed with customers. A total amount of R113 Million has been paid through instalments. It being also noted that 43% of customers defaulted on the agreements and they were cancelled.

The debt relief period closed end June 2022. Some customers have made requests for the extension of the closing period claiming not to be in good financial position, but promising their situations will improve beyond June 2022. It is against this background that a further three (3) months, with no changes of the terms and conditions applicable during the previous debt relief period (April to June 2022), is being proposed. It being noted that Government and Parastatals would be excluded from this payment relief.

On this basis,

COMMITTEE RECOMMENDS:

- 1.6.1 That in terms of the Local Government Municipal Finance Management Act 2003, read together with the Credit Control and Debt Collection Policy 2021/2022, to re-instate the debt relief to account holders with arrear debt, Council approves the

following debt payment relief for the three (03) months starting from 01 December 2022 to February 2023:

- 1.6.1.1 Customers that are ninety (90) days in arrears to sign a payment arrangement with 5% down payment for residential customers and 10% for non-residential customers, excluding government departments / institutions and parastatals;
- 1.6.1.2 Interest accumulated to be written-off once the payment arrangement has been entered into;
- 1.6.1.3 All interest written-off to be reinstated where a customer default on this payment plan with the City;
- 1.6.1.4 Existing customers on a payment plan to be afforded an opportunity to take part in this incentive as a once-off offering, such customers will have to make a similar payment as stipulated above;
- 1.6.1.5 The Municipality to enter into a payment plan with all customers taking part in this relief scheme and the balance of the outstanding debt over a maximum period of thirty-six (36) months with no interest added;
- 1.6.1.6 When a customer signs an arrangement for the following periods a certain percentage of capital debt to be written-off at the end of the payment arrangement:
 - 1-3 months: 15% of capital debt to be written-off;
 - 4-6 months: 10% of capital debt to be written-off;
 - 5-12 months: 7.5% of capital debt to be written-off;
 - 13-18 months: 5% of capital debt to be written-off;
 - 19-24 months: 2.5% of capital debt to be written-off;
 - Above 24 months: 0% of capital debt to be written-off;

Financial Implications:

If Council approves the proposal all interest and a percentage of capital debt as per signed agreement on customer accounts that participate in this relief scheme will be written-off. The determination of the actual amounts to be written-off can only be determined on the lapse of the signed agreements by customers. As per previous relief to date, an amount of R46 Million has been the subject of write-off.

ADOPTED.

- 1.7 Request for Authority to Host the Annual Anti-Crime and Social Cohesion Summit, 06-07 December 2022, Inkosi Albert Luthuli International Convention Centre (28/1/1/1):
(Page L52 Report & L53 Annexure: Finance, Security & Emergency Services Committee - Agenda 2022-11-16)

Authority is sought for the eThekweni Municipality to host the Anti-Crime and Social Cohesion Annual Summit from 06 to 07 December 2022, it being recorded the said dates were presented by the Acting City Manager to replace the dates of 29 and 30 November 2022. The Summit targets to host five hundred (500) delegates, in partnership with the Governance & International Relations and the Community & Emergency Services Clusters. The strategic objective being that the consolidated Plan derived from the Summit will guide the Integrated Safer Cities Implementation Plan and Monitoring Framework to ensure accountability and responsibility amongst various Government and Non-Government Institutions.

Background information being given that the debates on urban crime and violence had been ongoing focusing on understanding the root-causes and multifaceted nature of violence and crime and its linkages to other urban issues, particularly, urban poverty; urban management and governance; marginalisation, extreme levels of exclusion; and on comprehensive strategies to sustainable and collective solution. That in collaboration with stakeholders, various initiatives to address crime and violence in eThekweni have been undertaken which includes amongst others, the development of the City Safety Strategy, the Integrated Safer Cities Pilot Project, the establishment of Local Drug Action Committees, Community Safety Forums, Ward Safety Committees and Street Committees.

Furthermore, the City is embarking on the localisation of the National Strategic Plan on Gender-Based Violence and Femicide, which will include the development of the City Integrated Implementation Plan on GBVF. Despite these interventions, communities are still experiencing high levels of crime and violence on a daily basis due to silo systems of operations by government and stakeholders. However, the District Development Model approved by Cabinet and piloted in eThekweni is designed to improve the current state, hence safety is one of the priorities in the eThekweni One Plan.

The Committee noted that these realities unfolded as a result the National Minister of Police conducting at least three (03) Crime Izimbizo in eThekweni in 2022. Also, in June 2022 the MEC for the Department of Transport, Community Safety and Liaison hosted a Provincial Crime Summit in eThekweni where several resolutions were adopted.

In October 2022, the Civilian Secretariat for Police also hosted a series of community safety dialogues with Churches, Schools and conducted visits to various taverns in Ntuzuma, Newlands and Kwa Dabeka. It being acknowledged that the Summit aims to consolidate and fast-track the implementation of the resolutions adopted during the previous community engagements, Crime Summits and dialogues between communities and Government where issues of crime were raised.

With the Committee being in consensus,

COMMITTEE RECOMMENDS:

- 1.7.1 That Council retrospectively approves the hosting of the Anti-Crime and Social Cohesion Annual Summit from 06 – 07 December 2022, at the Inkosi Albert Luthuli International Convention Centre, targeting five hundred (500) delegates, and with the host Clusters being the Governance & International Relations and the Community & Emergency Services Clusters, it being recorded that the Summit aims to consolidate and fast-track the implementation of the resolutions adopted during the previous community engagements, crime summits and dialogues between communities and government where issues of crime were raised.
- 1.7.2 That Council notes expected outcomes of the Summit as follows:
 - (i) A coordinated approach in the implementation of the resolutions adopted in various engagements between communities and government,
 - (ii) Strengthened partnerships between Community Safety Structures, Private Security, Neighbourhood Watches and Law Enforcement agencies for improved safety and security in eThekweni.

- (iii) A comprehensive Social Cohesion Implementation Plan
- (iv) All stakeholders willing to be accountable and sign a commitment pledge led by His Worship the Mayor.

1.7.3

That the co-funded budget in the amount of R692 817.00 (Six Hundred and Ninety-Two Thousand Eight Hundred and Seventeen Rand) for the Anti-Crime and Social Cohesion Annual Summit by various departments within the Finance Cluster, Governance & International Relations Cluster and the Community & Emergency Services Cluster, be approved, as per the Concept Document attached in the report of the Head: Safer Cities dated 2022-11-11.

Financial Implications:

ITEM	COST	RESPONSIBILITY
Venue & Catering (ICC) x 2 days	R542 817.00	Mayor's Parlour, Inter-Governmental Relations (IGR); Community & Emergency Services Cluster (CES)
Transport, Stationery, Programme	R70 000.00	Safer Cities Unit, Office of the Strategic Management (OSM)
Documentation, Facilitation & Artists	R80 000.00	Parks, Recreation & Culture (PRC)
TOTAL	R692 817.00	

Commenting on the matter, the Action SA submitted that the Municipal Council is being requested to approve an event which has already taken place. Mention being made that clarity be given whether the matter is submitted for ratification purposes.

The ANC was in support of the matter, citing the importance of implementing the crime prevention strategies due to the high crime rate within the City. They reiterated that the Summit was aimed to consolidate and fastrack the implementation of the resolutions adopted during the previous community engagements, Crime Summits and dialogues between communities and Government where issues of crime were raised.

Meanwhile, the EFF concurred with the sentiments raised by the Action SA on the matter being submitted for approval after the event has already taken place.

In this regard, the Whip of Council mentioned that the matter was submitted to the Executive Committee for approval in November, however, with no scheduled Council meeting during that month, the matter could not be considered timeously by Council.

In providing clarity on the matter, the Head: Legal and Compliance advised that expenditure on projects should not be incurred without the necessary authority by Council. However, he mentioned that Rule 28 (1) (a) of the Rules of Order By-Law, 2014, as amended, do cater for such instances.

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

In terms of Rule 20(4) of the Rules of Order Bylaw, Councillor P Mkhize, seconded by Councillor P Ndlovu, moved as a procedural motion to amend the above recommendation 1.7.1 of the Executive Committee by inserting the word “retrospectively” after the word Council to read as follows:

“1.7.1 That Council *retrospectively* approves the hosting of the Anti-Crime and Social Cohesion Annual Summit from 06 – 07 December 2022, at the Inkosi Albert Luthuli International Convention Centre, targeting five hundred (500) delegates, and with the host Clusters being the Governance & International Relations and the Community & Emergency Services Clusters, it being recorded that the Summit aims to consolidate and fast-track the implementation of the resolutions adopted during the previous community engagements, crime summits and dialogues between communities and government where issues of crime were raised.”

CARRIED

The amendment was unanimously carried.

Reverting back to the substantive matter, Council was in agreement that matters requiring project authority should be submitted timeously to Council for approval to avoid such occurrences in the future.

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

2. **REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD 2022-11-17**

(Page R9)

2.1 **Request for Authority to Approve the eThekweni Municipality Membership on the Durban Chamber of Commerce and Industry (2/2/3):**

(Page 1: Economic Development and Planning Committee - Agenda 2022-11-17)

Authority is sought to approve the eThekweni Municipality’s membership on the Durban Chamber of Commerce, and Industry, and to appoint a representative to serve on the Durban Chamber of Commerce Board.

The Durban Chamber of Commerce and Industry (DCCI), which represents a broad spectrum of businesses, from the smallest to the largest, plays a vital role as the leading representative of the business sector in the development and management of the eThekweni regional economy through several programs and policies. The DCCI is an important stakeholder for the Municipality in leading the City’s business partnership projects, particularly, to inform effective operation and performance of commercial and manufacturing businesses, which is imperative for the growth and transformation of the eThekweni regional economy.

The DCCI has also played a vital role in dealing with the impact of the Covid-19 pandemic, as well as the recent spate of disasters. It is therefore extremely important that this successful engagement be maintained.

The Committee having considered the foregoing,

COMMITTEE RECOMMENDS:

- 2.1.1 That approval be granted for the eThekweni Municipality to continue becoming a member of the Durban Chamber of Commerce and Industry (DCCI), with a membership fee of R50 600.00 (Fifty Thousand Six Hundred Rand), per annum, and, including VAT, it being recorded that an annual escalation cost, as per the inflation rate, would be effected upon the membership renewal.
- 2.1.2 That authority be granted for the eThekweni Municipality City Manager to serve as a Municipal representative on the DCCI Board.
- 2.1.3 That authority be granted for Deputy City Manager: Economic Development and Planning to, in the absence of the City Manager, become an alternative Municipal representative on the DCCI Board.
- 2.1.4 That authority be granted for the City Manager to grant approval for the other Municipal officials who might be invited by the Chamber to serve as experts, as Non-Executive Members on various Sub-Committees of the DCCI.

Financial Implications:

The City has been a member of the Chamber since 1986. Its membership number is 148284. The membership class has been classified at "President's Circle", the Chamber's top membership category reserved for Corporates and Strategic Entities.

Vote No.: 26001.20400.12120.0000.MRC01.0010; R50 600.00; FC No.: 2023/18/33

ADOPTED.

- 2.2 Request for Authority to Continue Partnering with Bid Parties to Host the Africa Travel Indaba and Enter into a 3-Year Contract for this Purpose (20/1/4/3):
(Page 6: Economic Development and Planning Committee - Agenda 2022-11-17)

Authority is sought for the eThekweni Municipality to continue partnering with the Durban-KwaZulu-Natal (KZN) Bid Parties to host the Africa Travel Indaba (ATI), with the Municipality to contribute funding in the amount of R15 166 874.00 (Fifteen Million One Hundred and Sixty-Six Thousand Eight Hundred and Seventy-Four Rand) during the 2022/2023; 2023/2024 and 2024/2025 financial years. Further, that authority be granted for the City Manager to enter into an extended ATI Bid Party Hosting Agreement, by signing the reinstatement of the contract, or new contract relative to the Municipality's acceptance of the continued partnership to host the ATI.

The City of eThekweni has been granted an extended bid to host the ATI for the next three (3) years. This is due to the inability to host the event in 2020 and 2021 as a result of the Covid-19 pandemic and the associated global restrictions on movement and immigration regulations. This extension is very crucial to the City, primarily, on the aspect of the tourism sector recovery. The ATI, in addition to participation by local stakeholders, brings international delegates and media to converge in the City of eThekweni. This is a great opportunity, not only to showcase the City's business events hosting capability, but also to promote Durban as a tourist destination.

The ATI provides a platform for the African countries to showcase and market themselves as the tourists' destinations. It is also an opportunity for a dialogue on the collective positioning of "Brand Africa" to attract more tourists and grow the African tourism market.

With the extended bid providing socio-economic benefits and economic recovery, particularly, for the tourism sector post the Covid-19,

COMMITTEE RECOMMENDS:

- 2.2.1 That, give the lost years 2020 and 2021 when the City was unable to host the Africa Travel Indaba (ATI) due to the Covid-19 restrictions, the Executive Committee notes the extended bid partnership for the Durban-KwaZulu-Natal (KZN) Bid Parties to host the ATI for the next 3 financial years, 2022/2023; 2023/2024; and 2024/2025.
- 2.2.2 That the Executive Committee approves the reinstatement of the contract for the eThekweni Municipality to continue partnering with the Durban-KZN Bid Parties to host the ATI, it being noted that the main Bid Party and owner of the ATI is the South African Tourism (SAT).
- 2.2.3 That the Executive Committee notes that the ATI continued partnership request serves as an update, and this being in addition to the already existing Council resolution on ATI, as previously adopted and dated 2022-04-28.
- 2.2.4 That Council notes the significance for the City to continue partnering to host the ATI for the next three years, and the positive implication of signing the reinstatement contract in terms of tourism socio- economic impact the City will derive from this extended 3year partnership.
- 2.2.5 That the Executive Committee approves funding contribution by the eThekweni Municipality, in the amount of R15 166 874.00 (Fifteen Million One Hundred and Sixty-Six Thousand Eight Hundred and Seventy-Four Rand) for the three financial years (2022/2023; 2023/2024; 2024/2025) to host the ATI together with the Durban-KZN Bid Parties.
- 2.2.6 That subject to the approval of .2 and .5 above, authority be granted for the City Manager to enter into a continued partnership with the Durban-KwaZulu-Natal Bid Parties to host the ATI in order to ensure continuity in the Municipality's partnership to host the ATI for the next three (3) financial years (2022/2023; 2023/2024; 2024/2025).

Financial Implications:

The cost implications of hosting Africa Tourism Indaba 2022/23, 2023/24 and 2024/25 will be to the value of R15 166 874.00 (Fifteen Million, One Hundred and Sixty-Six Thousand, Eight Hundred and Seventy-Four Rand) for the financial years, to be paid to Tourism KwaZulu-Natal as part of the financial obligation in the partnership to host Africa Travel Indaba.

Financial Years	2022/2023	2023/2024	2024/2025
Amount	R4 764 064.00	R5 049 908.00	R5 352 902.00
Vote No.	26724-24960.86-12120-0000-53500-16 0001		
FC Number	2023/13/09		

Speaking on the matter, the Action SA acknowledged the importance of Tourism Indaba and that it had to be suspended in the past due to the global Covid-19 restrictions. The Action SA further acknowledged the benefits in the local economy as a result of Tourism Indaba and therefore supported the matter.

The ACDP cited that the growth of the tourism sector had declined over the years. They mentioned that challenges which affect the sector had to be addressed so that the City's vision could be achieved.

Meanwhile, the DA mentioned that the tourism industry is currently at risk. They were in support of the Africa Tourism Indaba and mention being made that the event would have tangible return on investment. They also encouraged that the deteriorating infrastructure had to be prioritized.

Thereafter, the ANC mentioned that the Africa Tourism Indaba is one of the major events in the Continent. They mentioned that the event had been hosted by the City over the years, and the contributions made by hosting such event were enormous in terms of the return on investment. They indicated that the Municipality had to revive its tourism attractions, including its beaches, for the City to continue and instill confidence to attract tourists from other Countries.

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

2.3

Request for Authority to Continue Partnership with the South African Cities Network and the Open Cities Lab to Run the Durban Edge Open Data Portal and Enter into a 3-Year Memorandum of Agreement for this Purpose (20/1/7/1):

(Page 9: Economic Development and Planning Committee - Agenda 2022-11-17)

Authority is sought to grant approval for the eThekweni Municipality to continue partnering with the South African Cities Network (SACN) and the Open Cities Lab (OCL) to innovatively monitor economic growth and job creation in Durban and measure the impact of the City's economic development programmes; projects; and expenditure on the broader economy. The Open Data Portal is run through the City's Economic Intelligence Programme and the Durban Edge under the Municipal Economic Development Unit.

The Open Data Portal is also an innovative tool which is used by the City to efficiently and effectively communicate critical economic intelligence with economic stakeholders and to forecast economic trends, which ultimately assists the City in becoming more responsive to the needs of the local community, establishing clear channels of communication with the local community, and informing the local community about services.

Council approved the establishment of the Durban Edge Open Data Portal in 2019, with a 3-year Memorandum of Agreement (MOA) being signed with the SACN and the OCL in this regard. Since its launch, the Open Data Portal has attracted twenty-six thousand (26 000) users globally. The most frequent users include senior decision-making industry professionals with a need to understand the current state of the City's economy in order to assist in business and economic decision-making.

The 3-year MOA has since expired, and as such, authority is sought to enter into a new 3-year MOA to continue partnering with the SACN and the OCL. The partnership referred to will attract funding contribution by the eThekweni Municipality in the amount of R449 873.00 (Four Hundred and Forty-Nine Thousand Eight Hundred and Seventy-Three Rand) to be split over the 3 financial years. The objectives of entering into an MOA are as follows:

- To ensure ethical treatment of Municipal data and protection of sensitive information uploaded on the portal
- To ensure that data and information are not used improperly for personal gain by any partner
- To ensure that the portal remains online and accessible to the public as per the agreement with the SACN and the OCL
- To ensure legal recourse by the Municipality should any of the above concerns are not met

The Durban Edge Open Data Portal is a critical and strategic tool to keep economic decision-makers informed, such that their decisions contribute to job creation and economic development in the City. It is therefore important to fully support the continued growth of the portal to ensure maximum economic impact.

In view of the foregoing, the Committee

COMMITTEE RECOMMENDS:

- 2.3.1 That the Executive Committee approves continued partnership by the eThekweni Municipality with the South African Cities Network (SACN) and the Open Cities Lab (OCL) for the continuation of the Durban EDGE Open Data Portal, which serves as a tool to innovatively monitor economic growth and job creation in Durban and measure the impact of the City's economic development programmes; projects; and expenditure on the broader economy.
- 2.3.2 That, subject to the approval of .1 above, authority be granted for the City Manager to enter into a new three-year (03) Memorandum of Agreement (MOA) with the SACH and the OCL for the 2022/2023, 2023/2024, 2024/2025 financial years to manage the portal.
- 2.3.3 That subject to the approval of .1 and .2 above, authority be granted for the Head: Economic Development and Planning to, in terms of Section 67 of the Local Government: Municipal Finance Management Act 2003, and in accordance with the MOA, disburse funds to the SACN to support the Durban EDGE Open Data Portal in the amount of R179 181.00 (One Hundred and Seventy Nine Thousand One Hundred and Eighty One Rand) for the 2022/23 financial year, R129 850.00 (One Hundred and Twenty Nine Thousand Eight Hundred and Fifty Rand) for the 2023/24 financial year and R140 842.00 (One Hundred and Forty Thousand Eight Hundred and Forty Two Rand) for the 2024/25 financial year.
- 2.3.4 That the progress made in the development and operation of the Durban EDGE Open Data Portal which has served as best practice for the cities, be noted.
- 2.3.5 That the Head: Economic Development and Planning report on progress on an annual basis.

Financial Implications:

Vote No.	Amount	Financial Year
26102-16315-12120-MRC01-0010	R179 181.00	2022/23
26102-16315-12120-MRC01-0010	R129 850.00	2023/24
26102-16315-12120-MRC01-0010	R140 842.00	2024/25
TOTAL	R449 873.00	

FC Number: 2023/18/36

ADOPTED.

2.4

Approval of eThekweni Municipality: Durban Fresh Produce Market By-Law, 2022 (1/1/3/1/17):

(Page 19: Economic Development and Planning Committee - Supplementary Agenda 2022-11-17)

Authority is sought to approve the eThekweni Municipality: Durban Fresh Produce Market By-law, 2022, annexed to the report of the City Manager dated 2022-09-19. The By-Law aims to regulate and manage the operations of the bulk market which is owned by the eThekweni Municipality. The current By-law, which was promulgated in 1975, does not meet the Municipality's objectives in respect of the administration of markets, whilst the proposed By-law provides for a trading system; facilities; and services to facilitate the sale of fresh produce, ensures effective management of the market and provides for licensing of market agents, provides for the issuing of permits to employees of market agents based in the sales halls, regulates proper conduct of persons within the market precinct, provides an environment that is conducive to trade, and, provides for levying of fees/tariffs for the provision of services and facilities.

The proposed By-law was subjected to a public participation process as per the approval granted by the Municipal Council. Comments were received from the public and these were addressed in consultation with the Legal & Compliance Unit. Detailed report on the public comments is contained on the Report by the City Manager included on the Support Committee Agenda.

Having noted that there has been extensive consultation between the Legal and Compliance Unit and the Durban Fresh Produce Market Unit to draft the By-law, subsequent to which the By-law was approved for public participation and issues raised were, once again, addressed in consultation with the Legal & Compliance Unit,

COMMITTEE RECOMMENDS:

2.4.1

That the eThekweni Municipality: Durban Fresh Produce Market By-Law, 2022, be approved for final publication and promulgation in the Provincial Gazette, with the By-Law taking effect on the date of publication therein.

2.4.2

That the Promulgation Notice for eThekweni Municipality: Durban Fresh Produce Market By-law, 2022 be published in the Ezasegagasini Metro.

ADOPTED.

- 2.5 Bluff Precinct Plan, Sub Precinct Plans and Draft Land Use Management Layer (21/2 & 21/5/1):
(Page 128: Economic Development and Planning Committee – Second Supplementary Agenda 2022-11-17)

Authority is sought for the approval of the final draft of the Bluff Precinct Plan, Sub-Precinct Plans and Draft Land Use Management Layer. The greater Bluff area was historically developed as a residential area, but is structurally confined between the Port and industrial developments in the West and South, and the Indian Ocean to the North and East. The growth and change within the area have led to a number of challenges in terms of land use, increased densities impacting on services and circulation, as well as loss of amenity to the residential area in certain localities, which the Bluff Precinct Plan aims to address.

The Plans alluded to will assist in co-ordinating and informing public and private investment and development study in the area, facilitating well-integrated, sustainable development and creating a safe and attractive environment for residents and visitors by providing a vision and integrated spatial framework plan to inform the land use management layer, and ultimately, the Scheme for the area.

The proposed precinct plan will also serve as a tool to generate GIS data in order to enable the Municipality to promote an environmentally sustainable and harmonious environment.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 2.5.1 That the final Bluff Precinct Plan, Sub-Precinct Plans and Draft Land Use Management Layer, with the intention to inform and coordinate the planning study area, provide for strategic guidance for development in the context of current development pressured, as well as limited land for expansion within the study area, be approved.
- 2.5.2 That it be noted that the Bluff Precinct Plan seeks to undertake an assessment of the development potential of the area and provides for a strategic land use response to the linear structure, the residential needs as a local area, the current development pressures and trends within the area.
- 2.5.3 That it be noted that the Precinct Plan further aims to provide a vision and integrated spatial framework plan to inform the Land Use Management Layer and ultimately the Scheme for the study area.

Speaking on the matter, the DA submitted that in this instance; the Municipality had developed a decent policy and emphasised that its proper implementation would be critical. They mentioned that the same had to apply to the other Municipal policies. In this regard, they were in support of the matter.

Thereafter, the ANC submitted that the greater Bluff area was historically developed as a residential area, but was structurally confined between the Port and industrial developments. Therefore, the intention was to inform and coordinate the planning study area. They emphasised that the approval of the final draft of the Bluff Precinct Plan, Sub-Precinct Plans and Draft Land Use

Management Layer also responds to the City's 2030 vision and maximum utilization of the Bluff Area.

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

- 2.6 National Treasury's Implementation of the Cities Support Programme in the Pinetown South Economic Development Project (21/6/1):
(Page 136: Economic Development and Planning Committee – Second Supplementary Agenda 2022-11-17)

Authority is sought for the Head: Economic Development and Planning to work with the World Bank and other government entities in the implementation of the Township Economic Development (TED) project in the Pinetown South Townships, and for it to be noted that an inter-department project steering committee will be set up for the project.

The National Treasury Programme: City's Support Programme – TED entered into an agreement with eThekweni Municipality to provide technical support for formulating and resourcing a Township Economic Development strategy as a pilot project.

Townships in the Pinetown South area were selected as the pilot to be supported as the area aligns with the City's Support Programme priorities to support township economic development in geographic sites with high levels of unemployment, including youth unemployment, expansive growth in informal business activities, rapid urban growth and settlement densification, persisting social and economic inequality as a result of spatial disconnection, weak social cohesion in terms of safety and security and under-served areas with regard to existing Municipal programmes.

The Township Economic Development (TED) Project is a 3-year intervention to support participating Municipality to develop an overarching TED Strategy for the Pinetown South. National Treasury appointed Sustainable Livelihoods Foundation (SLF) Non-Profit Company, a professional technical assistance team to work with eThekweni Municipality to deliver a set of eight (08) "quick wins" projects for the Pinetown South area.

The TED project will advance aspects of the Pinetown South Local Area Plan, the KwaNdengezi Node Precinct Plan, and the Urban Design Concept for KwaNdengezi (Nagina). It is anticipated that these projects will strengthen existing development programmes and spatial development plans.

Having noted that the technical support team will assist in institutionalizing the TED Strategy, provide advice on implementation, provide partnership facilitation, and help to monitor the development impact,

COMMITTEE RECOMMENDS:

- 2.6.1 That the Executive Committee notes the National Treasury Programme: City's Support Programme - Township Economic Development (TED) being implemented in the Pinetown South Townships, and with the areas being used as a pilot for the Cities Support Programme priorities to support the TED in geographic sites with:
- (i) High levels of unemployment, including youth employment

- (ii) Expansive growth in informal business activities
- (iii) Rapid urban growth and settlement densification
- (iv) Persisting social and economic inequality in part, because of spatial disconnection
- (v) Weak social cohesion in terms of safety and security
- (vi) Under-served areas with respect to existing Municipal programmes

2.6.2 That the Executive Committee notes that eThekweni Municipality will set up an Inter-Department Project Steering Committee for the TED project.

2.6.3 That authority be granted for the Head: Economic Development and Planning to work with the World Bank and the other Government entities in the implementation of the TED project.

Financial Implications:

All costs associated with the work of the technical team is supported and paid for by the Cities Support Programme. The TED technical team supports the eThekweni Municipality to identify suitable sources of funding for the proposed projects within the overall strategy as specified in the programme charter. It is anticipated that these sources will include Municipal resources, National Treasury Grants, funding accessible from development finance institutions, funding via bi-lateral and multilateral donor programmes and private sector capital.

A submission was made that Townships in the Pinetown South area were selected as the pilot to be supported as the area aligns with the City's Support Programme priorities to support township economic development in geographic sites with high levels of unemployment etc. In this regard, the matter was supported.

Thereafter, the recommendations of the Executive Committee **ADOPTED.**

(At this stage of the proceedings, there were disputes with regards to the speakers list specifically for the DA members. Thereafter, the Speaker advised that the gaps and/or discrepancies which might have occurred would be addressed during the meeting to be convened between the DA Whip and the Office of the Speaker).

2.7 Request to Enter into Strategic Partnerships for the Implementation of Farmer Skills and Enterprise Development Partnership Programme (20/1/7/5):
(Page 141: Economic Development and Planning Committee – Second Supplementary Agenda 2022-11-17)

Authority is sought to enter into partnership with LIMA Rural Development Foundation and South African Mini-Industry Development (SAMID) in terms of Section 67 of the Local Government: Municipal Finance Management Act 2003 for the implementation of the Farmer Skills and Enterprise Development Programme within the eThekweni Municipality region.

LIMA Rural Development Foundation is a Non-Governmental and Non-Profit Organisation established with the intention to engage in a broad range of rural and urban development interventions throughout South Africa. On the other hand SAMID is also a Non-Profit Company established to facilitate economic development and initiatives focusing on manufacturing incubation and support in communities across the country.

The main objective of the partnership is to execute the efforts made by the South African government to alleviate poverty by offering public employment, whilst the strategic objectives of the Agri-Business Department is to facilitate and implement

Agri-Business Development Programmes, target and support agri-business investment, and provide research, policy and innovation services.

The Farmer Skills and Enterprise Development Programme seeks to enhance technical skills for the SMME's in the agri-business production value chain within the eThekweni Municipality, improve farmers business management skills that will ensure a resilient farm enterprise development through Public Employment Programmes, promote reliable access to markets, and bring innovative farm production knowledge and methods that are sustainable, all of which are in line with Plan 2 of the Integrated Development Plan (Economic Growth and Job Creation).

The proposed strategic partnership seeks collaboration with stakeholders currently involved in emerging farmer enterprise development. The intention is to use the Public Employment Programme (PEP) funding to implement the programme. The programme includes the following socio-economic benefits:

- **Food Security:** To harness food production system in eThekweni which will result in an increase in produce and promote access to affordable food items.
- **High levels of unemployment:** Unemployment in excess of 50% and PEP seeks to create sustainable employment through progressive farming enterprise for people living in previously disadvantaged areas.
- **Slower household income growth:** Through PEP about six hundred and forty-three (643) beneficiaries will receive a minimum monthly wage for the duration of the programme and creates self-reliance beyond the programme timeframe.
- **Limited income retention:** Local production of fresh produce will stimulate local economic activities.
- **Skills training and development:** Empowerment on practical skills relating to commercial vegetable and livestock production, knowledge and skills acquired by beneficiaries will be utilised beyond the programme timeframes thus achieving sustainability.

During consideration at the Executive Committee, confirmation was given that the funding source for the project was PEP and that an amendment be effected where reference is made to EPWP funding.

In view of the foregoing,

COMMITTEE RECOMMENDS:

- 2.7.1 That authority be granted for City Manager to enter into a partnership agreement in terms of Section 67 of the Local Government Municipal Finance Management Act 2003 with LIMA Rural Development Foundation NPC, South African Mini-Industry Development NPC for the implementation of the Farmer Skills and Enterprise Development Programme for a period of 12 months, which programme is aimed at empowering and uplifting emerging farmers
- 2.7.2 That subject to approval of .1 above, funding in the amount of R10 518 004.00 (Ten Million Five Hundred and Eighteen Thousand and Four Rand) and R22 214 022.35 (Twenty-Two Million Two Hundred and Fourteen Thousand and Twenty-Two Rand Thirty-Five Cents) be reserved for the implementation of the programme with LIMA and SAMID respectively.

2.7.3 That subject to approval of .2 above, funding in the amount of R2 914 112.32 (Two Million Nine Hundred and Fourteen Thousand One Hundred and Twelve Rand Thirty-Two Cents) and R4 526 670.63 (Four Million Five Hundred and Twenty-Six Thousand Six Hundred and Seventy Rand Sixty-Three Cents) be transferred to LIMA and SAMID, respectively, according to the 12 months' project milestone-based tranches.

2.7.4 That the Head: Business Support, Market Tourism and Agribusiness provide progress reports to the Economic Development and Planning Committee on a bi-annual basis.

DESCRIPTION	VOTE	2022/23 FINANCIAL YEAR	2023/24 FINANCIAL YEAR
SAMID	26102.25030.17.81434.0000.38802-17.0010	R11 107 011.18	R11 107 011.18
LIMA	26102.25030.17.81434.0000.38802-17.0010	R5 259 002.00	R5 259 002.00
SUB-TOTAL		R16 366 013.18	R16 366 013.18

FC Number 2023/18/40:

Funding source is National Treasury through neighbourhood Development partnership Grant (NDPD) PEP

LIMA Rural Development proposed financial plan and total project cost:

Budget item	Duration	Funding Source	Total	Funding Source	Total
Minimum Wages for 186 beneficiaries	12 Months	PEP fund	R7 603 891.68	Jobs Fund 963 Jobs	R10 436 665.50
Enterprise Development and Overheads	12 Months	PEP fund	R2 914 112.32		
Total Budget			R10 518 004.00		R10 436 665.50
Grand Total					<u>R20 954 669.50</u>

SAMID proposed financial plan and total project cost:

Budget item	Duration	Funding Source	Total	Funding Source	Total
Minimum Wages for 457 beneficiaries	12 Months	PEP fund	R17 687 351.73	Nedbank	R3 100 000.00
Enterprise Development and Overheads	12 Months	PEP fund	R4 526 670.63		
Total Budget			R22 214 022.35		R3 100 000.00
Grand Total					<u>R25 314 022.35</u>

eThekweni Funding Implication:

LIMA Rural Development PEP project costs is R10 518 004,00 (Ten Million Five Hundred and Eighteen Thousand and Four Rands) where 70% of the budget will be reserved and disbursed by the municipality through the PEP programme to the project beneficiaries, therefore only R2 914 112,32 (Two Million Nine Hundred and Fourteen Thousand, One Hundred and Twelve Rand and Thirty-Two Cents) will be disbursed to LIMA for project implementation.

SAMID PEP project cost is R22 214 022,35 (Twenty-Two Million Two Hundred and Fourteen Thousand and Twenty-Two Rand Thirty-Five Cents), where 77% of the budget will be reserved and disbursed by the municipality through the PEP programme to the project beneficiaries, therefore only **R4 526 670,63** (Four Million Five Hundred and Twenty-Six Thousand, Six Hundred and Seventy Rand Sixty Three Rand) will be disbursed to SAMID for project implementation.

ADOPTED.

- 2.8 Application in Terms of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 Of 2021) for the Amendment of the eThekweni Municipal Land Use Scheme: South Sub-Scheme: Section 7: The Development Facilitation Table Special Zone 24: Additional Control 2 on Erf 17 Amanzimtoti Situated at 83 Riverside Road:
(Page L51: Economic Development and Planning Committee - Agenda 2022-11-17)

Authority is sought for the approval of the Amendment of the eThekweni Municipal Land Use Scheme: South Sub-Scheme: Section 7: The Development Facilitation Table Special Zone 24: Additional Control 2 by the deletion of the words “*that are in keeping with hotel usage*” from that Additional Control, and further, to amend the development parameter for Height Control from 2 storeys to *Not Applicable*.

The proposed development is site specific and is limited in terms of the zoning and the development parameters of the zone. In addition, the site can accommodate the proposed development, which will fit in with the predominant residential aesthetics within the surrounds by resembling 2 blocks of flats.

The proposed use will also complement, improve and extend the residential land uses in the vicinity of Amanzimtoti

Having noted that the proposed amendment meets the development principles set out in the current planning legislation, and promotes sustainable economic development, and with the Democratic Alliance abstaining both at the Support and the Executive Committee levels;

COMMITTEE RECOMMENDS:

- 2.8.1 That in terms of Section 26(1) (b) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) the application for the amendment of the eThekweni Municipal Land Use Scheme: South Sub-Scheme: Section 7: The Development Facilitation Table for Special Zone 24: Amend Additional Control 2 by the deletion of the words ‘that are in keeping with hotel usage’ and from that additional control and further to amend the Development Parameter for Height Control from 2storeys to Not Applicable, be approved for the following reasons:
- 2.8.1.1 Amanzimtoti is a coastal town which is well known as a tourist destination both for local and international tourism hence multi-storeyed residential development is welcomed within the Amanzimtoti area.
- 2.8.1.2 That the proposed development is a mixture of residential high-rise flats, and commercial activities such as shops and restaurants, as well as recreational activities. And is seen to offer a mix of land uses that will sustain the development in the longer term.

2.8.1.3 That the amendment of the Development Facilitation Table will allow a more flexible development overall, responsive to market demands.

The eThekweni Municipal Land Use Scheme: South Sub-Scheme will be amended to reflect the following amended development facilitation table:

ZONE: SPECIAL ZONE 24 – ERF 17 –AMANZIMTOTI		
SCHEME INTENTION: To provide, preserve, use land or buildings for a mix of land-uses, as listed below. MAP COLOUR REFERENCE: CROSS BLACK HATCH WITH THE NO.24 MAP REFERENCE: SS/05/2012		
PRIMARY	SPECIAL CONSENT	PRECLUDED
<ul style="list-style-type: none"> • Conservation Area • Flat • Hotel • Multiple Unit Development • Place of Public Entertainment • Private Open Space • *Restaurant / Fast Food Outlet • *Shop 	<ul style="list-style-type: none"> • Action Sports Bar • Telecommunications Infrastructure • Garden Nursery • Special Building • Student Residence 	<ul style="list-style-type: none"> • Adult Premises • Agricultural Activity • Agricultural Land • Airport • Arts and Crafts Workshop • Beach Amenity Facility • Betting Depot • Boarding House • Builder's Yard • Car Wash • Cemetery/ Crematorium • Chalet Development • Container Depot • Convention Centre • Correctional Facility • Crèche • Direct Access Service Centre • Display Area • Dive Charter • Dwelling House • Educational Establishment • Escort Agency • Flea Market • Fuelling and Service Station • Funeral Parlour • Golf Driving Range • Government / Municipal • Health & Beauty Clinic • Health Studio • Industry - Extractive • Industry – General • Industry – Light • Industry – Noxious • Institution • Landfill • Laundry • Mobile Home Park & Camping Ground • Mortuary • Motor Display Area • Motor Garage • Motor Vehicle Test Centre • Motor Workshop • Museum • Nature Reserve • Night Club • Office

		ZONE: SPECIAL ZONE 24 – ERF 17 –AMANZIMTOTI				
SCHEME INTENTION: To provide, preserve, use land or buildings for a mix of land-uses, as listed below. MAP COLOUR REFERENCE: CROSS BLACK HATCH WITH THE NO.24						

Some members were not in support of the recommendations, therefore the matter was put to the vote; With 173 Councillors present; 124 Councillors (ANC – 87, EFF – 20; IFP – 00; ABC – 01; Action SA – 02 and ACC – 02; ACDP – 02; ADEC – 00; AIC – 02; DLC – 01; APF-01; ALJAMAH – 00, ATM - 01, JEP -00; KZNI – 01; MF – 00; MOSA – 00; NFP -01; PFP – 00; PRM – 01; TA – 00; UIM- 01 and VF Plus- 01) were in support of the recommendations and 49 DA Councillors abstained on the matter.

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

- 2.9 Request to Amend the Council Resolution Dated 28 April 2022 for the Africa Travel Indaba Hosting Partnership and to Seek Authority to Enter into A 3-Year Agreement with the South African Tourism, Tourism KwaZulu-Natal and the Inkosi Albert Luthuli International Convention Centre to Host Tourism Indaba (20/1/4/3):
(Page L56: Economic Development and Planning Committee - Agenda 2022-11-17)

In order to give effect to the extension of the partnership to host Africa Tourism Indaba (ATI), an amendment to the financial years and a revised financial provision for these years is essential. It was noted that the Municipal Council has already approved financial implications which have now been increased by an estimated R1 Million.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.9.1 That the amendment of paragraph 1.8.4 of the Council Resolution dated 2022-04-28 by increasing the financial contribution for the hosting of the Africa Tourism Indaba (ATI) from R14 308 372.00 (Fourteen Million Three Hundred and Eight Thousand Three Hundred and Seventy-Two Rand) for financial years 2021/2022, 2022/2023 and 2023/2024 to R15 166 874 (Fifteen Million One Hundred and Sixty-Six Thousand Eight Hundred and Seventy-Four Rand) for the financial years 2022/2023; 2023/2024 and 2024/2025, be approved.
- 2.9.2 That authority be granted for the City Manager to enter into a new contract to give effect to the extension of the Bid partnership with South African Tourism ("SAT"), Tourism KwaZulu-Natal ("TKZN"), ICC Durban (Pty) Ltd (the "Bid Partners") for the hosting of ATI for 2022/2023; 2023/2024 and 2024/2025. eThekweni Municipality's portion of monies for ATI to be transferred to Tourism KwaZulu-Natal (TKZN), it being noted that in 2019/202 and 2022/2021 (2 Years) the Indaba did not take place due to COVID-19.
- 2.9.3 That the Head: Business Support, Tourism and Markets report to the Economic Development and Planning Committee on the hosting on the hosting of the ATI for 2022/2023, 2023/2024 and 2024/2025.

Financial Implications:

Financial Years	2022/2023	2023/2024	2024/2025
Amount	R4 764 064.00	R5 049 908.00	R5 352 902.00
Vote No.	26724-24960.86-12120-0000-53500-16 0001		
FC Number	2023/13/09		

ADOPTED.

3. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD 2022-11-17

(Page R20)

3.1 Request for Approval: Memorandum of Agreement Between eThekweni Municipality and Netcare Education - KZN Campus for Student Placement to Undertake Clinical Practicals in Clinics (6/1 & 6/2/3/1/2/R):

(Page 40: Community Services Committee – Agenda 2022-11-17)

The Committee noted that the request for placement of 100 students to undertake clinical practicals in clinics commences from January 2023. The previous Memorandum of Agreement that the Municipality had with Netcare Education in 2019 did not align with the current newly revised National Qualification framework, hence the need to enter into a new Agreement.

Thereafter,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into a Memorandum of Agreement with Netcare Education KZN Campus for the placement of 100 new cadres of students to undertake clinical practicals in clinics, as per the South African Nursing Council accreditation requirements for the courses expected to commence in January 2023.

Financial Implications:

None.

ADOPTED.

3.2 Request for Approval: Amendment of Council Resolution Regarding Parks, Recreation and Culture Grants-in-Aid Adopted on 07 June 2022 (7/14/1):

(Page 84: Community Services Committee - Agenda 2022-11-17)

It was noted that Council at its meeting held on 07 June 2022, **Adopted** “that authority be granted in the amount of R5 500 000.00 (Five Million and Five Hundred Rand) to be distributed to successful beneficiaries that applied for Grant-in-Aid, within the local Arts, Culture and Heritage industry”. It was advised that due to the City’s reprioritisation of funds, the original amount was reduced and with the allocation in the 2022/2023 financial year in the amount of R3 800 000.00 (Three Million Eight Hundred Rand) available for the 32 beneficiaries.

Upon consideration at the Executive Committee, the word “rescind” was corrected to reflect “amendment” both on the title of the report and the resolution respectively.

Thereafter,

COMMITTEE RECOMMENDS:

3.2.1 That the due to budget reprioritisation, the following Council resolution adopted on 07 June 2022 and in respect of the Grant-in-Aid allocations for the 2021/2022, be amended:

“That authority be granted in the amount of R5 500 000.00 (Five Million and Five Hundred Rand) to be distributed to successful beneficiaries that applied for Grant-in-Aid, within the local Arts, Culture and Heritage industry.”

3.2.2 That subsequent to the approval of .1 above, the revised resolution be approved as follows:

3.2.2.1 *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 R3 800 000.00 (Three Million Eight Hundred Rand) to distribute to successful beneficiaries that applied for Grant in Aid within the Local Arts, Culture and Heritage industry, as per the amended budget due to the City's budget reprioritisation from the initially approved budget of R5 500 000.00 (Five Million and Five Hundred Rand).*

3.2.3 That subject to the approval of .1 and .2 above, authority be granted for the Head: Parks, Recreation and Culture to conclude a Memorandum of Agreement with each of the thirty-two (32) organisations upon Council approval for a period of one (1) year, covering all aspects as required in terms of Section 67 of the Local Government Municipal Finance Management Act.

3.2.4 That subject to the approval of .1, .2 and .3 above, a close out report be submitted to the Community Services Committee after the distribution of Grants-in-Aid to the 32 successful beneficiaries.

Financial Implications:

The following organisations are eligible for Grant in Aid as per list approved by Council:

No.	Organisation Name	Financial Year 2021/2022	Financial Year 2022/2023
		Previous Amount	Revised Amount
1	Durban Music School	R 400 000.00	R 200 000.00
2	K-Cap	R 400 000.00	R 250 000.00
3	The Bat Centre	R 400 000.00	R 200 000.00
4	Wushwini Arts Centre	R 400 000.00	R 250 000.00
5	Flat Foot Dance Company	R 350 000.00	R 200 000.00
6	Centre for Creative Arts – UKZN	R 300 000.00	R 200 000.00
7	Siwela Sonke Dance Company	R 300 000.00	R 200 000.00
8	African Art Centre	R 250 000.00	R 150 000.00
9	KwaZulu-Natal Society of Arts	R 250 000.00	R 150 000.00
10	Imbadada	R 200 000.00	R 200 000.00
11	Lebu Discovery Productions	R 200 000.00	R 150 000.00
12	Gcinamasiko Arts & Heritage Trust	R 150 000.00	R 140 000.00
13	Isimilo Development Foundation	R 150 000.00	R 150 000.00
14	Amasosha Art Advancement	R 100 000.00	R 70 000.00
15	Art for Humanity	R 100 000.00	R 70 000.00
16	Black and Proud	R 100 000.00	R 100 000.00
17	Clermont Choir Foundation	R 100 000.00	R 70 000.00
18	Dikianga	R 100 000.00	R 70 000.00
19	Hope Floats	R 100 000.00	R 70 000.00
20	I Grand Tenori NPC	R 100 000.00	R 70 000.00
21	Ikabawo Projects	R 100 000.00	R 70 000.00

No.	Organisation Name	Financial Year 2021/2022	Financial Year 2022/2023
22	Ikhono Foundation	R 100 000.00	R 70 000.00
23	Inqwele Community Development Organisation	R 100 000.00	R 70 000.00
24	Kasie Amazing Young Artist	R 100 000.00	R 70 000.00
25	KUMISA	R 100 000.00	R 70 000.00
26	Marry Gray Theatre Projects	R 100 000.00	R 70 000.00
27	Nguwe Wedwa Youth Development	R 100 000.00	R 70 000.00
28	Ntuzuma Music Foundation	R 100 000.00	R 70 000.00
29	Sagiya Foundation	R 100 000.00	R 70 000.00
30	The Wentworth Arts & Culture Organisation	R 100 000.00	R 70 000.00
31	UKUSA Arts Programme	R 100 000.00	R 70 000.00
32	uMkhumbane Performing Arts	R 100 000.00	R 70 000.00
	TOTAL	R5 500 000.00	R3 800 000.00

FC Number: 33/733

Vote Number: 15503.25030.17.12120.0000.MRC01.0010

ADOPTED.

3.3

Request for Approval: Reprioritisation of 2022/2023 Approved Capital Budget to Projects with Contractual Commitments - Parks, Recreation and Culture Unit (7/1/2/2):

(Page 97: Community Services Committee - Agenda 2022-11-17)

The Parks, Recreation and Culture Unit was allocated an amount of R166 804 000.00 (One Hundred and Sixty-Six Million Eight Hundred and Four Thousand Rand) for capital projects with the intent to develop new infrastructure and rehabilitate and upgrade existing facilities. However, due to budget cuts, the Unit found itself with projects that are allocated a budget that is less than the estimated cash flows provided by implementing departments. Considering this, there is a budget shortfall for the payment of contractors and consultants, hence the need to reprioritise the 2022/2023 capital budget.

Accordingly,

COMMITTEE RECOMMENDS:

3.3.1

That authority be granted for the Head: Parks, Recreation and Culture to reprioritise the 2022/2023 capital budget to proceed with the implementation and completion of projects requiring additional funding in the amount of R42 643 630.00 (Forty-Two Million Six Hundred and Forty Three Thousand Six Hundred and Thirty Rand).

3.3.2

That subject to the approval of .1 above, the Deputy City Manager: Finance includes the budget transfers in the amount of R42 643 630.00 (Forty-Two Million Six Hundred and Forty-Three Thousand Six Hundred and Thirty Rand in his 2022/2023 Adjustment Budget.

3.3.3 That subject to the approval of .1 and .2 above, the Cornubia Phase 1A Social Facilities (N2143E) shortfall of R7 275 335.00 (Seven Million Two Hundred and Seventy-Five Thousand Three Hundred and Thirty-Five Rand) be identified from savings of the other Units within the Cluster.

Financial Implications:

Table 1: Projects that are work in progress (WIP) requiring capital budget to ensure urgent payment of contractors:

PROJECTS REQUIRING FUNDS					FUNDED FROM			
DESCRIPTI ON	SCOPE OF WORKS	WA RD No	AMOUNT (R)	REASONS	DESCRIPTIO N	WA RD No	AMOUNT (R)	REASONS
Zonal Plan: Albert Park combi courts (N1940)	Upgrade of combi courts	28	137,337	Outstanding retention fees	Ngqalabutho Community Hall (N1633D)	16	137,337	Procurement underway, project at BEC stage. Implementation in the later part of the year,
Fencing of cemeteries (N1889B1)	Fencing of cemeteries- Ntuzuma Cemetery	38	28,261	Outstanding retention fees	Ngqalabutho Community Hall (N1633D)	16	28,261	Procurement underway, project at BEC stage. Implementation in the later part of the year,
Shembe Community Hall (N1633)	Rehabilitation of community hall	22	100,000	Outstanding consultant fees	Upgrade of Cato Manor Museum (N1340AZ4)	29	100,000	Change of cash flow due to change in implementation plan. It should be noted that Implementing department requires R13m in 23/24 which is not budgeted for.
Luganda Community Hall (N2454A)	Rebuild of hall	14	2,737,873	Outstanding consultant fees	Upgrade of Cato Manor Museum (N1340AZ4)	29	2,737,873	Change of cash flow due to change in implementation plan. It should be noted that Implementing department requires R13m in 23/24 which is not budgeted for.
Kwamashu G Pool (N1835)	Upgrade of filtration system	40	350,000	Outstanding retention fees	Natural Science Museum Research (N2290)	28	350,000	Project withdrawn, electrical upgrade no longer required
Worst condition Hall (N2308A)	Rehabilitation of community hall- Solomon Mahlangu Hall	21	113,665	Outstanding retention fees	Ngqalabutho Community Hall (N1633D)	16	113,665	Procurement underway, project at BEC stage. Implementation in the later part of the year,
Bayview Community Hall (N2308A)	Structural investigation of Asbestos roof	70	31,940	Outstanding Consultant fees.	Ngqalabutho Community hall (N1633D)	16	31,940	Procurement underway, project at BEC stage. Implementation in the later part of the year,
Bhobhonono Community Hall (N2480)	Upgrade of community Hall	01	35,001	Outstanding retention fees	Ngqalabutho Community Hall (N1633D)	16	35,001	Procurement underway, project at BEC stage. Implementation in the later part of the year,
Rural Sports facilities (N1711BZ1)	Upgrade of sports field- KwaXimba Sports Field	01	99,553	Outstanding retention fees	Natural Science Museum Research (N2290)	28	50,000	Project withdrawn; electrical upgrade no longer required
					Ngqalabutho Community Hall (N1633D)	16	49,553	Procurement underway, project at BEC stage. Implementation in the later part of the year,

PROJECTS REQUIRING FUNDS					FUNDED FROM			
DESCRIPTI ON	SCOPE OF WORKS	WA RD No	AMOUNT (R)	REASONS	DESSCRIPTIO N	WA RD No	AMOUNT (R)	REASONS
Non- infrastructure New Furniture and Office E (PMZ001018)	Provision of furniture	001 0	80,000	Provision for office furniture	Non- infrastructure New Furniture and Office E (PMZ001053)	0010	80,000	Budget reprioritized. Utilizing one vote for single contract
Non- infrastructure New Machinery and Equipment (PMZ001037)	Provision of specialized Equipment	001 0	3,040,000	Provision of specialized Equipment	Non- infrastructure New Machinery and Equipment (PMZ001033)	0010	2,500,000	Budget redirected to one specialized equipment vote
					Non- infrastructure New Machinery and Equipment (PMZ001041)	0010	445,000	Budget redirected to one specialized equipment vote
					Non- infrastructure New Machinery and Equipment (PMZ001046)	0010	95,000	Budget redirected to one specialized equipment vote
Tshelimnyam a Library (N1352A)	Construction of new library	15	1,000,000	Contractor on site. Allocated budget is less than cash flow provided by implementing department	Natural Science Museum Research (N2290)	28	1,000,000	Project withdrawn; electrical upgrade no longer required
Worst condition Hall- Social Facilities Upgrade (N2308)	Rehabilitation and upgrade of various halls	001 0	10,000,000	Contractor on site for Region 2 Hall. Allocated budget is less than cash flow provided by implementing department	Mobeni Heights Crematoria (N1011)	69	3,150,000	Increase of scope to add upgrade of building increased cash flow which is greater than 22/23 allocated budget, implementation to commence next fin year
					Tongaat Crematorium (N2545)	61	3,650,000	Increase of scope to add upgrade of building, soil drainage, stormwater drainage and reroute of access road for delivery of Gas truck required for safety reasons increased cash flow which is greater than 22/23 allocated budget, implementation to commence next fin year. It should be noted that this site was severely affected by storm damage as it is located on a flood plain.
					Investigation of purchase of land (N1460)	0010	500,000	Feasibility studies to be undertaken via operational budget. No Longer permitted under capital budget as this cannot be capitalized

PROJECTS REQUIRING FUNDS					FUNDED FROM			
DESCRIPTI ON	SCOPE OF WORKS	WA RD No	AMOUNT (R)	REASONS	DESCRIPTIO N	WA RD No	AMOUNT (R)	REASONS
					Development of Cemeteries - Mount Edgecombe Memorial Park (N1627)	49	2,700,000	Masterplan underway. Delays due to problems encountered on site i.e. Electrical Servitude, Transnet Servitude and DoT interchange encroaching on site. Implementation for 24/25 fin year. This is a multi year project which requires budget provision every fin year for the next five years
Cornubia Phase 1A Social Facility (N2143E)	Development of social facilities	51	7,690,000	Contractor on site. Project commenced in 2019, due to the pandemic work was suspended on site, cash flow of project was affected, short fall of R14,965m.	Firwood Road Pool (N2552B)	34	1,000,000	Multi year project, tender documentation complete. BSC planned for January 2023
					Stadium Upgrades - Rotary Kwa Mashu (N2084)	39	4,000,000	Procurement underway, project at BEC stage. Implementation to commence as from mid fin year
					Worst Condition of Library Fac – (N1636A)	0010	1,190,000	Documentation complete. Procurement for 23/23 fin year
					Investigation of purchase of land (N1460)	0010	500,000	Feasibility studies to be undertaken via operational budget. No Longer permitted under capital budget as this cannot be capitalized
					Arena Park (N2289S1)	73	1,000,000	Contractor on site. Allocated budget is greater than cash flow.
Umdloti Beach (N2784S1)	Provision for Storm Damages 22/23 FY	58	800,000	Funds required for the utilization of CIP contractors for Storm damage Projects	Umdloti Beach (N2756S)	58	800,000	Movement of Funds to correct Project number
Dassenhoek Hall (N2758S)	Provision for Storm Damages 22/23 FY	13	400,000	Funds required for the utilization of CIP contractors for Storm damage Projects	Dassenhoek Hall (N2788S1)	13	400,000	Movement of Funds to correct Project number
Firwood Library (N2765S)	Provision for Storm Damages 22/23 FY	34	500,000	Funds required for the utilization of CIP contractors for Storm damage Projects	Firwood Library (N2778S1)	34	500,000	Movement of Funds to correct Project number

PROJECTS REQUIRING FUNDS					FUNDED FROM			
DESCRIPTI ON	SCOPE OF WORKS	WA RD No	AMOUNT (R)	REASONS	DESSCRIPTIO N	WA RD No	AMOUNT (R)	REASONS
Bridgevale Depot (N2768S)	Provision for Storm Damages 22/23 FY	36	500,000	Funds required for the utilization of CIP contractors for Storm damage Projects	Bridgevale Depot (N2781S)	36	500,000	Movement of Funds to correct Project number
Library Books (PC9061)/ Fund: 54062	Purchase of Books	001 0	6,200,000	Unblocking of block sum & correction of fund.	Library Books (PC9061)/ Fund: 54063	0010	15,000,000	Unblocking of block sum & correction of fund.
Computers (PC8300)/ Fund: 54062	Purchase of Computers	001 0	8,200,000	Unblocking of block sum & correction of fund.				
Sundry Equipment (PC8800)/Fun d: 54062	Purchase of Cages	001 0	400,000	Unblocking of block sum & correction of fund.				
Audio Visual Equipment (PC8300)/Fun d: 54062	Purchase of Sound Systems	001 0	200,000	Unblocking of block sum & correction of fund.				
TOTAL			42,643,630				42,643,630	

FC Number: 59/1281 (Excluding amount of R7 275 335.00 for Cornubia Hall)

ADOPTED.

3.4

Request for Approval to Host the Traditional Healing: HIV/AIDS and TB Dialogue (30/1/10/6):

(Page 166: Community Services Committee – Supplementary Agenda 2022-11-17)

It was noted that the Traditional Healing: HIV/AIDS and TB Dialogue was part of the AIDS Day build-up events and would include various stakeholders.

Thereafter,

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Health to incur expenditure in the amount of R300 000.00 (Three Hundred Thousand Rand) to host and implement the Traditional Healer HIV/AIDS and TB Dialogue before December 2022.

Financial Implications:

The Health Unit has received support from the Office of the Deputy City Manager: Community and Emergency Services and an amount of R300 000.00 will be made available. The total number of attendees expected is 300.

	Description	No.	Amount	
1	Hire of 300-seater frame marquee with 300 chairs, 5 trestle tables and certificate of structure	1	R 30 000.00	DCM's Office
2	Hire of 100-seater frame marquee with 100 chairs, 10 round tables, 10 tablecloths, 4 trestle tables (for briefing and lunch)	1	R 20 000.00	DCM's Office
3	Hire of sound system, 4x6meter stage, podium and generator	1	R 30 000.00	DCM's Office
4	Hire of Ablution Facilities: 1x VIP trailer toilets (male & female), 5x public toilets (male & female), 1x toilet for people with disabilities	1	R 20 000.00	DCM's Office
5	Procure catering for the public in attendance: Quarter leg chicken, 2 bread rolls, 1 salad, 1 fruit and 1 soft drink	300	R 50 000.00	DCM's Office
6	Procure VIP catering (Beef curry, chicken curry, rice, steamed bread, 3 salads, roast chicken and 100% juice)	100	R 20 000.00	DCM's Office
7	Procure bottled water	300	R 10 000.00	DCM's Office
8	Hire stage draping	1	R 10 000.00	DCM's Office
9	Hire plant décor	1	R 10 000.00	Health Unit
10	Hire of 5 transport buses	1	R110 000.00	DCM's Office
11	Entertainment by Traditional Health Practitioners	1	0	Traditional Healer Leadership
	GRAND TOTAL		R300 000.00	

Vote Number: 14001.VARIOUS.12120.0000.32100-3.0010

ADOPTED.

3.5

Request for Approval: 2022/2023 Lifeguard Endurance Programme (31/3/1/1):
(Page L55: Community Services Committee - Agenda 2022-11-17)

It was noted that the programme formed part of the approved business plan and that it is scheduled to take place on the first Friday of each December annually with lifeguards participating in swimming and running. The City Lifeguards and Swimming Pool Supervisors partake in this prestigious and competitive event as a way of showcasing their readiness and fitness capacity for the December festive season in view of the high visitors' influx throughout the eThekweni beaches. This program is a one-day (two-phased) event comprising the Physical Endurance Program and the Awards Ceremony Programme.

The Democratic Alliance raised concern and recommended that the funds should be used to address poor working conditions, lack of resources such as uniforms, equipment and inadequate infrastructure that Lifeguards were working under instead of sponsoring this programme.

At the Support Committee level, the DA (9) abstained on the matter, the ANC (15), EFF (0), ABC (1), Action SA (1), DLC (1), KZNI (1), NFP (1) and TA (1) were all in support of the recommendations.

During the Executive Committee, the DA maintained their abstention on the matter and with the other Political Parties being in support;

COMMITTEE RECOMMENDS:

- 3.5.1 That authority be granted for the Head: Parks, Recreation and Culture to incur expenditure in the amount of R135 000.00 (One Hundred and Thirty-Five Thousand Rand) to implement the 2022/2023 Lifeguard Endurance Programme on the first Friday of December 2022.
- 3.5.2 That, subject to the approval of .1 above, all procurement of goods and services be undertaken in accordance with the Supply Chain Management Policy and the Local Government Municipal Finance Management Act, 2003, Circular 82 regarding Cost Containment Measures.

Financial Implications:

Physical Endurance Programme:

Item	Description	Vote No.	Estimated Cost
Fruits	3 fruits per participant		Sport & Rec to support
Water	300 bottled water (2 per participant)		Sport & Rec to support
Energade	150 (1 per participant)		Sport & Rec to support
Medals	150 medals for all participants		Sport & Rec to support
Trophies	Trophies for winners X3 Categories	16020/18150.10/12120/000/76200/WO26	R15 000.00
Engraving	To polish, fix and engrave floating trophies	16020/18950.10/12120/000/76200/WO26	R 4 000.00
T/Shirts	150 T/shirts for all participants with Endurance 2022 writing	16010/22200/12120/0000/76200/WO28	R38 000.00
Drawstring Backpacks	150 bags for all participants		N/A Seek for Sponsorship
Branding	6 Gazebos for registration site station and finishing station 20 further banners		PRC and Durban Tourism

Awards Ceremony:

Item	Description	Vote No.	Estimated Cost
Venue Hire	TBC at Moses Mabhida with three-course dinner meal	16002/27999.7052/99000/PD001/7052/0010	R76 042.63
Sound System	To source internally		N/A
Accreditation of Guests	Wrist Bands		Durban Tourism to support
Gift Bags	150 gift bags		N/A Seek for sponsorship
Programme Director	A person to direct the evening proceedings		TBC: Internal
TOTAL ESTIMATED BUDGET			R135 000.00

Vote Number: 16010 VARIOUS PROVIDED 2022/2023
FC Number: 35/522

It being noted that the department is awaiting confirmation from sister departments on items listed above.

The above matter was; WITHDRAWN.

3.6 Request for Approval to Host an Environmental Health Seminar on 16 February 2023 at the Inkosi Albert Luthuli International Convention Centre (6/3/1):
(Page L56: Community Services Committee - Agenda 2022-11-17)

It was noted that the seminar will take place on 16 February 2023 due to the initial date of 17 November 2022 having lapsed. The objectives of the seminar are as follows:

- To build staff morale and identify inconsistencies and gaps in the Environmental Health services
- To afford Environmental Health Practitioners with an opportunity to engage with policy makers on issues of current importance.
- To identify innovative ways to deliver services in the 4th industrial revolution as this will increase efficiencies in the service
- Stimulate the development and implementation of evidence-based interventions to reduce exposures that compromise the health of the communities, thus ensuring action based on environmental health related data.
- Establish Environmental Health Strategic Plan with integrated area based Operational Plan, thus propelling standardisation across EM

Thereafter,

COMMITTEE RECOMMENDS:

3.6.1 That authority be granted to the Head: Health to incur expenditure in the amount of R79 376.00 (Seventy-Nine Thousand Three Hundred and Seventy-Six Rand) to coordinate and implement the Environmental Health Seminar for 200 officials to develop an Environmental Health strategic five-year plan to improve service delivery, on 16 February 2023 at the Inkosi Albert Luthuli International Convention Centre.

3.6.2 That subject to the approval of .1 and .2 above, the City Manager records the reason for any special deviation in terms of Section 58 (1) to (7) of the Supply Chain Management Policy and reports it to the next meeting of Council and include it as a note to the annual financial statements.

Financial Implications:

No	Items	Amount
1	Venue (ICC) – Full day conference package	
	TOTAL	R79 376.00

Estimated Budget: R82 000.00

Vote Number: 23037.19925.12120.0000.35000-4.001

ADOPTED.

4. **DIRECT EXCO REPORTS**

4.1 **REQUEST TO UPDATE FICA REQUIREMENTS FOR ABSA BANK (7/8/2)**

(Page 1)

It was recalled that Council had last approved FICA requirements with the ABSA Bank on 06 December 2017. The intention of this submission is to obtain a current dated resolution which is required to update the FICA requirements with the ABSA Bank. It being mentioned that the ABSA Bank has requested all Municipalities to update their FICA requirements with immediate effect. This is to enable the Bank to have a fresh set of signatories on file for instances where the City may need to transact with the ABSA Bank.

On this basis;

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager and the Deputy City Manager: Finance to act jointly to sign all documents (including any amendments, replacements and/or novations thereto) provided by the ABSA Bank Limited (Registration Number: 1986/004794/06) and do all things necessary to give effect to the above appointment on behalf of the eThekweni Municipality and to participate in such electronic banking services, as amended from time to time.

Speaking on the matter, the EFF expressed their dissatisfaction on the Municipality signing agreements with the ABSA Bank. They were of the view that the aforementioned Financial Institution does not conduct its business ethically.

Thereafter, the ANC mentioned that the ABSA Bank had been chosen following the conclusion of the tender process.

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

4.2 **REQUEST FOR AUTHORITY TO CALL FOR NOMINATIONS TO FILL NON-EXECUTIVE DIRECTOR POSITIONS FOR MUNICIPAL ENTITIES (2/2/3)**

(Page 2)

Approval is sought to call for nominations to appoint Non-Executive Directors to serve on the boards of the Durban Marine Theme Park (DMTP) and the Inkosi Albert Luthuli International Convention Centre (trading as the Durban ICC).

That authority be granted for the City Manager to call for these nominations in accordance with the eThekweni Municipality Policy and Process for the Appointment of Directors of the Boards of the Municipal Entities.

The DMTP and the Durban ICC are Entities of the eThekweni Municipality required to have a complement of nine (09) Non-Executive Directors within every term to be fully functional.

The selection and appointment of the Non-Executive Directors is undertaken in accordance with the eThekweni Municipality Policy and Process for the Appointment of Directors of the Boards of Municipal Entities. It is expected to appoint the Non-Executive Directors timeously to ensure that the Boards remain functional.

With regards to the DMTP, the status of membership is as follows:

- There are two (02) vacancies, which have resulted from the Non-Executive Directors serving six (06) years and were thus not eligible to serve any longer on the Board.
- There are six (06) Board members who were appointed with effect from 01 March 2020 and their term will conclude on 28 February 2023. They are eligible to serve a further term of three (03) years and can be re-nominated.
- The South African Association for Marine Biological Research (SAAMBR) also has representation on the Board, which is filled by the Chairperson of the SAAMBR Council.
- Therefore, the call for nominations is in respect of eight (08) Non-Executive Director posts on the DMTP Board.

In terms of the Durban ICC, the status of membership is as follows:

- There are four (04) Board members who were appointed with effect from 01 March 2020 and their term will conclude on 28 February 2023. They are eligible to serve a further term of three (03) years and can be re-nominated.
- The call is then for nominations in respect of four (04) Non-Executive Director posts for the Board of the Durban ICC.

Accordingly, the call for nominations for these Non-Executive Directors needs to be undertaken and authority is hereby being sought to proceed in accordance with the eThekweni Municipality Policy and Process for the Appointment of Directors of the Boards of Municipal Entities.

COMMITTEE RECOMMENDS:

- 4.2.1 That Council approves a call for nominations for the eight (08) Non-Executive Directors to serve on the Board of the Durban Marine Theme Park (DMTP) and the four (04) Non-Executive Directors to serve on the Board of the Inkosi Albert Luthuli International Convention Centre (trading as the Durban ICC).
- 4.2.2 That subject to the approval of 4.1 above, authority be granted for the City Manager to call for the nominations, in accordance with the eThekweni Municipality Policy and Process for the Appointment of Directors of the Boards of Municipal Entities.

ADOPTED.

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

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-12-06)

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

1. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE MEETING HELD 2022-11-23

(Page R1)

1.1 Approval of eThekweni Municipality Occupational Health & Safety Policy (5/P):
(Page 32: Governance and Human Resources Committee - Agenda 2022-11-23)

Authority is sought to approve the Occupational Health and Safety Policy within the eThekweni Municipality. The Occupational Health and Safety Act No. 85 of 1993 and other related legislations compel the employer to provide a safe and healthy work environment. The Occupational Health and Safety Unit focuses on the provision of quality occupational health and safety service, enabling all business units to manage their health and safety risks and ensure legal compliance. This is intended to ultimately lead to safe, healthy and productive employees, thereby enhancing service delivery. In line with this, the Occupational Health and Safety Unit is key to the operationalization of comprehensive occupational health and safety programmes.

The eThekweni Municipality has adopted good practice with respect to Occupational Health and Safety, hence, the development of the related Policy to ensure protection of employees at work, contractors and members of the public. This Policy provides a framework for decision-making in respect of Occupational Health and Safety matters within the eThekweni Municipality and outlines rules and procedures for application to all Municipal employees, management and contractors.

Confirmation was given that broad consultation has been undertaken with the relevant stakeholders, including the Corporate and Human Capital Cluster officials; line management; and Labour. That there have been no issues raised with regard to the content of the Policy.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.1.1 That the Executive Committee approves the eThekweni Municipality Occupational Health and Safety Policy, attached herein as Annexure A, and which Policy aims to ensure health and safety of persons in the workplace and provide for control to prevent and/or minimise incidents and/or accidents, as well as ill health, disability or death of workers due to risk-activities arising from working conditions.

- 1.1.2 That, subject to the approval of .1 above, authority be granted for the Head: Occupational Health and Safety to facilitate the implementation of the Policy by the Municipal Units, it being noted that there are no financial implications as the cost related to Occupational Health and Safety is incorporated in each Unit's budget.

ADOPTED.

- 1.2 Naming of Streets in Wards 58 Covering Salta Private Estate (25/4/15/1):
(Page 62: Governance and Human Resources Committee - Agenda 2022-11-23)

The Committee received the report for approval to name the streets in Ward 58, covering Salta Private Estate. It was confirmed that all requirements pertaining to the streets naming have been satisfied and that it is in the interest of the eThekweni Municipality and the developer of Salta Private Estate to name the streets. Accordingly, authority is sought to approve streets naming in Ward 58 covering Salta Private Estate.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

That the following proposed and reviewed names for the unnamed Streets in Ward 58, covering Salta Private Estate, as contained in the report of the Head: Information Management dated 2022-10-21, and as indicated on Plan No. STN 21/10/22, be approved:

Street Code	Proposed Name	Reviewed Name	Meaning
610971	Mt Cotton	MT COTTON BOULEVARD	Mount cotton is derived from the previous farm name of Cottonlands. Main entrance and exit to and from the Mount Cotton Estate
610981	Dada	DADA BOULEVARD	Named after the Developer of the Estate
610980	Paruk	PARUK BOULEVARD	Named after indigenous birds of node 6 Sibaya.
610976	Strelitzia	STRELITZIA AVENUE	Named after indigenous birds of node 6 Sibaya.
610982	Waterberry	WATERBERRY LANE	Named after indigenous birds of node 6 Sibaya.
610973	Tinderwood	TINDERWOOD AVENUE	Named after indigenous birds of node 6 Sibaya.
610974	Silver Oak	SILVER OAK AVENUE	Named after indigenous birds of node 6 Sibaya.
610978	Ironwood	IRONWOOD WAY	Named after indigenous birds of node 6 Sibaya.
610977	Mahogany	MAHAGANY CLOSE	Named after indigenous birds of node 6 Sibaya.
610975	Beech	BEECH WAY	Named after indigenous birds of node 6 Sibaya.
610972	Milkwood	MILKWOOD AVENUE	Named after indigenous birds of node 6 Sibaya.
610979	Bishop	BISHOP LANE	Named after indigenous birds of node 6 Sibaya.

Street Code	Proposed Name	Reviewed Name	Meaning
610969	Finch	FINCH LANE	Named after indigenous birds of node 6 Sibaya.
610968	Kingfisher	KINGFISHER LANE	Named after indigenous birds of node 6 Sibaya.
610970	Hornbill	HORNBILL CRESCENT	Named after indigenous birds of node 6 Sibaya.

ADOPTED.

- 1.3 Request to Engage the Egyptian Embassy to Explore the Voluntary Return of the Egyptian Mummy Artifact Kept at the Durban Science Museum (35/2/R):
(Page 124: Governance and Human Resources Committee - Agenda 2022-11-23)

The Committee received a report requesting approval to explore the process to voluntary repatriate the Egyptian Mummy Artifact kept at the Durban Natural Science Museum. The mummy was brought to the eThekweni Municipality under circumstances that were against legal and decent value and principle. The Mummy was brought to the City under colonial post war conditions, and this goes against the best international practice and respect for the Egyptian culture and heritage. The coffin and Mummy were acquired by the Durban Natural Science Museum some time in the late 19th century though it is apparent that with the move from the Old Town Hall, now the Post Office (the previous home of the Museum) to the City Hall in 1910, the Mummy was included in the inventory items that were moved and it is not appearing in the previous inventory in 1889.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.3.1 That authority be granted for the City Manager to request the Mayor to write a formal letter to the Egyptian Ambassador to South Africa offering voluntary repatriation of the Egyptian Mummy to Egypt.
- 1.3.2 That authority be granted for the City Manager to inform the South Africa's Department of International Relations about the Municipality's intention to voluntary repatriate the Mummy to Egypt, and this being in keeping with fostering and sustaining good international relations with Egypt.
- 1.3.3 That an update and progress on the negotiations and developments concerning the repatriation of the Mummy be given to the City Manager and Council before any final decisions are made concerning the repatriation of the Mummy.

Financial implications:

All negotiations must strive to ensure that there is no financial loss to the Municipality in the repatriation of the Mummy. All South African statutory and City By-Laws will be followed during this process.

ADOPTED.

1.4 Request to Host the 16 Days of Activism Against Gender-Based Violence and Femicide (19/1/14):
(Page 153: Governance and Human Resources Committee - Agenda 2022-11-23)

Authority is sought to host the 16 Days of Activism Programme, which will run from 25 November to 10 December 2022, aimed to increase the knowledge and understanding amongst the eThekweni Municipality employees regarding the Gender-Based Violence and Femicide, the concepts of gender, sexuality and human rights. Furthermore, to call for the prevention and the elimination of violence against women and girls.

The 16 Days of Activism Against Gender-Based Violence and Femicide is an annual international campaign, aimed at the Elimination of Violence Against Women and Girls. The campaign runs from 25 November till 10 December, which is an international Human Rights Day. It was started by the Activists at the Inaugural Women's Global Leadership Institute in 1991 and continues to be coordinated each year by the Centre for Women's Global Leadership.

It is used as an organizing strategy by individuals and organizations around the world to call for the prevention and elimination of violence against women and girls. The global theme for this year's 16 Days of Activism Against Gender-Based Violence and Femicide is **"UNITE! Activism to end violence against women and girls"**.

The 16 Days Campaign forms the centre point of government's comprehensive 365 Days of Activism for No Violence Against Women and Girls, to show support in condemning Gender - Based Violence and Femicide. The Employment Equity office is proposing to host an event for all employees of the eThekweni Municipality in support of the numerous campaigns and initiatives against the violence and abuse of women and children aligned with the United Nation's goal number five to achieve gender equality and empower all women and girls.

Accordingly, authority is sought to host the 16 Days of Activism Against Gender-Based Violence and Femicide for all employees as per the proposed date of 09 December 2022. It being noted that the event would be streamed via the MS Teams platform.

Whilst the Executive Committee noted, as per the explanation given, that there is no financial implication associated with this event, but it was cautioned that it was not procedurally correct to submit an item with an event which has already passed but still seeking authority from Council to host such event. This was noted and with Management extending an apology in this regard and advising this has been due to the time factor in processing the matter within the Committees.

COMMITTEE RECOMMENDS:

- 1.4.1 That approval be granted for the Deputy City Manager: Corporate and Human Capital to host the 16 Days of Activism Against Gender-Based Violence and Femicide, which will run from 25 November to 10 December 2022, and aimed to increase the knowledge and understanding amongst the eThekweni Municipality employees regarding the Gender-Based Violence and Femicide, the concepts of gender, sexuality, and human rights, and, furthermore, to call for the prevention and the elimination of violence against women and girls.

- 1.4.2 That it be noted that there are no financial implications for hosting the 2022 16 Days of Activism Against Gender-Based Violence and Femicide and further to that there are no costs involved for all Speakers and Programme Directors.

ADOPTED.

- 1.5 Hosting the International Day of Persons with Disabilities on 02 December 2022 at Moses Mabhida Stadium (19/1/1/2/2)
(Page 158: Governance and Human Resources Committee - Agenda 2022-11-23)

Authority is sought to approve and incur expenditure in the amount of R79 045.57 (Seventy-Nine Thousand and Forty-Five Rand Fifty-Seven Cent), Including VAT, to host an International Day of Persons with Disabilities (IDPWD) for the eThekweni Municipality on 02 December 2022 at Moses Mabhida Stadium. The Employment Equity Office seeks to host an International Day of Persons with Disabilities to commemorate the International Day of Persons with Disabilities. This day is commemorated annually on 03 December, with the aim of promoting empowerment and to create opportunities for Persons with Disabilities. In 2022, the theme for the International Day of Persons with Disabilities is “Not all Disabilities Are Visible”. It being noted that some disabilities, such as mental health disorders, chronic pain and fatigue are invisible, but that does not make them any less devastating to someone’s quality of life.

The annual observation of the International Day of Persons with Disabilities on 02 December 2022, aims to promote:

- **Retaining and Recruiting:** Employers who recognize different conditions will work better with employees who may have invisible disabilities.
- **Employment Equity Act:** The promotion of equality and the prevention of unfair discrimination in the workplace.
- **Encouragement of Open Communications:** Wellbeing and support can be applied through open communication.
- **Self-Identification Disclosure:** The act of disclosing a disability in the workplace.
- **Reasonable Accommodation:** To encourage the employer to accommodate Persons with Disabilities in the workplace.

A similar concern was raised by the Executive Committee with regard to the submission of an item for the event which has already passed, and which means the event has already taken place without the Council authority. Management undertook to ensure that the timelines amongst the Committee processes are observed as the items are submitted timeously for the Support Committee level and then time lapses before reaching the Council level.

On this basis

COMMITTEE RECOMMENDS:

- 1.5.1 That approval be granted for the Deputy City Manager: Corporate and Human Capital to incur expenditure in the amount of R79 045.57 (Seventy-Nine Thousand and Forty-Five Rand Fifty-Seven Cent), Including VAT, to host the International Day of Persons with Disabilities (IDPWD) for the eThekweni Municipality on 02 December 2022 at the Moses Mabhida Stadium, and which event is aimed at promoting the following:

- (a) **Retaining and Recruiting:** Employers who recognize different conditions will work better with employees who may have invisible disabilities.
- (b) **Employment Equity Act:** The promotion of equality and the prevention of unfair discrimination in the workplace.
- (c) **Encouragement of Open Communications:** Wellbeing and support can be applied through open communication.
- (d) **Self-Identification Disclosure:** The act of disclosing a disability in the workplace.
- (e) **Reasonable Accommodation:** To encourage the employer to accommodate Persons with Disabilities in the workplace.

1.5.2 That it be noted that the International Day of Persons with Disabilities will be attended by 150 employees on 02 December 2022 at the Moses Mabhida Stadium.

Financial implications:

Item	Amount
Moses Mabhida Venue – Full Day Package (Mixed Zone) 150 pax	R68 735.26
Contingency fees	R 6 248.66
Sub Total, excl. VAT	R68 735.26
15% VAT	R10 310.29
Total including VAT	R79 045.57

Vote No: 33111.27999.7052.99000.7052.PD0010010

ADOPTED.

1.6 Request for Approval of Funding to Create Awareness and Capacity Building for the Implementation of the National Strategic Plan on Gender- Based Violence and Femicide (19/1/1/4):

(Page L57: Governance and Human Resources Committee - Agenda 2022-11-23)

Authority is sought to approve funding in the amount of R150 000.00 (One Hundred and Fifty Thousand Rand) to commence with an awareness and capacity building programme for stakeholders critical to the implementation of the National Strategy Plan on Gender-Based Violence and Femicide in the eThekweni Municipality, as part of the Sixteen (16) Days of Activism Against Gender-Based Violence. The National Strategic Plan (NSP) on Gender-Based Violence and Femicide (GBVF) provides a cohesive strategic framework to guide the national response on the GBVF crisis in which South Africa finds itself.

In December 2021, the KwaZulu-Natal Office of the Premier developed the Strategic Implementation Plan to guide the implementation of the NSP on the GBVF in the Province. The NSP on the GBVF identifies heightened accountability, strengthened responsiveness and concerted efforts to prevent the GBVF as the three critical elements of the pathway to change the situation on the GBVF. To achieve these elements, and make impactful change, an Integrated eThekweni Plan on the GBVF needs to be developed. This will be a multisectoral plan that is informed by the NSP on the GBVF and will be aligned to the 5-year IDP.

A process plan towards the development of the Integrated eThekweni Plan on the GBVF is in place. The first key activity that will be undertaken is an awareness and capacity building programme to ensure that all the stakeholders are aware of the

National Strategic Plan. The second activity is a rapid assessment on the state of the GBVF in eThekweni which will initially be conducted in the areas where GBVF incidents are most prevalent, that is Inanda, Ntuzuma, KwaMashu, uMlazi and greater KwaNdengezi. The assessment of the rest of eThekweni will be undertaken in the 2023/2024 financial year. As part of the Sixteen (16) Days of Activism Against Women and Children, the eThekweni Municipality will undertake a programme that would be impactful, instead of hosting events.

At the Ward level, the implementation of the NSP on the GBVF is expected to be driven by the Ward Councillor and a Lead Member of the Civil Society, with the participation of members from the Operation Sukuma Sakhe (OSS), namely Government, Community Based Organisations, Community Policing Forum as well as the District AIDS Council. In order to ensure adequate representation at the Ward level, seven (7) or eight (8) people in each Ward will participate in the awareness and capacity building workshops, including the Ward Councillor, Ward Committee member responsible for the Health and Safety, War Room Convenor, War Room Secretary, Community Mobiliser, Community Development Worker, Community Care Givers and the EPWP Safety Volunteer.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.6.1 That approval be granted for the Deputy City Manager: Governance and International Relations to incur expenditure in the amount of R150 000.00 (One Hundred and Fifty Thousand Rand) to commence with an awareness and capacity building programme for stakeholders critical to the implementation of the National Strategy Plan on Gender-Based Violence and Femicide in the eThekweni Municipality, as part of the Sixteen (16) Days of Activism Against Gender-Based Violence.
- 1.6.2 That it be noted that awareness and capacity building will be held in the six (6) regions, as per the Operational Sukuma Sakhe demarcation, with two workshops to be held online.

ADOPTED.

- 1.7 Gender-Based Violence Walk for Municipal Employees on 30 November 2022:
(Page Circulated separately: Governance and Human Resources Committee - Agenda 2022-11-23)

The Committee received the report for approval to host the Gender-Based Violence Walk for the Municipal employees, as part of the broader programme of the 16 Days of Activism for No Violence Against Women and Children. The Walk will commence from the Durban Amphitheatre to the Blue Lagoon and back to the Amphitheatre on 30 November 2022, whereby all employees and leaders will be invited to attend and participate in the walk.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.7.1 That the Executive Committees note the initiative by the Deputy City Manager: Governance and International Relations to host the Gender-Based Violence Walk for the Cluster Employees, as part part of the broader programme of the 16 Days of

Activism for No Violence Against Women and Children, which walk commences at the Durban Amphitheatre to the Blue Lagoon and back to the Amphitheatre on 30 November 2022.

- 1.7.2 That it be noted that there are no financial implications to be incurred for hosting the 2022 Gender-Based Violence Walk for the Governance & International Relations Cluster Employees, it being further noted that there are no costs involved for all Speakers and Programme Directors.

ADOPTED.

2. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD ON 2022-11-24

(Page R57)

2.1 Request for the 2022-23 Budget Reprioritization in the Engineering Unit: Roads Provision Department (25/4/6//1):

(Page 1 : Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

Savings have been identified in the Engineering Unit: Roads Provision Department's Road Rehabilitation block-sum budget in the amount of R211 442.32 (Two Hundred and Eleven Thousand Four Hundred and Forty-Two Rand Thirty-Two Cent), excluding VAT). It is therefore proposed to reallocate such funds to Solomon Mahlangu Drive rehabilitation project.

With Committee being in agreement,

COMMITTEE RECOMMENDS:

- 2.1.1 That authority be granted for the Deputy City Manager: Human Settlements and Infrastructure to reprioritize the Roads Provision Road Rehabilitation block-sum budget and the proposed reallocation of such funds to Solomon Mahlangu Drive rehabilitation project.

Project Number	Road Name	Budgeted Amount	Savings (excl VAT)
P3965	Various Roads	R145 516 000.00	R211 442.32

- 2.1.2 That it be noted the submission does not request any additional funding, a net savings is realized, and is proposed to be reprioritized (inter-branch).

ADOPTED.

2.2 Request for the Floods Damages Budget Reprioritization in the Engineering Unit: Roads Provision Department, 2022/2023 Financial Year:

(Page 3 : Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

Savings have been identified in the Engineering Unit: Roads Provision Department's Flood Repairs Block-sum budget in the amount of R36 797 133.29 (Thirty Six Million Seven Hundred and Ninety Seven Thousand One Hundred and Thirty Three Rand Twenty Nine Cent), and proposed reallocation of such funds to the other floods damages projects. The Roads Provision Department has identified Flood damage projects to be undertaken in the 2022/2023 financial year, caused by the floods of April

and May 2022. A Block sum allocation in the amount of R115 000 000.00 (One Hundred and Fifteen Million Rand) was made available for the Engineering Unit: Roads Provision Budget in the 2022/2023 financial year. The Department has identified savings which can be summarized as follows:

- Projects being undertaken by the other Engineering Unit Department i.e., Roads and Stormwater Maintenance (RSWM) or Coastal, Stormwater and Catchment Management (CSCM);
- The Asset does not belong to the Municipality e.g., Department of Transport (DOT) asset; and
- The budget provided exceeds the actual tendered values and contract requirements.

In light of the above, the Department has identified savings of R36 797 133.29 in the 2022/2023 financial year which is itemized as indicated in the table 1 below:

Project No.	Ward	Road Name	Budgeted Amount R	Actual Budget Required R	Savings R	Comment
P14578	63	Bealings Road	5 400 000	3 542 500	1 857 500	Savings identified
P14579	63	Brent Road	5 100 000	1 963 000	3 137 000	Savings identified
P14606	70	Astral Drive	3 000 000	2 860 000	140 000	Savings identified
P14596	59	Oakford Road Verulam	3 500 000	-	3 500 000	KZN DOT Road
P14637	63	Rushbrook Road	1 900 000	1 820 000	80 000	Savings identified
P14480	9	Madiba Road (01)	900 000	550 000	350 000	Savings identified
P14469	91	Mountain Road	1 000 000	500 075	499 925	Savings identified
P14599	63	Wood Road	3 050 000	2 860 000	190 000	Savings identified
P14575	9	Mpunzi Road	6 000 000	2 338 700	3 661 300	Savings identified
P14488	18	Douglas Road (Kloof)	655 000	631 292.13	23 707 87	Savings identified
P14465	6	Phungula Road	1 100 000	400 075	699 925	Savings identified
P14459	6	Maphumulo Road	1 300 000	400 075	899 925	Savings identified
P14626	65	Gardendale Crescent	1 701 000	1 560 000	141 000	Savings identified
P14627	9	Melville Pl	2 220 000	555 908.17	1 664 091.83	Savings identified
P14641	10	Carnation Road	1 700 000	1 265 627.13	434 372.87	Savings identified
P14617	9	Heaton Nichols Road	2 700 000	200 000	2 500 000	Savings identified
P14614	9	Madiba Road (02)	2 920 000	687 557.65	2 232 442.35	Savings identified
P14635	65	Bankhead Road	1 965 000	1 755 000	210 000	Savings identified
P14616	70	Silverglen Drive	2 900 000	1 716 000	1 184 000	Savings identified
P14601	10	Ukosi Road	3 000 000	687 557.65	2 312 442.35	Savings identified
P14478	9	Jerome Road	940 000	555 906.87	384 093.13	Savings identified
	62	Walter Reid Road	1 750 000	-	1 750 000	RSWM completed repair
P14470	55	King Bhokuzulu Drive, Newton A	1 000 000	833 860.30	166 139.70	Savings identified

Project No.	Ward	Road Name	Budgeted Amount R	Actual Budget Required R	Savings R	Comment
P14496	63	Kewley Road	1 750 000	1 176 500	573 500	Savings identified
P14478	57	122542 Street to (Myeza Whitecity)	1 662 000	833 860.30	828 139.70	Savings identified
	55	Manicky Mcanyana Avenue (108725 STR)	210 000	-	210 000	RSWM project
P14655	43	Edmund Morewood Road	4 000 000	3 461 577.60	538 422.40	Savings identified
P14632	10	Quentin Smythe	4 000 000	-	4 000 000	RSWM completed repair
P14638	10	Edwin Swales Road	1 800 000	-	1 800 000	RSWM completed repair
P14482	91	Corner of Sishi Main Road and 221 STR	800 000	770 793.91	29 206.09	Savings identified
P14483	9	99546 Street	800 000	-	800 000	NEW estimate is R15M. Cannot undertake in this FY – insufficient budget.
TOTAL			70 723 000	33 925 866	36 797 133	

Due to the vast extent of floods damages, and the presence of a substantial list of floods damages projects that did not receive funding from the initial block sum allocation, it is recommended that projects contained in table 2 below receive funding:

TABLE 2: FLOOD DAMAGE PROJECTS REQUIRING BUDGET

FLOOD DAMAGE PROJECTS REQUIRING ADDITIONAL BUDGET					
P Number	Ward No.	Road Name	Budgeted Amount	Actual Amount	Additional Money Required
P14573	65	Erica Ave/Carrick Road	R 4 000 000.00	R 4 220 664.50	R 220 664.50
P14640	5	TRK 74031 Track From georgedale link To Sankontshe	R 2 400 000.00	R 2 958 861.10	R 558 861.10
P14467	35	Umhlanga Tetford Traffic Circle	R 1 050 000.00	R 1 121 474.25	R 71 474 .25
P14654	25	Lupid Road/Tupil	R 2 000 000.00	R 2 109 120.00	R 109 120.00
P14621	16	Wiltshire Road	R 2 500 000.00	R 3 250 000.00	R 750 000.00
P14593	47	12 Untinginono Grove	R -	R 5 100 000.00	R 5 100 000.00
P14486	11	Chippendale Road	R -	R 900 000.00	R 900 000.00
P14610	9	Bhalito Road	R -	R 527 013.44	R 527 013.44
P14623	15	Nkazimulo Rd Tshelimnyama	R -	R 6 200 000.00	R 6 200 000.00
P14597	24	Mahlathi Road	R -	R 2 150 000.00	R 2 150 000.00
P14502	15	Thornwood Road	R -	R 530 000.00	R 530 000.00

P14473	24	90 Kingsmead Drive Westville	R	-	R 4 200 000.00	R 4 200 000.00
P14561	52	D403	R	-	R 6 500 000.00	R 6 500 000.00
P14525	93	Andrew Zondo Rd	R	-	R 80 000.00	R 80 000.00
P14532	109	Nantshi Place	R	-	R 60 000.00	R 60 000.00
	42	Umzinyathi Drive 1	R	-	R 500 000.00	R 500 000.00
	25	5 Perilla Place, Springfield	R	-	R 160 000.00	R 160 000.00
	10	Somlandela Dr No. 129	R	-	R 2 700 000.00	R 2 700 000.00
	55	Bhubesi Drive CRITICAL	R	-	R 850 000.00	R 850 000.00
	55	108736 Str	R	-	R 1 500 000.00	R 1 500 000.00
	55	Heshane Road	R	-	R 1 350 000.00	R 1 350 000.00
	43	Mthiyane/Ihobhe	R	-	R 880 000.00	R 880 000.00
	43	122973 Str(2)	R	-	R 900 000.00	R 900 000.00
		Total:	<u>R 11 950 000.00</u>		<u>R 48 747 133.29</u>	<u>R 36 797 133.29</u>

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

2.2.1 That authority be granted for the Deputy City Manager: Human Settlements, Engineering and Transport to reprioritise the Roads Provision Department's floods damages block sum budget in the amount of R36 797 133.29 (Thirty-Six Million Seven Hundred and Ninety-Seven Thousand One Hundred and Thirty-Three Rand Twenty-Nine Cent), as set out in Table 1 and 2 of the report by the Head: Engineering Unit dated 2022-08-22 and also outlined in the preamble above.

2.2.2 That due to the urgency to attend the floods damages projects, the reallocation of budget be implemented immediately to allow for expedient floods damages relief.

ADOPTED.

2.3 Request for the 2022-23 Capital Budget Reprioritisation for the Human Settlements Unit (7/1/2/2 & 22/7/1/1/2):

(Page 26: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

The Committee received the report requesting approval to reprioritize the capital budget of the Human Settlements Unit, whilst maintaining the currently approved total budget of the Unit. Such reprioritization to be implemented in November 2022. In June 2022, the Council approved, inter alia, the Human Settlements Unit's (HSU) Capital Budget for the 2022/23 financial year. Due to current budget constraints triggered as a result of reprioritization for the floods damages, the available funding requirements did not align to the work that is in progress at various projects.

The Human Settlements Projects section is currently faced with a challenge where budget for some of the projects under construction stage is likely to be depleted before the end of the financial year, as the allocated budget is deemed to be insufficient for projects currently at a construction stage.

The approved capital budget took into consideration the limited funding being made available to the eThekweni Municipality from National Treasury following the April

2022 storm damage events and this was not aligned with projects in various stages of progression in various Municipal Wards. Whilst necessary information was submitted during the draft budget stage to meet contractual obligations, the proposed changes were not fully included in the final approved 2022/2023 financial year budget.

Authority is therefore sought to reprioritize budget and that additional funding be allocated to those projects with contractors already appointed on site in order to allow construction to proceed as per work available and programme by the Project Team. The reprioritization/virement submitted at this stage emanates from the limited availability of funding against the contractual and legal commitments. The eThekweni Municipality has entered into contracts with appointed service providers:

- For the 2022/23 FY period prior to budget cuts imposed on Units in the March 2022 draft budget submission, such arising from budget constraints faced by the Municipality.
- Reprioritization of existing projects on the currently approved 2022/23 FY budget and maintaining the currently approved capital budget.

Technically, it will be more expensive to the client to halt the on-going construction on these projects once set targets have been achieved and due to contractual obligations, which may lead to legal obligations, as well as negative financial implications as contractors might charge standing time (office overhead costs, escalation and additional cost for de establishing on-site). This re-prioritization exercise will also relocate funds from projects that had a late start and re-allocate portion of those budgets into projects that require additional funding to avoid suspension of works.

The Human Settlements Unit has identified potential legal risks associated with curtailing the expenditure to the available budget as some projects are already in progress and continued with works in order to ensure ongoing service delivery and honour contractual obligations.

The client KZN Provincial Department of Human Settlements (DoHS) has in some instances supported the virement/reprioritization with letters confirming budgets available which will be treasured to the Municipality following certification and verification of completed milestones. Failure to address the funding requirements associated with such obligations would result in non-payment of contractors, which would consequently result in legal action against the City, and negative impact on contractors that have rendered services.

The proposed reprioritization will not have additional financial implications. The Human Settlements Unit identified potential risks associated with terminating such appointments, with resultant wasteful expenditure consequences; these include:

- Loss of profits claims from contractors.
- Standing time claims from contractors;
- Re-establishment costs
- Additional costs for security requirements, whilst funding is sought for such projects and new tender processes put in place, (once funds are made available).

In responding to the queries raised at the Executive Committee level, Management advised that whilst the intention was to reprioritize the budget in November 2022, this has not yet been implemented pending receipt of the Council authority in this regard.

On the aspect of the funding relationship between the Municipality and the KZN Provincial Department of Human Settlements, it was confirmed that the approach is that the Municipality incurs expenditure and then invoice the Province to reimburse the Municipality for funds spent on human settlements projects.

A further comment relating to the aspect of the funding approach and which attracted the audit opinion by the Auditor-General, His Worship clarified that the differences were experienced when the Province felt the Municipality was upping the standard when providing retaining walls to the beneficiaries. It being explained that this was not done for luxury purposes, but as part of ensuring safety and protecting the houses which have been built. That this is the understanding to be shared with both the Province and the Auditor-General in an attempt to reach a common understanding in this regard.

COMMITTEE RECOMMENDS:

- 2.3.1 That authority be granted for the Deputy City Manager: Human Settlements and Infrastructure to reprioritize the Human Settlements Unit 2022-23 Capital budget for the projects section under the Human Settlements Unit, whilst maintaining the currently approved total Council budget as contained in Annexure B of the report by the Head: Human Settlement.
- 2.3.2 That it be noted that the reprioritization budget submission does not result in a request for any additional funding and will be incorporated in the Council's next 2022/2023 financial year adjustment budget.

ADOPTED.

- 2.4 Request for Authority to Conduct a Public Participation Process in Terms of the Municipal Asset Transfer Regulations to Grant Rights to Use, Control or Manage Proposed Leases A, B and C of Lease Erf 11541, Situated on the Remainder of Erf 1 Durban, as Depicted on Hand Plan SH 9918 (17/2/1/2/5):
(Page 53: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.4.1 That authority be granted for the Head: Real Estate to exercise proposed leases A, B and C from lease Erf 11541 situated on the remainder of Erf 1 Durban which lease is between the eThekweni Municipality and the trustees of the Durban Country Club, by way of mutual agreement, failing which the Municipality shall invoke Clause 34 of the lease agreement which provides for expropriation in terms of the Expropriation Act 63 of 1975, read with Section 25 (3) of the Constitution of the Republic of South Africa.
- 2.4.2 That authority be granted for the Accounting Officer to conduct a public participation process as envisaged in terms of Regulation 34(1)(a), read together with Regulation 34(3)(b) of the Municipal Assets Transfer Regulations (MATR), for the proposed granting of long -term rights to use, control or manage proposed leases A, B and C of lease ERF 11541 and proposed lease ERF F all situated on the Remainder of Erf 1

Durban, as depicted on Hand Plan SH9918, it being recorded that the respective fair market value exceeds R10 million and the duration of the proposed rights to be granted exceeds three years.

- 2.4.3 That subject to approval of .2 above, authority be granted to conduct a public participation process, in accordance with the provisions of Regulation 35 of the MATR, including:
- (a) Inviting the local community and other interested parties to submit comments or representations.
 - (b) That the Accounting Officer solicit the views and recommendations of the National Treasury and the Provincial Treasury.
 - (c) That the Accounting Officer complies with Section 21 A of the Local Government: Municipal Systems Act, No. 32 of 2000 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 of record, or by means of radio broadcasts covering the area of jurisdiction of the Municipality.
- 2.4.4 That subject to the approval of .2 above, the Accounting Officer conduct such public participation process as envisaged in .2, at least 60 days before the meeting of the Municipality Council requesting approval in terms of Regulation 34(1)(b) read with Regulation 35 of the MATR for the proposed granting of long -term rights to use control and manage he capital asset proposed leases A, B, and C of lease ERF 11541 and proposed lease Erf F all situated on the remainder of Erf 1 Durban.
- 2.4.5 That once the public participation process has been conducted, as envisaged, a further report to Council will be presented to apprise Council of the outcome of the public participation process and decision taken in light thereof.
- 2.4.6 That the Head: Real Estate be authorized to sign all the documents necessary to give effect to the above- mentioned recommendations.

ADOPTED.

- 2.5 Proposed Granting of Rights to Use, Control or Manage Proposed Portion (A) (of 277) of the Farm Waterfall No 978, in Extent 1800m² as Depicted on SJ Plan 4555/10A, by Way of Long-Term Lease (17/2/1/2/6):
(Page 108: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.5.1 That the Municipal Council declares in terms of Section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003 (MFMA) that:
- 2.5.1.1 The Proposed Portion described as (A) (of 277) of the Farm Waterfall No. 978 is not needed to provide the minimum level of the basic Municipal services and is considered to be a surplus to the requirements of the Municipality for the period of the proposed granting of rights to use control or manage the said property and,

- 2.5.1.2 The Municipality has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset. the current market value of the property is R1 890 000.00 (One Million Eight Hundred and Ninety Thousand Rand), with an assessed market rental of R151 200.00 (One Hundred and Fifty-One Thousand Two Hundred Rand) per annum, and R12 600.00 (Twelve Thousand Six Hundred Rand) per month.
- 2.5.2 That the Municipal Council approves the granting of a right to use control or manage the capital asset described as Proposed Portion (A) (of 277) of the Farm Waterfall No. 978 in extent 1800m², as depicted on Plan 4555/10A, in terms of Regulation 34(1)(b) read with Regulation 36 and 41 of the MATR, 2008 as follows that:
- 2.5.2.1 A long-term right is proposed to be granted in respect of the capital asset.
- 2.5.2.2 That the property described as Proposed Portion [A] (of 277) of the Farm Waterfall No.978 in extent 1800m², be leased by way of public tender, in accordance with the provisions of the Preferential Procurement Policy Framework, which supports Radical Economic Transformation Framework, at a base rental of R151 200.00 (One Hundred and Fifty-One Thousand Rand Two Hundred Rand), per annum, escalating by 6% per annum and reviewable every five (5) years for a period of thirty (30) years.
- 2.5.2.3 That a 4m sewer and drain and a 3m electricity cable servitude, the approximate location of which is shown on the plans, must be registered over the land in favour of the eThekweni Municipality.
- 2.5.2.4 As access will be gained to the property from Link Road, a Traffic Impact Assessment will be required prior to any development of the site. A clearance from the KwaZulu-Natal Department of Transport must be obtained as Link Road falls within their jurisdiction.
- 2.5.2.5 That all costs incidental to the transaction shall be borne by the lessee and all the developmental plans must be submitted to the Municipality.
- 2.5.2.6 That the rental be suspended for a period of 12 months from the date of registration of the lease to allow for development of property. Should the Developer not complete the development within the 12-month period, an application can be made to the Head: Real Estate for him to submit a request to full Council to consider an extension of time to complete the development, in accordance with suitable terms and conditions.
- 2.5.3 That Council declares that .2 above is subject to the condition that should the applicant fail to finalise the rezoning from Administration to a suitable alternative zoning within a period of two (2) years from the date of registration of the Lease, the Head: Real Estate shall have the discretion to either cancel the lease or request the lessee to submit a duly motivated application for the extension of time for the rezoning of the property, provided that the delay or failure to finalise the rezoning is not attributed to the fault of the Municipality. Such extension of time is to be submitted by the Head: Real Estate to full Council for approval.
- 2.5.4 That subject to adoption of .1 to .3 above, authority be granted to the Head: Real Estate to sign all documents necessary to conclude the required lease agreement.

ADOPTED.

- 2.6 Proposed Alienation of Land Described as Proposed Portions A and B (of 7851) of Erf 107 Chatsworth Adjoining (109 and 107 Lemuria Grove, to Accommodate Existing Encroachment and to Rectify a Wrongly Constructed Pathway and Closure of Proposed Portions A and B (of 7851) of Erf 107 Chatsworth in Terms of Section 211 of Ordinance 211 of the Local Authorities Ordinance No. 25 of 1974, Read Together With Section 28(2) (e) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 17/2/1/29/22 (17/2/1/2/3):
(Page 129: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.6.1 That the Municipality declares in terms of Section 14(2) (A) and (B) of the Local Government: Municipal Finance Management Act No. 56 of 2003 that:
- 2.6.1.1 The properties described as proposed portion [A] and [B] both of (of 7851) of Erf 107 Chatsworth are not needed to provide the minimum level of basic Municipal services.
- 2.6.1.2 That the current market value of the properties, the community and economic values to be received have been considered.
- 2.6.2 That in terms of Section 40 (2) (b) (i) of the Supply Chain Management Policy, read together with Regulation 7 and 13(2) of the Municipal Assets Transfer Regulations:
- 2.6.2.1 The proposed Portion [A] of (of 7851) of Erf 107 Chatsworth, Registration Division FT, Province of KwaZulu-Natal, in extent 41m² as depicted on SJ 4829/1, be sold at a nominal value of R1000.00 (One Thousand Rand), excluding VAT, to the adjoining owners of No. 109 Lemuria Grove. The purchase price determined by registered value is R16 400.00 (Sixteen Thousand Four Hundred Rand), excluding VAT.
- 2.6.2.2 The proposed Portion [B] (of 7851) of Erf 107 Chatsworth, Registration Division FT, Province of KwaZulu-Natal, in extent 42m², as depicted on SJ 4829/1, be sold at the purchase price of R16 800.00 (Sixteen Thousand Eight Hundred Rand), excluding VAT.
- 2.6.3 That the proposed Portions [A] and [B] (of 7851) of Erf 107 Chatsworth are currently zoned existing street reservation. The Proposed portions must be rezoned to Special Residential.
- 2.6.4 That the proposed Portion described as [A] and [B] (of 7851) of Erf 107 Chatsworth must be consolidated with the adjoining properties Portion 7935 of (7851) of Erf 107 and Portion 7934 of (7851) of Erf 107, both of Chatsworth, however, should that not be possible, the area may be notarial tied to the adjoining properties.
- 2.6.5 That, in terms of Section 211 of Ordinance 25 of 1974, proposed Portions [A] and [B] (of 7851) of Erf 107 Chatsworth designated as right of way as depicted on the attached locality plan, be permanently closed.
- 2.6.6 That the closure of the right of way will be dealt with via the Land Use Management application process and is to be read in terms of Section 211, Ordinance 25 of 1974 together with Section 28(2) (e) of the eThekweni Municipality Planning and Land Use Management By-law 2016.

- 2.6.7 That in the event of objections being lodged to the proposed closure of the existing of way when it is advertised, the Planning and Land Use Management By-Law process be followed to attend to these objections.
- 2.6.8 That in the event of objections being lodged to the proposed closure of proposed portions [A] and [B] (of 7851) of Erf 107 Chatsworth, in extent 41m² and 42m² when it is advertised, the Planning and Land Use Management By-law process be followed to attend to these objections.
- 2.6.9 That the cost of the road closure be paid by the owner of proposed portion 7934 (of 7851) of Erf 107 Chatsworth. Each of the portions to pay for the cost of their subdivision, consolidation, rezoning, deproclamation and transfer cost.
- 2.6.10 That subject to the adoption of paragraph .1 – .8 above, authority be granted to the Head: Real Estate to sign all documentation necessary to give effect to this transaction, in terms of the Supply Chain Management 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, as amended, and any other applicable legislation, and that it shall be further subject to such further conditions as the Head: Estate considers necessary to protect the Municipality's interest.

ADOPTED.

- 2.7 Request for Authority to Acquire by Means of Private Treaty, Acquisition and/or Expropriation of the Land/Servitudes Required for the Construction of Booster Pump Station and Inlet Pipeline at Cato Ridge Reservoir Within the eThekweni Metropolitan Area (17/2/1/R & 23/1/11/3/1):
(Page 154: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

The Committee received the report for approval to procure land for the Cato Ridge Booster Pump Station and acquire a servitude for Cato Ridge Inlet pipeline. The Cato Ridge Reservoir Booster Pump Station land requirement is 3000m² and the servitude for the 800mm diameter inlet and outlet pipes are 12m wide by 75m long. The project will improve the water supply to Cato Ridge Reservoir which supplies the greater KwaXimba, Wards 1 and 4, Cato Ridge Industrial Area and Abattoir Reservoir.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 2.7.1 That authority be granted for the Head: Real Estate to proceed with the acquisition/expropriation of the required land servitude detailed in the table below:

Site Description
CATO RIDGE REM OF 50

- 2.7.2 That subject to the adoption of .1 above, authority be granted to the Head: Real Estate to deviate from the Supply Chain Management Regulation and negotiate for the acquisition of the Municipality's requirements utilizing Regulations 36(1)(a)(ii) of the Supply Chain Management Regulations.
- 2.7.3 That subject to the adoption of .2 above and the approval of the Bid Adjudication Committee pursuant to successful negotiations, authority be granted for the Head: Real

Estate to sign the relevant agreements and all documents necessary to effect transfer of the Municipality's requirements, and

- 2.7.4 That authority be granted for the City Manager to records the reasons for any deviation and reports it to the next meeting of Council and includes it as a note to the annual financial statements in terms of Section 36(2) of the Supply Chain Management Regulations.

ADOPTED.

- 2.8 Request for Authority to Acquire Land for Project No. Y8889 Tongaat Central Wastewater Treatment Works Upgrade (Ward 58) (17/2/1/1/2 & 23/1/11/2/1/2):
(Page 160 : Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

Authority is sought to acquire land for Project No. Y8889: Tongaat Central Wastewater Treatment Works (WWTW) Upgrade (Ward 58). The Unit is proposing to upgrade Tongaat Central WWTW from 10ml/d to 22.5ml/d. The proposed upgrade necessitates an increase in the current footprint which is envisaged to extend onto the surrounding property.

The proposed upgrade comprises the construction of new infrastructure thereby increasing the existing footprint. The extended footprint is dependent on design requirements and environmental and topographical constraints. The total footprint will therefore be confirmed upon completion of the preliminary design. The plant currently resides on the three land parcels owned by the eThekweni Municipality and the Northern Transitional Metropolitan Substructure Council, and is immediately surrounded by land owned by Tongaat Hulett Group. The process to acquire land and to complete notarial deed registrations has been budgeted for under Project No. Y8889, at an estimated cost of R200 000.00 (Two Hundred Thousand Rand), for the 2021/2022 financial year.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 2.8.1 That authority be granted for the Head: Real Estate to acquire land, including notarial deed registrations for Project No. Y8889 by negotiation and/or expropriation as considered necessary.
- 2.8.2 That in the event of negotiations being unsuccessful, authority be granted for the Head: Real Estate to expropriate the properties affected, as described in .1 above.
- 2.8.3 That subject to the adoption of .2 above, authority be granted for the Head: Real Estate to assess compensation in terms of Section 25(3) of the Constitution of the Republic of South Africa, read in conjunction with the Expropriation of Land Act No. 63 of 1975, as the proposed acquisition is in the interest of the public and/or for public purpose and such acquisition is deemed compulsory.
- 2.8.4 That subject to the adoption of .3 above, authority be granted for the Head: Real Estate to conclude the compensation agreement and sign all necessary documents to effect the expropriation and registration in favour of the eThekweni Municipality.

Vote No.: Y8889

FC No.: 365/C344

ADOPTED.

2.9

Reprioritisation of Operating Budget in FY 2022/2023, Water and Sanitation Unit, Sanitation Operations Department Report No.: WS 2022/2023 (17/1/3/2 & 23/1/11/2/1/2):

(Page 164: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

The purpose of this report is to seek authority from the Committee to reprioritise funds in the 2022/2023 operating budget of the Water and Sanitation Unit to critical votes where budget shortfalls currently exist or can be expected based on the current spending trends.

The Water & Sanitation Unit, Sanitation Operations Department is currently experiencing operational constraints due to budget shortfalls in various critical operational areas as a result of higher than anticipated spend in these areas. In particular, the mechanical and electrical maintenance is negatively affected, as explained below.

Contract WS7071 was awarded for a 24-month period to four contractors for each of the 4 geographic areas, North, South, West and Central, in May 2021 following a full public tender process in terms of the SCM policy. The contract caters for the provision of ad hoc mechanical and electrical repair and maintenance services for all wastewater pump stations and treatment works throughout the Municipal jurisdiction. This includes 263 wastewater pump stations and 27 wastewater treatment works.

The main benefits of the contract are that it allows for speed in responding to mechanical and electrical equipment failures which could lead to major environmental impacts if left unattended. It also provides an extension of the Units field resources by utilizing that of the contractors. The contract began in May 2021 with each of the 4 contractors being awarded an equal share of the available budget over the 24-month period. An emergency minor amendment was granted by the City Manager in May 2022 to address urgent storm damage work. This approval equates to a 15% contract authority increase. A large backlog of maintenance work which accumulated prior to award of the contract, extremely high rates of vandalism and higher than anticipated failure rates owing to aged infrastructure, led to the contract expenditure being much higher than anticipated in most operational areas. The severe storm damage in April and May 2022 has only served to stretch the contract further.

The tables below show the current contract spend, budget shortfall and forecast spend:

WS7071 Overall Expenditure - 01 Aug 2022						
Original Contract Authority per Contractor	R 15 750 000,00					
Additional Contract Authority (Storm Damage Repairs)	R 2 362 500,00					
Contractor	Work Completed and paid		Committed Funds/Not Paid		Total Paid and Committed	
	From Original Authority	From Storm Damage Authority	From Original Authority	From Storm Damage Authority	From Original Authority	From Storm Damage Authority
North	R12 915 259,13	R1 325 369,98	R761 529,77	R 277 146,95	R13 676 788,90	R1 602 516,92
Central	R10 406 289,58	R1 931 595,99	R5 326 000,00	R -	R15 732 289,58	R1 931 595,99
West	R9 032 788,05	R143 443,35	R1 324 863,61	R702 014,50	R10 357 651,66	R 845 457,85
South	R8 118 277,18	R -	R2 937 608,70	R1 604 432,58	R11 055 885,87	R1 604 432,58
	R40 472 613,94	R3 400 409,32	R10 350 002,08	R2 583 594,02	R50 822 616,01	R5 984 003,34

Area	Percentage of Authority Used (considering paid and commitments)		Amount Remaining		Budget in 22/23 FY	Remaining Budget After paying for Commitments	Budget Remaining/deficit after reaching Full Contract Authority
	From Original Authority	From Storm Damage Authority	From Original Authority	From Storm Damage Authority			
North	86,84%	67,83%	R2 073 211,11	R759 983,08	R5 566 800,00	R4 528 123,29	R2 454 912,19
Central	99,89%	81,76%	R17 710,42	R430 904,01	R4 142 800,00	-(R1 183 200,00)	-(R1 631 814,43)
West	65,76%	35,79%	R5 392 348,34	R1 517 042,15	R5 567 000,00	R3 540 121,89	-(R3 369 268,60)
South	70,20%	67,91%	R4 694 114,13	R758 067,42	R5 113 800,00	R571 758,72	-(R4 880 422,82)
			R12 177 383,99	R3 465 996,66	R20 390 000,00		

	Forecast for 22/23 FY (incl. storm damage work)	Additional Budget Required to cover forecast expenditure
North	R13 000 000,00	R8 471 876,71
Central	R12 800 000,00	R13 983 200,00
West	R11 500 000,00	R7 959 878,11
South	R11 500 000,00	R10 928 241,28
	R48 800 000,00	R41 343 196,10

The Unit proposes that the committee approves the adjustment proposed to optimize the spend in this financial year, as detailed below. Funds are to be transferred to the votes listed in Table 1 below, from the savings identified in votes listed in Table 2.

Table 1: Votes to which savings are proposed to be transferred to:

[illegible]

Table 2: Votes where funding is available:

[illegible]

With Committee being in agreement,

COMMITTEE RECOMMENDS:

- 2.9.1 That authority be granted for the Deputy City Manager: Trading Services to reprioritize funds in the amount of R41 343 196.10 (Forty One Million Three Hundred and Forty Three Thousand One Hundred and Ninety Six Rand Ten Cent) within the Water and Sanitation Operation Budget in the 2022/2023 financial year to the following projects as indicated in the table 1 below:

Facility/Account Description	BU.MSCOA Item	Fund	Costing	Project	Region	Amount to be transferred
Pumpstations Central	64130.11560	11400	0000	93013	R001	R12 500 000
Pumpstations North	64330.11560	11400	0000	93013	0010	R7 000 000
Pumpstations South	64530.11560	11400	0000	93013	0010	R8 400 000
Pumpstations West	64730.11560	11400	0000	93013	0010	R6 900 000
Flood Disaster M&E Central	64130.11560	11400	0000	48240	0010	R1 500 000
Flood Disaster M&E North	64330.11560	11400	0000	48240	0010	R1 500 000
Flood Disaster M&E South	64530.11560	11400	0000	48240	0010	R2 500 000
Flood Disaster M&E West	64730.11560	11400	0000	48240	0010	R 1 000 000
Total						R41 300 000

FC No. 22/365/13

- 2.9.2 That authority be granted for the Deputy City Manager: Finance to include in his adjustment budget report the transfer of funds from the operational areas where savings have been identified to areas where additional budget is required.

ADOPTED.

- 2.10 Request to Amend a Council Decision Adopted on 27 September 2019 and to Adopt an Amended Recommendation: Application to Sell Proposed Portion [A] of Erf 1668 Amanzimtoti, Kings and Abelia Road (17/2/1/2/3):
(Page 233: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.10.1 That in order for the correct extent, updated property description and revised purchase price to be reflected in all documentation for this transaction, it is recommended that the Council decision adopted on 27 September 2019, be amended to read as follows:
- 2.10.1.1 That the Municipality declares in terms of section 14(2)(a) and 14(2)(b) of the Municipal Finance Management Act 56 of 2003, read with Regulation 7 of the Municipal Asset Transfer Regulations, that:
- 2.10.1.1.1 The property described as proposed Portion 3 of Erf 1668 Amanzimtoti (previously described as Portion (A) of Erf 1668 Amanzimtoti, is not currently required for

providing the minimum level of basic Municipal services and is surplus to the requirement of the Municipality

- 2.10.1.1.2 The fair market value of the subject property is currently assessed at R40 000.00 (Forty Thousand Rand), excluding VAT, and the community and economic values to be received, have been considered.
- 2.10.1.2 That in terms of Section 40(2)(b)(i) of the Supply Chain Management Policy, read together with Regulation 7 of the Municipal Asset Transfer Regulations, a Portion of a road servitude described as portion 3 of Erf 1668 Amanzimtoti, registration division et, Province of KwaZulu-Natal, in extent 149m², as depicted on Plan SJ 4675/8A, be sold by private treaty to L & L Construction (Pty) Ltd (Registration Number:1971/00301/07), at a price of R40 000.00 (Forty thousand Rand), excluding VAT, such price reflecting the current market value of the subject as assesses by a Registered Valuer.
- 2.10.1.3 That the deproclamation and closure of portion 3 of Erf 1668 Amanzimtoti (previously described as Proposed Portion (A) Amanzimtoti will be carried out in accordance with section 212 of the Local Authorities Ordinance 25 of 1974, read together with section 28(2)(1) of the eThekweni Municipality: Planning and Land Use Management By law 2016, as amended.
- 2.10.1.4 That the rezoning of portion 3 of Erf 1668 Amanzimtoti from public car park purposes to general commercial purposes shall be undertaken by and at the cost of the purchaser.
- 2.10.1.5 That should deproclamation and closure be unsuccessful, the sale of Portion 3 of Erf 1668 Amanzimtoti will not be concluded.
- 2.10.1.6 That the property described as Portion 3 of Erf Amanzimtoti must be consolidated with the registered owners adjoining properties, namely, Erven 1673 and 1674 Amanzimtoti and rezoned accordingly, however, should this not be possible, Portion 3 of Erf 1668 Amanzimtoti may be notarial tied to the adjoining properties.
- 2.10.1.7 That the Committee approves the reallocation and transfer of funds as detailed in the report of the Head: Electricity dated 2022-06-24.
- 2.10.1.8 That the rezoning of Portion 3 of Erf Amanzimtoti from public car park to general commercial purposes shall be undertaken by and at the cost of the purchaser.
- 2.10.1.9 That subject to the adoption of paragraphs .1 to .13 above, authority be granted for the Head: Real Estate to sign all the documentation necessary to conclude the agreement.

ADOPTED.

- 2.11 Proposed Lease on Erf 7202 Pinetown by Public Tender (17/2/12/5):
(Page 263: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.11.1 That the Municipal Council in terms of Section 14 of the Municipal Finance Management Act No 56 2003 (MFMA) declares that:
- 2.11.1.1 That Erf 7202 Pinetown in extent 2021m² is not required to provide the minimum level of basic Municipal services and is considered to be a surplus to the requirements of the

Municipality for the period of the proposed granting of the rights to use, control or manage the property and

- 2.11.1.2 That the Municipality has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset. The current market value of the property is R1 415 000.00 (One Million Four Hundred and fifteen Thousand Rand) and an assessed market rental of R113 176.00 (One Hundred and Thirteen Thousand One Hundred and seventy-Six Rand), per annum, R9 431.33 (Nine Thousand Four Hundred and Thirty-One Rand Thirty-Three Cent), per month and excluding VAT, has been considered.
- 2.11.2 That Council approves that a right be granted to use control or manage the capital asset described as ERF 7202 Pinetown in extent 2021m² as depicted on Plan No SJ4556/2, in terms of Regulation 34 (1)(b), read with Regulation 36 and 41 of the Municipal Asset Transfer Regulation 2008, as follows:
- 2.11.2.1 A long-term right is proposed to be granted in respect of the capital asset.
- 2.11.2.2 The rental be assessed on the open market value.
- 2.11.2.3 The property described as Erf 7202 Pinetown in extent 2021m² be leased by way of public tender, in accordance with the provisions of the Supply Chain Management Policy and the Preferential Policy Framework, which supports Radical Economic Transformation Framework, at a basic rental of R113 176.00 (One Hundred and Thirteen Thousand One Hundred and Seventy Six Rand), per annum, R9 431.33 (Nine Thousand Four Hundred and Thirty One Rand Thirty Three Cent), per month and excluding VAT, escalating by 6% per annum, and reviewable every 5years for a period of 30 thirty years.
- 2.11.2.4 All costs incidental to the transactions shall be borne by the lessee, and all the developmental plans must be submitted to the local authority.
- 2.11.2.5 The rental be suspended for up to 3 three years from date of registration of the lease to allow for the development of the property. Should the developer not complete the development within the three-year period an application can be made to the Head: Real Estate to submit a request to full Council to consider an extension of time to complete the development, in accordance with suitable terms and conditions as recommended by the Head: Real Estate.
- 2.11.3 That the site is zoned administration in terms of the Inner West Scheme, and application for rezoning from administration to limited commercial to allow for commercial use will be required in terms of section 28 of the eThekweni Municipality Planning and Land Use Management By-law 2016, (Municipal Notice 115 of 2017), in order to develop Erf 7202 Pinetown for commercial purposes. The successful tender will be required to undertake the rezoning.
- 2.11.4 That subject to the adoption of .1 to .3 above and the approval of the Bid Adjudication Committee, authority be granted for the Head: Real Estate to sign all document necessary to conclude the required lease agreement.

ADOPTED.

- 2.12 Closure of Road Reserve Over Portion (A) of Erf 975 Greenbury: Plan No.: SJ 4772/1: Extent 66m² (17/2/1/2/3):
(Page 287: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.12.1 That in terms of section 211 of Ordinance 25 of 1974, Proposed Portion (A) of Erf 975 Greenbury, in an approximate total extent of 66m² designated as roads reserve, as depicted on the Hand Plan Number SJ 4772/1, be permanently closed.
- 2.12.2 That the closure be advertised via the Land use Management application process and is to be read in terms of Section 211 of Ordinance 25 of 1974, together with section 28(2)(e) of the eThekweni Municipality Planning and Land Use Management By-Law 2016.
- 2.12.3 That in terms of objections being lodged (to the proposed closure of road reserve over a proposed portion (A) of Erf 975 Greenbury in approximate extent of 66m²(when it is advertised) that the objection process, as outlined in the Planning and Land use Management By-Law process, be followed.
- 2.12.4 That authority be granted for the Head: Real Estate to sign all necessary documents to give effect to this decision.

ADOPTED.

- 2.13 Proposed Lease of a Portion of a Building and Piazza Described as Proposed Leases A and B, Both on Erf 1789 Umhlanga Rocks, Situated at 22 Lagoon Drive, as Depicted on Plan No.: SJ 4811/5, Measuring 277m² for Commercial Purposes, for a Period of Nine (9) Years and Eleven (11) Months With no Rights of Renewal (17/2/1/2/3):
(Page 297: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

The DA Members abstained on this matter and with other Political Parties being in support,

COMMITTEE RECOMMENDS:

- 2.13.1 That the Municipal Council approves in principle that the right be granted to use, control or manage the capital asset described as proposed leases A and B of Erf 1789 Umhlanga Rocks in the Durban Entity, Province of KwaZulu-Natal, in extent approximately 277m² as depicted on Plan SJ 4811/5 for commercial purposes in terms of regulation 34(1)(b) read with regulations 36 and 41 of the MATR that the property is not required to provide the minimum level of Municipal services for a period of 9 years and 11 months.
- 2.13.2 That the current market value of the land is assessed at a value of R78 720.00 (Seventy-Eight Thousand Seven Hundred and Twenty Rand), per month and excluding VAT, and will be reviewed from time to time.
- 2.13.3 That the property will be leased by a public tender process in accordance with the provisions of the Preferential Procurement Policy Framework which supports Radical Economic Transformation and the Supply Chain Management Policy.
- 2.13.4 That all costs incidental to the transaction shall be at the cost of the lessee to whom the right to use, control or manage the capital asset is to be granted.

- 2.13.5 That the property is zoned Umhlanga District Beach Amenity Reserve1 in terms of the Town Planning Scheme and the Lessee may apply to the local authority for a special consent or an amendment to the zoning of the property in respect of the proposed use.
- 2.13.6 That subject to the adoption of .1 to .5 above, and the approval by the Bid Adjudication Committee, authority be granted to the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy, and any other applicable legislation, and subject to such further conditions as the Head: Real Estate considers necessary to protect the Municipal interest.

ADOPTED.

- 2.14 Proposed Lease of Property by Public Tender: Remainder of Erf 5216 Pinetown Ext 55:39 Westmead Road, Pinetown, Plan No. SJ 4494/8 (17/2/1/2/3):
(Page 342: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.14.1 That the Municipal Council approves in principle that the right be granted to use, control or manage the capital asset described as proposed lease on Remainder of Erf 5216 Pinetown Ext 55 for sorting and storing of solid waste into skips as depicted on SJ Plan No. 4494/8A in terms of Regulations 34(1)(b), read with Regulations 36 and 41 of the MATR:
- 2.14.1.1 The property described as Remainder Erf 5216 Pinetown Ext 55 is not required to provide minimum Municipal services for a period of 20 years, but can be terminable at 3 months' notice by either party.
- 2.14.1.2 The current market rental value of the land is assessed at R38 000.00 (Thirty-Eight Thousand Rand) per month and is to be reviewed from time to time.
- 2.14.1.3 The property be leased by public tender process in accordance with the provision of the Preferential Procurement Policy Framework which supports Radical Economic Transformation and Supply Chain Management Policy.
- 2.14.1.4 That all costs incidental to the transaction shall be at the cost of the lessee to whom the right to use, control or manage the capital asset is granted.
- 2.14.1.5 That all development plans must be submitted to the local authority for approval prior to any construction.
- 2.14.2 That subject to the adoption of .1 to .5 above and the approval of the Bid Adjudication Committee, authority be granted for the Head: Real Estate to sign all documents necessary to conclude the lease agreement.

ADOPTED.

- 2.15 Proposed Long-Term Lease of Portion 15 (of 8) of Erf 197 and Portion 16 (of 9) of Erf 197, Both Durban, Situated at 97-101 Woodford Grove, for General Business Purposes, as Depicted on Plan No.: SJ4734/7 (17/2/1/2/5):
(Page 388: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.15.1 That the Municipal Council approves in principle that the right be granted to use, control or manage the capital asset described as Portion 15 (of 8) of Erf 197 Durban

and Portion 16 (of 9) of Erf 197 Durban, Province of KwaZulu-Natal, together in extent approximately 1022m² as depicted on SJ Plan No.4734/7, in terms of Regulation 34 (1) (b), read with Regulations 36 and 41 of the Municipal Asset Transfer Regulations, 2008 (MATR), and that:

- 2.15.1.1 The properties are not required to provide the basic minimum level of Municipal services for a period of 30 years.
- 2.15.1.2 The proposed lease is for a period of thirty (30) years.
- 2.15.1.3 The current market rental value of the properties is assessed at a value of R30 660.00 (Thirty Thousand Six Hundred and Sixty Rand), per month and excluding VAT), and is to be reviewed from time to time.
- 2.15.1.4 The properties be leased by a public tender process, in accordance with the provisions of the Preferential Procurement Policy Framework, which supports the Radical Economic Transformation Framework and the Supply Chain Management Policy.
- 2.15.2 That all costs incidental to the transaction shall be at the cost of the lessee to whom the right to use, control or manage the capital asset is to be granted.
- 2.15.3 That all developmental plans must be submitted to the Local Authority for approval prior to any construction.
- 2.15.4 That subject to the adoption of .1 to .3 above and the approval of the Bid Adjudication Committee, authority be granted for the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the Municipality, the Municipal Asset Transfer Regulations 2008, the Land Disposal and Granting of Rights Policy of the Municipality and any other applicable legislation and subject to such further conditions as the Head: Real Estate considered necessary to protect the Council interest.

ADOPTED.

- 2.16 Proposed Closure of Open Space and Granting of a Right of Way Servitude Over the Remainder of Erf 667 Brickfield, in Favour of the Adjoining Property: Plan No. SJ 4751/6 Extent 1005m²(21/7/5)
(Page 405: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.16.1 That Municipality declares in terms of Regulation 5(1)(b), Regulation7 and Regulation12 of the Municipal Asset Transfer Regulations 2008, read together with section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act No56 of 2003 that:
 - 2.16.1.1 A portion of the property described as remainder of Erf 667 Brickfield in extent of 1005m² as depicted on Plan No.:4751/6 is not needed to provide the minimum level of basic Municipal services and is deemed to be a surplus to the requirements of the Municipality.
 - 2.16.1.2 The current market value of the portion of the property affected is currently assessed at a value of R800 000.00 (Eight Hundred Thousand Rand), excluding VAT.

- 2.16.2 That a portion of the remainder of Erf 667 Brickfield be burdened by a right of way servitude in favour of adjoining portion 1 of Erf 667 Brickfield at a purchase price of R800 000.00 (Eight Hundred Thousand Rand), excluding VAT.
- 2.16.3 That no encroachment over existing Municipal sewer servitude be permitted by a right of way servitude to any development (if applicable), a sewer impact analysis is to be done at the building plan submission stage.
- 2.16.4 That the Committee approves the reallocation and transfer of funds as detailed in the report of the Head: Electricity dated 2022-06-24.
- 2.16.5 That the Telkom Plant may be affected by this proposal. In this regard the purchaser is to liaise with that authority in order to ascertain their requirements
- 2.16.6 That this transaction is subject to the special conditions from the Parks, Recreation and Culture Unit as listed in the report of the Head: Real Estate dated 2011-12-08.

ADOPTED.

- 2.17 Proposed Alienation of Portion (A) of Erf 1445 Newlands by Private Treaty to the Adjoining Properties Owner: Plan No.: SJ 4754/4: Extent 59m²:
(Page 426: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.17.1 That Council declares in terms of Regulation 5 (1)(b), 7 and 11 of the Municipal Asset Transfer Regulations 2008, Section 14(2)(a) and (b) of the Municipal finance management Act No56, 2003 that:
- 2.17.1.1 The proposed property described as Portion (A) of Erf 1445 Newlands registration division ft, in the province of KwaZulu-Natal, in extent of 59m² is not required to provide the minimum level of basic Municipal services and is a surplus to the requirements of the Municipality.
- 2.17.1.2 That the market value of the property is currently assessed at a value of R22 000.00 (Twenty-Two Thousand Rand), excluding VAT.
- 2.17.2 That Council approves that .1 above is subject to the condition that the proposed portion (A) of Erf 1445 Newlands registration division ft in the province of KwaZulu-Natal in extent 59m² as depicted on Plan Number SJ 4754/4 be offered for sale in freehold by private treaty to the adjoining property owner in full compliance with the prevailing Municipal legislative framework, including the Municipal Supply Chain Management Policy, at a purchase price of R22 000.00 (Twenty Two Thousand Rand), excluding VAT, such prices reflecting the purchase price based on the current market value of the property as assessed by a registered valuer.
- 2.17.3 That all conditions by the Municipality's service delivery Units, as detailed in the report of the Head: Real Estate dated 2021-10-04, in point 5 of the report, will form part of the sale agreement.
- 2.17.4 That all costs incidental to the transaction shall be at the cost of the prospective buyer of the property.

- 2.17.5 That subject to the adoption of .1 to .4 above, authority be granted to the Head: Real Estate to sign all the documents necessary to give effect to this transaction, in terms of the Supply Chain Management 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, as amended, and any other applicable legislation, and subject to such further conditions as the Head: Real Estate considers necessary to protect Municipality's interest.

ADOPTED.

- 2.18 Proposed Alienation of Proposed (A) of Erf 614 Stanmore by Private Treaty to Adjoining Property Owner: Plan No.: SJ 4628/6: Extent 53m²:
(Page 441: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.18.1 That the Municipal Council declares in terms of Regulation 5(1)(b), 7 and 11 of the Municipal Asset Transfer Regulations, 2008, section 14(2)(a) and (b) of the Municipal Finance Management Act No 56 of 2003 that:
- 2.18.1.1 The proposed property described as Portion (A) of Erf 614 Stanmore Registration Division FT, in the Province of KwaZulu-Natal in extent of 53m² is not required to provide the minimum level of basic Municipal services and is a surplus to the requirements of the municipality.
- 2.18.1.2 The current market value of the property is assessed at a value of R32 000.00 (Thirty-Two Thousand Rand), excluding VAT. In addition to the purchase price, occupational damages will be claimed from the prospective purchaser as an addendum to the purchase and sale agreement.
- 2.18.2 That the Municipal Council approves that .1 above is subject to the condition that the proposed Portion (A) of Erf 614 Stanmore registration division ft, in the province of KwaZulu-Natal in extent approximately 53m² as depicted on Plan Number SJ 4628/6, be offered for sale in freehold by private treaty to the adjoining owner at a purchase price of R32 000.00 (Thirty Two Thousand Rand), excluding VAT, such price reflecting the purchase price based on the current market value of the property as assessed by a registered valuer in full compliance with the prevailing Municipal legislative framework, including the Municipal Supply Chain Management Policy.
- 2.18.3 That all the conditions by the Municipality's service delivery Units, as detailed in point 5 on the report of the Head: Real Estate dated 2021-08-27, will form part of the sale agreement.
- 2.18.4 That, all costs incidental to the transaction shall be at a cost of the prospective buyer of the property.
- 2.18.5 That subject to the adoption of paragraphs .1 to .4 above, authority be granted for the Head: Real Estate to sign all the documentation necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the Municipality, the Municipal Asset Transfer Regulation 2008, the Municipal Finance Management Act, No 56 of 2003, the Land Disposal and Granting of Rights Policy of the Municipality, as amended, and any other applicable legislation and subject to further conditions, as the Head: Real Estate considers necessary to protect the Municipality's interest.

ADOPTED.

- 2.19 Proposed Alienation of Erf 58 Southern Umlazi: Plan No: SJ 4754/5: Extent 1530m²:
(Page 456: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.19.1 That the Municipal Council declares in terms of Regulation 5(1)(b), Regulation 7 and Regulation 12 of the Asset Transfer Regulations, 2008, read with Section 14(2)(a) and (b) of the Local Government Municipal Finance Management Act 2003 that:
- 2.19.1.1 The proposed property described as Erf 58 Southern Umlazi (the property) measuring in extent 1530m² as depicted on Plan No.: SJ4754/5 is not required to provide the minimum level of basic Municipal services.
- 2.19.1.2 The market value of the property is currently assessed at a value of R1 100 000.00 (One Million One Hundred Rand), excluding VAT.
- 2.19.1.3 That the property be sold by a public tender process in accordance with the provisions of the Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and the Supply Chain Management Policy.
- 2.19.2 That any work in the vicinity of the 3.05m right of way & cable servitude and electrical substation servitude must be undertaken in accordance with the requirements of the Occupational Health & Safety Act.
- 2.19.3 That Telkom underground medium and low voltage cables are affected by the above proposal. The underground cables are laid at a length of 800mm and 500mm respectively. The relocation of electrical services will be done by TE at the cost of the lessee. Application has to be submitted to the Customer Services Department for the relocation of the services affected.
- 2.19.4 That a 24-hour unrestricted access to the 3.05m right of way and cable servitude and electrical sub-station servitude would be required for maintenance purposes, especially during fault conditions.
- 2.19.5 That all costs incidental to the transaction shall be at the cost of the purchaser.
- 2.19.6 That authority be granted for the Head: Real Estate to sign all the documents necessary to give effect to this transaction, in terms of the Supply Chain Management Policy of the eThekweni Municipality any other applicable legislation, and subject to such further conditions as the Head: Real Estate, considers necessary to protect the Council's interest.

ADOPTED.

- 2.20 Proposed Alienation of Portion 2 of Erf 139 Umhlanga Rocks: Plan No.: SJ 4781/2: Extent 1016m²:
(Page 474: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.20.1 That the Municipality declares in terms of Regulation 5(1)(b), 7 and 12 of the Municipal Asset Transfer Regulations 2008, Section 14(2)(a) and (b) of the Municipal Finance Management Act 2003, that:

- 2.20.1.1 The proposed property described as Portion 2 of Erf 139 Umhlanga Rocks in extent of 1016m² as depicted on Hand Plan No.: SJ 4755/8 is not required to provide the minimum level of basic Municipal services; and
- 2.20.1.2 The market value of the property is currently assessed at a value of R2 650 000.00 (Two Million Six Hundred and Fifty Thousand Rand), excluding VAT.
- 2.20.2 That the Municipal Council approval of .1 above is subject to the condition that Portion 2 of Erf 139 Umhlanga Rocks Reiterative Division FT, in the province of KwaZulu-Natal in extent of 1016m² as depicted on Hand Plan No. SJ 4755/8, be offered for sale in freehold by public tender, at an upset price of R2 650 000.00 (Two Million Six Hundred and Fifty Thousand Rand), excluding VAT, such price reflecting the current market value of the property as assessed by a registered valuer in full compliance with the prevailing Municipal legislative framework, including the Municipal Supply Chain Management Policy.
- 2.20.3 That the property be sold by a public tender process in accordance with the provisions of the Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and the Supply Chain Management Policy.
- 2.20.4 That all costs incidental to the transaction shall be at the cost of the successful bidder.

ADOPTED.

- 2.21 Proposed Lease of Portion 1 of Erf 177 Verulam Plan No.: SJ 4731/2: Extent 2621m²:
(Page 510: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.21.1 That the Municipal Council declares in terms of Regulation 34(1)(b), 34, 40 and 41 of the Municipal Asset Transfer Regulations of 2008, that:
- 2.21.1.1 The proposed property described as Portion 1 of Erf 177 Verulam, in extent 2621m² is not required to provide the minimum level of a basic Municipal service for up to a period of thirty (30) years.
- 2.21.1.2 The market rental value in extent 2621m² is currently assessed at a base value R471 780.00 (Four Hundred and Seventy-One Thousand Seven Hundred and Eighty Rand), per annum and excluding VAT, with an escalation of eight percent (8%) per annum.
- 2.21.1.3 That the property described as Portion (1) of Erf 177 Verulam, be leased by way of public tender at a base rental of R471 780.00 per annum and excluding VAT, for a period of thirty (30) years.
- 2.21.2 That all costs incidental to the transaction shall be at the cost of the lessee to whom the right to use control or manage the capital asset is to be granted.
- 2.21.3 That all developmental plans must be submitted to the Land Use Management for approval prior to any construction.
- 2.21.4 That authority be granted for the Head: Real Estate to sign all documents necessary to give effect to this transaction, in terms of the Supply Chain Management Policy of the Municipality and any other applicable legislation and shall be subject to such further

conditions as the Head: Real Estate considers necessary to protect the Municipality's interest.

ADOPTED.

- 2.22 Proposed Lease on Erf 12702 Durban: Diagram No.: SG 212/2017: Plan No.: SJ 4522/8C: Extent 3696m²:
(Page 526: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

With the DA abstaining at the Executive Committee level, and the other Political Parties being in support,

COMMITTEE RECOMMENDS:

- 2.22.1 That the Municipal Council declares in terms of Section 14 of the Municipal Finance Management Act No 56 2003 MFMA that:
- 2.22.1.1 The proposed property described as Erf 12702 is not needed to provide the minimum level of basic Municipal services and is a surplus to the requirements of the Municipality for the period that the proposed granting of rights to use, control or manage the said property.
- 2.22.2 That the Municipal Council approves in principle that the right be granted to use, control or manage the capital asset described as Erf 12702 Durban, in extent 3696m² as depicted on Plan SJ 4522/8C, in terms of Regulation 34(1)(b), read with Regulation 36 and 41 of the Municipal Asset transfer Regulations, 2008 as follows:
- 2.22.2.1 That it is proposed that the property be leased by public tender on a thirty, 30-year year lease period, at a monthly rental of R66 667.00 (Sixty-Six Thousand Six Hundred and Sixty-Seven Rand), excluding VAT, which will be assessed on an annual basis.
- 2.22.2.2 That the market rental value of the property is currently assessed at a value of R66 667.00 (Sixty-Six Thousand Six Hundred and Sixty-Seven Rand), per month and excluding VAT.
- 2.22.3 That all costs incidental to the transaction shall be at the cost of the lessee to whom the right use, control or manage the capital asset is to be granted.
- 2.22.4 That all developmental plans must be submitted to the local authority for approval prior to any construction.
- 2.22.5 That all conditions by the Municipality's service delivery Units, as detailed in point 5 of the report, will form part of the lease agreement.
- 2.22.6 That subject to the adoption of .1 to .5 above and the approval of the Bid Adjudication Committee, authority be granted for the Head: Real Estate to sign all the documents necessary to give effect to this transaction, subject to the provisions and compliance of any process provided for in the Supply Chain Management Policy, 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 shall be subject to further conditions as the Head: Real: Estate considers necessary to protect the Municipalities interest

ADOPTED.

- 2.23 Proposed Closure and Sale of Road Area of Land Over Proposed Portion A of Rem of Portion 22 Erf 2135 Durban in Extent Approximately 148m² as Depicted on Hand Plan Number SJ 4733/3:
(Page 545: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

With the DA abstaining at the Executive Committee level, and the other Political Parties being in support,

COMMITTEE RECOMMENDS:

- 2.23.1 That the Municipal Council declares in terms of Regulation 5(1)(b), 7 and 11 of the Municipal Asset Transfer Regulations, 2008, read with Section 14(2)(a) and (b) of the Municipal Finance Management Act 56 of 2003 that:
- 2.23.1.1 The portion of road area over proposed Portion A of Rem of Portion 22 of Erf 2135 Durban, measuring 148m² in extent as depicted on Hand Plan No SJ 4733/3 is not required to provide the minimum basic Municipal services and is a surplus to the Municipal requirement.
- 2.23.1.2 That the market value of proposed portion A of Rem of Portion 22 of Erf 2135 Durban is currently assessed at a value of R222 000.00 (Two Hundred and Twenty-Two thousand Rand), excluding VAT, is to be paid to the Municipality by the prospective purchaser.
- 2.23.1.3 That the sale of proposed Portion A of Rem of Portion 22 of Erf Durban to the registered owner of Rem of Portion 20 of Erf 2135 Durban, be approved.
- 2.23.2 That the Municipal Council declares that .1 is subject to conditions that the portion of road area over proposed Portion A of Rem of Portion 22 of Erf 2135 Durban, measuring 148m² in extent requires to be rezoned from existing street to general residential purposes. The rezoning shall be undertaken and at the cost of the prospective purchaser:
- 2.23.2.1 That the rezoning shall be undertaken by and at the cost of the purchaser within three months from date the instruction letter is issued by the Head: Real Estate and should be completed within a two, 2-year period. Should the prospective purchaser fail to finalise the rezoning from the existing street to general residential within two (2) years from the date the instruction letter is issued, the Head: Real Estate shall have the discretion to either set aside the sale or request the prospective purchaser to submit a duly motivated application for an extension of time for the rezoning of the property, provided that the delay or failure to finalise the rezoning is not attributable to the fault of the prospective purchaser. Such extension of time will need to be approved by the Head: Real Estate.
- 2.23.2.2 That in terms of Section 211 of Ordinance 25 of 1974, the closure of the road area over proposed Portion A of Rem of Portion 22 of Erf 2135 Durban as per Hand Plan No.: SJ 4733/3, be approved.
- 2.23.3 That this closure is to be advertised via the land use management application process and is to be read together with Section 28(2)(e) of the eThekweni Municipality Planning and Land Use Management By-law 2016.

- 2.23.4 That in the event of objections being lodged to the proposed closure of proposed Portion A of Rem of Portion 22 of Erf 2135 Durban when it is advertised, the Planning and Land Use Management By-law process be followed to attend to these objections.
- 2.23.5 That the Municipal Council's approval of .1 above is subject to the condition that proposed Portion A of the Rem of Portion 22 of Erf 2135 Durban, be offered for sale in freehold by private treaty to the registered owner of the Rem of Portion 20 of Erf 2135 Durban in full compliance with the prevailing Municipal legislative framework at a purchase price of R222 000.00 (Two Hundred and Twenty Two Thousand Rand), excluding VAT, such price reflecting the purchase price based on the current market value of the property as assessed by a registered valuer.
- 2.23.6 That all conditions by the Municipality's service delivery Units, as detailed in point 5 in the report of the Head: Real Estate dated 2021-09-14, will form part of the sale agreement.
- 2.23.7 That all costs incidental to the transaction shall be at the cost of the prospective buyer of the property.
- 2.23.8 That all developmental plans and applications must be submitted and approved by the local authority prior to any commencement of construction on the property.
- 2.23.9 That subject to the adoption of paragraphs .1 to .8 above, authority be granted to the Head: Real Estate to sign all the documentation necessary to give effect to this transaction in terms of the Supply Chain Management 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, as amended, and any other applicable legislation and shall be subject to such further conditions as the Head: Real Estate considers necessary to protect municipality's interest.

ADOPTED.

- 2.24 Proposed Deproclamation and Alienation of Land in Freehold by Private Treaty for Retirement Village Purposes: Erf 187 Everton: Plan No: HTC 110/1: Extent 8m²:
(Page 563: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.24.1 That the Municipal Council declares in terms of Regulation 5(1)(b), Regulation 7, regulation 12 of the Municipal Asset Transfer Regulations 2008, read together with section 14(2)(a) and (b) of the Municipal Finance Management Act No 56 of 2003 that:
- 2.24.1.1 The proposed property described as Erf 187 Everton in extent of 8m² is not required to provide a minimum level of basic Municipal services; and
- 2.24.1.2 The market value of the property is currently assessed at a value of R4 000.00 (Four Thousand Rand), excluding VAT.
- 2.24.2 The property be and is hereby approved for sale by private treaty at the value assessed in terms of .2 above.

- 2.24.3 That all costs incidental to the transaction shall be at the cost of the purchaser.
- 2.24.4 That authority be granted for the Head: Real Estate to sign all documents necessary to give effect to the transaction in terms of the Supply Chain Management Policy of the Municipality and any other applicable legislation and that it shall be subject to further conditions as the Head: Real Estate considers necessary to protect the Municipal Council's interest.

ADOPTED.

- 2.25 Disposal of Proposed Portion C of KwaMashu P: Extent 2.3153HA:
(Page 583: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.25.1 That the Municipal Council declares in terms of Regulation 20 of the Municipal Asset Transfer Regulation, 2008, Section 14(6) of the Municipal Finance Management Act 2003 that:
- 2.25.1.1 The decision taken by Council at its meeting held 2011-07-27 to sell Erf 668 KwaMashu P to iThala Development Corporation, be and is hereby rescinded and approval be granted to sell proposed Portion C of KwaMashu P in extent 2.3153ha to iThala Development Corporation.
- 2.25.1.2 The proposed Portion C of KwaMashu P in extent of 2.3153ha is not required to provide the minimum level of basic Municipal services.
- 2.25.1.3 The current market value of the property is assessed at a value of R7 700 000.00 (Seven Million Seven Hundred Thousand Rand), excluding VAT.
- 2.25.2 That no encroachment over Municipal sewer servitude permitted. Prior to any development sewer impact analysis to be done for building plan submitted for approval.
- 2.25.3 That all costs incidental to the transaction shall be at the cost of the purchaser.
- 2.25.4 That authority be granted for the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the Municipality and any other applicable legislation and it shall be subject to such further conditions as the Head: Real Estate considers necessary to protect council interest.

ADOPTED.

- 2.26 Proposed Alienation of Proposed Portion [A] of the Remainder of Erf 1082 Austerville as Depicted on Plan: 4774/8, Measuring 275m²:
(Page 602: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.26.1 That in terms of Regulation 20(1)(d) of the Municipal Asset Transfer Regulations, Council approves that:

- 2.26.1.1 The proposed property described as Portion A of Remainder of Erf 1082 Austerville, as depicted on Plan No.: SJ 4774/8 measuring 275m² in extent is not required to provide the minimum level of a basic Municipal services.
- 2.26.1.2 The current market value of the property is assessed at a value of R193 000.00 (One Hundred and Ninety-Three Thousand).
- 2.26.1.3 The property be transferred to the KwaZulu-Natal Department of Human Settlements at no cost.
- 2.26.1.4 All costs in connection with this transaction, inclusive of survey, road closure and rezoning, be borne by the KwaZulu-Natal Department of Human Settlements.
- 2.26.2 That subject to the development application in terms of the eThekweni Municipality Planning and Land Use Management By-Law 2016 and in terms of section 211 of Ordinance 25 of 1974, the closure of the road over proposed Portion (A) of the Remainder of Erf 1082 Austerville, as per Hand Number SJ 4774/8, be approved.
- 2.26.3 That the closure is to be advertised via the Land Use Management application process (read together with section 28 (1) of the eThekweni Municipality Planning and Land Use Management By-Law 2016.
- 2.26.4 That in the event of objections being lodged to the proposed closure of a portion of proposed Portion (A) of the Remainder of Erf 1082 Austerville when it is advertised, the eThekweni Municipality Planning and Land Use Management By-law process be followed to attend to these objections.
- 2.26.5 That subject to the adoption of .1 to .7 above, authority be granted to the Head: Real Estate to sign all documents necessary to conclude the transfer agreement.

ADOPTED.

- 2.27 Proposed Closure and Alienation of Road Areas Over Portion 235 (of 79) of the Farm Zeekoegat No.937; and Over Erf 30660 Pinetown as Depicted on Hand Plan Number 4801/7; Measuring 853m² and 1416m² Respectively:
(Page 284: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

COMMITTEE RECOMMENDS:

- 2.27.1 That the Municipal Council declares in terms of Regulation 5(1) (b), 7 and 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:
- 2.27.1.1 To alienate the Municipal rights over a portion of road area over Portion 235 (of 79) of the Farm Zeekoegat No.937 and a portion of road area over Erf 30660 Pinetown, measuring 853m² and 1416m², respectively in terms of Regulation 5(1) (b), 7 and 11 of the MATR read with Section 14(2) (a) and (b) of the MFMA;
- 2.27.1.2 The portion of road area over Portion 235 (of 79) of the Farm Zeekoegat No.937; and a portion of road area over Erf 30660 Pinetown, measuring 853m² and 1416m², respectively, as depicted on Hand Plan No. 4801/7 are not required to provide the minimum level of a basic Municipal services; and are a surplus to the Municipal requirement; and

- 2.27.1.3 The current market value of the area affected, viz. a Portion of Road Area over Portion 235 (of 79) of the Farm Zeekoegat No.937; and a portion of road area over Erf 30660 Pinetown, measuring 853m² and 1416m², respectively is currently assessed at a value of R680 700.00 (Six Hundred Eighty Thousand Seven Hundred Rand), excluding VAT, and is to be paid to the Municipality by the Applicant as compensation for the loss of public rights.
- 2.27.2 That in terms of Section 211 of Ordinance 25 of 1974, the closure of the road areas over Portion 235 (of 79) of the Farm Zeekoegat No.937 and Erf 30660 Pinetown measuring 853m² and 1416m² respectively, as per Hand Plan No.: SJ 4801/7, be approved.
- 2.27.3 That this closure is to be advertised via the Land Use Management application process and is to be read together with Section 28 (2) (1) of the eThekweni Municipality Planning and Land Use Management By-law 2016.
- 2.27.4 That in the event of objections being lodged to the proposed closure of Portion 235 (of 79) of the Farm Zeekoegat No.937 and a portion Erf 30660 Pinetown when it is advertised, the Planning and Land Use Management By-Law process be followed to attend to these objections.
- 2.27.5 That all costs incidental to the transaction shall be at the cost of Abbot Francis Realty CC.
- 2.27.6 That all conditions by the Municipality's service delivery Units, as detailed in point 5 of the report, will form part of the cancellation of servitude agreement.
- 2.27.7 That subject to the adoption of paragraphs .1 – .6 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 Supply Chain Management 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, the eThekweni Planning and Land Use Management By-laws 2016 (Municipal Notice 114 of 2017), as amended, the Local Authorities Ordinance 25 of 1974, and any other applicable legislation, and shall be subject to any further conditions that the Head: Real Estate considers necessary to protect the Municipal interest.

ADOPTED.

- 2.28 Request for Budget Reallocation-Upgrade of TRK 83622 In Senzokuhle, Ward 3 (25/4/2):
(Page L58: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

The Committee received the report to approve the utilization of the budget in the amount of R6 000 000.00 (Six Million Rand) from TRK 83730 to be allocated for the upgrade of TRK 83662, located within the same Ward 3 of the eThekweni Municipality. The budget is applicable to the 2023/2024 financial year. Accordingly, authority is sought to utilize the budget in the amount of R6 000 000.00 (Six Million Rand) to be taken from project TRK 83730 (P14416) to fund the - Upgrade of TRK 83662 in Senzokuhle, Ward 3, to be met in the 2023/2024 financial year.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 2.28.1 That authority be granted for the Deputy City Manager: Human Settlements and Infrastructure to utilize the budget of R6 000 000.00. (Six Million Rand), excluding VAT, identified on P14416 be utilised to fund the upgrade of TRK 83662 in Senzokuhle, Ward 3, in the 2023/2024 financial year.
- 2.28.2 That this project swop be regularized in the next revised 3-year Medium Term Revenue Expenditure Framework.

ADOPTED.

- 2.29 Overtime:
(Page L60: Human Settlements and Infrastructure Committee - Agenda 2022-11-24)

The Committee was advised that at the Council meeting of 2022-06-07, it was resolved that 50% of all budget earmarked for overtime be removed and set aside to fill posts that would ensure reduction in overtime and compliance with the legal limit of 40 hours per month for overtime for all staff.

Accordingly, authority is sought for the implementation of this resolution within the Water and Sanitation Unit and to request some of the budget to be transferred back to the overtime vote, in view of vacancies not having been filled yet, while there is a need for urgent service delivery in the sanitation operations; water operations; and auxiliary services.

The DA (02) and the EFF (01) abstained at the Executive Committee level. With the ANC (04) and the ABC (01) being in support,

COMMITTEE RECOMMENDS:

That authority be granted for the Deputy City Manager: Trading Services to transfer the budget from basic salaries (critical vacancies) water to overtime (water) in the amount of R48 150 900.00 (Forty-Eight Million One Hundred and Fifty Thousand Nine Hundred Rand) and from basic salaries (critical vacancies) - sanitation to overtime (sanitation) - R19 260 000.00 (Nineteen Million Two Hundred and Sixty Thousand Rand).

Account Description	Adjusted Budget YTD	Actual Amounts YTD	Remaining Budget	Forecast to End Financial Year
Water	R50 540 880.00	R45 270 988.80	R5 269 891.20	R150 000 000.00
Sanitation	R27 792.700	R25 441 053.56	R2 351 646.44	R101 764 200.00

Commenting on the matter, the DA mentioned that insufficient overtime budget has a devastating impact on service delivery. Mention being made of the number of vacant positions within the Trading Services Cluster and the impact thereof being felt by the existing staff compliment. The DA supported the funds transfer to beef up the overtime vote, it being emphasised though that the implementation and the management thereof be monitored appropriately. That overtime should not be abused since a need exists to grant overtime within the prescribed hours for employees to fulfil the Municipal mandate.

Meanwhile, the ANC submitted that the overtime expenditure was reduced previously, but that the overtime budget now requires beefing up to continue providing basic services to the local communities, while the Municipality is to commence with a process to fill the vacant positions. Management was then requested to continue monitoring the overtime expenditure and to fight against the abuse thereof. It being reiterated that the legislated 40-hr overtime work be implemented to achieve the necessary compliance requirements in this regard.

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

3. **DIRECT EXCO REPORTS**

3.1 **REQUEST FOR AUTHORITY TO REVIEW THE EXISTING 2006 MEMORANDUM OF UNDERSTANDING AND SUBSEQUENT 2016 FIRST ADDENDUM, BETWEEN TRANSNET AND ETHEKWINI MUNICIPALITY. (12/8/1 & 21/14/1)**

(Page 1)

The Committee was informed of the significance of the strategic and structured collaborations between the Municipality and Transnet with regard to the Port operations. This being of great importance from the economic and development perspective within the City of eThekweni. With Transnet having adopted the Port Master Plan and the Municipality now subscribing to the District Development Model One Plan, a need exists to ensure the necessary alignment in terms of these developments to ensure this impact the City's economic growth.

With the Executive Committee appreciating the strategic involvement on Port matters,

COMMITTEE RECOMMENDS:

- 3.1.1 That Council notes the substantive content of the 2006 Memorandum of Understanding (MOU) and 2016 First Addendum.
- 3.1.2 That authority be granted for the City Manager and the Head: Legal & Compliance to engage with the Relevant Officials from Transnet to commence with a process of amending the 2006 MOU and the 2016 First Addendum.
- 3.1.3 That subject to .2 above, the revised Memorandum of Understanding (MOU) with Transnet be submitted to the Support Committees and Council for approval before it is signed on behalf of the Municipality.

Financial Implications:

There are no financial implications that are linked to MOU as the issues raised in the MOU specifically address strategic collaboration, institutional and organizational structures relating to the engagements between eThekweni Municipality and Transnet. It is however noted that through these engagements, financial implication could arise for project specific implementation. These project specific financial implications would be governed by a Memorandum of Agreement or Agreement of Contribution. In case of project specific agreement, the City Manager will advise the Council.

MOTION TO AMEND

In terms of Rule 20(4) of the Rules of Order Bylaw, Councillor WJD Burne, seconded by Councillor TM Mthethwa, moved as a procedural motion to amend recommendation 3.1.3 of the Executive Committee to read as follows:

“3.1.3 That subject to .2 above, the revised Memorandum of Understanding (MOU) with Transnet be submitted to the Support Committee and the Council for approval before it is signed on behalf of the Municipality”

CARRIED

Discussion thereafter reverted to the substantive matter where the DA encouraged a synergy between the Harbour and the Municipality as this was considered important for the functionality and the wellbeing of the City. The DA supported the relationship between the two stakeholders and encouraged that the MOU be submitted to the Support Committees and the Council for approval.

The DLC also supported the amendment and indicated that the City Manager engage with Transnet on the MOU and report back to enable the Council to exercise its oversight role effectively.

Thereafter, the ANC supported the matter, but cautioned against delays if the MOU was to serve in the Support Committees and to be then escalated right up to the Council level. That this be undertaken but also taking into account the budget and other operational timelines by the stakeholders that the Municipality is signing the MOA and/or MOU with thereby avoiding conflicting operational cycles.

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

3.2 **REQUEST FOR AUTHORITY TO REPRIORITISE STADIA AND FACILITIES UNIT CAPEX COMMITMENT WITHIN THE 2022/2023 FINANCIAL YEAR (7/1/2/2 & 31/2/1/5/2)**

(Page 20)

COMMITTEE RECOMMENDS:

- 3.2.1 That authority be granted for the Head: Stadia and Facilities to reprioritize the capital budget for projects commitments in the CAPEX 2022/2023 Budget in order to complete the projects listed below and based on the reasons provided:

The below tables specify the projects that required additional budget and projects funding source to be reprioritised:

Item	Project No.	Approved Budget R	Required Amount R	Funding Source R	Adjusted Budget R	Reasons
MMS Infrastructure & Auxiliary Works (Mech. Joints)	MS001	20 000 000	0	-13 000 000	7 000 000	The project start delayed and spending projects to roll over to 23/24 FY

Item	Project No.	Approved Budget R	Required Amount R	Funding Source R	Adjusted Budget R	Reasons
Visitors Centre Auditorium Flooring	MS075	0	100 000	0	100 000	Additional budget to be sourced from MS001
MMS Roof Upgrade	MS068	2 000 000	5 000 000	0	7 000 000	Additional budget to be sourced from MS001
Non-infrastructure, New, Ma (CPU2 Dishwasher)		400 000	0	0	400 000	Additional budget to be sourced from MS001
Upgrade of Heat Exchange System	MS062	600 000	0	-600 000	0	The project deferred to 23/24 FY and R534k used for Disaster Projects
Upgrade of UPS in MMS	MS059	5 100 000	8 000 000	0	13 100 000	Additional budget to be sourced from MS001
Chiller Plant and Cooling Towers	MS071PP	2 900 000	0	0	2 900 000	No changes
Network Upgrade for MMS	MS070PP	4 971 277	0	-1 570 000	3 401 277	The Unit is planning major network upgrade for MMS which will be budgeted for in 23/24 FY
Supply & Delivery of Banqueting Furniture	1U3764	0	336 000	0	336 000	Additional budget to be sourced from MS070PP & MS062
Non-infrastructure, New, Plant & Equipment	Various	0	800 000	0	800 000	Additional budget to be sourced from MS070PP
Reprioritised budgeted for disaster projects		0	534 000	0	534 000	Budget use to fund disaster projects with contractual commitments
Sky Car Concept		0	400 000	0	0	Budget mechanical and concept design
TOTAL		36 071 000	15 170 000	-15170 000	35 571 277	

3.2.2 That subject to the approval of .1 above, the Head: Stadia and Facilities to submit the Mid-Term Adjustment Budget as per the Municipal Finance Management Act for all the listed approved projects.

ADOPTED.

3.3 PEOPLE MOVER FARE INCREASE (7/6/1/7)

(Page 26)

COMMITTEE RECOMMENDS:

That Council approves a fare increase of One Rand (R1.00) for People Mover bus service, for implementation with effect from 01 March 2023.

ADOPTED.

3.4

**REPRIORITISATION OF OPERATING BUDGET WITHIN COMMUNICATIONS
UNIT TO FUND ADVERTISING (7/1/3/2)**

(Page 34)

The Committee was informed of the need to beef up the advertising vote for the Municipality to fulfil its obligations to communicate the Municipal operations where required. That there have been delays in finalising the supply chain management processes in relation to the fibre operations, hence, a request to utilise the funds earmarked for this operation to beef up the shortfall in the advertising vote.

The EFF voted against this proposal, citing that the social media page could be used to communicate the Municipal operations. Meanwhile, the DA also voted against the proposal, pointing out what they regarded as selective communication to cater for certain individuals. Therefore, they felt that the communication priorities of the Municipality are skewed.

Meanwhile the ANC submitted that actually the communications operations of the Municipality should be allocated 1% of the total Municipal budget. This being informed by a requirement to cater for the Municipal-wide communications requirements and also taking into account the benefits when community members are well-informed of the developments within the Municipality

The Head: Legal and Compliance then drew the attention to the legislative requirement for the Municipality to communicate certain operations to the local communities, as outlined in Sections 21 and 21A of the Local Government: Municipal Systems Act 2000. That the budget allocation should then take into account this legislative requirement.

The DA (02) and the EFF (01) then maintained their dissenting vote, while the ANC (04) and the ABC (01) voted in support of the matter, and thus

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Communications to reprioritise the Units Operational budget for 2022/2023 from the Fibre repair project (92737-10) to fund general advertising vote number (32240.16315.12120.0000.MRC01.0010).

Financial Implications:

The total reprioritization amount required is R1 000 000.00 (One Million Rand)

Operational Budget	Vote Number	Description	Budget 2022/2023 R	Proposed Reallocation R	Remarks
92737-10	32240.16315	Fibre Services	1 000 000	1 000 000	Advertising

As some Councillors were not in support of the recommendations, the matter was put to the vote. With 171 Councillors present, 98 Councillors (ANC - 87, IFP – 0; ABC – 01; AIC – 02; ACC – 01, DLC – 01, ADEC – 00; APF – 01, ATM – 00, AL-JAMAH – 00; JEP - 00, KZNI – 01; MF- 00; MOSA – 00; NFP -01 , PFP – 00; PRM – 01 ; TA – 00; UIM – 01 and VF Plus – 01) voted in favour of

the amendment and 51 Councillors (DA – 48; Action SA – 02 and ACDP – 01) voted against the matter. 22 EFF Councillors abstained on the matter. Thereafter, the above recommendations of the Executive Committee were by a majority vote; **ADOPTED.**

3.5

DRAFT 2023 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS FOR COUNCIL APPROVAL (3/4/1)

(Page 36)

The Calendar of Meetings serves as the Council and Committees' Annual Programme. In drafting the Calendar, the analysis of Committee membership is undertaken to avoid clashes. However, in certain instances clashes are unavoidable but this would be managed accordingly between the Chairpersons of Committees.

The Calendar of Meetings also take into account the flow of items from the Committee structures till reaching the final decision-making at the Municipal Council level. Incorporated in the Calendar are also proposed dates of the Ward and the Community meetings, but it should be noted these are just tentative dates to indicate the requirement to convene the Ward Committee meetings on a monthly basis and the Community meetings on a quarterly basis. The Ward Councillors would then take the responsibility to confirm the specific dates with the respective Ward Committees and the Community members.

It is understood that from time-to-time certain circumstances will warrant the postponement and/or cancellation of meetings. This would be attended to by the respective Chairpersons and decision taken based on justifiable reasons. The timeous submission of Committee Reports is also encouraged for this aspect not to contribute in getting the Committees not convening meetings on the scheduled dates.

During discussion at the Executive Committee level, some Members advised that the postponement and/or cancellation of some of the Committee meetings is now happening at an alarming rate, and with a total disregard of the scheduled dates as per the Council-approved Calendar of Meetings. In this regard, a plea was made for the Committees to honour the dates as reflected in the Calendar.

Meanwhile the attention was drawn to the clash of the Executive Committee Appeals and the Human Settlements and Infrastructure Committee meetings in the months of February; March; and November 2023. It was then agreed that this would be looked into with the intention to address the clash, and it being reiterated that any other clash will be resolved amongst the respective Chairpersons.

For the clash referred to, this has been informed by the skewed days in the 2023 Calendar while a need for the Committee meetings exists. This has since been addressed though by leaving the Human Settlements to take the first Tuesday of the month and then getting the Executive Committee Appeals to take the following Tuesday and with the rest of the ensuing Tuesdays to cater for the ordinary Executive Committee meetings.

Attached herein is the Calendar of Meetings for ease of reference for the Municipal Council to grant approval thereof.

With the Committee agreeing that the Calendar of Meetings be approved on the basis that any clashes identified will be addressed amongst the respective Committee Chairpersons,

COMMITTEE RECOMMENDS:

- 3.5.1 That Council approves the 2023 eThekweni Municipal Calendar of Meetings, to aid forward planning for the Council and its Committees; thereby achieving a smooth flow of the Council's decision-making process.
- 3.5.2 That subject to the approval of .1 above, the Chairpersons of Committees adhere to the dates contained in the Calendar of Meetings when convening meetings, it being recorded though that the Chairpersons reserve the right to cancel and/or postpone meetings, based on justifiable reasons.
- 3.5.3 That the Deputy City Managers and the Heads manage the process of timeous submission of Committee Reports to the Office of the City Manager for final signature, before submission to the Secretariat Department for inclusion in Agendas; which process will enable meetings to convene as scheduled.

ADOPTED.

- 3.6 ETHEKWINI MUNICIPALITY 2023/2024 PROPERTY RATES POLICY (7/2/1)

(Page 51)

COMMITTEE RECOMMENDS:

That the proposed amendments to the 2023/2024 Property Rates Policy (Reference: eThekweni Municipality Rates Policy 2023/2024 – Draft 25/10/2022), as contained in the report of the City Manager dated 2022-11-15, be approved in-principle, in order for the Policy to be made public for comment in terms of Section 4 of the Local government: Municipal Property Rates Act No. 6 of 2004.

ADOPTED.

- 3.7 REQUEST FOR APPROVAL TO REPRIORITISE FUNDS FROM THE OVERTIME BUDGET TO PAY PERFORMANCE REWARDS FOR 2020/2021 FINANCIAL YEAR. (4/6/2)

(Page 165)

Extensive discussion ensued on the proposed overtime budget reprioritisation with some members submitting that the proposal appears to be contradictory to the item having been discussed hereinbefore to transfer funds to the overtime vote to meet service delivery challenges and now this item proposing taking funds from the overtime vote to pay performance bonuses.

It was also reiterated that a detailed account of the overtime vote has not been given, in terms of the allocations; the actual spent; and the projections, hence, there is no clear understanding how the proposed R71 Million would be made available. Reference being also made to the fact that the performance bonus was not paid because the Municipality was not in a financial stable condition, a query being made then whether is the Municipality now financially stable to meet this commitment.

It also being enquired who were the intended beneficiaries and reference being made that the Municipality is creating a legitimate expectation with no proper audit being undertaken to justify the payment of the performance bonus.

To put the matter into a proper context, the Committee was informed that this was actually a best-case scenario compared to what the Municipality could have been expected to honour in terms of the contractual obligations pertaining to the payment of performance bonuses. That through a vigorous negotiations process at the Bargaining Council level, the Municipality eventually succeeded in making a plea to honour contractual obligations for the employees at the category Grade 3 to 09. That the R71 Million represents a settlement amount at the Bargaining Council level.

While the settlement might be regarded as the dent to the Municipal finances, but it was submitted that rejecting this settlement will lead to a far-damaging effect in terms of potential strike and the demand to pay performance bonus owed to all Municipal employees.

His Worship then commended the Municipal negotiation team for reaching a reasonable settlement contrary to the initial demand by Labour.

Given a request to provide a breakdown of the overtime budget, in terms of the current financial year allocation; the spend to date; and the projections going forward, it was agreed that Management provide Councillors with this information.

The DA (02) then voted against this proposal and expected to receive the overtime breakdown by Thursday, 08 December 2022. With the other Political Parties some having reservations but also understanding the importance to honour the settlement agreement, the ANC (03) supported the proposal as well as the EFF (01) and the ABC (01). The EFF then cautioned that the Municipality should be careful of the nature of the agreement being entered into with regard to the terms and conditions of employment.

Accordingly, with the majority vote,

COMMITTEE RECOMMENDS:

That the authority be granted for the Deputy City Manager: Finance to reprioritize the funds in the amount of R71 000 000.00 (Seventy-One Million Rand) from overtime budget to cater for the payment of performance rewards for the 2020/2021 financial year.

Financial Implication:

The eThekweni Municipality to reprioritise an amount of R71 000 000.00 (Seventy-One Million Rand) existing overtime budget.

Commenting on the matter, the DA cited that public interest be considered when payments for performance bonuses is approved. That funds should be prioritised for infrastructural maintenance and repairs given the prevailing challenges.

Thereafter, the ANC welcomed the report and emphasised that the payment of performance bonuses would be allocated to employees at the category of Grade 03 to 09. Mention being made that these employees were at the forefront of service delivery, particularly, during the roads rehabilitation; electricity restoration etc.

following the April floods. It was indicated that there were other employees not performing at the expected standard and that employees involved needed to be reprimanded accordingly to improve service delivery.

As some Councillors were not in support of the recommendations, the matter was put to the vote. With 174 Councillors present, 118 Councillors (ANC - 87, EFF - 23; IFP - 0; ABC - 01; AIC - 02; ACC - 01, ADEC - 00; APF - 01, ATM - 00, AL-JAMAH - 00; JEP - 00, KZNI - 01; MF- 00; MOSA - 00; NFP -01 , PFP - 00; TA - 00 and UIM - 01) voted in favour of the amendment and 56 Councillors (DA - 49; Action SA - 03; ACDP - 01, DLC - 01; PRM -01 and VF Plus - 01) voted against the matter. There were no abstentions recorded.

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

3.8

COMMUNITY BASED PLANNING ROLL-OUT PROCESS (19/R)

(Page L61)

The Community Participation and Action Support Unit will embark on a Community-Based Planning (CBP) process as part of promoting participatory governance and to allow for greater involvement of stakeholders in the development of the Municipal Integrated Development Plan. This also to ensure that the Municipal Annual Budget is guided by the priorities of the Wards as defined by the local communities.

The process will entail Part A and Part B, and with Part A relating to a Capacity Building Workshop for the Ward Committees, and seven (07) Workshops being planned for this process. Part B then represents the CBP roll-out out as per the following steps:

- Data gathering; and related activities
- Data analysis; and related activities
- Consolidation of Ward-Based Plans by the Community Participation and Action Support Unit
- Development of Zonal Development Plans by the Community Participation and Action Support Unit as well as the Integrated Development Plan Office

The EFF voted against this CBP roll out process, pointing out this is not critical at this stage given the major crisis the Municipality is facing in terms of sewer spillages; water connections; roads infrastructure, with the aforesaid being regarded as key to the livelihood of the eThekweni residents

The DA abstained at this stage as the matter has been laid on table and thus insufficient time to interrogate for the purpose of making an informed decision.

Thereafter, the attention was drawn to the fact that this process represents a legislative requirement with the Municipality thus being expected to achieve the necessary compliance requirements.

With the other Political Parties being in support,

COMMITTEE RECOMMENDS:

- 3.8.1 That Council approves the proposed implementation of the Community-Based Planning Capacity Building workshops for the Ward Committees and the Community Based Planning roll-out activities during the 2022-23 financial year.
- 3.8.2 That subject to the approval of .1 above, authority be granted for the Head: Community Participation and Action Support to incur expenditure in the amount of R3 271 550.00 (Three Million Two Hundred and Seventy One Thousand Five Hundred and Fifty Rand) to implement the CBP programme.

Funding for CBP Roll-Out:

Part A: Capacity Building workshop for Ward Committee Members:

This is a **ONE- day workshop** held for Ward Committee Members who have been elected for the new term of office. There will be 7 workshops to be held for Ward Committee Members.

Estimated Financial Implication:

No.	Details	R	Amount R
1.	Catering (breakfast and Lunch @ R150.00 per person)		
	Ward committee members of 111 wards		
	• 1110 @ R150 per person	166 500.00	
	Support Staff		
	• 50 @ R150 person	7 500.00	174 000.00
2.	Printing and Stationery		
	(Pens, Flip chart stands, flipchart paper, Koki pens, writing material)		50 000.00
3.	Venue Hire (Council Halls)		
	7 Halls @ R2 000		14 000.00
4.	Transport		
	20 wards @ R3000 per 60- seater bus		60 000.00
	Estimated Cost for Part A of Roll out		R298 000.00

Part B: CBP Rollout:

Note: The methodology used to roll out the CBP programme is as follows:

The programme is rolled out over a 2-day period as follows:

- Saturday - Data gathering, data analysis and related activities
- Sunday - Planning session, projects identification and programmes and formulation of Ward priorities

Estimated Financial Implication:

No.	Details	Amount R
1.	Catering (Breakfast and Lunch @ R150.00 per person)	
	66 people @ R150 per person for 2 days for 111 Wards (66 x 120 x 2 x 111)	2 197 800.00
2.	Venue Hire (Council Halls / Schools)	
	106 Halls @ R1000 per day for 2 days (106 x 1000 x 2)	212 000.00
3.	Hire of Marque (where no halls)	
	500- Seater Marque for 2 Wards for 2 days @ R 5000 per day (2x 2 x 5000)	20 000.00
4.	Transport (provision to ensure proceedings start on time)-60 x seater	150 000.00
5.	Provision for Overtime	
	70 staff @ R225 per hour for 25 hours (100 x 225 x 25)	393 750.00
	Estimated Cost for Part B of Roll out	2 973 550.00
	Total Estimated Cost	
	Part A of Roll Out	298 000.00
	Part B of Roll Out	2 973 550.00
	Total Estimated Cost of Roll Out	3 271 550.00

Funding for the CBP Roll-out programme:

- CPAS will cover Part A of the expenditure above which is the costs of capacity building workshops for Ward Committees which is equal to R298 000.00 (Two Hundred and Ninety Eighty Thousand Rand).
- CPAS will ALSO contribute R500 000.00 (Five Hundred Thousand Rand) towards Part B of the CBP Roll-out which is the formulated of Ward-Based-Plans .
- Savings identified by other Units of the Municipality contribute R2 473 550.00 (Two Million Four Hundred and Seventy Three Thousand Five Hundred and Fifty Rand).

Vote Numbers - Proposed Expenditure:

No.	Details of Expense	Bus Unit	Item	Funding	Costing	Project	Region	Amount R
1.	Catering	32311	11400	12120	0000	38300	0010	2 371 800.00

No.	Details of Expense	Bus Unit	Item	Funding	Costing	Project	Region	Amount R
2.	Printing and Stationery	32311	14105-48	12120	0000	38300	0010	50 000.00
3.	Venue and Marque Hire	32311	18950-10	12120	0000	38300	0010	246 000.00
4.	Transport Hire	32311	21805	12120	0000	38300	0010	210 000.00
5.	Overtime	32302	13190	12120	0000	MRC01	0010	393 750.00
	TOTAL							3 271 550.00

Proposed Funding:

No.	Details of Expense	Bus Unit	Item	Funding	Costing	Project	Region	Amount R	Comments
1.	Consultants	Various	Various	12120	0000	MRC01	0010	199 730	Savings declared from Various Units
2.	Catering	Various	11400	12120	0000	Various	0010	27 121	
3.	Repairs and Maintenance	Various	11560	12120	0000	Various	0010	92 602	
4.	Consumables	Various	14105	12120	0000	MRC01	0010	106 138	
5.	General Expenses	Various	Various	12120	0000	MRC01	0010	181 373	
6.	Salaries	Various	13020.10	12120	0000	MRC01	0010	226 036	
7.	Salaries	Various	13370.10	12120	0000	MRC01	0010	1 640 550	
8.	Venue and Marque Hire	32311	18950.10	12120	0000	38300	0010	457 180	
9.	Stage and Sound	32311	11760	12120	0000	38300	0010	66 192	
10.	Catering	32311	11400	12120	0000	38300	0010	247 520	
11.	Stationery	32311	14105.48	12120	0000	38300	0010	27 108	
	TOTAL							3 271 550	

F C Number: 2023/06/24

As some Councillors were not in support of the recommendations, the matter was put to the vote. With 173 Councillors present, 149 Councillors (ANC - 87, DA - 49; IFP - 0; ABC - 01; ACDP - 01, AIC - 02; ACC - 01, ADEC - 00; DLC - 01; APF - 01, ATM - 01, AL-JAMAH - 00; JEP - 00, KZNI - 01; MF- 00; MOSA - 00; NFP -01 , PFP - 00; PRM -01; TA - 00; UIM - 01 and VF Plus - 01) voted in favour of the amendment and 21 EFF Councillors voted against the matter. 3 Action SA Councillors abstained on the matter.

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

3.9 DISTRICT DEVELOPMENT MODEL – FINAL DRAFT REVIEWED ONE PLAN

(Laid on table)

It will be recalled that a revised District Development Model (DDM) One Plan was previously submitted to Council to approve the public participation process, prior to resubmitting the final revised version for the Council approval.

The public participation process was conducted accordingly and the One Plan is now submitted for final approval by Council while the other government spheres also have their processes to engage on the Plan. Hence, it is important for Council to approve the plan and input to the engagements at the other spheres of government.

Detailed in the table below is a summary of comments from stakeholders. The One Plan was welcomed by all groups in terms of the methodology as well as the concept of a co-created plan across the various spheres of government. Participants acknowledged the intent of the One Plan and did not highlight objections to any of the 32 strategies. Some of the more detailed comments for inclusion into the One Plan are as follows:

Comment	One Plan Response
Whilst the One Plan is appreciated and looks good on paper, is it practical and realistic from an implementation perspective	The One Plan has a Draft Monitoring and Evaluation Framework to ensure accountability across the 3 spheres of government. Implementation of the One Plan would be further supported by the inclusion of these commitments as part of the sector departments Annual Performance Plans.
There is a reality that Government is not working together to resolve challenges in eThekweni, how is the DDM going to address this observation.	There has been significant improvement in the functionality of the Technical and Political Hubs which would promote and enhance IGR functionality.
What is the role of private sector in the One Plan	The One Plan creates a single vision and narrative for the development of the eThekweni Municipal space, through active engagements with all sectors the vision can be realized. The strategies identified in Transformational Area 2 provide insight as to the areas of possible involvement. It was further noted that business expressed a willingness to be active role-players in the implementation of the One Plan
The key elements that will transform the municipal space needs to be elevated in the document	One of the key priority interventions is the need to develop a Single Spatial Plan for the municipality anchored around the Port City Region highlighted in the Vision as well as Goal 3 of the One Plan. This is further supported by Goal 4 which highlights the need for co-ordination across spheres of government for the implementation of regional bulk infrastructure that will support regional networks.
Infrastructure management, enhanced service delivery and rural development were proposed to be included as key priority areas in the One Plan.	Goals 3, 4 and 5 have dedicated strategies that address the areas referred to. It is further noted that the Single Spatial Plan would also address these areas.

Comment	One Plan Response
The implementation component is too broad and there needs to be more focus on the key elements that would unlock the potential in the One Plan.	Whilst the One Plan does include projects at a National and Provincial level, a detailed implementation strategy is in the process of being developed for the One Plan. Future projects for implementation would be influenced by a more integrated DDM IGR planning and budgeting processes. The Draft Monitoring and Evaluation Framework has been included in the reviewed One Plan.
Poor Integration of the DDM Projects at a National and Provincial Level	The incorporation of the commitments of the National and Provincial Sector Departments into the Annual Performance Plans would assist in the implementation of capital projects withing the municipality.
Community development needs to be elevated in the One Plan as it is seen to be critical to the right of the city as well as achieve a smart port city region.	Whilst there is a dedicated goal that covers aspects of Community and people development it is noted that people development is an overarching goal of the DDM process. The other 5 transformational goals reinforce the need for people development.
The One Plan represent those of an ideal city and how does that align with the 2030 vision.	National, Provincial and Municipal planning strategies have informed the 2050 Vision. The 2030 vision becomes a milestone as to what has been achieved against the 2050 Vision. The 2030 vision provide us with an opportunity to take stock of, where we are and what we need to be doing towards achieving the 2050 vision. It is further noted that the 2050 vision is not divergent to existing strategic visions across the various spheres of government and aligns the key aspects of these strategies, which further enables the city to sharpen our focus whilst extending our strategic view.
It was further noted that sub national governments do not have the power to deliver on the plan and the city would need to ensure implementation of the plan across the spheres of government.	A detailed implementation strategy would be developed as part of the DDM process, a component of the strategy would contain commitments at a National and Provincial Level which would be supported by the relevant IGR and legislative frameworks.
The commitments from private sector and civil society needs to come through more strongly.	The development of the implementation strategy would also require engagement with a range of stakeholders to ascertain commitments to the goals and strategies.
More emphasis should be placed on future economies, skills development and job creation.	The Strategies in Goal 2 and Goal 3 address this comment. The wording has been reviewed to provide better emphasis and

Comment	One Plan Response
	clarity relating to the areas identified in the comment.
Participants requested to be involved in further planning engagements at both a provincial and city level around the One Plan to ensure alignment at a strategic level.	The IGR engagement processes are currently under review as part of the overall DDM process. Where possible these processes would be aligned to be more effective.
It was further highlighted that there should be more engagement between the city and the public on the content of the One Plan.	One Plan was advertised for public comment 31 st May – 11 June 2021. A Communication Plan will be developed for the One Plan and the Implementation Strategy. In the crafting of the implementation strategy there will be further engagements with stakeholders.
Need to include an implementation framework	A detailed Implementation framework and strategy will be developed as part of the DDM process.
It was also felt that the document is too technical for the ordinary citizen.	The implementation of the communication strategy would look at developing the relevant material and messaging for target audiences
How does this vision correspond to the Municipal 2030 Vision	The 2030 vision timeline becomes an important milestone in the One Plan and the 2050 Vision. The 2030 vision milestone provides the city with an opportunity to take stock of, where we are and what we need to be doing towards achieving the 2050 vision. It is further noted that the 2050 vision is not divergent from the existing vision and aligns with the key aspects of the IDP and LTDF.
The focus of the One Plan has shifted from Service Delivery to Economic Development, this was not the original intent	The One Plan covers all aspects of developmental projects. Service Delivery implementation mechanism are tabled in Transformational Area 5. It is noted that there is greater emphasis on economic development, as a response to the impacts of Covid, July Unrest and growing poverty and unemployment.
Would NGOs be required to use the One Plan Process to engage with various spheres of Government	The One Plan does not propose a change in existing engagements between stakeholders and government, however if there are opportunities that can be extracted for better co-ordination and alignment then these should be pursued. NGOs can still continue using existing networks and engagement processes.

Comment	One Plan Response
<p>The One Plan emphasis is on economic development, as opposed to initial conception around service delivery. When DDM was introduced, it was more focused on service delivery at local government level with the strong involvement from the district municipalities.</p>	<ul style="list-style-type: none"> • The focus of the One Plan has not changed. Rather, there is more emphasis on economic development given the challenges experienced on the ground at the time in eThekweni space, i.e., the riots of July 2021, Covid-19 and the flood disaster of April and May 2022 have collectively made economic recovery a national imperative within the context of the One Plan. • The key implementation tool for DDM is Operation Sukuma Sakhe (OSS). DDM-OSS alignment is key to One Plan implementation through sustainable service delivery across the three spheres of government.
<p>It is understood that eThekweni Metro is a stand-alone municipality and therefore no district municipality is involved in its affairs. eThekweni was however chosen as 1 municipality to be a guinea pig so to speak.</p>	<ul style="list-style-type: none"> • eThekweni is one of the three pilot sites identified alongside OR Tambo District and Waterberg District. • The Implementation of the DDM approach is currently occurring simultaneously in all 52 spaces of the country. • eThekweni was privileged to be selected as a pilot to share lessons learnt especially with the 7 Metros.
<p>This seems a very well-worded document, seemingly meant to be a sales and marketing tool rather than speaking to specifics. The incompetence in the (City's) administration is shocking, the officials don't understand their jobs. I have had to teach the staff where the problems were as I called on my experience. The ratepayers are being ripped off with the water and electricity accounts, for example.</p>	<ul style="list-style-type: none"> • The concerns about administration and staff incompetency were noted. • The DDM is set to assist with addressing some of the gaps identified i.e., skills, efficiencies etc.) • Any service delivery issues still need to be addressed to heads of administrations and accounting officers of relevant spheres of government operating in the Metro space. • People development and skills development have been prioritised in the One Plan, to assist with addressing inefficiencies identified across all three spheres of government.
<p>How will the One Plan impact the NPO sector?</p>	<ul style="list-style-type: none"> • The public is encouraged to participate in the review of the document, through IDP and budget consultations as DDM-IDP alignment is critical for One Plan implementation.

Comment	One Plan Response
	<ul style="list-style-type: none"> • The alignment (Planning, Budgeting implementation Reporting and Monitoring) across of the three spheres of government should create better alignment, however the DDM One Plan process does not replace any existing government institution and isn't proposing a new point of entry for NPOs. • The alignment is aimed at creating opportunities for additional value-add and better service delivery. • The consultation on the One Plan is not fait accompli as the One Plan is implemented through the IDP. • Further opportunities through the IDP processes are available to relook and advise on the shortcomings and key implementation mechanisms required.
<p>Does this mean that we need to be aligned with national, provincial, and local government? As NPOs we operate mainly at local level and if we have a provincial project, should we engage province?</p>	<ul style="list-style-type: none"> • The delivery mechanism for all of government remains the IDP. • The IDP is the methodology of implementation at a local level. • The IDP and One Plan should be viewed as a suite of plans aimed at enhancing service delivery and removing inefficiencies. • The DBSA has created an implementation framework known as the Joint Programme Management Approach (JPMA) across all government spheres operating in the Metro space. JPMA will be supported by an Integrated Monitoring and Evaluation framework and Information Management System for better alignment and engagement with communities. DDM-OSS alignment will bring government closer to communities.
<p>What is the implementation plan for DDM at a provincial level? It appears that there is a more consolidated approach at a municipal level. However, the DDM is not aligned with provincial programme planning, and that challenge will need to be addressed. The approval and enforcement of provincial programmes in alignment with local planning through the DDM is not addressed. The absence of any mechanism to enforce the alignment with DDM, will result in government employees focusing primarily at their MTEF goals.</p>	<ul style="list-style-type: none"> • The DDM One Plan is the new way to do government business alongside society hence it is a business unusual approach. • The methodology underpinning the all-of-government approach will bring the DDM to fruition. • DDM One Plan will be adopted by all spheres of government (local, provincial and national).

Comment	One Plan Response
	<ul style="list-style-type: none"> • All spheres of government will be held accountable at a local level through scrutiny of their respective Annual Performance Plans (APPs) which will require One Plan commitments to be binding and therefore enforceable through the promulgation of Intergovernmental Relations Framework Act Regulations. • The commitment to the DDM will be channeled through the resolution and adoption of the One Plan at Cabinet. • The functionality of all four Clusters and their respective workstreams will be critical for the implementation of DDM.
<p>Investing in children – are there any opportunities for innovative partnerships to start the entrenching the pillar of early childhood development (ECD) as a driver of long-term human investment/development? The DDM is an opportunity to model other ways of achieving set objectives.</p>	<ul style="list-style-type: none"> • The Department of Cooperative Governance (DCOG) has partnered with the Hollard Foundation Trust in supporting DDM One Plan implementation as regards ECD in the Metro space hence the DDM Hub participates (alongside the 3 spheres of government) in the ECD Steering Committee. The DDM's role would be, among others, to assist with identifying further opportunities for partnerships. • More strategic partnerships and ideas are welcome, along with identification of opportunities for further engagement.
<p>The Framework for Strategic Plans and Annual Performance Plans requires National and Provincial Departments and State-Owned Entities (SOEs) to include details of projects that they contribute to the DDM. This was introduced in 2019, and compliance has generally been poor, but DPME does assess draft APPs of all National Departments, as well as assessment guidelines to Provincial Governments/support with assessment of Provincial Departmental APPs where provinces do not have adequate capacity. Will compliance with DDM project requirements also be part of the assessment of Provincial Plans?</p>	<ul style="list-style-type: none"> • Without the adopted One plans across the spheres of government there has been limited or no impact on the APPs, but when it is mandatory for APPs to reflect DDM One Plan commitments implementation will be heightened.
<p>While DDM is a critical undertaking to ensure prudent deployment of government resources to secure maximum returns across all three spheres, the planning cycle especially the budgeting periods for these spheres creates a challenge. There is a need to review the segmented planning cycle where local government has a 1 July - 30 June budgeting cycle compared to provincial and national 1 April - 31 March clash dramatically to make it difficult to tie up the envisaged One Plan for all that is backed by budgets.</p>	<p>DDM does not envisage to change budget cycles of the three spheres of government. The currently differentiated budget cycles are not an impediment to IGR collaboration and coherence around joint planning, budgeting and implementation. The DDM One plan process will seek to address the challenges of budget alignment across the three spheres of government</p>

Comment	One Plan Response
<p>As organized business, we are deeply concerned about the timing of the eThekweni One Plan. Whilst we understand the urgency of the Plan, the deadline is not viable for consultation with the private sector. The city needs to engage in participative, facilitative, and accountable governance, which is characterized by the development of a meaningful and co-operative relationship between the private and public sectors. Following the presentation held on the 21st of November 2022 with DCCI it seems that the plan is approaching finality with no certainty that comments from the Durban Chamber of Commerce and Industry will be considered.</p>	<p>The comment is noted and further engagement on the One Plan can be facilitated through the IDP Consultations. It is further noted that the IDP and one Plan are a suite of strategic plans in the Municipality</p>
<p>The eThekweni One Plan lacks the involvement of private sector in its implementation. This is a cause for concern as private sector is a critical stakeholder. We believe a sound strategy cannot separate the private and public sector. Their interdependence is the very reason that this plan needs to reflect collaboration throughout the process.</p>	<p>All-of-society participation in the DDM Clusters and workstreams will include the private sector.</p>
<p>The District Development Model was presented to DCCI over 3 years ago. As organized business, we believe it is a well written and researched document. However, there is a huge gap in the actual implementation. The April and May 2022 floods proved that the three spheres of government still cannot communicate and agree on critical matters. On several occasions the Durban Chamber of Commerce and Industry had to facilitate discussions between local, provincial, and national government. To ensure the gap is closed this plan needs to be closely linked with the performance management of City officials.</p>	<p>Noted. The functionality of DDM Clusters and workstreams will play a crucial role towards sound IGR in the Metro space.</p>
<p>Investors seek profitable and favourable business destinations with easy and efficient processes and affordable access to services. Rising costs of doing business and inefficient processes will impact negatively on the competitiveness of Durban as a business location. The retention of businesses within Durban is a priority.</p>	<p>Noted. The functionality of DDM Clusters and workstreams will play a crucial role in addressing such issues in the Metro space. It is also noteworthy that the Sakha iTheku-Shape Durban Economic Recovery Strategy seeks to address such diagnostics. The development of an implementation plan is underway. Another key study focusing on the Regional Bulk Infrastructure is also underway. The other 3 studies which will be developed in this financial year include a Port City Region Development Agency, Export Market Value Chain, and eThekweni Localization.</p>

It being noted that the public participation process has been successfully and noting the comments raised arising from this process, and with the DA abstaining until the document is interrogated,

COMMITTEE RECOMMENDS:

- 3.9.1 That Council notes the substantive content of the One Plan as presented and adopted by Council in June 2021 and amendments made during the review process.

- 3.9.2 That the reviewed One Plan, incorporating changes from the consultation process, as per Circular 10 of 2022 issued by the Department of Cooperative Governance and Traditional Affairs dated 20 August 2022, be approved.
- 3.9.3 That subject to the approval of .2 above, the relevant District Development Model (DDM) Structures be advised of the above adoption.
- 3.9.4 That subject to the approval of .2 above, the adopted One Plan be tabled before the Provincial Executive Council for their consideration.

ADOPTED.

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

(Following the tabling of the Report by His Worship, the time being 17h19, the DA requested two (02) minutes for caucus. This was granted by the Speaker. The Speaker also added five (5) minutes for Council to take a comfort break. Thereafter, the meeting resumed at 17h46).

FOURTH REPORT OF THE EXECUTIVE COMMITTEE

(Special meeting held 2022-12-08)

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

-
1. APPROVAL OF AMENDMENTS TO THE SUPPLY CHAIN MANAGEMENT POLICY 2022 AS A RESULT OF A GOVERNMENT GAZETTEE NO. 47452: PREFERENTIAL PROCUREMENT REGULATIONS 2022 BROUGHT ABOUT BY THE CONSTITUTIONAL COURT JUDGMENT IN THE MATTER BETWEEN THE MINISTER OF FINANCE V AFRIBUSINESS (9/P)

(Page 11)

The Executive Committee received a presentation on the revised Supply Chain Management (SCM) Policy as a result of the Constitutional Court Judgement. The presentation is attached herein for ease of reference.

The Executive Committee then noted the implementation date of the revised SCM Policy which is 16 January 2023, hence, the importance to approve the Policy in this Council meeting. However, it was agreed that a workshop will be arranged for early in January 2023 to take Councillors through the Policy provisions thereby

understanding the changes effected; the SCM Policy implications; and general SCM matters for Councillors to act on in informed premise when playing oversight over the SCM matters.

The DA then abstained at this stage, and with the other Political Parties, being in support,

COMMITTEE RECOMMENDS:

That the revised Supply Chain Management Policy 2023 be formally adopted for immediate implementation to take effect from 16 January 2023, it being recorded that the amendments relate to the following aspects as contained in the Policy document attached to the Report by the City Manager dated 2022-12-07:

- (a) Definitions (Section 1, Page 09)
- (b) Supply Chain Management Unit (Section 7, Page 24)
- (c) System of Demand Management (Section 10, Page 26)
- (d) System of Acquisition Management (Section 11, Page 27)
- (e) Range of Procurement Processes (Section 12, Page 28 and Petty Cash Purchases (Section 15, Page 28)
- (f) General Preconditions for consideration of written quotations or Bids (Section 13, Page 28)
- (g) Unit of Accredited Prospective Providers (Section 14, Page 29)
- (h) Negotiations with Preferred Bidders (Section 24, Page 39)
- (i) Bid Adjudication Committee (Section 29, Page 46)
- (j) Procurement of Goods and Services Under Contracts Secured by Other Organs of State (Section 31, Page 49)
- (k) Deviation from, and Ratification of Minor Breaches of Procurement Processes (Section 36, Page 53)
- (l) Identification of Preference Points (Section 52, Page 74):
 - (i) Pre-qualification Sub-contracting (Section 52 (21); Page 82)
 - (ii) Specific Goals (Section 52 (22); Page 82)
 - (iii) Local Content and Production (Section 52 (22 and (23); Page 83)
 - (iv) Criteria for Breaking Deadlock in Scoring (Section 52 (26); Page 85)
 - (v) Remedies (Section 52 (27); Page 86)
- (m) Amendments to Contracts MFMA Section 116(3) (Section 55, Page 94)
- (n) Cosmetics Changes:
 - (i) Bid Evaluation Committee (Section 28; Page 44)
 - (ii) Appointment of Consultations (Section 35; Page 22)
 - (iii) Objections and Complaints (Section 49; Page 71)
 - (iv) Backlisting (Section 56; Page 98); and
 - (v) Special Deviations for SCM Policy (Section 58; Page 104)

Commenting on the matter, the DA enquired on the effective date of the SCM Policy, it being cited that the Constitutional Court Judgement was handed on the 16 February 2022, and a 12-month period was given prior to the implementation date of the Policy. Therefore, they were of the view that the implementation date ought to be 16 February 2023.

In response thereof, the Deputy City Manager: Finance confirmed that the effective date of the Regulations is 16 January 2023, as directed.

The DA then objected to the approval of the recommendations, they mentioned that Council was supposed to be taken into confidence timeously on the issues and/or amendments as per the revised Policy.

Thereafter, His Worship the Mayor reiterated that the Executive Committee had taken a decision to take Councillors through the Policy provisions thereby understanding the changes effected; the Policy implications; and the general SCM matters for Councillors to act on in informed premise when playing oversight over the SCM matters.

Upon an enquiry on whether the Policy had gone through the process of public participation, the Head: Legal and Compliance advised that the Policy flows from the Local Government: Municipal Finance Management Act 56 of 2003; (MFMA) which deals with procurement and financial management by the Municipalities. He added that this was an internal Policy on how to manage procurement processes and that there was no provision from the MFMA which direct Council to take the Policy for the public consultation process.

Thereafter, as some Councillors were not in support of the recommendations, the matter was put to the vote. With 176 Councillors present, 121 Councillors (ANC - 88, EFF – 23; IFP – 0; ABC – 00; ACDP – 01, AIC – 02; ACC – 01, ADEC – 00; DLC – 01; APF – 01, ATM – 01, AL-JAMAH – 00; JEP - 00, KZNI – 01; MF- 00; MOSA – 00; NFP - 01 , PFP – 00; PRM - 01 and TA – 00) voted in favour of the amendment and 55 Councillors (DA – 51; Action SA – 02; UIM – 01 and VF Plus - 01) voted against the matter. There were no abstentions recorded.

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

2. REQUEST FOR ADDITIONAL CAPITAL BUDGET AND PROJECT AUTHORITY TO REHABILITATE THE CHILDREN AMUSEMENT CENTRE POOLS

(Laid on table)

Authority is sought to allocate additional capital budget and rehabilitate the Children Amusement Centre (CAC) Pools. This is critical as part of promoting domestic tourism and which is key to the domestic economic growth. The City of Durban is one of the country's most visited destination and with beaches being a drawcard amongst the other attractions.

During discussion, the Committee noted that the focus ended up being on infrastructural rehabilitation as a result of the floods damages thus cutting budget for other Clusters whereas they also had a critical role to play in the City's economy. Hence, the request to now focus attention on rehabilitating the swimming pools as the festive season has arrived and other key holidays are forthcoming.

With the current budget not being adequate, a request is made to allocate additional R23 461 000.00 (Twenty-Three Million Four Hundred and Sixty-One Thousand Rand). The Parks, Recreation and Culture has R3 461 000.00 (Three Million Four Hundred and Sixty-One Thousand) to be used for the rehabilitation projects. Therefore, savings is to be identified in the amount of R20 Million. The said amount would be funded from projects which have been delayed due to certain reasons. Information was then requested on the total spent for the Pools rehabilitation since 2015.

With the Committee acknowledging the significance to rehabilitate the Children Amusement Centre Pools,

COMMITTEE RECOMMENDS:

- 2.1 That Council approves the project authority of R23 461 000.00 (Twenty-Three Million Four Hundred and Sixty-One Thousand Rand) for the rehabilitation of the Children Amusement Centre (CAC) Pools.
- 2.2 That authority be granted for the Deputy City Manager: Finance to identify additional R20 Million Rand Capital Budget that will be added to the Parks, Recreation and Culture (PRC's) Budget Number (N1651) for "Worst Condition (Pools)" for the benefit of the rehabilitation of the CAC Pools, so as to facilitate the issuing of the Financial Certificate (FC) of R23 461 000.00 (Twenty-Three Million Four Hundred and Sixty-One Thousand Rand) for the rehabilitation of the CAC Pools.

ADOPTED.

(At this stage of the proceedings Councillor T Xuma, in his capacity as the Chairperson of the Municipal Public Accounts Committee, presented the First Report of the Committee).

FIRST REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

2022/2023:
Quarterly
Report:
MPAC

September 30

2022

Report of the Municipal Public Accounts Committee (MPAC) for the first quarter of 2022/2023 financial year: July to September 2022

Municipal Public
Accounts
Committee
(MPAC)

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1. CHAIRPERSON'S STATEMENT

It is my pleasure to present to you the first Quarter Report of the Municipal Public Accounts Committee (MPAC) which records the activities of the Committee from July to September 2022.

I was appointed by Council as Chairperson of MPAC on 26th August 2022 and would like to extend my appreciation to the Members of the Committee for their support. A special thanks also goes to the Deputy Chairperson, Councillor Pearl Mkhize for her guidance and assistance to me.

We were very sad to hear of the passing of Councillor Tex Collins who had dedicated many years of service to the Council, EXCO and MPAC. We miss his contributions at our meetings.

As an oversight Committee, we are working steadily to address the many issues which impact service delivery. It is our aim to hold Management accountable and contribute fully to the achievement of clean administration and good governance in the City.

Councillor Thamisanqa Xuma
Chairperson: Municipal Public Accounts Committee
eThekweni Municipality

2. **MEMBERSHIP AND MEETINGS OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

The Committee comprises of 11 members appointed by full Council on a proportional representation basis.

2.1 **Membership of the Municipal Public Accounts Committee during the first quarter of 2022/2023:**

NO.	SURNAME	NAMES	DESIGNATION	PARTY
1	Xuma*	Thamisanqa	Chairperson	EFF
2	Mkhize	Pearl	Deputy Chairperson	ANC
3	Beesley	Alan David	Member	ActionSA
4	Beetge	Andre	Member	DA
5	Collins	Terence Peter	Member	DA
6	De Boer	Shontel	Member	DA
7	Fortein	Barbara	Member	ANC
8	Jokweni	Mfanafuthi Arthur	Member	ANC
9	Naidoo	Jane	Member	IFP
10	Ngcobo	Sindiswa Pretty-Girl	Member	ANC
11	Thusi	Muzikayise	Member	ANC

* Councillor Thamisanqa Xuma was appointed as Chairperson of the Municipal Public Accounts Committee by Council on 2022-08-26.

2.2 **Attendance of Members at Municipal Public Accounts Committee for the first quarter 2022/2023:**

Name	JUL 05 *	JUL 21 *	AUG 02	AUG 10	AUG 18	SEP T 06	SEP T 22
Councillor T Xuma (Chairperson)**	C A N C E L L E D	C A N C E L L E D	P	P	P	P	P
Councillor P Mkhize (Deputy Chairperson)			P	P	P	P	P
Councillor AD Beesley			P	P	L	P	P
Councillor A Beetge			P	P	P	P	P
Councillor TP Collins***			L	L			
Councillor SV De Boer			L	P	P	P	P
Councillor B Fortein			P	P	P	P	P
Councillor MA Jokweni			P	P	P	P	P
Councillor J Naidoo			P	P	P	P	A

Symbol: (P)resent, (L)eave, (A)bsent

* MPAC meetings on 5th and 21st July were cancelled due to the CIGFARO Conference in Johannesburg and a Special Council meeting.

- ** Councillor T Xuma was appointed as Chairperson of MPAC on 2022-08-26.
*** Councillor TP Collins passed away on 2022-08-06.

3. ROLE OF THE COMMITTEE AND COMMENTS

The primary function of the Municipal Public Accounts Committee is to help Council to hold the Administration, Municipal Agencies and Entities accountable for their management of municipal funds and assets in order to ensure the efficient and effective utilisation of council resources. This includes the Council's Support Committees, Executive Committee as well as Councillors. MPAC plays a role in increasing public and Council awareness of the financial and performance issues of the Municipality and its Entities.

4. SUMMARY OF COMMITTEE ACTIVITIES FOR PERIOD JULY 2022 TO SEPTEMBER 2022

The Committee's activities include a mix of self-initiated and referred enquiries. We therefore receive submissions and conduct briefings/hearings on such matters as and when required.

Activity	Number
Reports Tabled	28
Deliberative Meetings	5
Interviews with Officials	15
Hearings	Nil
Briefings	1
Witnesses Appearing	Nil

5. MUNICIPAL PUBLIC ACCOUNTS COMMITTEE COMMENTS AND FINDINGS FOR THE FIRST QUARTER OF 2022/2023

5.1 MPAC Workplan 2022/2023:

As per the MPAC Workplan 2022/2023 adopted by Council on 2022-06-30, the following reports were received and considered by Committee during the 1st quarter:

- City Integrity and Investigations Unit Reports for periods January to March 2022 and April to June 2022
- Progress Report by Disciplinary Board for Financial Misconduct
- Progress Report from the Blacklisting Committee
- Budget Statement Reports for the months ending 30th June 2022 and 31st July 2022
- Monthly Tender Awards of eThekweni Municipality for the month of June 2022
- Progress Report on Consequence Management
- Review of External Service Provider Performance Monitoring by Units within the Municipality for Quarter 4 of 2021/2022 Financial Year
- Unauthorised, Irregular, Fruitless and Wasteful Expenditure recommended for Write Off or Recovery as at 31st March 2022

5.2 Oversight Visits:

Committee undertook two tours of inspection of the Umkumbane Entrepreneurial Hub in Cato Manor on 2022-07-20 and 2022-08-03 due to concerns related to the building remaining empty for close on 7 years following its renovation; this being considered to be wasteful expenditure. Members felt that there had been poor communication between the Business Support, Markets & Tourism, Health Units and Architecture Department; it being felt that a more collaborative approach may have resulted in a cost effective and useful

outcome in terms of the use of the building. In addition, the current usage of the premises for records storage was a risk due to the possibility of a fire and the unsafe conditions put staff bringing in files into the building at peril.

Having deliberated on the matter at some length, we tasked the Deputy Head: Architecture to provide us with the following:

- a) An account of costs for the uMkumbane Pharmaceutical Distribution Centre project and the breakdown of the R5 million spent on the project.
- b) How the Architecture Department planned to re-prioritise its budget to complete the project.
- c) The outcome of his meeting with the Head: Health for a way forward and the identification of a possible new site for the project.
- d) A presentation of such proposal to the Municipal Public Accounts Committee.

5.3 Tracking of Auditor General's Findings 2020/2021:

There are several Units with outstanding actions in this regard. Committee will continue to monitor the implementation of the Auditor General findings. Unit Heads have been requested to provide progress reports on the remedial actions to address their outstanding findings.

5.4 Disciplinary Board for Financial Misconduct:

Having interviewed the Chairperson, Mr Philani Shangase of the Disciplinary Board for Financial Misconduct and noted the progress made by the Board, Committee has urged the City Manager to ensure that matters finalised by the Board are submitted to Council for consideration.

5.5 Blacklisting Committee:

Having received an update of the activities of the Blacklisting Committee from the Chairperson, Ms Thabile Nyawose, Committee was of the opinion that the City Manager should consider engaging the services of sheriffs for the purpose of serving documents. This would improve the functionality of the Committee as well as mitigate the risk of future litigation against the Municipality.

5.6 Non-submission of reports:

One of the difficulties that the Committee experiences relates to the non-submission of reports requested from Heads of Units. In order for MPAC to exercise its delegated oversight role, it is of utmost importance that reports requested are submitted within the timeframes provided. This will enable us to deal with matters of concern expeditiously.

6. WORKSHOPS AND TRAINING

Members attended the CIGARO Conference at Emperor's Palace in Johannesburg from 5th to 6th July 2022.

7. RECOMMENDATIONS

COMMITTEE RECOMMENDS:

- 7.1 That the report of the Municipal Public Accounts Committee for the first quarter of the 2022/2023 financial year, 01 July to 30 September 2022, be noted.

- 7.2 That, due to concerns in relation to the implementation of consequence management, the City Manager ensures that matters finalised by the Disciplinary Board on Financial Misconduct are reported to Council for consideration.

Thereafter, the above recommendations 7.1, was **NOTED**, and 7.2, **ADOPTED**.

(At this stage of the proceedings Councillor T Xuma, in his capacity as the Chairperson of the Municipal Public Accounts Committee, presented the Second Report of the Committee).

SECOND REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

TO: COUNCIL

UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL (UIFW) EXPENDITURE INVESTIGATED FOR THE QUARTER ENDED 31 MARCH 2022

BACKGROUND

Section 32(2) of the MFMA provides that a Municipality must recover UIFW expenditure, except where the unauthorised expenditure is regularized through an adjustments budget, or where the expenditure is deemed to be irrecoverable following an investigation into the expenditure incurred.

The section reads as follows:

“A municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure—

- (a) in the case of unauthorised expenditure, is—
 - (i) authorised in an adjustments budget; or
 - (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.”

ANALYSIS OF UIFW CASES FINALISED

In line with National Treasury’s Municipal Finance Management Act Circular No. 68 and as outlined in Regulation 74 of the Municipal Budgets and Reporting Regulations, the process outlined below, was followed:

- A report was prepared by the Unit that incurred irregular expenditure after investigation by the said Unit. The report disclosed the deviation from Supply Chain Management Policy, the reasons for the deviation and the value of the expenditure.
- The report together with the supporting documents were submitted to the Internal Control Unit for review and thereafter were submitted to the Bid Adjudication Committee for noting purposes.
- The Internal Control Unit reviewed and applied its mind on the report and considered whether there was any value for money obtained by the municipality or any losses suffered by the municipality due to non-compliance detected using the following questions:
 - a) The nature of the irregularity
 - b) Whether or not the contracts followed the SCM public tender process
 - c) Whether or not the Unit Head had certified that value for money was received
 - d) Whether or not the Unit Head has confirmed that goods or services were delivered as per contract specifications and initial contract rates
 - e) Whether corrective action needed to be undertaken
 - f) Whether preventative measures were required to be implemented and the status of such actions; where deemed necessary
- Other transgressions were identified during an audit by the Internal Audit Unit.

Irregular expenditure amounting to **R368 179.81** (Three hundred and sixty-eight thousand one hundred and seventy-nine rands and eighty-one cents) was identified, as at 31st March 2022, by the following source:

Source	Annexure	Amount
Internal Control Processes	B	R368 179.81
TOTAL		R368 179.81

We interviewed the Unit Head and relevant Officials to establish the root cause of the irregular expenditure. We further established the mitigating measures that had been implemented to prevent a recurrence of the expenditure.

Having duly considered and deliberated on the expenditure concerned,

COMMITTEE RECOMMENDS:

1. That in compliance with Section 32(2) of the Local Government: Municipal Finance Management Act 2003, irregular expenditure amounting to **R368 179.81** (Three Hundred and Sixty-Eight Thousand One Hundred and Seventy-Nine Rand Eighty-One Cents), as detailed in “**Annexure B**” of this report be certified as irrecoverable and written-off by Council based on the outcomes of the investigation of such expenditure.
2. That it be noted that any consequence management recommendations will be dealt with in accordance with the Council Policy regarding financial misconduct and oversight by the Disciplinary Board for Financial Misconduct.

Thereafter, the above recommendations 1. Was ADOPTED, and 2., NOTED.

**URGENT NOTICE OF MOTION
IN TERMS OF SECTION 22(1) OF THE RULES OF ORDER
BY-LAW, 2014, AS AMENDED**

1. URGENT NOTICE OF MOTION: PROPOSED BY COUNCILLOR NY YOUNG
AND SECONDED BY COUNCILLOR MR MNGONYAMA: REMOVAL OF
COUNCILLOR PG MAVUNDLA FROM THE EXECUTIVE COMMITTEE (3/2/1)

The Municipal Council at its meeting held 2022-12-13 received an urgent notice, in terms of Section 22(1) of the Rules of Order By-Law, 2014, as amended. The motion related to the proposed removal of Councillor PG Mavundla of Abantu Botho Congress (ABC) from the seat that had been allocated in the African National Congress (ANC) proportional allocation in the Executive Committee.

The proposed removal is informed by Section 53(1) of the Local Government: Municipal Structures Act No. 117 of 1998, which reads:

“53. Removal from office of executive committee - (1) A municipal council may, by resolution, remove from office one or more or all the members of its executive committee. Prior notice of an intention to move a motion for the removal of members must be given.”

In noting the above, it is recommended for Council to:

Please receive this urgent notice of motion submitted in terms of Section 22(1) of the Rules of Order By-law (2014) to remove Councillor PG Mavundla from the seat that he had been allocated in the African National Congress (ANC)’s proportional allocation in the Executive Committee.

In line with the provision of Section 53(1) of the Local Government: Municipal Structures Act, No. 117 of 1998, which reads:

“53. Removal from office of executive committee, - (1) A municipal council may, by resolution remove from office one or more or all the members of its executive committee. Prior notice of an intention to move a motion for the removal of members must be given.”

In view of some of the Members not being in support of the Motion, the Speaker requested the author to present a motivation.

Councillor NY Young then presented a duly signed urgent motion and seconded by Councillor MR Mngonyama for the removal of Councillor PG Mavundla from the Executive Committee.

Motivation was submitted as follows:

At the commencement of the Municipal Council term of office, 2021-2026, the Municipal Council established Council Committees to support its functioning as per statutory provisions, one of which is the Executive Committee.

All the Council Committees are on a proportional representation basis, and the ANC has five (05) seats allocated in the Executive Committee, one of which it assigned to Councillor Mavundla from the ABC.

Although in terms of the proportional allocation, the ABC did not qualify for a seat in the Executive Committee, however, the allocation was made taking into account the provision of Section 43(2)(f) of the Local Government: Municipal Structures Act 1998, which reads:

“43. Composition of executive committee, - (2)(f) nothing precludes a political party or political interest from nominating a Councillor from another political party or political interest to one or more of its allocated seats.”

Given the above provision, the ANC allocated one of its seats to Councillor PG Mavundla, to be part of the Executive Committee and Chairperson of the Human Settlements and Infrastructure Committee.

Council, in noting that the Executive Committee is the strategic Committee of the Municipal Council has to be functional at all times to take decisions that fastrack the service delivery. It has been noted that the relations between Councillor Mavundla and the rest of the ANC component in the EXCO have deteriorated to such an extent that it has on a number of occasions brought bad publicity towards the Municipality in the media, and in some meetings of EXCO not being quorate.

The Municipal Council will further note that there are several outstanding service delivery items that are attracting bad publicity with disputing views from the same Municipality, such as poor maintenance of the Municipal Infrastructure, state of beaches; water shortages; electricity, which continuously attract bad publicity.

The delay in processing and finalizing such matters by the Executive Committee, impacts on the budget expenditure, it being noted that the Municipality is currently half-way in its financial year, but the spending thereof is far from where it's supposed to be. It is for these reasons that these proposed changes be treated as urgent which cannot be held over so that come beginning of January 2013, the Executive Committee is reconstituted.

To further indicate the deteriorating state of damage in relations between the ANC and the ABC, the ANC has since learnt from the mainstream media that allegedly Councillor Mavundla will/has joined the Action SA Party, and this will create more tensions between the ANC and the ABC.

It is for the above reasons contained in this motivation that this notice of motion is submitted on an urgent basis.

Subsequently, the Speaker requested the Head: Legal and Compliance to provide a brief background on what has transpired following the receipt of the urgent motion by the Office of the Speaker.

In providing clarity, the Head: Legal and Compliance advised that the Municipal Office Bearers were cited on the urgent Court application by the Deputy Mayor, Councillor PG Mavundla, which was scheduled to be heard by the High Court on 2022-12-12 at 14h30. He reported that the relief that was sought by the Deputy

Mayor was for the Court to declare that Councillor PG Mavundla was a duly elected Deputy Mayor of eThekweni Municipality for the full term of office up until he resigned as a Councillor or ceases to be a Member of the Executive Committee. The second relief sought was to interdict or to restrain the eThekweni Municipality and the Office Bearers from taking any steps to remove Councillor PG Mavundla from being the Deputy Mayor and the Executive Committee Member without following the processes of the Law as prescribed in the Rules of Order, By-Law, 2014, as amended as well as Sections 47(1), 48 (4) and 53 of the Local Government: Municipal Structures Act (MSA) No. 117 of 1998, as amended. He mentioned that the order was granted by the High Court.

The Head then read the following applicable Sections of the MSA for Council Members: -

- Section 47 (1) A member of an executive committee vacates office during a term if that member:-
 - (a) resigns as a member of the executive committee;
 - (b) is removed from office as a member of the executive committee in terms of section 53; or
 - (c) ceases to be a councillor
- Section 48 (4) A mayor and deputy mayor is elected for the duration of that person's term as a member of the executive committee, but vacates office during a term if that person:
 - (a) resigns as mayor or deputy mayor;
 - (b) is removed from office as a member of the executive committee in terms of section 53; or
 - (c) ceases to be a member of the executive committee.
- Section 53 (1) A municipal council may, by resolution remove from office one or more or all the members of its executive committee. Prior notice of an intention to move a motion for the removal of members must be given.

Elaborating further on the matter, the Head advised that the Court had ordered the Municipality to comply with the above-mentioned steps and processes of the Law before taking any steps to remove the Deputy Mayor from the Executive Committee. In addition, to give effect to these provisions, Council also had to comply with its Rules of Order, By-Law, 2014, as amended, particularly Rule 22 (1) (a) and (b), which stipulate that:

- “(1) A Councillor may move an application on an urgent basis provided that a:-
- (a) notice of motion is handed to the Speaker at least 24-hours before the scheduled meeting, and
 - (b) Motivation for the urgency is attached to the notice of motion.”

He indicated that the Court was satisfied that there was compliance with Rule 22 (1) (a) and (b).

The Head also reported that during the Court proceedings, the Judge referred to principles laid by the Supreme Court of Appeal (SCA) Case 1110/2019 in the matter between Ingquza Hill Local Municipality & Others. He mentioned that the SCA ruling, paragraph 10 indicated that: “Section 53 (1) makes it obligatory that prior notice of the intention to move a motion for the removal of a member

of the executive committee be given. That the Section does not confine the giving of prior notice to a member or those members of the executive committee who are the subject of the proposed removal. In the Court's view, a proper reading of Section should entail giving notice to all members of the municipal council."

He continued to read Paragraph 14 of the SCA Case as follows: - "Therefore, the notice is necessary to afford the affected member(s) an opportunity to be aware and to consider the motion before it is tabled for discussion. Additionally, it is to provide council members similarly with an opportunity to engage meaningfully in the ensuing debate before resolution is taken."

Therefore, in view of the above, the Court ruled that the Municipality be interdicted from proceeding to deliberate on the urgent motion without complying with the provisions of the MSA and the Rules of Order By-Law

In concluding his presentation, the Head reported that the Municipal Legal Team was consulted following the Court Ruling of 2022-12-12, and the Speaker was advised to comply with all the provisions of the Law as directed by the Court, including Section 53 (1) and Rule 22 (a) (b) (c) and (d) of the Rules of Order By-Law, in its entirety.

He advised that the Speaker had complied accordingly, and even took it further by giving the urgent notice to all members of the Municipal Council. In this regard, the Municipal Legal Team was satisfied that the Municipality was in a position to consider the urgent notice as presented, it being confirmed that the actions and/or steps to be taken by Council would not be in contempt of the court ruling.

Thereafter, some Council members requested further clarity, in terms of the Office of the Speaker being in receipt of the urgent notice of motion before the Court order was granted and the implications thereof on these two parallel processes.

In response, the Head explained the sequence of events to Council. He advised that Court papers were shared with the Municipality on Sunday evening, 2022-12-11; before the urgent notice of motion was submitted. It being advised that the urgent notice of motion was a separate process which took place on the 2022-12-12 and therefore these were two separate processes. He reported that this was also one of the arguments which had been submitted before the Judge during the Court proceedings, that it was premature for the Deputy Mayor to approach the Court when the Speaker had not decided as yet on the urgent notice of motion.

Subsequently, a Motion to Amend the urgent notice of motion was submitted by the Action SA for the removal of both the Mayor and the Deputy Mayor.

However, further clarity was then requested by the ANC on whether it was permissible for Council to amend the urgent notice of motion, whereas there were processes which had been complied with as directed by the Court and in terms of the Municipal Rules of Order-By-Law, 2014, as amended.

In response to the above, the Head Legal and Compliance advised that Rule 20 which deals with Procedural Motions was applicable in this regard. He read the section as follows:-

“Rule 20 (1) Where a motion or recommendation has been moved and is under debate, no further motion may be received except a motion that:-

- (a) the debate be adjourned;**
- (b) Council proceeds to the next business;**
- (c) the matter be referred back;**
- (d) amends the previous motion; or**
- (e) the matter is put to the vote,**

Notwithstanding the above response, the Action SA further quoted Rule 20 (4) (a), which specified that; “Where a motion to amend is moved, the amendment must be; relevant to the original motion.” In this regard, they reiterated their motion to amend the urgent notice of motion had to be considered. They also added that the motion to amend was submitted before a debate ensued.

Subsequently, it was advised that over and above Rule 20, Section 53 (1) makes it obligatory that a prior notice of the intention to move a motion for the removal of a member of the executive committee must be given. Also, that such notice be handed to the Speaker at least 24hours before the scheduled meeting, and the motivation for the urgency to be attached to the notice of motion. It was reiterated that this would afford the affected member an opportunity to be aware and to consider the motion before it was tabled for discussion. Moreover, to provide Council members similarly with an opportunity to engage meaningfully in the ensuring debate before resolution was taken. In this regard, it was emphasised that the Action SA had to follow this process for their motion to be processed accordingly by Council.

Thereafter, the Speaker ruled that the Motion to Amend the urgent notice of motion to include the removal of both the Mayor and the Deputy Mayor as tabled by the Action SA was not accepted, in view of the legal advice provided.

(At this stage of the proceedings, time being 11h00, the EFF requested ten (10) minutes for caucus, and this was granted by the Speaker. The meeting resumed at 11h10.)

The DA then requested that the Court order details had to be shared with Council to enable members to have complete details of the Court Ruling.

The Action SA referred Council to Rule 15 (e), which specifies that “the Speaker as the Chairperson of meetings of the Municipal Council ensure that Council meetings are conducted in accordance with this By-Law and other applicable laws.” In this regard, they requested the Speaker to quote the applicable Rule for their motion to amend the urgent notice of motion being disallowed.

In response to the query from the DA, the Head: Legal and Compliance advised that his Unit was tasked to protect the interest of the Municipality and it would be an offence and misconduct to mislead Council. It being emphasised that Court papers have never been submitted to Council other than to report on what had transpired as per their mandate.

The Head reiterated that Rule 20 (1) was applicable for the motion to amend as submitted by the Action SA being disallowed, including the principles and guidelines as laid out by the Court.

The Speaker then allowed Councillor Young of the ANC to read to Council her urgent motion for the removal of the Deputy Mayor, which had already been circulated to all Members.

Thereafter, the DA dissented on the matter, mention being made that there were not aware of any agreement between the ANC and the ABC, also that they have not had sight of the Court order.

Upon an enquiry for a reason for Councillor PG Mavundla being part of the meeting, when a matter was being discussed and directly affect the aforesaid Councillor, it was advised that this was in line with Section 53(1) and the principles laid down by the Supreme Court of Appeal on Ingquza Local Municipality and others matter. However, it was advised that Councillor PG Mavundla would be prohibited from voting, due to conflict of interest.

The Action SA then abstained on the matter and mentioned that it was incorrect that Councillor PG Mavundla had joined the Action SA as circulated on the media platforms. They reported their party would submit a motion to remove the Mayor from the Executive Committee to the Office of the Speaker

The DLC indicated that the Executive Committee seats are determined proportionally for each political party after the elections results. They emphasised that it was the political party's prerogative to decide which Councillor serves at the Executive Committee Member based on the number of seats being allocated.

The PFP also concurred with the sentiments from the DLC.

Meanwhile, the ACC submitted that the urgent motion being deliberated does not relate to the stability of the City and on this basis, they were not in support of the motion. With regard to the matter being repeatedly raised by the ACC, that Council has been interdicted from discussing the motion, it was repeatedly responded that the Council was interdicted provided it fails to adhere to the necessary compliance requirements. That, in terms of detailed explanation given by the Head: Legal and Compliance, confirmation has been given that the Speaker has satisfied all the legal processes pertaining to addressing the urgent notice of motion.

Thereafter, the ANC supported the motion and stated that it was the political party prerogative to decide which Council members were delegated to the Executive Committee based on the seats allocated. They mentioned that the Mayoral position was not under review. It being emphasised that the Deputy Mayor was also responsible for the Human Settlements and Infrastructure Committee, which the ANC cited as an important Portfolio in the Municipality due to 90% of the budget being allocated to the aforesaid Portfolio. In this regard, they mentioned that the ANC had to be accountable to the electorate, and with the relations between Councillor Mavundla and the rest of the ANC component in the EXCO having deteriorated; this would no longer be practical. Therefore, they indicated that re-shuffling of the Executive Committee membership was necessary.

Following the above prolonged discussions, and with some Councillors not being in support of the recommendations, the matter was put to the vote.

With 189 Councillors present, 125 Councillors (ANC - 90, EFF – 23; IFP – 0; AIC – 02; ADEC – 00; DLC – 01; APF – 01, ATM – 01, AL-JAMAH – 01; JEP - 00, KZNI – 01; MF- 00; MOSA – 01; NFP - 01, PFP – 01; PRM - 01 and TA – 01) voted in favour of motion to remove Councillor Mavundla from the Executive Committee and 59 Councillors (DA – 53; ABC – 02; ACC – 02 and ACDP – 02) voted against the matter. 05 Councillors (Action SA – 03; UIM – 01 and VF Plus - 01) abstained on the matter.

ADOPTED, by the majority vote

Prior to noting of the Committee Reports, the Speaker handed over to the City Manager and His Worship the Mayor to provide a report on the state of the Municipal beaches and relocation of displaced communities still accommodated in the Municipal Halls.

Thereafter, the City Manager reported on the state of the Massacre Centres as at the month of December 2022. He mentioned that originally, there were one hundred and twenty-eight (128) centres and thereafter the reduction to forty-three (43) and that seventy-seven (77) has been closed. It was advised that different interventions were implemented to reduce the number of centres, including supply of building materials to displaced people, private buildings which were leased, existing transit camps being extended to accommodate people etc.

The City Manager highlighted areas which were supplied with the building materials, including Bester, Amaoti, Dassenhoek, Cetshwayo, Clermont Hall, 38th Avenue Hall, 7th Nazareth Hall, 08th Thokoza Hall and Mbalenhle eSnethemba Hall.

It was further mentioned that, to date, in the South Region, there were still eight (08) centres with five hundred and five (505) families, and the date for relocation of these families is 14 December 2022. That in the North Region, there were seventeen (17) centres with one thousand three hundred and eleven (1311) families and the relocation date for these families is 15 to 23 December 2022. In the West Region, it was reported that there were still nineteen (19) centres with two hundred and two (202) people, to be moved by 13 December 2022.

In terms of the state of Municipal beaches, the City Manager reported that the following beaches remained closed: - It being mentioned that all other beaches are opened.

- Virginia
- Glen Ashley
- Umdloti
- uMbongontwini
- Reunion
- uMlazi

It was reported that the following swimming pools remained closed, and that all others swimming pools were opened:

- CAC swimming Pool, budget has been secured for the refurbishment of the pool.
- Rachel Finlayson Pool, it being mentioned that the contractor is on site to fix the pool.

In support, His Worship the Mayor mentioned that to date, one thousand six hundred (1600) displaced people remained in the Community Halls and Churches throughout the City, and the target was for everyone to be relocated by 25 December 2022.

Thereafter, the Speaker requested that the information presented, including the places where community members would be relocated, be shared with all Council Members.

He then referred Council to Rule 15 (h) of the Rules of Order By-Law, 2014, as amended which specifies that “The Speaker can make a ruling in the event of an unforeseen eventuality which has not been provided for in the Rules.” It was indicated that it was for this reason that the Speaker has allowed the City Manager to respond to issues posed by the EFF. However, he mentioned that this should not be seen as a precedent for other Council members to pose or raise issues, as there were standard Council procedures to be followed to submit matters for discussion by the Council and its Committees.

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 : 2022-10-13

2. **ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE**

Meeting held on : 2022-10-13

3. **EXECUTIVE COMMITTEE**

Meetings held on : 2022-10-18
: 2022-10-25
: 2022-10-27

4. **FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE**

Meeting held on : 2022-10-19

5. **GOVERNANCE AND HUMAN RESOURCES COMMITTEE**

Meeting held on : 2022-10-12

6. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**

Meeting held on : 2022-10-04

7. **LOCAL LABOUR FORUM: ECONOMIC DEVELOPMENT AND PLANNING**

Meetings held on : 2022-10-20
: 2022-11-11

8. **LOCAL LABOUR FORUM: TREASURY AND OFFICE OF THE CITY MANAGER**

Meeting held on : 2022-10-12

9. UNIT LOCAL LABOUR FORUM: CLEANSING AND SOLID WASTE

Meeting held on : 2022-08-29

10. UNIT LOCAL LABOUR FORUM: WATER AND SANITATION

Meetings held on : 2022-11-15

: 2022-11-18

11. SPEAKER'S COMMITTEE

Meeting held on : 2022-10-25

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 68 to 79 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of October 2022 were, **NOTED.**

The meeting terminated at 18h26.

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2023-01-31

SPEAKER