

No. 24

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Thursday, 2022-10-27T10:00, streamed from
Albert Luthuli Hall, Ground Floor, City Hall, Dr Pixley Kalsaka Seme Street, Durban.

PRESENT : Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), A Abdul, J Annipen, AD Beesley, A Beetge, M Billy, T Biyela, JM Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, J Chetty, R Cloete, SV De Boer, Z Dzanibe, J Essop, SN Gabela, GM Gasa, DM Gcabashe, FO Gcabashe, NBC Godlwana, R Gokool, G Govender, S Govender, Y Govender, BR Gumede, NC Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, F Ismail, MF Ismail, DM James, M Johnson, MA Jokweni, K Khambule, MN Khubisa, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela; A Kissoon, BG Kubheka, V Kunju, CJ Laing, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, NI Madlala, MA Madlala, SR Madlala, A Maharajh, RP Maharaj, S Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, KT Mbhele, RP Mbonambi, BA Mchunu, JL Mchunu, NP Mchunu, SW Mcineka; RL McKenzie, FW Mdletshe, SM Memela, SP Mfeka, K Mhlaba; GN Mhlongo, NM Mhlongo, SE Mhlongo, MB Mjadu, ME Mkhize, AZ Mkhize, KV Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, SNC Khwela, BR Mngadi, DK Mngadi, E Mngadi, S Mngadi, SV Mngadi, MR Mngonyama; BV Mngwengwe, PB Mnikathi, ZO Mnomiya, S Mnyandu; T Mohamed, SR Moodley, ND Motseke, NP Msibi, LI Msomi, NP Msomi, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, ZP Myeni, SK Mzimela, BD Naidoo; J Naidoo, V Ncukana, WP Ndiweni, NB Ndlela, AB Ndlovu, MF Ndlovu, NS Ndlovu, PB Ndlovu, SG Nene, TH Nene, SB Ngcongo, DB Ngubane, LE Nkomeni, MS Nkosi, DR Nowbuth, XM Nqweniso, DM Nsundwane, SH Ntombela, PC Ntshangase, BT Ntuli, N Ntuli, ZN Ntuli, PB Ntuli, B Nxumalo, MR Nxumalo, PH Nxumalo, NN Nyanisa, V Nzimande-Madlala, AAK Paruk, BW Phewa, DR Pillay, DT Pillay, P Pillay, GDA Pullan, A Rampersad, VG Reddy, T Sabelo, S Sewshanker, A Shaheed, BH Shange, LP Shange; MG Shange, TE Shezi, IM Shinga, JN Sibisi, KS Sibisi, N Sibiya, LC Sikhakhane BSB Sindane, EL Singh, J Singh, S Singh, PS Sishange; NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZR Sokhabase, ZA Solomon, I Syed, BB Thusi, ME Thusi, M Thusi, ZN Tshazela, NT Tyelinzima, JC Van den Berg, HM Van Der Ryst, NB Vilakazi, I Webster, SM Windvogel, TV Xulu, NY Young, GN Zondi, M Zondi, N Zondi, ON Zondi-Mthembu and TG Zungu and there being three (03) vacancies.

ABSENT : Councillors PG Mavundla (Deputy Mayor – On Municipal Business), SP Chebure (Personal Commitments), GD Clarivette (Personal Commitments), BA Fortein (On Municipal Business), LBS Jali, MH Khan (Overseas Trip), WM Mazibuko, M Mbambo, TJ Mnguni, X Mdlazi (Indisposed), T Miya, MA Mkhize; SB Mpanza, V Ndlovu, S Ngema,

MM Ngiba, HP Shoji, B Radebe, CN Sisoka (On Municipal Business) and T Xuma (Indisposed).

AMAKHOSI

PRESENT : None.

AMAKHOSI

ABSENT : Inkosi S Mlaba, Inkosi JJ Shangase and Inkosi EB Shoji.

OFFICIALS

PRESENT : Messrs/Mesdames TB Mbhele (City Manager), M Mhlongo (Head: Legal & Compliance), 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 198 Councillors were present, comprising ANC - 88, DA - 52, EFF - 19, IFP - 15, Action SA - 03, ABC - 01, ACC - 02, ACDP - 02, AIC -02, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 00, DLC - 01, JEP - 01, KZNI - 01, MF - 01, 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 10h00 and extended a warm welcome to Councillors; Traditional Leaders; City Manager; Deputy City Managers; Head Legal and Compliance and other Unit Heads; Members of the Administration; Media; and Members of the Public viewing on social media live streaming.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

4. OPPORTUNITY FOR PRAYER/MEDITATION

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

5. OFFICIAL ANNOUNCEMENTS

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

5.1.2 Councillors were requested to complete the Attendance Register posted on the MS Teams Chat. That any Councillor who experienced a challenge to please contact the Administration.

5.1.3 It was reported that the Governance & International Relations Cluster was still mourning the loss of the Senior Manager: Intergovernmental Relations, Ms Theo Scott, who was laid to rest on 08 October 2022. Appreciation was extended to Councillor NI Madlala and the Deputy City Manager: Governance and International Relations, Mr S Cele for leading the delegation that represented the Municipality at the funeral.

5.1.4 The City of eThekweni prides itself for becoming part of the significant history, as it had been entrusted with the responsibility to host a Ceremony where His Excellency, President MC Ramaphosa, will officially handover the Certificate of Kingship to His Majesty, the Zulu Nation King Misuzulu kaZwelithini, on Saturday, 29 October 2022 at the Moses Mabhida Stadium.

The event will attract Local, National, and international dignitaries who would descend the shores of eThekweni for the Ceremony. The Speaker appealed to everyone to be hospitable to the guests and to appreciate the economic spin offs to be enjoyed as a result of this milestone Ceremony.

5.1.5 The Municipal leadership led by His Worship the Mayor Kaunda also paid visit to the Royal Household on 24 October 2022 to introduce the City Leadership to His Majesty the King. This also presented the opportunity to brief His Majesty on the state of readiness by the City to host this once in a lifetime Ceremony to formalize the Zulu Nation Kingship.

5.1.6 Council was once again saddened by the news of the gruesome killing of four (04) people, including the prominent Induna Maphemba Cuphisa Ntuli of the Osuthu Traditional Council, under His Majesty the King Misuzulu on Saturday continue to dampen the spirit of the Zulu Nation, considering the recent killing of Iso LeSilo, Dr Khumalo. Heartfelt condolences were extended to the families during this difficult time, and it being emphasised that the law enforcement should strive to apprehend perpetrators.

5.1.7 Council was pleased to note that the City continued to reclaim its spot as a destination of choice for major events and conferences, as on 25 October 2022, the City, amongst the other events, participated in the Geoscience Summit hosted by the Council for Geosciences. That this event brought together scientists, researchers, academia, policy makers and business stakeholders, focusing on enhancing understanding of geoscience in the broader developmental agenda.

5.1.8 Councillors were then reminded that in the month of November there would be no Council seating, but that Council will convene on Thursday, 08 December 2022, which would be the last meeting in this calendar year. Councillors were reminded that as per norm in this last meeting there would be no Notices of Motions (NOMs) nor Section 27 questions that will be submitted for consideration.

- 5.1.9 Councillors were encouraged to conduct themselves with dignity and decency during the Council proceedings, and in compliant with the expectations in terms of the Councillors' Code of Conduct.
- 5.10 As Council was convening through MS Teams, Councillors were requested:
- (i) To ensure they connect in a decent environment with no disturbance to be caused by the surroundings, it also being noted that some of the Council matters are of a confidential nature.
 - (ii) Councillors to be presentable since this is still a formal Council meeting.
 - (iii) Raise a hand to be recognised when requesting to speak on the item.
 - (iv) Switch off the video camera to improve stability of the network.
 - (v) Connect in the area with a stable network since some of the technical glitches experienced are not coming from the City Hall streaming but, in the areas where individuals are connecting.
 - (vi) Stay connected for the duration of the meeting to maintain quorum.
- 5.11 Councillors were also reminded of the decision taken to allocate five (05) Minutes to respond to each Question submitted by individual Councillors to the Municipal Council. The Speaker appealed for Council to adhere to this allocation for effective time management.
- 5.12 Best wishes were extended to all Councillors celebrating their birthdays during the month of October.
- 5.13 In concluding his announcements, the Speaker noted that during the month of October, there would be Diwali celebrations. In this regard, he called upon everyone to join the Indian community to wish them victory in all aspects of lives as the spirit of Diwali dictates, and that let there be light in their lives with everyone triumphing over evil.

6. SPEAKER'S REPORT

6.1 **Municipality Council Activity:**

- 6.1.1 The Speaker reported that on Monday, 24 October 2022, the Executive Committee and Amakhosi aseNdlunkulu from eThekweni led by His Worship the Mayor, Councillor TM Kaunda, convened a meeting with Isilo, His Majesty the King Misuzulu kaZwelithini at the Royal Palace, KwaNongoma. The purpose of the engagement with His Majesty was to formally introduce the eThekweni Municipal Council's Executive Committee Members and to present a comprehensive update report on the historic ceremony for the Handover of the Certificate of Kingship to the Zulu King Misuzulu KaZwelithini to be hosted by eThekweni Municipality on Saturday, 29 October 2022, at Moses Mabhida Stadium.
- 6.1.2 Council was advised that the meeting with Isilo was held successfully; created confidence about the event state of readiness whilst also setting a tone for this significant event. Also, that the Municipality prides itself for being chosen to host such a prestigious and historic event, which would, in turn, promote the City at a global level. The residents of eThekweni were then encouraged to participate in this event.

6.2 Ward Committees:

6.2.1 It was reported that on Sunday, 23 October 2022, a Ward Committee Election was successfully held in Ward 97, which was one of the two wards that could not elect during the elections held in March 2022. Council to note that it now has 110 elected Ward Committee, with just Ward 39 still remaining outstanding.

6.2.2 The issue of the outstanding Ward Committee in Ward 39 has been raised as a concern by the KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs (COGTA) in terms of non-compliance, since the Municipal Council should have by now, established Ward Committees in all its Wards. The Council was informed though that the matter was receiving the necessary attention through the involvement of security agencies to ensure that once the election is due to be held, all security protocols and concerns have been observed by the Municipality.

6.2.3 In terms of the number of Ward Committee meetings held over the month of October, the following was reported:

Month	Meetings held	Evidence submitted	Evidence not submitted	Meeting to be held	Meetings not held
October	72	19	53	13	26

6.2.4 It was noted with concern that the Ward Committee meetings held during the period under review were 72 and much lower than the expected 109 meetings. Further, arising from the 72 meetings held, only 19 Wards have submitted evidence required as part of compliance requirements. Ward Councillors as Chairpersons of these meetings were reminded to ensure that meetings are held as required.

6.2.5 Council was also informed of the quarterly operational meetings with Ward Committee Members as convened by the City Administration Unit. That the main focus during the period under review included discussion on the development of the 2022/2023 Ward Operational Plans (WOPs) and the upcoming Empowerment Programme for the Chairpersons of Ward Portfolio Committee. The schedule of quarterly operational meetings is reflected below, and with the last round of meetings to take place during the weekend of 29-30 October 2022:

Dates	Day	Areas	Expected No.	Wards	Venues
01 Oct 2022	Saturday	North Region	80	03, 52, 53, 54, 55, 56, 57, 58,	City Hall
02 Oct 2022	Sunday	North Region	70	59, 60, 62, 102, 106, 101, 110	City Hall
08 Oct 2022	Saturday	Inner Central Region	100	38, 40, 41, 42, 43, 44, 45, 46, 47, 100.	City Hall
09 Oct 2022	Sunday	Inner Central Region	80	11, 22, 23, 34, 37, 91, 92, 103.	City Hall
15 Oct 2022	Saturday	Central Region	120	31, 35, 36, 48, 49, 50, 51, 61, 66, 68, 70, 73	City Hall
16 Oct 2022	Sunday	Central Region	80	63, 65, 69, 71, 72, 104, 107, 108	City Hall

Dates	Day	Areas	Expected No.	Wards	Venues
29 Oct 2022	Saturday	South Region & Central Region	80	67, 74, 75, 77, 90, 99, 105, 109, 111	City Hall
30 Oct 2022	Sunday	Central Region	100	24, 25, 26, 27, 28, 29, 30, 32, 33, 64	City Hall

6.3 **Community Engagements:**

6.3.1 Community engagements remain a critical aspect of the Municipal Council to ensure that local communities are kept abreast of the decisions and current affairs impacting respective community members.

6.3.2 The Speaker advised that his office was in receipt of complaints from residents; media platforms, etc., that the Municipal Council was still lacking in ensuring that communities are kept abreast in terms of the Municipality's current affairs. He mentioned that this creates negative perception about the Municipality, which then leads to concerned communities forming and communicating their own perceptions around matters and/or provision of Municipal services that impact directly on them.

6.3.4 Council Members were urged to utilize all available community structures within the respective Wards to engage and disseminate information to the residents so that members are well vested in terms of the decisions and plans that the Municipality has in place to address issues pertaining to their environments.

6.3.5 Speaking on community engagements, the Speaker advised that some of the Wards do hold community engagements, however, documents to serve as evidence are not submitted to the Office of the Speaker. Councillors were then reminded to submit evidence for record purposes when community engagements have been convened.

6.3.6 Thereafter, the meeting was informed that during the month of October only eight (08) Wards have reported to have convened community engagements, namely, **Wards 29; 38; 49; 60; 78; 95; 103; and 104.**

6.4 **Municipal Council Membership:**

6.4.1 It was reported that Council has three (03) vacancies, two Ward Councillors for Wards 10 and 99, and a Proportional Representative Councillor (PR) of the African National Congress (ANC). That Ward 10 by-election is scheduled by the Independent Electoral Commission (IEC) for Wednesday, 02 November 2022, with the date for the Ward 99 by-election still to be confirmed by the IEC.

6.5 **Update on the impact of E. coli on eThekweni Municipality Beaches:**

6.5.1 Council noted that the Municipality has been receiving negative reviews from residents on the issue of beaches being closed due to sewer spillage to the beaches, and making them not safe for public use. In his report tabled at the Council meeting of 26 August 2022, the Speaker attempted to allay such negative perceptions and indicated the Municipal Council was doing everything in its power to address the spillage issue, for the beaches to reopen.

- 6.5.2 The Speaker maintained that the Municipality is still working tirelessly to address the E. coli challenges to prepare for the beaches to open as the festive season was imminent. He reported that a contractor was currently being appointed to repair a big pump station in Umhlali, the North of Durban, and which has mainly affected the Umhlali beaches. That the relevant Service Unit is also working tirelessly to secure contractors to service pump station for all regions impacted within the eThekweni Municipal area. The attention was also drawn to the fact that this matter was also being prioritized by the Executive Committee, and that the residents would be kept abreast of the developments in this regard.

6.6 Membership Replacement in the Municipal Public Accounts Committee (MPAC)

- 6.6.1 It was recalled that at its previous meeting held on 29 September 2022, Council noted the nomination of Councillor Andre Beetge from the Democratic Alliance (DA) to serve on the Executive Committee as a result of a vacancy due to a resignation by former Councillor Nicole Graham.
- 6.6.2 It should be noted that Councillor Andre Beetge was previously serving on the MPAC, and his move to the Executive Committee has created a vacancy on MPAC, to be filled with another DA Councilor, as per proportional representation.
- 6.6.3 The DA Whip has since made a submission to the Speaker of Council, that the vacancy on MPAC be filled by the appointment of Councillor Sibonelo Sibisi, replacing Councillor Andre Beetge.

Therefore, it was

RESOLVED:

That the Municipal Council approves that Councillor Sibonelo Sibisi from the Democratic Alliance be appointed as a Member to the Municipal Public Accounts Committee to replace Councillor Andre Beetge.

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor SP Cherube	:	2022-10-25 To 2022-10-28	Personal Commitments
Councillor GD Clarivette	:	2022-10-27	On Municipal Business
Councillor BA Fortein	:	2022-10-27	On Municipal Business
Councillor MH Khan	:	2022-10-05 To 2022-11-10	Overseas Trip
Councillor GD Clarivette	:	2022-10-27	On Municipal Business
Councillor PG Mavundla	:	2022-10-24 To 2022-10-27	Indisposed
Councillor CN Sisoka	:	2022-10-24 To 2022-10-27	On Municipal Business
Councillor T Xuma	:	2022-10-27	Indisposed

8. DECLARATION OF INTEREST

It was noted that none of the Members had declared interest on matters contained on the Agenda.

9. CONFIRMATION OF MINUTES: MEETING HELD ON 2022-09-29

Prior to confirming the Minutes, the City Manager, Mr TB Mbhele, submitted an update report on the following three (03) issues raised by Councillor MS Gwala at the previous Council meeting.

- (i) On Page 794 – 795 of 2022-08-26 Minutes, Question 11.6 relative to “*Budget allocated for CIP/Blocksum Projects*”, Councillor Gwala had indicated that the amount on the first response to the question should be R333 Million instead of R330 Million.

In the above regard, the City Manager advised that the allocation of R330 Million is correct as the allocation referred to is for 110 Wards and not the current 111 Wards.

- (ii) With regard to Question 4 under the same Blocksum matter, it had been discovered that part of Question 4 was not responded to.

In this regard, the City Manager reported that the Office of the Speaker has since engaged the relevant Unit and the response would be furnished once received.

- (iii) On the issue of the “*Request for Authority to Purchase Additional Mobile Water Tankers*”, the City Manager advised that the issue of alleged discrepancies in the figures under this item has been attended to.

The City Manager then drew attention to the fact that the response submitted is too technical. In this regard, he then recommended that a brief presentation be made at the at the Human Settlements and Infrastructure Committee, which is the Committee having jurisdiction over this matter, for the City Fleet and the Water & Sanitation Units to unpack the calculations seriatim.

The City Manager advised that according to the City Fleet Unit, the Minutes record on this matter is accurate, however, it being noted that the Unit would then unpack the figures further at the Support Committee.

Thereafter, the above elucidation from the City Manager was NOTED.

Accordingly, with Councillors NI Madlala and ZP Myeni moving and seconding respectively, for the adoption of the Minutes held on 2022-09-29, it was

RESOLVED:

That the Minutes of the meeting of the eThekweni Municipal Council held on 2022-09-29, 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

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

11.1 Questions submitted by Councillor M Ismail: eThekweni Municipality Billing Issues (19/1/1/2/2):

As the City, we always find ourselves wanting when it comes to issues around ratepayers and their bills. The billing system in the City has been, for several months, largely dysfunctional. Many complaints are received daily from residents who complain of exorbitant bills or not receiving such bills at all.

Therefore, we present the following questions for a concise response:

- 1. Has the City changed its system of sending bills via email?**
- 2. What channels does the City has when owners do not receive their bills aside from standing in queues at the Sizakala Centre?**
- 3. Are there any dedicated call centres to request your bill vial mail?**
- 4. What email address, aside from “E-services” can be used for receiving bills?**
- 5. Please explain how the 80/20 debt system works? Who is legible to apply and how?**
- 6. Credit authority, please explain in detail how does this work?**

Councillor ZO Mnomiya provided the following respective responses:

1. The City sends bills to customers both through the traditional postal services and the electronic mail services. There are efforts to move to the convenient electronic mail process fully because of the efficiency linked to it as is the known fact that currently postal services by the South African Post Services are a Country’ challenge.
2. Customers have an option to register on the online platform on e-services to be able to receive the bills through emails. The e-services also have other modules linked to it which are of assistance to the customers, among others, there are modules for, capturing of meter readings, direct debit services and making of payments. Customers who are experiencing challenges with the registration are afforded an opportunity to send an email to the City who will register the customer.
3. Same as above.

4. The Revenue Contact Centre does receive customer calls for registration and emailing of bills. There is however a dedicated email address for this purpose which is online.bills@durban.gov.za
5. 80/20 debt system is an Electricity Debt Relief Program intended to assist customers who have debt with the Municipality and cannot pay off the amount owed using the standard credit agreement (CA). For a customer to qualify, they must be the account holder and be in a possession of documents proving that they are the owners of the property or have a power of attorney.

A customer's meter would need to be converted to a prepaid meter if they have a postpaid/credit meter. A customer must have no existing CA pending with the Municipality. A customer must make an application at the nearest Electricity Customer Services. Once the pre-paid meter has been installed, the debt will be recovered every time a customer purchases electricity using 80/20 principle. For an example, if a customer buys a prepaid meter token of R100.00, R80.00 will go towards the electricity being purchased and R20.00 will service or pay of the debt owed to the Municipality.

6. A credit authority is a payment plan where a customer enters an arrangement with the City to pay an outstanding balance in installments. The payment plan must be in line with the approved Credit Control and Debt Collection Policy of the Municipality. A customer is required to pay a certain lump sum first before entering into this plan. These amounts differ based on the type of the debt and the categories of customers.

11.2 Questions submitted by Councillor S Maharaj: Monitoring of Pollution in the Vicinity of Umgeni River (23/2/1/3/3):

Given that major developments have taken place on the Umgeni River and there is other Council infrastructure for electricity and water purification, hence businesses, informal settlements and local residents pose, as well as face challenges which requires monitoring and evaluation.

1. **What steps does the environment directorate take to monitor soil, water and air pollution in the vicinity of the Umgeni River?**
2. **What budgets, if any are allocated for the above monitoring?**
3. **Has an evaluation been done on the recent E. coli outbreak? Is so, can the report be circulated to Councillors?**

Councillor ZR Sokhabase provided the following respective responses:

1. **Air Quality Monitoring**

- The Health Unit has fourteen (14) Air Quality continuous monitoring stations strategically placed across the Municipality to monitor criteria pollutants as prescribed by the NEMAQA. Passive air quality monitoring samples are also strategically placed to monitor for volatile organic compounds.

- The strategic points are determined by a needs analysis conducted which looks at industrial sources, complaints, and the like. Thus, we currently do not have an air quality monitoring station within the Umgeni precinct.
- With regards to sewer spillages, no air quality samples are taken as there are no emissions and only odour nuisances.

Water Quality Monitoring

- Continuous monitoring of the functionality of all sewerage networks is undertaken and necessary communicate is sent to the facility to mitigate and ensure compliance as and when required, downstream users are sensitized accordingly.
- Water samples are taken at the Umgeni River at intervals for monitoring purposes and to ensure that the Health Unit undertakes the necessary health education, public awareness, and engagement with the relevant stakeholders, where required.

Soil Samples Monitoring

- No samples would have been taken in the Umgeni River precinct because the type of contaminant is known, and precautionary measures have been communicated to communities and relevant stakeholders.
 - Sediment or soil samples are not taken routinely but are taken during incidents, e.g. during chemical spills, pipeline spills, industrial contamination, etc. This is to ensure that the necessary mitigation measures are taken by the polluter and communities are either advised or relocated as required.
2. R250 000 was allocated for water quality monitoring.
 3. The Municipality is currently collecting data for analysis since cases come from various health service providers (the private sector as well as State hospitals, GPs and clinics. Once information is received an analysis will be undertaken

11.3 Questions submitted by Councillor X Mdlanzi : Incomplete Umbhayi Housing Development Project (22/7/1/1/2):

The eThekweni Municipality in the past 2 or more years resumed with the Umbhayi Housing Development Project for poor people of Umbhayi informal settlement. The Project is not finished and nothing is happening.

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

1. **Why the project stop? Can you provide the report?**
2. **How long this project will take to get it finished?**
3. **Who is going to be responsible for the cost of vandalized buildings?**
4. **Was the Environmental Impact Assessment done?**
- 4.1 **If yes, can you please provide report?**

4.2 If No, why not?

5. Was the feasibility study done for this project?

5.1 If yes, can you please provide report?

5.2 If No, why not?

Responses to the above-mentioned questions were not provided, in view of the author, Councillor X Mdlazi being absent from this Council meeting. Also, on the basis, that the Councillor in question has not authorized any other Council member to receive responses on her behalf.

11.4 Questions submitted by Councillor SV Shontel : Rise in Water Meter Theft in the Durban North Areas (23/1/11/6/1):

There has been a rise in water meter theft in the Durban North areas. Everyday there are meters stolen in the Umgeni Park area of Durban North. Water loss is at more than 55 percent and water meter theft is now a major contributor to water loss.

In light of the above, I request that the following questions be answered:

- 1. What is the water department doing about the theft of water meters?**
- 2. Is there sufficient water meters in stock to deal with the replacement of water meters due to theft? If not, why not?**
- 3. What is the water departments plan to deal with the theft of water meters?**
- 4. What is the response time once a stolen water meter is reported?**
- 5. What can residents do to secure their existing water meters from being stolen?**
- 6. How many water meters were reported stolen in the last three months?**
- 7. How many water meters were replaced in the last three months?**
- 8. How many water meters are still to be replaced in the last three months?**

Councillor SM Mkhize provided the following respective responses:

1. At any given moment when the incident of stolen water meter is reported which is usually via our Toll-free line: 080 311 1111 or WhatsApp fault reporting line: 073 148 3477 or through E-mail: eservices@durban.gov.za, the relevant team is deployed to attend to such reported incident and have such meter(s) replaced as may be applicable. With the rise in the theft of water meters, the department is changing the brass meters to plastic meters as it has been noted that these incidents are mostly applicable with the brass meters.

2. The department did order adequate stock of meters from the recently expired contract and currently the procurement process to renew the contract of buying meters is underway through the relevant Bid Committees. The stock of meters is ordinarily for all meters that need to be installed or replaced, including those that need to be replaced since they have been stolen.
3. As reflected in 1. above, the department deploys a team to attend to reported stolen meters as and when such happens and as promptly as possible. Further, the department is changing brass meters to plastic meters in order to mitigate this risk of stolen meters.
4. As soon as the incident of stolen meter is reported, the Unit immediately deploys the relevant team to attend to that incident. The incident is attended to within the 24 hours service standard.
5. With the meter replacement program implemented by the department, residents should benefit from this roll-out.
6. As mentioned prior, there is a rise in the reported incidents of stolen meters which is a concern for the department. In the past three (03) months the department has received just over one thousand five hundred (1500) reports on average, hence the concern and the mitigating measures/plan as mentioned herein above.
7. The department has replaced more than two thousand five hundred (2500) water meters, including but not limited to stolen meters.
8. About four hundred and eighty-one (448) meters that still need to be replaced and, which the team is currently working on.

11.5

Questions submitted by Councillor DT Pillay : Insufficient Capacity of Phoenix Water Reservoir 2 Resulting to Water Outages (23/1/11/1/1):

Despite Phoenix Reservoir 2 being centrally located to the area, residents are constantly being subjected to water outages that appear further impacted by water shedding.

In light of the above, the following questions be answered:

1. **Why is Reservoir 2 constantly incurring challenges to reach sufficient capacity to meet the daily demand of the surrounding areas of Phoenix Central?**
2. **Reservoir 2 comprises two compartments – why does compartment 1 remain unfilled?**
3. **Is water from Reservoir 2 being diverted to other or neighboring Reservoirs and if so, list the reasons?**
4. **Is there a Water Distribution Officer (WDO) specifically appointed to Phoenix that oversees Reservoir 2 on daily basis?**

5. **Are reservoir levels checked in terms of a fixed daily and time specific schedule?**
6. **What process is followed when Reservoir levels are found to be critically low?**
7. **How many times have Reservoir levels dropped below supply and demand capacity for the period from 12 April to 05 October 2022?**

Councillor SM Mkhize provided the following respective responses:

1. The main strategic reservoir in Phoenix is the Phoenix 2 reservoir that supplies a large area that went into low levels and the reservoir outlets had to be shut in order to build up storage over many days.

This was due to the restricted supply at Umgeni Durban Heights water treatment works after the raw water pipelines have been damaged post floods.

2. Since the supply is restricted from the source, which is Durban heights, for water to reach areas at the same level as the reservoir, you will need to have a high level at least in a single compartment.
3. Water was not diverted it's only restricted from the source.
4. Water Distribution Officer (WDO) is appointed for the Region as opposed to the specific area.
5. Levels are monitored through Telemetry on a regular basis. In the event that the system is down a WDO will physically go to site to take levels.
6. Call Centre Manager would receive an email showing all low reservoir and the same email will be copied to the water tanker section to dispatch water tankers to the roads affected.
7. In April we had a number of adverse incidents occurred not only in Phoenix but throughout the entire network which was followed by the May floods as well.

However, the prolonged incident on the 4th & 5th of September 2022 which was subsequently resolved.

11.6

Questions submitted by Councillor EL Singh : Reservoir 2 in Phoenix Constantly on a Low Supply of Water (23/1/11/1/1):

Reservoir 2 in Phoenix services about 120 thousand residents from Ward 49, 50 and 51. The community have been inconvenienced with water cuts since October 2021, and after the April/May 2022 flooding this has become worse with the unscheduled water cuts.

It is on this backdrop that I pose the following questions:

1. **Why is it that Phoenix Reservoir 2 is constantly on a low supply of water compared to other Reservoirs in eThekweni?**

- 2. Why are the Community and Councillors not provided with notice prior to water being stopped by Municipality?**
- 3. Why are there only 1 or 2 tankers dispatched to a Ward when water cuts occur?**
 - 3.1 How are 1 or 2 tankers expected to service +-35000 residents per Ward?**
- 4. Are Municipal Call Center Agents provided with adequate information to assist residents?**
 - 4.1 If Yes, why do the Municipal Call Center Agents refer residents to the Ward Councillor for information?**
 - 4.2 If No, why are they not provided with information to assist the communities affected?**
- 5. When can residents that are serviced by the Phoenix Reservoir 2 expect stable water supply on a permanent basis?**

Councillor SM Mkhize provided the following respective responses:

1. The main strategic reservoir in Phoenix is the Phoenix 2 Reservoir that supplies a large area that went into low levels and the reservoir outlets had to be shut to build up storage over many days.

This was due to the restricted supply at Umgeni Durban Heights Water Treatment Works after the two raw water pipelines have been damaged post floods.

2. Unfortunately, the reservoir systems are hydraulic in nature comprised pipeline, mechanical equipment, and various other components to make the system function efficiently. It does happen sometimes that reservoirs do run to low level and operations teams when notified, with the limited resources currently, must conduct troubleshooting and check all scenarios to find the root cause. Unfortunately, these troubleshooting exercises take a lot of time while the outlets are closed, and consumers are inconvenienced.

In addition, there are live operating systems and once a reservoir reaches low level it was shut to avoid the complete drainage of the reservoir to zero level. Telemetry branch was fully updated with every reservoir that was shut due to low level and call centre can obtain this information internally from telemetry section (on a 24-hour basis) and then relay this information to the various stakeholders. As these are emergency operations it is sometimes not possible to cascade these to all Councillors every time, the reservoir was shut to build up storage.

3. The Water Tankers are used as an intermitted supply, and they are limited so they cannot cope with any high demand. In order to attend to any outage, one needs to pull from scheduled areas leaving them unattended, which was solving a problem with another. There was no way that water tankers can reach the level of expectation as consumers may anticipate, they are limited.

4. When faults/incidents are reported, these are captured by the Call Centre Agents to the Complaints Management System for the field staff to attend on the ground. The field staff provide feedback once job has been completed which assists Call Centre Agents to respond accordingly. However, there have been isolated incidents where it has been found that information from the field staff is not provided as adequately but that this is being addressed internally with our Control Centre and the Area Engineers in order to ensure that information was constantly provided in order for the Call Centre Agents to be able to respond adequately to the customers as and when they enquire.
- 4.1 On receipt of this allegation that there are instances where the Call Centre Agents refer residents to Ward Councillors, such was immediately addressed with the Call Centre Agents as that was not an acceptable procedure to deal with issues reported by residents unless it was issues pertaining to the Councillors and/or their programmes within their respective Wards.
- 4.2 As mentioned in 4.1 above, there have been instances where information from field staff was not provided as promptly making it difficult for the Call Centre Agents to respond but such was being addressed internally with our Control Centre to ensure that information is provided adequately and promptly.
5. When Umgeni Reservoir 3 repairs and raw water aqua duct have been repaired. According to Umgeni Water the estimated commissioning date for the Reservoir 3 completion is December 2022 and for the raw water pipelines is June 2023.

11.7

Questions submitted by Councillor I Syed: Socio-economic Issues on the Homeless and Vulnerable (19/1/1/2/2):

As the seriousness and gravity of socio-economic issues pelt our beautiful Province of KwaZulu-Natal, we find that many homeless people are attracted to the inner-city and its suburbs. This is impactful for many reasons.

With this, we present the following questions for an informed response:

1. **Which departments do the City has that deal directly with the homeless and the vulnerable on the street?**
2. **Has the City measured the number of homeless people who reside within our inner-city and its suburbs?**
3. **What interventions does the City has to take care of the homeless and the vulnerable?**
4. **What percentage of the vulnerable does the City believe it takes care of?**
5. **Does the City has a partnership with the Community Police Forum (CPF) structures as well as outreach organizations to firstly identify issues and then collectively deal with them appropriately?**
6. **Does the City intentionally, through its Metro Police and UIP partners, move the homeless out of the CBD and into the suburbs?**

7. **What is being done about the major influx of homeless and vagrants within Wards 25, 27 and 31 respectively?**
8. **Is there a master plan with all role-players to eradicate this scourge? If so, what is it and who are the role-players?**

Councillor PS Sishange provided the following respective responses:

1. Safer Cities Unit.
2. More than four thousand (4000) resides within the Inner City.
3. The City operates three (03) temporal shelters established during the Covid-19 and currently in the process of establishing a semi-permanent structure at Block AK to accommodate about 250 -300 males.
4. 10%.
5. Yes, the City works in partnership with various structures NPO's, NGO's, NPC academia and private sector.
6. No, the City removes the homeless from spaces that are not dedicated for sleeping when Cleansing and Solid Waste Unit cleans and sweeps the streets, they have to move them since there are temporal shelters that are designated for them, they are asked to move into shelters.
7. During outreach that was undertaken by the Safer Cities and partners all homeless are advised about the temporal shelters where they can sleep, some do not want to stay in shelters because there are controls in place.
8. In 2018, the City established a Homeless Task Team which was led by the then Deputy Mayor and had representatives from the NGO Sector (Dennis Hurley Centre, I CARE, We are Durban, KZN Welding School) Academia (DUT), Private Sector (Albaraka Bank, UIP's) Government Departments (Social Development, Human Settlements, Safer Cities, Community & Emergency Services, Office of the Strategic Management, Urban Renewal). This Task Team is currently non-functional, however, the NGOs within the sector are still providing services in line with their respective mandates.

In 2019, a Council Resolution to establish a Special Purpose Vehicle (SPV) to support the homeless interventions and related social ills was adopted. The SPV was called City People eThekweni (CPE). There are programmes that have been allocated to the SPV in line with the MOU to assist the City in dealing with homelessness. Such interventions include:

- Sourcing funding for the implementation of projects and programmes linked to Homelessness and related Social Development Programmes in eThekweni.
- Facilitating partnerships with critical stakeholders from Government, Private Sector and Not for Profit Organisations.

- Supporting the work of existing NGOs to deliver on programmes and projects linked to Homelessness and related social challenges.
- Accepting and managing resources as a custodian for the provision of services to homeless.
- Enabling the activation of Homelessness Reduction Strategies.

The City has allocated R500 000-00 in June 2022 as seed funding to the SPV to commence with the interventions as per the MOU.

11.8 Questions submitted by Councillor R Gokool : Vacant Council Owned Houses 18A and 18B on Sander Road, New Germany (22/7/1/1/1):

Houses 18A and 18B on Sander Road in New Germany are Council-owned and currently vacant.

In light of the above, the following questions be answered:

1. **How long have the properties been vacant?**
2. **Why are properties vacant?**
3. **What was the initial purpose of the properties?**
4. **What does the Municipality intend to do with the properties?**
5. **What is the monthly security cost associated with the properties?**
6. **Which company has security contract?**
7. **What is the monthly maintenance cost associated with the properties?**
8. **Which company has the maintenance contract?**
9. **What is the estimated repair cost to address damages to the properties?**

Councillor SM Mkhize, Deputy Chairperson of Human Settlements and Infrastructure Committee was unable to provide responses to the above questions, as he had connectivity challenges.

Thereafter, the Speaker ruled that the responses to the above questions be emailed to the author of the questions before the end of business day on Wednesday, 2022-11-02.

11.9 Questions submitted by Councillor Y Govender: Unroadworthy Fleet, Shortage of Equipment and Critical Vacancies at the Fire and Emergency Services Unit (4/3/2 & 8/1/13/1):

The eThekweni Fire Unit has been facing critical challenges that have demoralized and debilitated emergency service in eThekweni Municipality. There are still reports of outstanding PPE, critical vacancies, an unroadworthy alternatively unlicensed feet, shortage of equipment and crumbling infrastructure. Structural defects and diminished stock at 27 Fire Stations have not been addressed despite being reported.

With this, we present the following questions for an informed response:

1. **How many vehicles within the Unit remain unlicensed and why?**
2. **How many vehicles are currently unroadworthy and/or in the workshop?**
3. **What has been the delay in procuring PPE for firefighters and when will this be resolved?**
4. **What has been the delay in procuring uniforms and boots for staff and how will this be resolved?**
5. **With regard to the fuel supply/ diesel account, Mercedes and Scania had refused to do business as a substantial amount of money was owed to them resulting in the account being cancelled and handed for collection. What is the current status of this?**
6. **Does eThekweni Municipality now operate a man diesel account, If not, why not?**
7. **Has this caused any prejudice to the department and services?**
8. **What is the City's current indebtedness on the diesel/fuel account and to whom?**
9. **How much has been spent on overtime, i.e., the cost to the Municipality for the period 2022/2021?**
10. **What cost containment measures will be implemented, if any?**
11. **Why is there no SLA for inter-municipal services rendered?**
12. **Why is Sanlam subsidizing the cost of PPE for eThekweni Fire?**
13. **Does this report come before any Committee for approval or noting?**
14. **What is the cost of this contribution?**
15. **What are the terms and conditions of this agreement or sponsorship?**
16. **What is the budget for this Unit and how much remained unspent for the previous financial year? Why was budget unspent?**

Councillor TE Shezi provided the following respective responses:

1. Zero (0).
2. 34 (different categories).
3. Initial change of specifications processes, procurement approvals have been received, contracts soon to be awarded.

4. Will be procured in the contract as mentioned above.
5. We currently have contract authorities in place, services are being rendered without any issues.
6. We have contract in place for Man vehicles.
7. There are no operational issues since we have contract authorities in place.
8. The City has a fuel account with Masana Petroleum and it is in good standing, and the City has experienced no challenges in supply and delivery of fuel.
9. R43 097 538.89
10. Current recruitment should assist to reduce overtime spend.
11. Legislative matter, addressing it within a strategic planning process.
12. This is a donation as part of the 3-year PPP between Santam and eThekweni Municipality.
13. Council resolution of February and the MOU in September 2022.
14. Santam will advise the Municipality on delivery.
15. Refer to 12. above.
16. For this to be answered accurately, it should be clarified whether total operating budget (or specific line items), or/and capital budget was required.

11.10 Questions submitted by Councillor MS Gwala: Budget Cut Across Line Departments (7/1/2/1):

eThekweni Municipality has allocated an annual budget of R55 Billion in the 2022/2023 financial year, with budget cut across line departments within the Municipality.

Therefore, I would like to pose the following questions:

- 1. Who cuts the budget?**
- 2. What are the reasons for the budget cuts?**
- 3. With whom did they consult when taking such decisions?**

Councillor N Ntuli provided the following respective responses:

1. The approved budget for the 2022/2023 year of R55,3 Billion is fully funded and has not been cut. Additional requests from the Departments during the budget preparation could not be accommodated because of aligning to the anticipated revenue.

2. The R55,3 Billion is still funded and has not been reduced and/or cut.
3. The balancing of the budget is consulted with the Chairs of Committees, the Budget Steering Committee, Executive Committee and Council.

12. REPORTS:

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

(Prior to presenting the Report, His Worship the Mayor, Councillor TM Kaunda, commended the Speaker and the Whip of Council for facilitating the provision of stability within the eThekweni Municipality. He then presented the First Report of the Executive Committee).

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-10-18)

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

1. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2022-10-04

(Page R1)

- 1.1 Proposed Alienation of Portion 94 of Erf 1169 Cato Manor to the KwaZulu-Natal Provincial Administration (17/2/1/2/3):
(Page 27: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

The Committee received the report for the transfer of property described as Portion 94 of Erf 1169 Cato Manor from eThekweni Municipality to the Department of Health – KwaZulu-Natal on behalf of The KwaZulu-Natal Provincial Administration for the purpose of health services provision at the Cato Manor clinic in terms of Section 14(6) of the Municipal Finance Management Act 56 of 2003 read with Regulation 20(1)(f) of the Municipal Asset Transfer Regulations.

Members were advised that Executive Committee on the 20th of November 2012 approved the transfer of services at Cato Manor Clinic from the eThekweni Health Department to the Department of Health KwaZulu-Natal as contained in the Annexure “A” of the report by the Head: Real Estate dated 2022-08-25. It was also advised that Council further approved that all services at the Cato Manor clinic be provided through a 24-hour clinic and for the clinic to function as a Community Health Centre (CHC). The transfer of the clinic to provincial administration is necessitated by the high population density of the area and a demand for extended hours by the communities serviced. The eThekweni Health Department is unable to offer extended hours service.

A memorandum of agreement (MOA) is to be concluded by the parties, stipulating the terms and conditions of the transfer of health services Annexure “B” of the report by the Head: Real Estate dated 2022-08-25. The purpose of this report is to provide for the transfer of the immovable asset wherein the clinic sits, being the property described as Portion 94 of Erf 1169 Cato Manor, Registration Division FT, Province of KwaZulu-Natal in extent 10 444m² as depicted on SG 730/2000. The transfer of the land is provided for in clause 17 of the MOA. The property will continue to be utilised as a clinic under the ownership and management of the KwaZulu-Natal Provincial Administration.

The market value of Portion 94 of Erf 1169 Cato Manor is currently assessed at a value of R35 000 000,00 (Thirty-Five Million Rand) exclusive of VAT as determined by a registered Valuer as contained in the Annexure “C” of the report by the Head: Real Estate dated 2022-08-25. The property is to be transferred at a nominal value of R 1000 (One Thousand Rand) exclusive of VAT as it is being transferred to another organ of state on account of the public interest and the interest of the local community. The transaction will attract the payment of VAT.

At the Executive Committee level, the DA queried the envisaged financial loss due to the Municipal assets that would be transferred to the Department of Health as well as the impact thereof for the Municipal employees deployed at the Cato Manor clinic. Also, the extent of property to be transferred, whether it is a certain portion or the entire precinct.

The meeting was then reminded of the previous Council decision to provincialise the Cator Manor clinic. Further, that the trend by the Municipalities is to transfer the clinics back to the Provincial Government of which the eThekweni Municipality will follow a similar trend as the provision of the primary health care services is the core function of the KZN Provincial Government. During discussion, it was confirmed that this will assist to address the issue of unfunded mandates which has been raised persistently by the opposition parties.

Regarding the Cato Manor property, it was advised that the entire precinct is being transferred and that this will address the current challenges of the Municipal offices closing hrs being 16h00 whereas the clinic is due to operate on a 24h-hr basis. With regard to the financial loss, the meeting was informed that this would be recouped due to the Municipality to be no longer responsible for the operating expenditure, including salaries with the Municipality currently paying higher salaries than what the KZN Province offers.

The meeting was informed of the Task Team in place to deal with specific issues impacting the provincialization of clinics, including staff implications. Therefore,

progress reports in this regard will be submitted on an ongoing basis and based on latest developments.

With there being consensus,

COMMITTEE RECOMMENDS:

- 1.1.1 That the Council declares in terms of Section 14(6) of the Municipal Finance Management Act 56 of 2003 read with Regulation 20(1)(f) of the Municipal Asset Transfer Regulations that:
 - 1.1.1.1 The property described as Proposed Alienation of Portion 94 of Erf 1169 Cato Manor to be transferred from eThekweni Municipality to the KwaZulu-Natal Provincial Administration is determined by resolution of the Council to be not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the municipality as extended hours service cannot be offered by eThekweni Health Department.
 - 1.1.2 That Council declares in terms of Regulation 20(1)(f) of the Municipal Asset Transfer Regulations that:
 - 1.1.2.1 The capital asset is transferred at less than the fair market value and the Municipality has considered factors in Regulation 20(1)(f) of the Municipal Asset Transfer Regulations.
 - 1.1.2.2 The current market value of the land is R35 000 000.00 (Thirty-Five Million Rand), however, in terms of Regulation 20(1) of the Municipal Asset Transfer Regulations, Portion 94 of Erf 1169 Cato Manor, Registration Division FT, Province of KwaZulu-Natal in extent 10 444m² as depicted on SG730/2000, be transferred to the KwaZulu-Natal Provincial Administration at a nominal price of R1 000.00 (One Thousand Rand) exclusive of VAT. This transaction will attract the payment of VAT.
 - 1.1.3 That the transfer be approved subject to a reversionary clause stating that in the event that the property is not utilized by the KwaZulu-Natal Provincial Administration for the purpose as indicated in this report, ownership of the property will be transferred by the KwaZulu-Natal Provincial Administration at no cost to the Municipality free of any encumbrances, liens, hypothec and mortgage bonds. The KwaZulu Natal Provincial Administration shall sign all documents necessary to give effect to such transfer of the property to the Municipality. This provision shall be included in the agreement between the KwaZulu-Natal Provincial Administration and the Municipality.
 - 1.1.4 That subject to the adoption of paragraph 1 - 3 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 and any other applicable legislation and that it shall be subject to such further conditions as the Head: Real Estate considers necessary to protect the Municipality's interest.

In support of the above matter, the IFP, EFF and the ANC welcomed the report and congratulated the residents of Cato Manor for the provision of a 24-hour primary health care service. The initiative to transfer Clinics to the KZN Province was commended, with the ANC advising of the need to transfer the Municipal land to the Province and also deal with other matters impacting the transfer, including concluding negotiations on human resources matters.

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

1.2

Authority to Conduct a Public Participation Process in Terms of the Municipal Asset Transfer Regulations (MATR) (17/2/1/2/5):

(Page 51: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

The Committee received the report for approval to conduct a Public Participation Process regarding the proposed granting of long-term lease rights to use, control or manage the various Municipal Capital Assets described within this report, in terms Regulation 34(1) (a) together with 34 (3)(b) of the Municipal Asset Transfer Regulations 2008 (“MATR”) and also to authorize the Accounting Officer to solicit views and recommendations from the National and the Provincial Treasury regarding the proposed granting of long-term lease rights to use, control or manage the various Municipal Capital Assets described within this report in accordance with Regulation 6 of the Asset Transfer Regulations.

The Real Estate Unit has introduced a Proactive Land Release Strategy which seeks to ensure that the Municipality does not have to wait for an application to be submitted to the Municipality to alienate surplus land. The Municipality can become proactive in that process thus avoiding a scenario where Municipal owned land, which is not required for municipal purposes, gets to be occupied illegally and development opportunities are lost. However, ensuring that all provisions of the MFMA and the MATR are complied with.

This strategy will assist the Municipality to achieve its developmental objectives and stimulate economic activity and black economic empowerment through the use of land, particularly through collaboration between different Units such as City Planning in relation to Regional Spatial Development Framework which will guide the usage or development of the properties to be released; Economic Development in developing priority development corridors or unlocking certain properties in terms of economic activity, attracting investment to the Municipality and Human Settlements in driving the social transformation agenda in relation to Social and Gap Housing. The Real Estate Unit has identified four (4) properties that are valued more than R10 000 000.00 (Ten Million Rand).

The MATR read together with Chapter 3.3.3 of the National Treasury’s Guide to the MATR provides the following considerations which are applicable to the proposed granting of long-term rights to use, control or manage the various Municipal Capital Assets described within this report:

Step 1:

Chapter 4 of the MATR prescribes the requirements for circumstances in which a Municipal Council grants a right to use, control or manage its capital assets, without actually transferring or disposing of the ownership of the asset to the other party.

Step 2:

- In determining the process to be followed to grant such rights to use, manage or control a Capital Asset, the Municipality must first determine if the proposed right will exceed three years and if the value of the asset is greater than R10 Million (Regulation 34 (2) of the MATR).

- The MATR read with the Guide to the MATR requires the Accounting Officer of the municipality to conduct a Public Participation Process before the Municipal Council can approve in-principle, the proposal to grant such rights (Regulations 34 (1) (a)).
- The Public Participation Process referred to may only be authorized by the Municipal Council in accordance with Regulation 34 of the Municipal Asset Transfer Regulations. The request must be submitted to the Municipal Council with an information statement which shows the reasons for the proposals, and any expected benefits, proceeds and gain or loss that could be realized or incurred if the proposals went ahead.

Upon consideration of the matter at the Executive Committee level, the exact location of this property was sought by the Committee. It was reiterated that Management should provide such information to enable the Committee to play its oversight role effectively and for ease of reference. Also, that given the challenge of office space within the Municipality and the costs associated with the lease of private-owned premises; consideration be given to converting some of the properties becoming available into office space.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.2.1 That authority be granted to the City Manager to conduct a Public Participation Process as envisaged in terms of Regulation 34(1) (a) read together with 34 (3) (b) of the Municipal Asset Transfer Regulations 2008, for the proposed granting of long-term rights to use, control or manage the various Municipal Capital Assets listed in Table A below, it being recorded that the respective fair market values exceed R10 000 000.00 (Ten Million Rand) and the durations of the proposed rights to be granted exceed three years as indicated below:

No	Property Description	Value	Plan
1	Proposed Portion of A (of 13) of the remainder of Lot New Farm No.15382	R15 000 000.00	SJ 4618/2
2	Proposed portion of the Remainder of Ptn 113 of Erf 40 and proposed portion of Erf 41 both of Durban North	R15 000 000.00	SH9946
3	Ptn 1 of Erf 546 Sea View, Rem of Erf 547 Sea View and Erf 548 Sea View	R31 000 000.00	SJ4823/2
4	Rem of Erf 766 Sea View	R23 000 000.00	SJ4809/8

- 1.2.2 That the Public Participation Process be conducted in accordance with the provisions of the above regulations, including:
- 1.2.2.1 Inviting the local community and other interested parties to submit comments or representations.
- 1.2.2.2 Solicit views and recommendations of National Treasury and Provincial Treasury in the matter.
- 1.2.2.3 Comply with Section 21A of the Municipal Systems Act by publishing the notification through the media, in a local newspaper(s) published in the area of jurisdiction of the Municipality, in a newspaper (s) circulating in its area of jurisdiction and determined by

the Municipality as a newspaper of record, or by means of radio broadcasts covering the area of jurisdiction of the Municipality.

1.2.3

That the Accounting Officer conduct such Public Participation Process as envisaged in .2 above, at least 60 days before the meeting of the Municipal Council to request approval in terms of Regulation 34(1) (b) read with Regulation 35 for the proposed granting of long-term rights to use control and manage the capital assets described as indicated below:

No	Property Description	Value	Plan
1	Proposed Portion of A (of 13) of the remainder of Lot New Farm No.15382	R15 000 000.00	SJ 4618/2
2	Proposed portion of the Remainder of Ptn 113 of Erf 40 and proposed portion of Erf 41 both of Durban North	R15 000 000.00	SH9946
3	Ptn 1 of Erf 546 Sea View, Rem of Erf 547 Sea View and Erf 548 Sea View	R31 000 000.00	SJ4823/2
4	Rem of Erf 766 Sea View	R23 000 000.00	SJ4809/8

A submission was made by the ANC that in the past years, there has been an outcry in terms of the management of land invasions. Therefore, the proposed public participation process was noted with appreciation, as it would enable granting of long-term lease rights to use, control or manage various Municipal Capital Assets, while the Municipality is still awaiting development etc. on those properties and/or land.

Thereafter, the above recommendations were, ADOPTED.

1.3

Proposed Alienation of Erf 1510 Craigieburn Ext 13, by Public Tender (17/2/1/2/3):
(Page 72: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

The Committee received the report seeking approval to alienate a municipal owned property described as Portion Erf 1510 Craigieburn Ext 13, Registration Division FT, Province of KwaZulu-Natal in extent 1790m² as depicted on SJ 4732/1 (“the Subject Property”) by public tender, in terms of Regulation 5(1)(b) read with Regulation 7, Regulation 12 of the Municipal Asset Transfer Regulations, 2008(“MATR”), and Section 14(2)(a) and Section 14(2)(b) of the Municipal Finance Management Act, No 56 of 2003. (“MFMA”) and to transfer the non-exempt capital asset for less than its fair market value in terms of Regulation 13 (2) of the Municipal Asset Transfer Regulations.

Members were advised that applications to purchase Erf 1510 Craigieburn Ext 13 were received from various religious organizations that aspire to purchase the Subject Property for worship purposes. The Subject Property will therefore be sold by Public Tender to afford all applicants an equal opportunity to tender for the site.

It was indicated that in terms of Section 14 (2) of the Municipal Finance Management Act, 2003, as part of requirements, Line Departments were consulted on the proposed disposal to satisfy the requirements of Section 14(2) of the Municipal Finance Management Act, to indicate whether they anticipated that the Subject Property was needed for basic municipal services. However, Line Departments have confirmed in writing that the Subject Property is not needed to provide a basic Municipal service and is deemed to be surplus to the requirements of the Municipality. The property described as Erf 1510 Craigieburn Ext 13, in extent 1790m² as depicted on Plan

SJ 4732/1 is situated at 55 Eagle Road, Craigieburn. The Subject Property is zoned as Worship, in terms of the Town Planning Scheme wherein the proposed use is permitted. The site is currently vacant.

The market value of the Subject Property is currently assessed at a value of R399 000.00 (Three Hundred and Ninety-Nine Thousand Rand) exclusive of VAT as determined by a registered Valuer. (See Annexure “A”). The Subject Property will be discounted by 90% of the fair market value having duly considered the principles as set out in Regulation 13 (2) of the Municipal Asset Transfer Regulations. The discounted value is determined to be R39 900.00 (Thirty-Nine Thousand, Nine Hundred Rand) excluding VAT.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.3.1 That the Municipal Council declares that 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 Section 14 (2) (b) of the Municipal Finance Management Act No.56 of 2003 that:
 - 1.3.1.1 The property described as Erf 1510 Craigieburn Ext 13 in extent 1790m² as depicted on Plan SJ 4732/1 is not needed to provide the minimum level of basic Municipal services and to be surplus to the requirements of the Municipality.
 - 1.3.1.2 The current market value of the subject property is currently assessed at a value of R399 000.00 (Three Hundred and Ninety-Nine Thousand Rand) excluding VAT.
- 1.3.2 That Council approves that the proposed alienation for religious purposes will be discounted by 90% of the fair market value duly considered the principles as set out in Regulation 13(2) of the Municipal Asset Transfer Regulations 2008, the discounted valued is determined to be R39 900.00 (Thirty-Nine Thousand Nine Hundred Rand), excluding VAT.
- 1.3.3 That a reversionary clause be included in the Title Deed of the subject Property stating that the subject Property can only be utilized for religious purposes and for ancillary purposes thereto and no other purposes whatsoever.
- 1.3.4 That the property described as portion Erf 1510 Craigieburn Ext 13, be sold by Public Tender at a reserve price of R39 900.00 (Thirty-Nine Thousand Nine Hundred Rand) excluding VAT.
- 1.3.5 That the subject property is presently zoned Place of Worship in terms of the Town Planning Scheme. The proposed use on site is the primary use in the existing zoning.
- 1.3.6 That subject to the adoption of paragraph 1 to 5 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 and any other applicable legislation and that it shall be further subject to such further conditions as the Head: Real Estate considers necessary to protect the Municipality's interest.

ADOPTED.

1.4 Proposed Deproclamation and Sale of Proposed Portions [A] - [G] of Erf 789 Tongaat by Private Treaty to Adjoining Property Owners (17//2/1/2/3):
(Page 93: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

The Committee received the report for approval to permanently close the existing road area over the municipal owned property Proposed Portions [A]-[G] of Erf 789 Tongaat Registration Division FT (the property) Province of KwaZulu-Natal measuring to 900m² in extent, in accordance with section 211 of the Local Authorities Ordinance No. 25 of 1974; advertise the closure in terms of the eThekweni Planning and Land Use Management By-Law 2016 once Council approval is received and to alienate the property as depicted on SJ 4601/2A in terms of Regulation 5(1) (b) read with Regulation 7 and Regulation 11 of the Municipal Asset Transfer Regulations, 2008 ("MATR") and Section 14(2) (a) and (b) of the Municipal Finance Management Act, No 56 of 2003("MFMA) to the adjoining owner.

Members were advised that the owners of the properties situated at Bottle Brush, have applied to purchase the land adjoining their properties, which is described as Proposed Portions [A]-[G] of Erf 789 Tongaat in extent approximately 900 m² as shown on SH 9837 as indicated in the Annexure "A" of the report by Head : Real Estate dated 2022-08-26. The land is currently zoned Existing Road in terms of the Town Planning Scheme. The building plans must be submitted for the municipality's approval prior to the commencement of any development. The proposed disposal complies with Section 14 of the MFMA, in that the service delivery Units of the Municipality have confirmed in writing that the asset is not needed to provide a basic municipal services and to be surplus to the requirements of the Municipality as contained in the Annexure "B" of the report. The market value of the land is currently assessed at R140 000.00 (One Hundred and Forty Thousand Rand) exclusive of VAT as determined by a registered Valuer.

The Municipality's service delivery Units were consulted and have no objection to the sale of the property subject to certain conditions which will form part of the deed of sale. The clearance is attached herein in the Annexure "B" of the report. Following the circulation of the proposed sale to Municipal departments, it has been established that the property is not required for the provision of basic municipal services.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.4.1 That the Municipal Council declares in terms of Regulation 5 (1) (b) read with Regulation 7 and Regulation 11 of the Municipal Asset Transfer Regulations, 2008 (MATR) and Section 14(2) (a) and (b) of the Municipal Finance Management Act, No 56 of 2003 that:
 - 1.4.1.1 The proposed property described as Portion [A] – [G] of Erf 789 Tongaat is not needed to provide the minimum level of basic Municipal Services.
 - 1.4.1.2 The current market value of the Property is assessed at R140 000.00 (One Hundred and Forty Thousand Rand) excluding VAT.
- 1.4.2 That the Municipal Council declares that .1 above is subject to the condition that:
 - 1.4.2.1 The Proposed properties described as Portions [A] – [G] of Erf 789 Tongaat requires to be rezoned from existing street to Special Residential 350 (Three Hundred and Fifty). The rezoning shall be undertaken by and at the cost of the prospective purchaser.

- 1.4.2.2 Should the prospective purchaser fail to finalise the rezoning from existing road to Special Residential 350 within a period of two years from the date of instruction letter issued by the Head: Real Estate, 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 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 Seller. Such extension of time will need to be approved by the Head: Real Estate.
- 1.4.3 That in terms of Section 28 of the eThekweni Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), Proposed Portions [A] – [G] of Erf 789 Tongaat, the existing street in extent 900m², depicted on SJ 5601/2A, be permanently closed subject to all costs being borne by the prospective purchaser.
- 1.4.4 That in terms of Section 211 of Ordinance 25 of 1074, the closure of the road area over Proposed Portions [A]-[G] of Erf 789 Tongaat, the existing street in extent 900m², depicted on SJ 4601/2A, be permanently closed subject to all costs being borne by the prospective purchaser.
- 1.4.5 That this closure is to be advertised in terms of Chapter 9 read together with Section 28(2) (e) and (f) of the eThekweni Municipality Planning and Land Use Management By-law 2016.
- 1.4.6 That in the event of the objections being lodged to the proposed road closure when it is advertised, the eThekweni Municipality Planning and Land Use Management By-Law process be followed to attend to the objections.
- 1.4.7 That proposed properties described as Portions [A]-[G] of Erf 789 Tongaat Registration Division FT, Province of KwaZulu-Natal in extent 900m² as depicted on SJ 4601/2A, be sold at the purchase price of R140 000.00 (One Hundred and Forty Thousand Rand) excluding VAT, such price reflecting the current market value of the property as assessed by the registered valuer as indicated below:

PORTION	EXTENT	RATE	MARKET VALUE
Proposed Portion (A) of Erf 789 Tongaat	107	200	R21 400
Proposed Portion (B) of Erf 789 Tongaat	143	200	R28 600
Proposed Portion (C) of Erf 789 Tongaat	60	200	R12 000
Proposed Portion (D) of Erf 789 Tongaat	72	200	R14 400
Proposed Portion (E) of Erf 789 Tongaat	145	200	R29 000
Proposed Portion (F) of Erf 789 Tongaat	69	200	R13 800
Proposed Portion (G) of Erf 789 Tongaat	101	200	R20 200

- 1.4.8 That the proposed portion [A]-[G] of Erf 789 Tongaat must be consolidated by the prospective purchaser with the prospective adjoining properties.
- 1.4.9 That all conditions by the Municipality's service delivery Units will form part of the sale agreement.
- 1.4.10 That all costs incidental to this transaction shall be at the cost of the prospective purchaser.

- 1.4.11 That authority be granted to 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, the Municipal Asset Transfer Regulations 2008, 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 Municipality Planning and Land Use Management By-Law 2016 as amended and any other applicable legislation the Head: Real Estate considers necessary to protect Municipal interests.

ADOPTED.

- 1.5 Request for Approval to Host Hostel Indaba (22/8/21):
(Page 114: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

Authority is sought for approval to host Hostel Indaba to be held at a date and venue to be confirmed by the Deputy City Manager : Human Settlements and Infrastructure in consultation with the Chairperson of the Human Settlements and Infrastructure Committee. The proposed format of the Housing Indaba is that it should take the route of the following:

- Platforming the Internal eThekweni Municipality strategic planning workshop with all customers - Units that are providing basic amenities such as water and sanitation and will also include those sister Units that provide support services such as the Business Support Unit and the Roads Infrastructure Maintenance and Repairs Services department.
- Hosting the Hostel Indaba that will include all other stakeholders including the external stakeholders such as the community leadership structures and Provincial Department of Human Settlements, National Department of Human Settlements, and other interested parties.
- The rationale behind proposing the above is that it has become crystal clear that the way to go is the adoption of a holistic community development approach that will result in the alignment of planning and decision-making with sociology-ecological sustainability and thereby support mid-and long-term progress.
- At this juncture, the challenge is that oftentimes the community development programmes are fragmented and address results, not the causes of problems.
- The internal strategic planning workshop will address the gaps in the implementation plans and develop agreed upon Governance Flow Chart (mandates) and Financial Flow Chart (budgets) to enhance and facilitate responsive and holistic community development interventions. This will in turn, alleviate the problem of the “unbudgeted” mandates that are besieging the Municipality.
- It is considered that integrated community development will be anchored on the principles of broad-based participation, community as an important concept, social facilitation and the holistic nature of concern and it is against this backdrop that recommend the second phase of engagements that will include the broader stake holding community.

- The implementation of the above recommendations will result in improved infrastructure, lower crime rates, economic development and the municipality development programmes that are in a way aligned to community expectations through enhanced communications and social facilitation services.

During discussion, it was suggested that all members of the Human Settlements and Infrastructure Committee be invited to attend the Hostel Indaba in order to play an oversight role.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.5.1 That authority be granted to the Deputy City Manager : Human Settlements, Engineering and Transport Authority to incur the expenditure in the amount approximately R80 000.00 (Eighty Thousand Rand) for the hosting of Hostel Indaba at a date and venue to be confirmed in consultation with the Chairperson of the Human Settlements and Infrastructure Committee.
- 1.5.2 That authority be granted to the Deputy City Manager: Human Settlements, Engineering and Transport Authority to invite all Councillors of the Human Settlements and Infrastructure Committee to attend the Hostel Indaba to be held in due course.

Vote No.: 25913.19925.12120.0000.35009.0010
FC No.: 2023/40/11.

Speaking on the matter, the IFP commended the Office of the Speaker for being proactive and for taking a stance to initiate the Hostel Indaba in order to address various challenges being experienced by the hostel dwellers. They submitted that such engagements should not be politicized but rather use the platform objectively to address challenges faced by the hostels within the eThekweni Municipality, including the safety aspects; and with Glebe and KwaMashu hostels being cited in this regard. The IFP then requested that all relevant stakeholders should be invited to attend Hostel Indaba.

The ANC also supported the programme and alluded that this is a step in the right direction. They stressed that the platform should also be utilised effectively, to encourage hostel residents to look after the Municipal infrastructure; to instil discipline; peace; tolerance and to educate residents on the importance of making payments towards Municipal services, and with the Municipality also assessing the adequacy of services provided in hostels.

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

- 1.6 Authority to Issue Muvo Cards to the Public at no Cost for a Limited Period due to the Mandatory Requirements to Replace Expired Cards (26/2/1/5):
(Page 309: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

Authority is sought for approval to replace the Muvo cards expiring on 31 December 2022, at no charge to the commuter for a limited period. Members were advised that the Muvo cards rollout commenced in May 2012. The cards are bank issued cards certified by Mastercard. In terms of the banking regulations, the cards have a limited life span of five years as the technology is continually updated to ensure that the

security of the cards is not compromised. The functionality of the card ceases after the card expiry date and the commuter will be unable to load more trips or tap onboard the bus. The first batch of cards issued in 2012 expired in 2017 and was replaced at no charge, as the commuter had no option but to replace their card. Three subsequent batches expired in February, March and May 2021 which was also replaced at no charge. The next batch of cards issued in 2018 expires on 31 December 2022.

The proposal is to replace the cards expiring on 31 December 2022 at no charge, but with the following conditions:

- Commuters handing in the expiring/expired card for the period 1 October 2022 to 31 January 2023, such will be replaced at no charge.
- Commuters handing in expired cards from 1 February 2023 will pay the R20.00 (Twenty Rand) card fee, when replacing.

It is estimated that approximately 22 000 cards will need to be replaced at a cost of approximately R1 000 000.00 (One Million Rand) excluding of VAT.

At the Executive Committee level, it was recalled that a similar programme was implemented by the Municipality in the previous years. Reservations being expressed that the Municipality will incur cost for transport system that is owned by external stakeholders.

Explanation was given that this project was aimed to effect transition from the old system to an integrated system that will incorporate all bus operators in partnership with the Municipality. Mention being made that funding will be incurred to ensure that commuters continue to utilise public transport. It being clarified that timeframe has been set out for the entire process to be finalised and any deviations thereof will result in commuters being liable to replace cards at a cost of R20.00 (Twenty Rand). Further, that this approach will improve efficiency and reliability of the transport system.

It being also mentioned that eThekweni Municipality has signed a Memorandum of Understanding with Passenger Rail Agency of South Africa as a way of improving transport operations.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

That authority be granted to the Head: eThekweni Transport Authority to incur expenditure in the amount of R1 000 000.00 (One Million Rand) excluding of VAT for the replacement of approximately 22 000 (twenty-two thousand) Muvo Cards expiring on 31 December 2022 at no charge to the Commuters but with the following conditions:

- Commuters handing in the expiring/expired Muvo cards for the period 1 October 2022 to 31 January 2023, will be replaced at no charge.
- Commuters handing in expired Muvo cards from 1 February 2023 will pay the R20.00 (Twenty Rand) card fee, when replacing.

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

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor NP Mchunu, seconded by Councillor MS Nkosi, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Executive Committee for further consideration, as they were of the view that the report contained gaps which needed to be addressed, particularly, the expenditure breakdown of the requested amount of R1 000 000.00 (One Million Rand) excluding VAT for the replacement of approximately 22 000 (twenty-two thousand) Muvo Cards, which were cited to cost R20.00 (Twenty Rand) each.

CARRIED

Some Councillors were not in support of the reference back. Accordingly, the matter was put to the vote. With 197 Councillors present, 97 Councillors (ANC - 88, ABC - 01, AIC - 02; APF - 01, JEP - 01, MF - 01; MOSA - 01, PFP - 01 and TA - 01) voted against the reference back and 100 Councillors (DA - 52; EFF - 19; IFP -15; Action SA - 03, ACC - 02. ACDP - 02, DLC - 01, ADEC -01; ATM - 01, KZNI - 01, NFP -00, PRM - 01, UIM - 01 and VF Plus - 01) voted in favour of the reference back. There were no abstentions recorded.

The above-mentioned motion to refer back was, by the majority vote, CARRIED.

Reverting back to the substantive matter, it was

RESOLVED:

That the recommendations in respect of the item relating to the authority to issue Muvo Cards to the public at no cost for a limited period due to the mandatory requirements to replace expired cards, be REFERRED BACK to the Executive Committee for further deliberations, in particular, to clarify the expenditure breakdown since there appears to be no correlation between the request for R1 Million allocation to replace twenty two thousand (22 000) cards at a cost of R20.00 per each card.

1.7

Reprioritization of Flood Relief Budget to Accommodate Additional Urgent Repairs on the R102 Road and a Culvert in Road A425:

(Page L42 : Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

Authority is sought for reprioritization of flood relief budget to accommodate additional urgent repairs on the R102 Road as well as and a culvert in road A425 into the list which was previously prioritized and approved for the flood repairs projects. The amount approved for this list is R60 000 000.00 (Sixty Million Rand).

It was advised that on the 28 June 2022, Human Settlements and Infrastructure Committee approved the following resolution “that R45 000 000.00 (Forty Five Million Rand) budget be made available for the Department to respond to flood related repairs and that due to financial constraints, R15 000 000.00 (Fifteen Million Rand) which was initially planned for the upgrading of Gravel Roads under the Low Volume Gravel

Roads Upgrade Programme in 2022/2023 financial year, be repurposed and be directed to the flood damages”.

R102 Berm Repairs:

The April/May 2022 floods washed away the Provincial Department of Transport portion of the road and berm leading to flooding along the N2 and Prospecton. The KZN Department of Transport approached eThekweni Municipality to assist/collaborate with them in implementing these repairs. A memorandum of agreement (MOA) between eThekweni Municipality and KZN Department of Transport (DOT) has been signed in this regard. Due to the shortage of funding to collaborate with KZN DOT in this regard, there is a need to tap into Roads and Stormwater Maintenance Department (RSWM) flood relief budget of R60m which was approved on the above resolution to accommodate for these repairs. The total funding required to repair the berm is R32 000 000.00 (Thirty-Two Million Rand) which can be accessed through the above approved R60m budget.

A425 Culvert:

This culvert was due to be constructed in April 2022 as part of the Low Volume Gravel Roads Upgrade Programme but due to floods this could not be done. This culvert was mistakenly omitted on the first list of June 2022. This culvert is critical for the access to schools and hospitals. Through the budget prioritization process, Treasury has made the following funding available for the RSWM Department to attend to flood damage repairs:

- Financial year 2022/2023 – R 45 Million made available for floods
- Financial year 2022/2023 – R15 Million Low Volume Gravel Roads Upgrades

The request is that the two projects be accommodated as follows:

- Berm repairs: R32 Million (DOT has already committed R15 Million)
- A425 Road culvert: R 6 Million

At the Executive Committee level, the need for the Municipality to prioritize flood related matters was acknowledged. However, the rationale to allocate funding for rehabilitation of roads falling under the jurisdiction of the Provincial Department of Transport was queried. It being mentioned that the Municipality has only budgeted for the maintenance of its roads.

Clarity was given that a Memorandum of Agreement exists between the Municipality and the Provincial Department of Transport for joint operations to maintain road infrastructure. It being mentioned that this will be a joint contribution and the Provincial Department of Transport has already committed an amount of R15 000 000.00 (Fifteen Million Rand) and the Municipality would then cover the shortfall for repairs.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Engineering to reprioritize the following projects as part of the already approved list of projects to be implemented under flood damage capital budget for 2022/2023 financial year:

- R102 Berm repairs: R32 000 000.00 (Thirty-Two Million Rand) (DOT committed R15 000 000.00 (Fifteen Million rand).
- A425 Road culvert construction: R6 Million

Commenting on the matter, the ACDP felt that the City is still reeling from the floods damages and with the floods victims still being stranded and some being removed from the Municipal facilities. That the floods victims suffer indignity and therefore prioritizing their welfare should be at the forefront of the Municipality. That the repairs of the Provincial Road should therefore not become the responsibility of the Municipality.

Given that the repairs include the Provincial Road, the DA proposed an amendment to stipulate that the KZN Provincial Department of Transport should refund the shortfall amount.

Speaking on the matter, the ANC advised of the significance to repair major roads to assist in retaining investors and companies such as Toyota to save the much-needed jobs.

With regard to a proposal by the DA, the ANC sought a legal opinion as they were of the view that the Municipality might not possess powers to instruct another sphere of government. Further, that the repairs might have been informed by the content of the existing Memorandum of Understanding between the Municipality and the Province.

The motion by the DA having been formally submitted and read “That the Provincial Department of Transport refunds the shortfall of R17 Million in the next financial year for 2023.2024.”, the Head: Legal and Compliance confirmed that Council has no authority to impose financial obligation on another organ of State as this was not enforceable. He indicated that, in the event there were monies owed by the other sphere of Government, those funds could be recovered in line with the provisions of the Local Government: Municipal Finance Management Act No. 56 of 2003.

The Speaker then ruled that the amendment could not be voted on, based on the legal opinion provided.

On this basis, the above recommendations were, **ADOPTED.**

1.8

Request for Authority to Transfer Funds to Various Water Capital Projects for the 2023/2024 Outer Financial Year:

(Page L43: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

Authority is sought for transfer of funds in the amount of R31 100 000.00 (Thirty One Million One Hundred Thousand Rand) from savings identified in the various projects within Water Capital Budget to individual projects within Water and Sanitation Unit in the 2023/2024 financial year outer financial year. The proposal is to utilize the budgets where savings have been identified in the specified financial year of 2023/2024 and transfer these funds to the projects which requires additional funding to ensure continuity and completion of the contract as indicated below:

- X8006 (Inlet to Adams Mission 6):

The budget initially allocated to this project was reduced to accommodate for the provision of the flood disaster projects. The project was delayed at Bid Evaluation stage as the Financial Certificate could not be obtained due to insufficient funds that would not cover the entire contract authority. The approved budget for the

current financial year is R14 784 000 (Fourteen Million Seven Hundred and Eighty-Four Thousand Rand), and an additional R18 900 000.00 (Eighteen Million Nine Hundred Thousand Rand) is required for the next financial year 2023/2024. Capital budget investment into the greater Adams Mission project scope has already been undertaken. The supply reservoirs of this inlet project are currently at construction for upgrade in capacity. Newly upgraded reservoirs may starve or be under-utilized as the incoming supply is constrained which will also increase supply challenges in the area.

- X8067 (Adams Mission 5 Reservoir):

The budget initially allocated for this project was reduced to accommodate for the provision of the flood disaster projects. The approved budget for the current financial year is R 15 000 000.00 (Fifteen Million Rand), and an additional R2 000 000.00 (Two Million Rand) is required for the next financial year 2023/2024.

- X8068 (Adams Mission 6 Reservoir)

The budget initially allocated for this project was reduced to accommodate for the provision of the flood disaster projects. The approved budget for the current financial year is R20 000 000.00 (Twenty Million Rand), and an additional R2 000 000.00 (Two Million Rand) is required for the next financial year 2023/2024.

- Y7083 North Park Sewer Reticulation

The North Park sewer reticulation project (Y7083) marks the final phase to ensure completion of the entire project. The approved project budget for the current financial year (2022/2023) is R5 000 000.00 (Five Million Rand), however an additional R7 000 000.00 (Seven Million Rand) is required to complete the project in the next financial year (2023/2024). If the project is delayed, it can lead to wasteful expenditure as the uncommissioned pipeline will be subjected to vandalism.

- Y9056 Helen Joseph Sewer Replacement:

The Helen Joseph Sewer Replacement project (Y9056) has an approved budget of R1 300 000.00 (One Million Three Hundred Thousand Rand) for the current financial year (2022/2023). An additional R1 200 000.00 (One Million Two Hundred Thousand Rand) for the next financial year (2023/2024) is required. The project is of great importance therefore additional funds are required to resolve excessive sewer blockages in the area and ensure completion of the project.

Accordingly, authority is sought to revise the approved 2023/2024 eThekweni Water and Sanitation (EWS) capital budget through an adjustment budget.

At the Executive Committee level, the DA abstained and with the majority of Political Parties being in support,

COMMITTEE RECOMMENDS:

1.8.1

That authority be granted to the Head: Water and Sanitation for the transfer of R31 100 000.00 (Thirty-One Million One Hundred Thousand Rand) from savings identified in the various projects within Water Capital Budget to individual projects within Water and Sanitation Unit in the 2023/2024 outer financial year as listed in the report of the Head: Water and Sanitation dated 2022-09-29 below:

Inlet to Adams 6 Reservoir (X8006)	R18 900 000.00	To be met by vote Transfer 2023/2024 (Project X85588, X8466, X8364, X8365, X8589)
Adams Mission 5 Reservoir	R2 000 000.00	To be met by Vote Transfer 2023/2024 (Project X8346)
Adams Mission 6 Reservoir	R2 000 000.00	To be met by Vote Transfer 2023/2024 (Project X5188)
North Park Sewer Reticulation (Y7083)	R7 000 000.00	To be met by Vote Transfer 2023/2024 (Project Y8792)
Helen Joseph Sewer Replacement (Y9056)	R1 200 000.00	To be met by Vote Transfer 2023/2024 (Project Y8844, Y8920)
Total	R31 100 000.00	

1.8.2

That subject to approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in his Adjustments Budget report the transfer of funds from the project where savings has been identified.

Financial Implications:

Table 1 below highlights the approved budget available for Water & Sanitation Unit's capital projects for the current (2022/2023) and outer (2023/2024) financial years to the combined value of R56 084 000.00 and R0.00, respectively. The combined savings of R31 100 000.00 for projects were identified and attached in **Schedules A1**. The approval of the combined required additional budget of **R31 100 000.00** for the 2023/2024 financial year is shown in **Table 1** below and detailed in **Schedule A2**. The approval for the transfer of funds is crucial to ensure continuity and completion of the projects listed in **Table 1** below:

Project No.	Project description	Budget available in 2022/23	Budget available in 2023/24	Additional Budget required in 2023/24	Total project budget required
<u>X8006</u>	Inlet to Adams 6 reservoir	R14 784 000.00	NIL	R18 900 000.00	R33 684 000.00
X8067	Adams Mission 5 Reservoir	R15 000 000.00	NIL	R2 000 000.00	R17 000 000.00
X8068	Adams Mission 6 Reservoir	R20 000 000.00	NIL	R2 000 000.00	R22 000 000.00
<u>Y7083</u>	North Park Sewer Reticulation	R5 000 000.00	NIL	R7 000 000.00	R12 000 000.00
Y9056	Helen Joseph Sewer Replacement	R1 300 000.00	NIL	R1 200 000.00	R2 500 000.00
TOTAL		R56 084 000.00	NIL	<u>R31 100 000.00</u>	R87 184 000.00

MOTION TO AMEND

In terms of Rule of Order Bylaw 20(4), Councillor A Beetge seconded by Councillor WJD Burne, moved as a procedural motion that the above

recommendations of the Executive Committee be amended by the substitution of the words “...unspent funds...” for the word “... savings ...” in the second line of the recommendation to read as follows:

“1.8.1 That authority be granted to the Head: Water and Sanitation for the transfer of R31 100 000.00 (Thirty-One Million One Hundred Thousand Rand) from *unspent funds* identified in the various projects within Water Capital Budget to individual projects within Water and Sanitation Unit in the 2023/2024 outer financial year as listed in the report of the Head: Water and Sanitation dated 2022-09-29.”

CARRIED

The amendment was unanimously carried.

Reverting back to the substantive matter, the ACDP welcomed the report but expressed concern with regard to water challenges and citing the importance for leadership to communicate to the residents whether water is safe to drink, hence, the importance of timeous communication through publications on the state of water quality and consumption thereof.

The ANC supported the strategy of re-allocating unused funds to fund other projects underway. In this regard congratulated the area of Umbumbulu and Adams which had experienced water challenges for prolonged period that this crisis would now be addressed.

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

1.9

Request for Budget Reprioritization for Coastal and Stormwater Management (CSCM) Department- Engineering Unit - FY 2022/2023:
(Page L44: Human Settlements and Infrastructure Committee -Agenda 2022-10-04)

Authority is sought for approval to reprioritize the Coastal, Stormwater and Catchment Management (CSCM) Capital Budget, whilst maintaining the currently approved budget quantum; such reprioritization is to be ratified in the mid-term adjustment budget process. It was indicated that reprioritization has become necessary due to tender prices for certain projects exceeding the approved budget. This will be funded from savings identified where tender prices on other projects are below the approved budget.

Several projects, for which the department has budget allocation, have proceeded via tender process. The majority of these have closed and the project authority is below the budget allocation. i.e. there are savings on these projects. A few projects, for which the department has budget allocation, have proceeded via a tender process but the required project authority exceeds the allocated budget. i.e. there is a budget shortfall on these projects. The department has subsequently identified these savings and shortfalls. The department can provide the funding shortfalls from the identified savings within the department. Given that all these stormwater projects are regarded as urgent or emergency any delay in procurement could result in increased risk of further damage and potentially increased costs to council. It must be noted that the approved list of projects remains unchanged; the budget allocation per project is being amended to address tendered values received.

The funding to address the above CAPEX budget related requirements are as follows:

Department	Shortfall	Savings realised by Dept	Amount required by dept
Engineering Unit			
CSCM	5 680 073.36	5 918 000.00	-
total Savings from existing project commitments			5 918 000.00
total Shortfall from existing project commitments			5 680 073.36
Additional Funding required			NIL-

It was noted that the submission at this stage does not request any additional funding. The proposed reallocation of budgets and associated wards being reallocated funds, are detailed in Annexure A.

Dept	Funding “from” Wards	Funding “to” Wards
CSCM	108, 57, 59, 69, 67, 70, 14, 23, 50	56, 48, 101, 26, 44, 68

It was also noted that the reallocation does not impact the implementation of the projects where funding is being provided from; these works will continue as planned, based on the approved tender value.

With Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.9.1 That authority be granted for the Head: Engineering to reprioritize the Coastal, Stormwater and Catchment Management Capital budget in the amount of R5 680 073.36 (Five Million Six Hundred and Eighty Thousand and Seventy-Three Rand Thirty Six Cents) for the 2022/2023 financial year, as per the table below:

PROJECT DESCRIPTION (Funds Requested)	ACCOUNT NUMBER					WARD NO.	AMOUNT	COMMENTS/ REASONS
	Bus Unit	Item	Funding	Costing	Project		R	
610840 Street, Amatikwe Area	46300	45230	91104	0000	P14025	56	1 901 000.00	Tender price exceeds budget estimate
43 Millclay Close Stormwater	46300	45230	30015	0000	P13987	48	126 000.00	Tender price exceeds budget estimate
Pigeon Valley Reserve Stormwater	46300	45230	91104	0000	P13965	101	2 184 000.00	Tender price exceed estimate
Upgrade to Coastal Outfalls	46300	45230	30015	0000	P102167	26	1 065 000.00	Tender price exceed estimate
24 108796 Street Emachobeni	46300	45230	91104	0000	P13180	44	365 000.00	Tender price exceed estimate
Krishna Rabibal road stormwater upgrade	46300	45230	91104	0000	P14100	68	39 073.36	Incorrect amount was captured as an accrual
TOTAL FUNDS REQUESTED							5 680 073.36	

PROJECT DESCRIPTION (Funded From)	ACCOUNT NUMBER					WARD NO.	AMOUNT (net savings)	COMMENTS / REASONS
	Bus Unit	Item	Funding	Costing	Project		R	
610675 STR: PHOLA -AMATIKWE	46300	45230	91104	0000	P13886ZPP	108	547 000.00	Tender value below estimate
AMANDLETHU SCHOOL (D403) RD CR	46300	45230	91104	0000	P13031PP	57	1 416 000.00	Tender value below estimate
Qedumona Road: Culvert Damaged	46300	45230	91104	0000	P13963PP	59	460 000.00	Tender value below estimate
10 Rist Avenue, Chatsworth, St	46300	45230	30015	0000	P13944PP	69	138 000.00	Savings – Project completed
67 Rainstorm road, Moortoncollap	46300	45230	91104	0000	P13961PP	67	1 000 000.00	Tender value below estimate
65 Wiltshire road stormwater pi	46300	45230	91104	0000	P13962PP	70	2 099 000.00	Tender value below estimate
Third Street sw and road repairs	46300	45230	30015	0000	P13969PP	14	100 000.00	Tender value below estimate
Varsity Drive Road and Culvert (1277 Quarry Road)	46300	45230	30015	0000	P13968PP	23	100 000.00	Tender value below estimate
6 Palmside Place Stormwater upgrade	46300	45230	30015	0000	P13989PP	50	58 000.00	Tender below estimate
TOTAL: Funded From							5 918 000.00	

- 1.9.2 That it should be noted that the reprioritization budget submission will be incorporated in the Council's next financial year budget adjustment for the 2022/2023 financial year.

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor S Govender, seconded by Councillor A Kisson, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Executive Committee to allow members to further interrogate and make comprehensive inputs.

NOT CARRIED

Some Councillors were not in support of the reference back. Accordingly, the matter was put to the vote. With 198 Councillors present, 59 Councillors (DA – 52; ACC – 02, ACDP – 02, MF – 01, UIM - 01 and VF Plus - 01) voted in support of the reference back; 139 Councillors (ANC - 88, EFF – 19; IFP -15; Action SA - 03, ABC - 01, AIC – 02; DLC - 01, ADEC – 01, APF – 01, ATM – 01, JEP - 00, KZNI – 01, MOSA – 01, NFP - 01 and TA -01) voted against the reference back. There were no abstentions recorded.

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

Reverting back to the substantive matter, the DA expressed reservations that funds would be taken from uncompleted projects in nine (09) Wards and to be re-directed to the other new projects. In this regard, they mentioned that further consideration of the matter by the Committee was still required.

However, some members reiterated that the reallocation does not impact the implementation of the projects where funds have been taken from, but that the work would continue as planned, based on the approved tender value upon concluding the procurement process.

Thereafter, as some Councillors were not in support of the recommendations of the Executive Committee, the matter was put to the vote. With 198 Councillors present, 139 Councillors (ANC - 88, EFF – 19; IFP -15; Action SA - 03, ABC - 01, AIC – 02; DLC - 01, ADEC – 01, APF – 01, ATM – 01, JEP - 00, KZNI – 01, MOSA – 01, NFP - 01 and TA -01) voted in favour of the recommendations; 59 Councillors (DA – 52; ACC – 02, ACDP – 02, MF – 01, UIM - 01 and VF Plus - 01) voted against the recommendations. There were no abstentions recorded.

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

2. REPORT OF GOVERNANCE AND HUMAN RESOURCE COMMITTEE:
MEETING HELD: 2022-10-12

Page R13

2.1 Request for Authority to Strengthen Security Measures in Human Capital Centres of Excellence and Sizakala Centres:

(Page 29: Governance and Human Resources Committee - Agenda 2022-10-12)

The Committee received the report for approval in respect of break-ins and robberies experienced at the Human Capital Centres of Excellence and Sizakala Centre. This report was submitted for possible plan of action and the possibility of conducting a risk assessment to ensure preventative measure are in place to secure the Municipal Infrastructure and assets and prevent possible loss of lives.

Members were advised that the Human Capital Cluster has set up several Centres of Excellence in collaboration with Sizakala Centres, where both the public and internal staff have access to computers and free wi-fi facilities. This is aligned to the Smart City concept of providing an enabling technology environment. In the recent months, network have been stolen from these Centres of Excellence and Sizakala Centres. The cases of theft and armed robberies have been reported to South African Police Services (SAPS). However, the Cluster continues experiencing these break-ins despite putting in place Security, Camera Surveillance and Access Control.

A meeting was held with the Security Management Unit on the 15 July 2022. It was noted that a City-Wide Risk Assessment was last conducted six (6) years ago by an external service provider and the City would possibly need to embark on a risk assessment. Although the State Security, Minister of Police and SAPS Offices are aware of the spike in these criminal activities and trying to get stability, they realise that this crime is taking place in an organised fashion. Despite attempts to sensitise security guards deployed in these facilities, and including measures to act quickly, i.e. installing alarms etc, the challenge is that criminals are aware of the weaknesses in the system, i.e. (Lack of supervision of guards, guards falling asleep whilst on duty, etc).

The Chairperson advised the members that this report emanated from the site of inspection of the Governance and Human Resources Committee held on 15 September 2022 whereby most centres were visited and thereafter the following recommendations were suggested to be considered:

- Approach the Provincial Office of the City to form a task team to collect some intelligence data around the break-ins and robberies with view to guide investigations.
- Review Camera footages to establish how these criminals are gaining access to municipal facilities, i.e. identify whether there is a lack of perimeter fencing, possibility of perimeter fencing not being upgraded, are these criminals scaling the gates, is there a lack of security, etc.
- To establish whether the CCTV footages are clear, CCTV's were being maintained and upgraded.
- Try and establish where these computers are being stolen and taken to.
- Also, to review the recommendations that came out of the previous Security Risk Assessment report to ensure that all items have been reviewed and relevant.
- Move away from traditional ways of operating (for example phase out the use of desktops in offices and introduce laptops).
- Also, to note possible job losses for staff at these centres if centres are closed.

The below Centres have experienced the break-ins or have been robbed:

Item	Name of Centre	Case No	DATE OF INCIDENT	What was stolen	Infrastructure Destruction
1	Umbumbulu Sizakala	CAS 38/06/2022	17-Jun-22	Computers	Yes
2	Nagina	CAS 54/07/2022	06-Jul-22	Computers	Yes
3	Nagina	OB 606/09/2021	29-Sep-21	Computers	Yes
4	Nagina	CAS 102/10/19	11-Oct-19	Computers	Yes
5	SEDA	CAS 475/12/2019	10-Dec-19	Computers	Yes
6	SEDA	TBC	4 April-22	Computers	Yes
7	Lamontville	CAS 49/07/2022	31-Jul-22	Computers	Yes
8	Umnini	CAS 119/08/2022	13-Aug-22	Computers	Yes
9	Tongaat	TBC	04-Aug-22	Failed Break-In	Yes
10	Shallcross	CAS 52/08/2022	04-Aug-22	Computers	Yes
11	Kwandengezi	1/11/2020	01-Nov-20	Computers	Yes
12	Ntuzuma	315/09/2020	24-Sep-20	Computers	Yes
13	Ntuzuma	238/04/2022	27-Apr-22	Computers	Yes

Item	Name of Centre	Case No	DATE OF INCIDENT	What was stolen	Infrastructure Destruction
14	Ntuzuma	524/07/2022	27-Jul-22	Computers	Yes
15	Illovo	CAS 2/05/2021	01-May-21	Computers	Yes
16	Chesterville	CAS 165/04/2021	20-Apr-21	Computers	Yes
17	Klaarwater	TBC	22 August 2022	Computers	Yes
18	Westville Library	CAS 151/06/2022	23-Jun-22	Computers	Yes
TOTAL DAMAGE & LOSS DUE TO CIVIL UNREST (LOOTING-JULY 2021)					
19	Bester	CAS 141/07/2021	12-Jul-21	Computers	Yes
20	KwaMnyandu	CAS 292/04/2021	12-Jul-21	Computers	Yes
21	Kwamashu	137/07/2021	13-Jul-21	Computers	Yes
22	MegaCity	CAS 247/07/2021	11-Jul-21	Computers	Yes

Accordingly, authority is sought to approve the amount of R6 318 800.00 (Six million Three Hundred and Eighteen Thousand Eight Hundred Rand) to implement additional Security Measures for the Human Capital Centres of Excellence and Sizakala Centres.

At the Executive Committee level, the Chairperson of the Governance and Human Resources Committee extended the Support Committee's request that the Office of the Mayor should facilitate the convening of the media briefing for His Worship the Mayor to address both the law enforcement agencies and the local communities on the significance to protect the Municipal assets.

That the media briefing also include Libraries and Clinics which were also subjected to break-ins and incidents of robbery. That collaborative efforts be made in this regard for a holistic media briefing on issues of safeguarding the Municipal property. Reference was then made to the fact that apparently more than five hundred (500) computers have been stolen from the Centres of Excellence and this also resulting in vandalism. Mention being made that the loss of the Municipal assets affects the financial stability of the Municipality, as well as depriving the local communities from getting the much-needed services, in particular the job seekers.

Reference was also made to the fact that the theft appeared to be an orchestrated syndicate and that the role of security guards in protecting the buildings should be assessed. Thereafter, it was confirmed that the Intelligence Service will be engaged, but that a need also exists for a paradigm shift in local communities to understand that the Municipal property is theirs and stop the incidents of theft and vandalism under the opinion that it is just Government property.

The Members of the Democratic Alliance abstained at the Support Committee level.

With the Executive Committee being in agreement,

COMMITTEE RECOMMENDS:

- 2.1.1 That authority be granted to the Head: Human Capital in collaboration with the Head: Sizakala Customer Services to incur expenditure in the amount of R6 318 800.00 (Six Million Three Hundred and Eighteen Thousand Eight Hundred Rand) to implement additional security measures and installation of the following devices to all Human Capital Centres of Excellence and Sizakala Centres within eThekweni Municipality:
- 2.1.1.1 Computer Cages or security clips.
- 2.1.1.2 The tracking devices or Chip.
- 2.1.1.3 Installation of body panic devices for panic security guards linked to armed response
- 2.1.1.4 Installation of alarm systems at all sites linked to 24-hour monitoring centre
- 2.1.2 That the investigation of break-ins/robberies be escalated to the Specialised Crime Unit and Intelligence.
- 2.1.3 That a City-Wide Security Risk Assessment be conducted to all Sizakala Centres, Human Capital Centres of Excellence and the Libraries.
- 2.1.4 That all sites with CCTV Cameras be upgraded and maintained to enable a clear picture to be extractable for the SAPS to action.

Financial Implications:

ITEM	RECOMMENDATION	QUANTITY	FACILITY/ CENTRE	UNIT COSTS	TOTAL COSTS
1	Install Computer cages or security clips	508	208 Sizakala	R500	R254 000.00
2	Install tracking devices/ chip	508		R2 500	R1 270 000.00
3	Body panic devices for Security guards linked to armed response	104	52 Centres	R1 450	R150 800.00
4	Install alarm systems at all sites linked to armed response	52	52 Centres	R1 5000	R780 000.00
5	Install CCTV cameras linked to 24hr monitoring centre	52		R7 000	R364 000.00
6	Escalate investigation of Break-ins/ robberies to Specialised Crime and Intelligence Unit	0		R0	R0
7	A city-wide security risk assessment needs to be conducted to all Sizakala Centres Human Capital Centres of Excellence and Libraries	60	60 Sites	R1 000 000	R1 000 000.00
8	All sites with CCTV Cameras need to be upgraded & maintained so that a clear picture is extractable for SAPS action.	60	60 Sites	R1 000 000	R1 000 000.00
9	Repairs to damaged infrastructure & Replacement of assets	11	11 Sites damaged	R1 500 000	R1 500 000.00

ITEM	RECOMMENDATION	QUANTITY	FACILITY/ CENTRE	UNIT COSTS	TOTAL COSTS
OVERALL TOTAL COSTS FOR ALL RECOMMENDATIONS					R6 318 800.00

Speaking on the matter, the DLC expressed concern that the ratepayers will have to foot the bill for what appears to be the failure by the private security company to safeguard the Municipal property. That the security company should be held accountable for the loss and damage of Municipal assets. The DLC felt there is no sound justification to motivate for additional funding for infrastructure that had been already in place. On this basis, the DLC abstained on the matter.

The ACC welcomed the interventions but felt that risk assessment should be undertaken prior to the implementation of any security measures. This also being informed by what the ACC regarded as exorbitant quotations and with some items appearing to be quoted double than what should be the ordinary cost. As such, the ACC recommended that a detailed costs analysis be undertaken in an attempt to reduce expenditure

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor I Syed of ACC, seconded by Councillor J Singh of UIM, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Committee to further unpack the expenditure per items as they were of the view that some appeared to be exorbitant.

NOT CARRIED

Some Councillors were not in support of the reference back. Accordingly, the matter was put to the vote. With 197 Councillors present, 8 Councillors (ACC – 02, DLC – 01, MOSA – 01, PFP – 01, TA – 01, UIM – 01 and VF Plus – 01) voted in favour of the reference back.; 189 Councillors (ANC - 88, DA – 52; EFF – 19; IFP – 15; Action SA – 03; ABC - 01, ACDP – 02, AIC – 02; ADEC – 01; APF – 01, ATM – 01, JEP - 01, KZNI – 00; MF – 01; NFP – 01 and PRM – 01) voted against the reference back. There were no abstentions recorded.

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

Reverting back to the substantive matter, the IFP emphasised that security measures need to be strengthened to avoid similar occurrences of theft and damage to Municipal assets. They mentioned that private companies had not performed up to the required standard and that it was high time the Municipality employs its own security personnel that would be directly accountable to the Municipality.

The ANC was in support of the matter and stated that the Municipality could request reasons from the Security Management Unit for the underperformance of the security companies. With regard to the risk assessment, it was mentioned that a decision was taken in terms of the level of security that was required. Mention being made that the Support Committee had also conducted a site visit at Sizakala Centres and Human Capital Centers of Excellence and Libraries which have become targets for criminals. The ANC made mention that the security features being requested would assist to ensure that Municipal assets are safe guarded.

As some Councillors were not in support of the recommendations. The matter was put to the vote. With 197 Councillors present, 192 Councillors (ANC - 88, DA – 52; EFF – 19; IFP – 15; Action SA – 03; ABC - 01, ACDP – 02, AIC – 02; ADEC – 01; APF – 01, ATM – 01, JEP - 01, KZNI – 00; MF – 01; MOSA – 01; NFP -01 , PFP – 01; PRM – 01 and TA – 01) voted in favour of the recommendations and 5 Councillors (ACC – 02, DLC – 01, UIM – 01 and VF Plus – 01) abstained on the matter.

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

3. **DIRECT EXCO REPORTS**

3.1 **AUDIT COMMITTEE REPORT FOR THE FOURTH QUARTER ENDED 2022-06-30 (2/10/1/1)**

(Page 1)

The Chairperson of the Audit Committee presented the audit outcomes on the Municipal internal control environment for the period ended 30 June 2022. The details of the findings are contained in his Report dated 2022-09-30.

Some of the findings highlighted included Rates Clearance Certificate where no evidence of standard operating procedure manual being approved and physical inspection of properties; Arrear Management; Year End Inventory Count; Disaster Recovery Review; IT general controls review: Ellipse as well as E-procurement applications; SCM acquisitions management; Complaints management; Payroll management process; Land threats and invasion on nature reserves and ecological land audit review; Review of Annual Financial Statements (AFS) and ensuring that the AFS are submitted within the prescribed dates to meet the deadlines of the Auditor General; Enterprise Risk Management; Business Continuity Management following the Covid-19 pandemic, Civil Unrest and the April-May floods disaster. The Municipality was also encouraged to provide necessary measures that would boost the tourism industry especially during the festive season.

Thereafter, the Committee welcomed the comprehensive report from the Chairperson and encouraged Management to attend to the audit findings; it being cited amongst other things, that employees were in arrears with the Municipality without any form of consequence management; and the significance to develop a sustainable ICT system for the Electricity Unit. It being reiterated that each Support Committee should focus on their respective findings and address them accordingly.

Therefore,

COMMITTEE RECOMMENDS:

That the Audit Committee Report for the Fourth Quarter of the 2021/2022, from 01 April to 30 June 2022, submitted in terms of Section 166 (1) of the Local Government: Municipal Finance Management Act No. 56 of 2003 and Section 14(2)(a) of the Local Government: Municipal Planning and Performance Management Regulations 2001, to advise Council on the activities of the Audit Committee and the

results of its quarterly reviews of the systems of internal financial control; internal audit, risk management processes; financial reporting; performance management; governance, compliance with laws and regulations and any other issues referred by the Municipality or its Entities, be noted, as well as the Management responses related thereto.

NOTED.

3.2 FEEDBACK ON IMPLEMENTATION OF DELEGATED AUTHORITY:
APPOINTMENT OF ACTING CITY MANAGERS (4/3/6)

(Page 38)

The Executive Committee received the report from the City Manager to apprise Council on the implementation of delegated authority regarding the appointment of Acting City Managers as per the resolution made by Council in its meeting of 2022-04-04. It was recalled that authority was given to the City Manager to appoint an Acting City Manager for a period not exceeding seven (07) days while on leave or engaged in other Municipal business. It being noted that such decision should be discussed with the Mayor and reported to the Executive Committee.

It is requested that Council notes the following appointment of Acting City Managers during the period stipulated:

- Mr. Philip Sithole - Deputy City Manager: Economic Development and Planning, appointed from 2022-08-04 to 2022-08-05;
- Ms. Beryl Khanyile – Deputy City Manager: Human Settlements, Engineering and Transport, appointed from 2022-08-16 to 2022-08-17;
- Dr. Sandile Mnguni – Deputy City Manager: Finance, appointed from 2022-09-12 to 2022-09-19;
- Mr. Sipho Cele – Deputy City Manager: Governance and International Relations, appointed on 2022-09-20; and
- Dr. Sandile Mnguni – Deputy City Manager: Finance, appointed from 2022-09-27 to 2022-09-28.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

That, as per the delegated authority, Council notes the acting appointments in the position of City Manager, as reflected in the table below, made by the City Manager as per the delegated authority, and is being reported for noting purposes, in compliance with the Council decision:

No.	Deputy City Manager Name & Surname	Acting Period
1.	Mr Phillip Sithole	04 August 2022 to 05 August 2022
2.	Ms Beryl Khanyile	16 August to 17 August 2022
3.	Mr Sandile Mnguni	12 September to 19 September 2022
4.	Mr Sipho Cele	20 September 2022
5.	Mr Sandile Mnguni	27 September 2022 to 28 September 2022

NOTED.

3.3

REQUEST FOR AUTHORITY TO HOST THE FIRST ENERGY TRANSFORMATION SUMMIT IN THE ETHEKWINI MUNICIPAL AREA (27/1/2/1 & 13/2/1/1/1)

(Page 57)

Approval is sought for eThekweni Municipality to host the first three (03) day eThekweni Energy Transformation Summit through its Energy Office at the Inkosi Albert Luthuli International Convention Centre during the 2022-23 financial year. Part of the deliverables arising from the Paris Agreement in relation to the Climate Change Action Plan, is that by 2030 the eThekweni Municipality should achieve 40% of its electricity derived from low carbon technologies, and 100% by 2050.

It was recalled that in July 2021, Council adopted the Energy Transition Policy following an extensive stakeholder engagement process in line with Section 195 (1) (e) of the Constitution of Republic of South Africa Act 108 of 1996 and Section 17 of Municipal System Act 32 of 2000. This Policy is aimed at providing a thriving sustainable energy sector within the eThekweni Municipality.

In this regard, the Summit will consist of two elements, one being an empowerment and capacity building for various stakeholders in the Energy Sector, including eThekweni Councillors and Officials. The second element will enable various businesses to showcase energy business solutions in the energy value chain. This will be a huge opportunity for the citizens of the eThekweni Municipality to then understand the sector and what is available for them as consumers as alternative for energy efficient technologies as well. That 400 Independent Power Producers will be engaged for alternative source anticipated to commence in September 2025.

The following benefits will be incurred by the eThekweni Municipality in the short to medium term:

- Ensuring that Independent Power Producer (IPP) projects create proper employment opportunities during construction and operation stages. Four thousand (4 000) jobs creation is earmarked during construction, with eight hundred (800) being permanent jobs.
- Encouraging joint venture with large international firms and providing sub-contracting opportunities for local firms in various field of manufacturing.
- Providing adequate skills transfer between the Municipality and the IPPs to ensure that the City can run its power generation plant in the long term.
- Providing for community shareholding through economic development compliance and local content requirements.
- Providing opportunities to electrify communities in the rural areas through community owned mini-grid models.
- Providing opportunities to establish community trust that owns a portion of the IPP projects and on average, the community trust will be expected to hold between 9% to 12% equity.

A proposal being made the two (02) Units; the Economic Development; and Water and Sanitation collaborate and share resources to enable other aspects of Climate Change and Water and Sanitation to be part of the Summit, thereby leading to an increased number of participants. That during the Summit commissions will be

separated accordingly to the relevant stakeholders to focus according to their areas of speciality and expertise

On this basis,

COMMITTEE RECOMMENDS:

- 3.3.1 That authority be granted for the eThekweni Municipality to host the Energy Transformation Summit through the Development Planning, Environment and Management Unit within the 2022/2023 financial year, at a cost of R2 800 000.00 (Two Million Eight Hundred Thousand Rand) and to be held at the Inkosi Albert Luthuli Intervention Convention Centre.
- 3.3.2 That subject to the approval of .1 above, the Head: Development Planning, Environment and Management submit a Summit Outcomes report to Council following the hosting of the summit.

Financial Implications:

The total cost of hosting the summit including provision of exhibition space is expected to not exceed R2 800 000.00 (Two Million Eight Hundred Thousand Rand). Funds have been secured under the following Vote Number:

B.U	ITEM.S UB	FUND	COSTI NG	PROJE CT	REG ION	AMOUNT R	FINANCIAL YEAR
26440	10780	12120	0000	MRC01	0010	250 000	2022/23
26440	10730	12120	0000	53300	0010	50 000	2022/23
26440	11350	12120	0000	53300	0010	150 000	2022/23
26440	11400	12120	0000	MRC01	0010	150 000	2022/23
26440	11455	12120	0000	MRC01	0010	350 000	2022/23
26440	16315	12120	0000	MRC01	0010	1 000 000	2022/23
26440	20310	12120	0000	MRC01	0010	50 000	2022/23
26440	22710.30	12120	0000	53300	0010	1 500 000	2022/23

FC No.: 2023/46/17

Contracted Services	R350 000.00
Medical Services (Medical Heal)	R50 000.00
Audio-visual Services	R250 000.00
Exhibit Installers	R350 000.00
Brochures	R50 000.00
Hire of Venue	R1 500 000.00
TOTAL	R2 800 000.00

Whilst in support of the matter, the IFP expressed concern as they were of the opinion that the Municipality would not adhere to the set timelines, reference being made to the notion that by 2030 the eThekweni Municipality should achieve 40% of its electricity derived from low carbon technologies, and 100% by 2050. The IFP felt it becomes unfair to people when the Municipality commits to targets that it also fails to achieve. In a nutshell, that the Municipality should set realistic targets.

Meanwhile, the ACDP was also in support of the recommendations and emphasised that this would assist the Municipality to obtain other energy sources in the future in order to grow the City's economy and to attract investors. The ACDP therefore looked forward to eThekweni becoming a leading City on this project and grow its Gross Domestic Product.

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

3.4

NOTING OF THE INTENTION TO AMEND CONTRACTS 7E-1464-7H AND 7A-1348 RELATING TO THE LEASE OF PREMISES IN THE EMBASSY BUILDING AND DELTA TOWERS (17/2/21/2)

(Page 62)

Authority is sought to amend the lease of office premises in the Embassy Building and the Delta Towers for the Real Estate; Human Settlements; and the Legal & Compliance Units, amongst the others. The current lease expires 30 November 2022. The tender process was initiated in May 2022 to secure alternative office premises for the Municipal Units concerned. However, this culminated in a non-award, due to the CBD buildings being non-compliant with the health and safety requirements and therefore not suitable to accommodate staff.

A need therefore exists to amend the lease in the current premises to achieve business continuity and avoid incurring irregular expenditure. The intention is to amend the lease for a 12-month period, commencing 01 December 2022 to 30 November 2023. During this extension period, the Head: Real Estate will prepare expression of interest to purchase a building(s) to accommodate staff as a permanent solution.

The Executive Committee noted the rationale behind opting to amend the current lease in the Embassy Building and the Delta Towers, and therefore,

COMMITTEE RECOMMENDS:

3.4.1

That Council notes the intention to amend Contracts 7E-1464, 7H-1465 and 7A-1348, in terms of Section 116(3) of the Local Government Municipal Finance Management Act (MFMA) No. 56 of 2003, to amend the current lease contracts with Delta Property Fund (Pty) Ltd in respect of the premises situated at the Embassy Building and the Delta Towers, 199 Anton Lembede Street and 303 Dr Pixley KaSeme Street respectively, and with the premises covering a total extent 16044m² together with 250 parking bays, for a period of twelve (12) months, commencing 01 December 2022 to 30 November 2023, for the following reasons:

3.4.1.1

The tender initiated for the procurement of office space to accommodate the Real Estate; Human Settlements; and the Legal & Compliance Unit, amongst others, culminated in a non-award due to the CBD buildings being non-compliant with the health and safety requirements, and there being no alternate Municipal owned premises to accommodate the Units of this magnitude.

3.4.1.2

The expression of interest to purchase a building(s) to accommodate staff as a permanent solution will take a year to finalize.

- 3.4.1.3 The non-renewal of the current lease will undoubtedly cause disruptions in service delivery and also lead to the Units incurring irregular expenditure in the event occupation continues without a valid contract.
- 3.4.2 That Council notes the proposed contract amendment will be advertised through the media, in terms of Section 116(3) of MFMA, as part of achieving compliance requirements pertaining to the public participation process to invite public comments on the proposed contract amendment.
- 3.4.3 That the outcome of the public participation process referred to in .2 above, will be submitted to the Municipal Council for noting purposes.

Financial Implications:

The gross monthly rental is currently R1 524 180.00 (One Million Five Hundred and Twenty-Four Thousand One Hundred and Eighty Rand) (R95m²) for the office space and R212 500.00 (Two Hundred and Twelve Thousand Five Hundred Rand) for the parking bays (R850 per bay). The rental is exclusive of VAT, rates and taxes, operating costs and utilities.

Real Estate Unit:

Basic Rental (Monthly)	Basic Rental (Annual)	Period
R1 121 000.00	R13 452 000.00	01 December 2022-30 November 2023
Parking Rental (Monthly)	Parking Rental (Annual)	Period
R148 750.00	R1 785 000.00	01 December 2022-30 November 2023

Human Settlements Unit:

Basic Rental (Monthly)	Basic Rental (Annual)	Period
R266 000.00	R3 192 000.00	01 December 2022-30 November 2023
Parking Rental (Monthly)	Parking Rental (Annual)	Period
R25 500.00	R306 000.00	01 December 2022-30 November 2023

Legal & Compliance Unit:

Basic Rental (Monthly)	Basic Rental (Annual)	Period
R137 180.00	R1 646 160.00	01 December 2022-30 November 2023
Parking Rental (Monthly)	Parking Rental (Annual)	Period
R38 250.00	R459 000.00	01 December 2022-30 November 2023

In noting the item, the IFP submitted that the Municipality should consider doing away with leases, but secure own buildings and/or land to build offices. That a lot is being spent on leases yet landlords are not responding to building maintenance needs timeously. Reference was also made to a proposal submitted in the past, that of building a Council Chamber which was going to also accommodate offices.

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

3.5

REQUEST FOR APPROVAL TO HOST CERTIFICATE HANDOVER CEREMONY
FOR KING MISUZULU KA-ZWELITHINI, 29 OCTOBER 2022 (13/4/R)

(Page L47)

Authority is sought for the eThekweni Municipality to participate in the ceremony to handover the certificate to the Zulu Nation King Misuzulu kaBhekuzulu. The main objective of this ceremony is to honor and recognize the Zulu King Misuzulu kaZwelithini to be officially crowned the King, in terms of the Government protocol.

This key milestone marks the importance of traditional leadership and symbolizes the recognition of this institutional leadership as commissioned in terms of Section 211 of the Constitution of the Republic of South Africa, 1996, recognizing the traditional institutions; status; and role of traditional leadership.

It is proposed to host the ceremony at the Moses Mabhida Stadium, and the ceremony will take the form of the formal investiture where amabutho; izintombi; omama besigege will grace the ceremony singing and dancing for the King. The event will include taking of a special oath of office, as administered by a designated member of the judiciary. The President of the Country, His Excellence MC Ramaphosa, will issue the certificate to King Misuzulu kaZwelithini in recognition of the Zulu kingship.

Authority is therefore sought for the eThekweni Municipality to incur expenditure in the amount of R910 348.51 (Nine Hundred and Ten Thousand Three Hundred and Forty-Eight Rand Fifty-One Cents) for the hire of the Moses Mabhida Stadium to host this prestigious event. The venue is suitable as it will accommodate forty-nine thousand (49 000) people, with the nearby People's Park East to serve as the hospitality venue for Amabutho, and the West side to serve as the overflow venue for the ceremony.

The Chairperson of the Community Services Committee confirmed that participating in this ceremony is in line with the Community & Emergency Services Cluster's IDP, Plan 6, pertinent to embracing cultural diversity; arts; and heritage. She then elaborated on the magnitude of the event and also citing collaborations with the other spheres of Government, hence, the late submission on the side of the local government. The Chairperson of the Economic Development and Planning also spoke on the positive spin offs as a result of this ceremony, and that a structured programme will be developed to promote small businesses and tourism since dignitaries from different parts of the world are expected to grace the ceremony.

It was noted then that various Municipal Units will be activated to render relevant services in preparation to host a memorable ceremony. That the funding submitted mainly relate to the venue hire, but a number of other logistical requirements will be involved, including activating people to fill up the Moses Mabhida and the transportation thereof. That the relevant Support Committee Chairpersons and the Deputy City Managers would quantify the total expenditure and report to the Executive Committee in this regard.

Meanwhile, His Worship the Mayor advised of the plans being championed by the Whip of Council for the eThekweni Municipal leadership to visit the Royal household. He advised that it appears though that timing is not that right but that concrete information would be communicated in the event preparatory plans become successful to visit the Zulu King.

With the Executive Committee appreciating the opportunity to host such a prestigious event to officially crown the Zulu King Misuzulu kaZwelithini as the King, accordingly,

COMMITTEE RECOMMENDS:

- 3.5.1 That Council notes the nationally-coordinated ceremony for His Excellency, President MC Ramaphosa, to handover the Certificate to the King Misuzulu kaBhekuzulu on Saturday, 29 October 2022, thereby officially crowning him the King of the Zulu Nation, in terms of the Government protocol.
- 3.5.2 That Council notes the involvement of the three (03) spheres of Government in hosting the ceremony, and approves the participation by the eThekweni Municipality, which will entail contributing the costs for the hire of the Moses Mabhida Stadium and thus a request for approval to incur expenditure in the amount of R910 348.51 (Nine Hundred and Ten Thousand Three Hundred and Forty-Eight Rand Fifty-One Cents) for this purpose.
- 3.5.2 That Council notes various Municipal Units would be activated to render the relevant services in a bid to host a memorable ceremony, and that the relevant Support Committee Chairpersons and the Deputy City Managers would quantify the other costs which might be incurred as a result of the City hosting this ceremony and subsequently provide feedback report to the Executive Committee.

Financial Implications:

ITEM	AMOUNT	CAPACITY/QUANTITY
Venue Hire (People's Park) East & West	R213 190.02	30 000
Moses Mabhida Stadium	R697 158.49	49 000
TOTAL	R910 348.51	

FC No.: 32/275

Vote No.: 14001.27999.7052.99900. 7052.PD001.0010

Commenting on the matter, the Action SA mentioned that their political party had also visited the Royal Household as a symbol of respect to His Majesty the King. They welcomed the report and with anticipation that the planned event would be a huge success.

Thereafter, the IFP shared similar sentiments with regard to the prestigious nature of the event and cited a huge honour for the City to be chosen to host such a historic event. They encouraged that Traditional Leaders be respected and that the event be given a decorum it deserves so that it does not become a political event. The IFP hailed and appreciated the role played by UMntwana wakwa-Phindangene to stand for the truth and which will now culminate to the Kingship Certificate Handover Ceremony.

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

- 3.6 REQUEST FOR AUTHORITY TO SUPPORT AND FUND THE ALL-AFRICA KARATE CHAMPIONSHIP, 29 NOVEMBER-05 DECEMBER 2022, INKOSI ALBERT LUTHULI INTERNATIONAL CONVENTION CENTRE

(Page L48)

Authority is sought for the eThekweni Municipality to host and fund the All-Africa Karate Championship scheduled for 29 November to 05 December 2022 at the Inkosi Albert Luthuli International Convention Centre.

The Karate South Africa (KSA), a Non-Profit Organisation for sports has secured the prestigious All-Africa Karate Championship to be hosted within the eThekweni Municipality in 2022. The event has been hosted for twenty (20) years in other countries, and the 2022 instalment is coming to eThekweni under the theme **“Africa’s Karate Comes to the Kingdom”**

The Championship is open to fifty-two (52) countries within the African Continent. A number of thirty (30) countries have already registered their interest to participate. This includes athletes, logistic teams and referees. It is important to note that the Southern Africa Region 5 Championship was held at the Tongaat Sports Hall and the participating countries included South Africa; Angola; Namibia; Botswana; Mozambique; Zimbabwe; and Zambia. A total of four hundred and fifty (450) athletes and one thousand (1 000) spectators graced this successful event.

The All-Africa Karate Championship is regarded as the Africa Cup of Nations (AFCON) of karate and is the most prestigious karate event on the African Continent. This tournament is thus a major scoop for South Africa and Durban. The event will bring six hundred (600) athletes and one thousand five hundred (1 500) spectators.

The benefits to the City for hosting the All-Africa Karate Championship include:

- a) Showcasing the City of eThekweni as the world-class tourism and sporting destination;
- b) Economic and Tourism inflow;
- c) Promotion of Karate sport that benefits the citizens of Durban and South Africa at large;
- d) Opportunity for the attendees to be encouraged to return to the City for further events, general leisure and even investments;
- e) As the host nation, a larger number of South African karateka’s will get exposure to participate in international events and interaction with world-class karateka’s; and
- f) Promotion of local small businesses as they will be invited to sell their goods and services in many stalls to be provided and thus economic growth stimulation within the City of eThekweni.

The proposed funding support by the Municipality will go towards the venue hire; Mayoral Reception; and transport costs (airport arrivals and departure). Authority is therefore sought to incur expenditure in the amount of R650 000. 00 (Six Hundred and Fifty Thousand Rand) to support the event.

It should be noted that the KSA has actually requested the funding support in the amount of R2 200 000.00 (Two Million Two Hundred Thousand Rand). However, given the other pressing needs of the Municipality, the commitment is to acknowledge the significance of the sports karate in the society in terms of building character and discipline whilst also promoting unity in diversity and the overall promotion of defense mechanisms in the event of life threatening situations, but

also being mindful of the financial position of the Municipality as the Municipality is still recovering from the commonly-known triple disaster which has ravaged the City, in addition to the austerity measures imposed by the National Treasury.

The Executive Committee appreciated the objective analysis and creation of a balance between supporting the event and managing the finances given the pressing service delivery needs facing the Municipality. The Democratic Alliance abstained on the matter at this stage, and, with the other Parties being in support,

COMMITTEE RECOMMENDS:

- 3.6.1 That Council notes the 2022 All-Africa Karate Championship is scheduled to be hosted within the eThekweni Municipality from 29 November to 05 December 2022 at the Inkosi Albert Luthuli International Convention Centre, as secured by the Karate South Africa, a Non-Profit Organisation for the karate sport.
- 3.6.2 That Council approves the funding support by the eThekweni Municipality and grants authority for the Deputy City Manager: Community and Emergency Services to incur expenditure in the amount of R650 000. 00 (Six Hundred and Fifty Thousand Rand) for this purpose, and with the costs breakdown as follows:
- | | | |
|-------|----------------------------|---------------------------|
| (i) | Venue Hire Costs: | R450 000.00 |
| (ii) | Mayoral Reception Hosting: | R150 000.00 |
| (iii) | Transportation: | R 50 000.00 |
| | TOTAL | <u>R650 000.00</u> |
- 3.6.3 That subject to the approval of .2 above, the Deputy City Manager: Community and Emergency Services administers part contribution of R450 000.00 (Four Hundred and Fifty Thousand Rand) towards the venue hire costs and pay directly to the Inkosi Albert Luthuli International Convention Centre.
- 3.6.4 That subject to the approval of .2 above, the Deputy City Manager: Community & Emergency Services and the Head: Mayoral Parlour ensure that the Supply Chain Management processes are followed in the procurement of all other services, as detailed under financial implications below.
- 3.6.5 That the Deputy City Manager: Community & Emergency Services prepares a close-out report for noting, once the event has been concluded.

Financial Implications:

Expenditure Item	Vote Number	Responsible Unit	Amount
Venue Hire (Part contribution for Durban ICC)	19001.21805.12120.0000.81400-15.0010	CES Cluster	R450 000.00 (VAT included)
Mayoral Reception	32601.22710.3012120.53100.0012	Office of the Mayor	R150 000.00 00 (VAT included)
Transport Costs (Airport Shuttle Services Only)	19001.22710.30.12120.0000.81400-15.0010	CES Cluster	R50 000.00 (VAT included)
TOTAL			R650 000.00 00 (VAT included)

The hosting of the Karate event was supported and that this will help revive the City to reclaim its position as the festive season was imminent. That the City needs fixing for the visitors to enjoy the offerings. Speaking on the matter, the ACC was in support of the All-Africa Karate Championship. However, they expressed a concern about the safety of the tourist and highlighted that E. coli has negatively impacted water in the City beaches and that this needs to be resolved. Reference was also made to the inconsistency on the functioning of streetlights. In this regard, they emphasised that the safety of all people had to be ensured.

The IFP was also in support of the recommendations. They mentioned that the event would result in economic boost for the City due to an increased number of tourists in and around the City. However, they queried the expenditure item for the Mayoral Reception. Also, that Parties be invited to attend this event.

The DA emphasised the importance of doing proper costing for events activities. Also enquired about the event beneficiaries, mention being made that karate serves as a source of escape for the Youth and that this assist in addressing socio-economic issues, and with international exposure being guaranteed.

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

3.7 FEEDBACK REPORT ON NOTICES OF MOTION CARRIED BY THE MUNICIPAL COUNCIL (3/4/9)

(Page 41)

The Municipal Council receives Notices of Motion from various Councillors requesting the Executive Committee to investigate specific Municipal administration matters and report back to Council. The Executive Committee has deliberated on the Notices of Motion carried by the Municipal Council and the feedback thereon is provided as per the synopsis below, with a detailed Report being attached herein:

3.7.1 **Notice of Motion by Councillor V Reddy: Municipal Accounts in Arrears Owing to Lockdown Restrictions, Estimated Billing Procedures and Questionable Meter Readings.**

The Executive Committee was tasked to investigate the following:

- (i) Extension of Debt Relief Programme (DRP) and suspend all disconnections during this period
- (ii) Provision of 50% immediate debt write-off for all successful applications and the balance to be written off within a period of 3 years, provided all current charges are paid in full
- (iii) Determining the qualifying criteria for DRP, in line with the resolution passed by the Johannesburg Municipality

Feedback by the Revenue Unit and approved by the Executive Committee:

- (i) The Municipality implemented the Council-approved Debt Relief Programme during the Covid-19 period and which Programme lasted for more than two (02) years.
- (ii) The Programme included write-off of interest when making payment arrangements; reduction in Downpayment; no further interest charged on outstanding amounts; write-off of a certain percentage of capital debt.
- (iii) The decision to write-off debt is taken based on set criteria as per the Credit Control Policy, which criteria includes, amongst other things, a situation where a debtor is untraceable; where the Municipality has exhausted all recovery avenues; where the cost of recovery exceeds the outstanding amount.
- (iv) With regard to reference to the Johannesburg Municipality, the attention is drawn to the fact that the eThekweni Municipality's circumstances and budget provisions are not similar to the Johannesburg Municipality, hence, the implementation of different approach to debt relief.
- (v) The attention is also drawn to the fact that the eThekweni Municipality has suffered civil unrest and floods which incidents impacted the revenue generation and to a certain extent the reduction thereof.
- (vi) With regard to the suspension of water bills, reference is made to the suspension implemented in the area of Tongaat in view of the collapse of the water infrastructure, and with the suspension to be in place until the restoration of the infrastructure.

In view of the foregoing,

COMMITTEE RECOMMENDS:

That Council notes that the eThekweni Municipality is not in the position to implement a further special Debt Relief Programme beyond the generous approach implemented during the Covid-19 pandemic and the civil unrest period, but that debt is currently being managed as per the provisions of the Council-approved Credit Control Policy.

NOTED.

3.7.2

Notice of Motion by Councillor PG Mavundla: Investigation whether the eThekweni Municipality Logo and Statues Represent Diverse Racial Groups

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

COMMITTEE RECOMMENDS:

That Council notes that a feasibility study is still being conducted to ensure that the imbalances raised herein are being addressed and corrected, and that a report after the study is concluded as alluded to, will be presented at the Executive Committee for the said Committee to subsequently recommend a way forward to the Municipal Council.

NOTED.

3.7.3

Notice of Motion by Councillor MS Nkosi: Establishment of a Temporary Multi-Party Oversight Committee to Deal with Disaster Management and Recovery Matters to Achieve Transparency and Accountability

The Executive Committee after having been tasked to establish a Committee referred to above received feedback from Management that the matter has been overtaken by events, as the state of disaster was declared and ended August 2022.

However, the Executive Committee felt that the establishment of the Committee referred to is still relevant as the Municipality is still dealing with the floods rehabilitation process, including the interventions to relocate the floods victims from the mass care centres. As such, a recommendation was made to extend the existing Covid-19 Command Council to include the floods disaster matters. That the Command Council membership be expanded to include other Political Parties not represented in the Executive Committee.

Accordingly,

COMMITTEE RECOMMENDS:

That, in response to a proposal to establish a Temporary Multi-Party Oversight Committee to deal with disaster management and recovery matters to achieve transparency and accountability, Council approves the extension of the existing Covid-19 Command Council to deal with the floods disaster recovery plans, it being recorded that the Command Council membership will be expanded to now include the Political Parties not represented in the Executive Committee thereby achieving the Multi-Party approach as recommended.

ADOPTED.

3.7.4 Notice of Motion by Councillor J Annipen: eThekweni Schools in Arrears with Utility Accounts

The Executive Committee was tasked to investigate the following and report back to Council:

- (i) Waiving the 10% deposit for Schools making payment arrangements;
- (ii) Allowing Schools to sign an indemnity, suspending disconnections so that such agreements are signed within 14 days;
- (iii) Extending the payment period for 36 months to 60 months, waiving interest charges
- (iv) Providing a 50% discount off retrospective interest to Schools keeping payment commitment for 24 consecutive months

Feedback by the Revenue Unit and approved by the Executive Committee:

- (i) The Revenue Unit do allow Downpayment of 5% to 10% depending on circumstances surrounding individual Schools.
- (ii) Agreement has already been signed with the Department of Education in April 2022 regarding the Schools payment arrangements on bills in arrears.

- (iii) Agreement has been reached between the eThekweni Municipality and the Department of Education that the Credit Control Policy will be implemented in Schools.
- (iv) That the Section 21 Schools should pay their Municipal fees as they are being allocated the operating budget by the Department of Education or make own payment arrangements with the Municipality
- (v) The Revenue Unit and the Department of Education continue to encourage Schools to come forward to make the payment arrangements.
- (vi) No disconnections are implemented once the payment arrangements have been done, but in the event of default the disconnection is invoked.

In view of the foregoing,

COMMITTEE RECOMMENDS:

That Council notes the eThekweni Municipality's Revenue Unit is implementing the Credit Control Policy for the Schools in arrears with their utility bills as per the agreement reached with the KwaZulu-Natal Provincial Department of Education in this regard, therefore, this matter is under control and with proper interventions being made in line with the provisions of the Council-approved Credit Control Policy, as such the payment arrangements are being made with the Schools approaching the Municipality in this regard.

NOTED.

3.7.5

Notice of Motion by former Councillor S Bhanprakash: Proposed Disconnection of Municipal Services for Indigent Homeowners:

The Executive Committee was tasked to investigate and report back to Council on a proposal to immediately implement a moratorium of all disconnections for individuals who are awaiting social service interventions, equipment supply and processing of applications by the City officials so that residents are not subjected to indignity and demoralization

Feedback by the Revenue Unit and approved by the Executive Committee:

- (i) The Council-approved Credit Control Policy stipulates that accounts in arrears are subject to disconnections.
- (ii) With regard to indigent homeowners, the Occupational Safety and Security takes responsibility to investigate and profile applications and with the Revenue Unit only getting involved to write-off accumulated debts for approved applicants
- (iii) Homeowners make applications and then assessment done to determine whether they qualify for the indigent support
- (iv) Suspension of disconnections is done only after approval of the indigent support, and, it is reiterated that at this stage the accumulated debt is accordingly written-off

In view of the foregoing,

COMMITTEE RECOMMENDS:

That Council notes that provision is already in place to support indigent homeowners, in line with the Council-approved Indigent Policy, and it being recorded that homeowners eligible for the indigent support are catered for in terms of writing-off the accumulated debt.

NOTED.

3.7.6

Notice of Motion by Councillor J Naidoo: Proposed Reversal of Historical Debt Owed by Ingonyama Trust Board

The Executive Committee was tasked to investigate and report back to Council on a proposal to reverse the historical debt in the amount of R217 Billion owed by the Ingonyama Development Trust, until proper evaluation is conducted and concluded

Feedback received and approved by the Executive Committee:

- (i) The issue of Ingonyama Trust Board (ITB) rates is being discussed by the eThekweni Municipality with the Board and with the involvement of the KwaZulu-Natal Provincial Department of Cooperative Governance and Traditional Affairs.
- (ii) The last engagement in this regard was held 08 June 2022.
- (iii) The ITB is currently in the process of coordinating a follow-up meeting to continue with the engagements aimed at finding concrete solutions on the matter.
- (iv) Therefore, Council should take note that the matter is currently being attended to.

Accordingly,

COMMITTEE RECOMMENDS:

That Council notes ongoing engagements by the eThekweni Municipality, the KwaZulu-Natal Provincial Department of Cooperative Governance and Traditional Affairs, as well as the Ingonyama Trust Board, aimed at addressing the issue of historical debt by the Ingonyama Development Trust.

NOTED.

3.7.7

It should be noted that there are three (03) other Notices of Motion carried by the Municipal Council and which are still under consideration by the Executive Committee. These relate to the following:

- (i) Notice of Motion by Councillor J Annipen: Implementation of 80/20 Prepaid Electricity Debt Recovery Programme.
- (ii) Notice of Motion by Councillor CJ Laing: Protection of LGBTIQ citizens within the eThekweni Municipal area.
- (iii) Notice of Motion by Cllr RD Macpherson: Proposal to refund Ratepayers for non-removal of refuse due to the strike by the Cleansing & Solid Waste staff, and also refund to Ratepayers for refuse bags being charged but not delivered.

Council should note that the Executive Committee has resolved to conduct investigations and provide feedback on Notices of Motions carried by the Municipal Council within a period of one (01) month.

NOTED.

At this stage of the proceedings, the time being 14h40, Council meeting adjourned for lunch and re-convened at 15h10.

(The Executive Committee Member NI Madlala presented the Second Report of the Executive Committee on behalf of His Worship the Mayor, who had to be excused from this meeting to attend a media briefing on the state of readiness for the Ceremony to Handover the Kingship Certificate to His Majesty King Misuzulu kaZwelithini)

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-10-25)

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

1. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD 2022-10-12

(Page R1)

1.1 Request for Approval to Retain the 2022/2023 Capital Budget for the Stadia and Facilities Management Unit (7/1/2/2 & 31/2/1/5/2):
(Page 21: Community Services Committee - Agenda 2022-10-13)

Authority is sought to retain the 2022/2023 capital budget to implement critical capital projects within the Stadia and Facilities Management Unit. It was highlighted that the Moses Mabhida Stadium (MMS) Infrastructure and Auxiliary - Mechanical Joints, Upgrade of Uninterrupted Power Supply (UPS), Chiller Plant and Cooling Towers Upgrade and Upgrade of the MMS network have been identified as the four (04) priority projects during the 2022/2023 current financial year.

The Executive Committee at its meeting probed further on the projects to be undertaken, in particular, the R20 000 000.00 (Twenty Million Rand) project for infrastructure and auxiliary mechanical joints. Suitably explanation was then provided that the mechanical joints are shifting due to the coastal location of the Stadium and that this compromises

the structure. Hence, a need exists to strengthen the steel thereby mitigating the safety risk for the Stadium occupants and users.

The Committee then referred to the loss of income as a result of time which has lapsed with the faulty sky car not being fixed. Following confirmation that processes to address this matter are at an advanced stage, a recommendation was therefore made not to entertain discussion on this matter at this stage, but to await a formal and detailed Report to enable the Committee to discuss the matter with a view to coming up with specific resolutions to determine sustainable and/or reasonable way forward.

On this basis

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the Head: Stadia and Facilities to retain the Moses Mabhida Stadium (MMS) Capital Budget for the 2022/2023 financial year to ensure that the Stadium maintenance and network infrastructure upgrades are implemented for the prioritised critical areas to sustain and improve the Unit's core business, and with the four (4) priority projects identified during the current financial year, namely, Infrastructure and Auxiliary - Mechanical Joints, upgrade of UPS, Chiller Plant and Cooling Towers Upgrade and Upgrade of network.
- 1.1.2 That subject to the approval of .1 above, authority be granted for the Head: Stadia and Facilities to incur expenditure in the amount of R35 000 000.00 (Thirty-Five Million Rand) to ensure that stadium maintenance and network infrastructure upgrades are implemented in prioritised critical areas to sustain and improve the Unit's core business.
- 1.1.3 That subject to the approval of .1 and .2 above, the Stadia and Facilities Unit submits progress reports on capital projects to the Corporate Management Committee for monitoring by the City Manager.

Financial Implications:

Project	Status	Approved Budget
MMS7979 Infrastructure & Auxiliary: Mechanical Joint	Design and construct structurally augmented mechanical joints at Moses Mabhida Stadium. Bid Specification Committee report submitted on 28 September 2022.	R20 000 000.00
IU44490 UPS	Bid Evaluation Committee approved. Awaiting Bid Adjudication Committee decision notice.	R5 000 000.00
MS701 Chiller Plant	MMS identified 11 Cooling Towers, MBS advised that for a budget of R3 Million available, only 3 Towers will be accommodated. The programme has been provided with a complete installation date of 30 May 2023.	R3 000 000.00
Network Upgrade	MMS Network Infrastructure upgrade will be provided via Section 110 with the Telkom contract.	R7 000 000.00
TOTAL		R35 000 000.00

Speaking on the matter, the DA mentioned that Moses Mabhida Stadium was designed to attract tourists, with many activities being undertaken within the stadia precinct. They highlighted that with the non-functional sky car and derelict structure, there has been loss of revenue. Mention was made that the Municipality had to move towards preventative measures in future. On this basis, they were in support of the recommendations.

Thereafter, the ANC emphasised the need to refurbish the stadium. It was reiterated that some of the projects to be undertaken at the stadium were at an advanced stage and the report merely sought to request Council approval to retain the 2022/2023 Capital budget for the Stadia and Facilities Management Unit.

On this basis, the above recommendations from the Executive Committee, were **ADOPTED.**

- 1.2 Request for Approval: Implementation of Libraries and Heritage Programmes for the 2022/23, 2023/24 and 2024/25 Financial Years (2/3/2/1/2 & 34/R):
(Page 30: Community Services Committee - Agenda 2022-10-13)

During consideration, the Democratic Alliance (10) and the Economic Freedom Fighters (3) abstained on the matter at the Support Committee level. Thereafter, the matter was approved by the majority vote of the ANC (14), IFP (3), ABC (1), Action SA (1), DLC (1), KZNI (1), NFP (1) and TA (1).

With the Executive Committee being in agreement, and it being noted that the DA records its abstention,

COMMITTEE RECOMMENDS:

- 1.2.1 That authority be granted for the Head: Parks, Recreation and Culture to incur expenditure in the total amount of R21 436 243.00 (Twenty-One Million Four Hundred and Thirty-Six Thousand Two Hundred and Forty-Three Rand) to coordinate and implement various educational and public programmes through the Libraries and Heritage department during the 2022/23, 2023/24 and 2024/25 financial years, including the Outreach Programmes, Book Fair (Articulate) and the Durban Art Gallery Fair.
- 1.2.2 That subject to the approval of .1 above, authority be granted for the Head: Parks, Recreation and Culture to incur expenditure in the amount of R6 799 760.00 (Six Million Seven Hundred and Ninety-Nine Thousand Seven Hundred and Sixty Rand) to coordinate and implement various education and public programmes through the Libraries and Heritage department during the 2022/2023 financial year only, including Outreach Programmes, Book Fair (Articulate) and Durban Art Gallery Fair.
- 1.2.3 That subject to the approval of .1 and .2 above, all procurement of goods and services be undertaken strictly in accordance with the Supply Chain Management Policy and the Local Government: Municipal Finance Management Act 2003, Circular 82 regarding cost containment measures.
- 1.2.4 That subject to the approval of .1, .2 and .3 above, a close out report be submitted to the Community Services Committee after the implementation of all Libraries' Programmes during the 2022/2023 financial year as well as for the 2023/2024 and 2024/2025 financial years.

Financial Implications:

Total budget required for the next three financial years (2022/2023, 2023/2024 and 2024/2025) to host events/programmes are detailed below including budget increase for each financial year:

Year	Budget Approved	Year	Budget +5% Increase	Year	Budget +5% Increase	Total Budget for 3 Years
2022/23	R6 799 760.00	2023/24	R7 139 748.00	2024/25	R7 496 735.40	R21 436 243.00

Consolidated events/programmes:

Programme	Venue	Wards	Date	Amount	Vote Number
Reading / Literacy Competitions	All Districts	1, 2, 7, 12, 13, 14, 19, 20, 22, 23, 24, 25, 26, 27, 28, 36, 38, 40, 41, 42, 43, 45, 46, 47, 58, 61, 62, 63, 64, 66, 67, 69, 82, 92, 94, 95, 96, 108	July-June	R50 000.00	15032.37150
Economic Development	All Districts	1, 2, 7, 12, 13, 14, 19, 20, 22, 23, 24, 25, 26, 27, 28, 36, 38, 40, 41, 42, 43, 45, 46, 47, 58, 61, 62, 63, 64, 66, 67, 69, 82, 92, 94, 95, 96, 108, 110	July-June	R100 000.00	15032.37150
Holiday Programmes	All Libraries	1 to 111	July-June	R88 500.00	15032.37150
Book Launches & Book Clubs	All Districts	62, 48, 57, 53, 17, 18, 67, 73, 28, 38, 42, 68	July-June	R200 000.00	15032.37150
Youth Programmes	All Districts	4, 5, 6, 11, 20, 24, 28, 32, 34, 36, 38, 39, 42, 43, 45, 46, 47, 58, 61, 64, 66, 67, 69, 82, 92, 94, 95, 96, 103, 108, 110, 111	July-June	R155 000.00	15032.37150
Library Seminars	All Regions	58, 62, 38, 53, 54, 89, 84, 26, 27, 22, 20, 16	July-June	R150 000.00	15032.37150
Reading Programmes	All Districts	1 to 111	July-June	R500 000.00	15032.37150
Time of the Writer	All Regions	53, 99, 05, 24	March	R50 000.00	15032.39430
Library International & National Days Celebrations	All Regions	34, 60, 22, 75	July-June	R100 000.00	15032.39440
ICT Workshops	Central	28	July-June	R50 000.00	15032.37150
Women Empowerment Programmes	All Districts	19, 42, 55, 62, 67, 68, 94, 99	July-June	R100 000.00	15032.37150
Articulate – Book & Art Fair	All Wards	1 to 111	March-April	R3 656 570.00	15009.39450 15009.63100-11

Programme	Venue	Wards	Date	Amount	Vote Number
One City One Book	All Libraries	1 to 111	July-June	R1 000 000.00	15032.39420
External Stakeholder Support	All Wards	1 to 111	July-June	R200 000.00	15032.37150
Creative Writing Workshops	All Wards	1 to 111	July-June	R50 000.00	15032.37150
Book Publishing	All Wards	1 to 111	July-June	R300 000.00	15032.37150
Opening of New Libraries, Sod Turnings	All Regions	15, 94	July-June	RR49 690.00	15032.37150
GRAND TOTAL				R6 799 760.00	

Programmes	Amount	FC No.	Business Unit	Item	Funding	Costing	Project	Region
Outreach Programmes	R3 143 190.00	33/722	15032	Various	12120	0000	Various	0010
Book Fair (Articulate)	R1 485 200.00	32/722	15009	Various	12120	0000	39450	0010
Art Fair (Durban Art Gallery)	R2 171 370.00	32/722	15009	Various	12120	0000	63100-11	0010
Total	R6 799 760.00							

Total of R6 799 760.00 Provided for 2022/2023
FC Nos.: 33/722 & 32/270

ADOPTED.

1.3

Request for Authority to Engage Beverage Companies on Commercial Pouring Rights Partnership Agreements for the Stadia and Facilities Unit (31/2/1/5/2):
(Page L46: Community Services Committee - Agenda 2022-10-13)

The Committee noted the Stadia and Facilities Unit's intention to engage beverage companies to explore mutually beneficial pouring rights partnership agreements for commercial purposes.

In unpacking the matter further at the Executive Committee level, the Committee was informed that the Moses Mabhida Stadium adopted a commercial model during its construction in 2010. That there are no costs implications associated with the partnerships envisaged, but that the intention is to leverage opportunities, and thus the exchange of value in kind. Reference was then made to extensive infrastructure and equipment required at times when the Moses Mabhida Stadium hosts certain events. That, in terms of the partnerships, partners can support the Stadium by supplying the infrastructure and equipment required in return for the advertisements rights in the Stadium through branding.

Confirmation was given that the Supply Chain Management (SCM) requirements will be followed for the expression of interest thus adherence to the competitive bidding process to provide equal opportunity to companies interested and with the final selection to be made based on the SCM requirements.

With the Committee being satisfied that a fair process will be followed, but with the DA abstaining,

COMMITTEE RECOMMENDS:

- 1.3.1 That authority be granted for the Head: Stadia and Facilities to engage with beverage companies, with an intention to explore mutually beneficial commercial trade exchange partnerships that will enable commercial sustainability of the Stadia.
- 1.3.2 That subject to the approval of .1 above, the Head: Stadia and Facilities submits a progress report to Council in relation to the pouring rights partnership agreements at the end of each financial year.

ADOPTED.

- 1.4 Request for Authority to Engage Print and Radio Media Houses on Partnership Agreements for Stadia and Facilities Unit (31/2/1/5/2 & 12/5/R):
(Page L45: Community Services Committee - Agenda 2022-10-13)

The Committee noted intentions of the Stadia and Facilities Unit to engage with print and radio media houses, with an intention to explore mutually beneficial commercial trade exchange partnership agreements for commercial purposes.

With the Executive Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.4.1 That authority be granted for the Head: Stadia and Facilities to engage with print and radio media houses, with an intention to explore mutually beneficial commercial trade exchange partnership that will enable commercial sustainability of the Stadia.
- 1.4.2 That subject to the approval of .1 above, the Head: Stadia and Facilities submits a progress report to Council in relation to the partnership agreements at the end of each financial year.

ADOPTED.

2. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE:
MEETING HELD 2022-10-13

(Page R6)

- 2.1 Feedback Report on 2021 Market Access Africa Event and Request for Authority to Recruit SMMs to Participate in the 2022 Agri-Business Indaba in Cape Town (20/1/7/5):
(Page 23: Economic Development and Planning Committee - Agenda 2022-10-13)

The eThekweni Municipality successfully hosted the Market Access Africa (MAA) event from 09 to 10 September 2021 at the Inkosi Albert Luthuli International Convention Centre. This was aimed at creating a platform for the eThekweni Agri-Business industry to conduct real business in the form of business promotion; search for new partnerships; and identifying the right technology to advance the business. The overall objective being to grow the business to ensure a food secure continent. The eThekweni Agri-business participated to engage with the entire supply

chain, both locally and internationally, with a view to improving local economic development.

The MMA is the global meeting place of food and agriculture buyers and sellers, promoting African food and agriculture commodities, development of robust supply chains, tailor-made financial schemes while providing opportunities to access new and existing markets to impact companies' bottom line. It also provides a business platform for the African food and agricultural producers to engage with local and international traders, aggregators, retailers, buyers, sellers, importers, and exporters to exchange best practices, create new business opportunities and explore new avenues to access African and global market, with a goal to contribute towards unlocking Africa's agriculture, economic potential and global competitiveness.

The City of eThekweni benefited from the event, and, as such, there is an opportunity to participate in the Farmers Training Programme. The MMA has invited thirty (30) Farmers to participate in the 1st training session of the Programme, and ten (10) out of the thirty (30) Farmers will continue with the Programme for the period of six months. Further, an opportunity has been created to participate in the Agri-Investment Indaba scheduled for November 2022 in Cape Town, whereby twelve (12) delegates passes will be received; one (01) Speaker and Moderator slot; six (06) VIP passes; and booth for exhibitors.

Authority is therefore sought to recruit, together with the Trade and Investment KZN (TIKZN), the Small, Medium, and Micro Enterprises, to obtain 12 tickets being offered for the Agri-Investment Indaba.

At the Executive Committee level, it was clarified that there are no financial implications to the Municipality with regard to the 12 tickets to be issued to the SMMEs, but that these are being sponsored by the TIKZN.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 2.1.1 That Council notes that the eThekweni Municipality successfully hosted the Market Access Africa event from 09 to 10 September 2021 at the Inkosi Albert Luthuli International Convention Centre, where a platform was created for the eThekweni Agri-Business to understand the technicalities and business expertise surrounding this industry for the Agri-Business to grow till making an impact globally.
- 2.1.2 That authority be granted for the Head: Business Support, Markets and Tourism to recruit the Small, Medium and Micro Enterprises to be offered the twelve (12) tickets to enable them to participate in the Agri-Investment Indaba scheduled for November 2022 in Cape Town, it being recorded that the tickets are being sponsored by the Trade and Investment KZN Entity.

ADOPTED.

- 2.2 Approval of Revised Durban Visitor Marketing Strategy: 2022-2026 (20/1/4/1):
(Page 78: Economic Development and Planning Committee - Agenda 2022-10-13)

Authority is sought to approve the revised Durban Visitor Marketing Strategy for the 2022 to 2026. That the Strategy be implemented to monitor and evaluate the marketing activities to attract visitors to Durban.

The revised Strategy identifies the contribution made by the international and inter-provincial visitors to the Durban market. This Strategy also addresses the niche markets, the Africa markets, Durban Tourism Statistics, and the impact of the Covid-19 pandemic.

The Visitor Marketing Strategy is inter-disciplinary and is anchored by a desk-based research, stakeholders' inputs, and assessment of relevant Policy Frameworks. It has also been informed by the global best practice as well as the African competitiveness and comparative case studies. This Strategy provides various scenarios for growth projections for the domestic and international market with a strong focus on the domestic and African region markets.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

2.2.1 That the revised Durban Visitor Marketing Strategy 2022 to 2026, be approved, it being recorded the revised Strategy incorporates the following aspects:

- a) Implementation Plan with action steps required to implement the strategic interventions and actions, prioritisation of action based on agreed criteria, with quantified targets of visitor numbers, direct spend and employment contribution. if relevant, various scenarios of tourism performance will be provided.
- b) Institutional structure – Institutional arrangements/key stakeholders/role players
- c) Human and other resource implications
- d) Financial implications of the interventions/actions.
- e) Monitoring & evaluation framework – staff and resources monitoring mechanisms, reporting and communication procedures.

2.2.2 That the implementation, monitoring and evaluation of the Durban Visitor Marketing Strategy (2022 to 2026), be approved.

ADOPTED.

2.3 Request for Authority to Reprioritize the 2022/23 Economic Development Unit Capital Budget (7/1/2/2 & 18/4/1/5/2):

(Page 314: Economic Development and Planning Committee - Supplementary Agenda 2022-10-13)

Authority is sought to reprioritize the Bulk Market Budget in order to address the 2022/2023 Plant and Equipment requirements. Bulk Market has undertaken a joint assessment with the implementing Departments on the progress of all projects within the capital budget, to gauge the expected expenditure on each of the projects approved in the current Medium-Term Revenue and Expenditure Framework (MTREF). Funds have been identified as a result of the replacement of existing Aircon and Refrigeration Project estimated to be completed in the next financial year. Therefore, funds allocated will not be utilized this current financial year.

The Plant and Equipment project, whilst still with the Supply Chain Management, needs to continue in the current financial year due to the status of the plant being deemed to be at an extremely high risk and funds will be prioritised in the next financial year for the continuation of the project.

The majority of plant and equipment which are to be reprioritised could not proceed because of budget cuts during the 2021/2022 and 2022/2023 financial years. This reprioritization will not increase the current year budget. The budget unavailability has a direct impact on procurement of the required items, as the Supply Chain Management processes require financial certification.

Having noted the foregoing, and with the DA abstaining at the Executive Committee,

COMMITTEE RECOMMENDS:

- 2.3.1 That authority be granted for the Deputy City Manager: Economic Development and Planning to reprioritize the 2022-23 capital budget in order to secure an amount of R406 000.00 (Four Hundred and Six Thousand Rand), excluding VAT, to procure plant and equipment for the Bulk Markets Unit.
- 2.3.2 That subject to the approval of .1 above, the amount of R406 000.00 (Four Hundred and Six Thousand Rand), excluding VAT, be included in the adjustment budget, it being noted that the reprioritization will not result in the adjustment of tariffs.

Financial Implications:

Funds have been identified from Vote: 90151.45346.12.91104.0000.S8022H.W032 (REPLACEMENT OF EXISTING AIRCON AND REFRIGERATION).

Table below contains the list of plant and Equipment implementable in the 2022/2023 Financial Year

VOTE	DESCRIPTION	AMOUNT	COMMENTS
90151.44520.30015.PC8400.00	Furniture	R40 000.00	The available budget is not adequate to cater for various essential items that require replacement.
90151.44275.30015.PC8800.001 0.0000	Plant split aircon units	R80 000.00	Replacement air-conditioning required for the ammonia plant room and cold store
90157.44630.30015.PC8300.001 0.0000	Computer & related items	R71 000.00	The available budget is not adequate to procure computer related equipment that has reached its useful life and it's critical to operational electronic trading activities of the market.
90157.44150.30015.PC8800.001 0.0000	Bins	R5 000.00	The available budget is not adequate to procure steel hopper bins.
90132.44245.30015.PC8800.001 0.0000	Welding Machine	R20 000.00	Various critical maintenance equipment required by Bulk Market maintenance team.
	High Pressure Cleaner x2	R60 000.00	
	Electrical Drills x2	R10 000.00	
	Step Ladders x8	R20 000.00	
	Generator	R30 000.00	
	Brush cutter x 3	R30 000.00	
	Chainsaw	R20 000.00	

VOTE	DESCRIPTION	AMOUNT	COMMENTS
	Telescopic pole pruner	R20 000.00	

FC No.: 2023/50/CA06

ADOPTED.

2.4

Request for Authority to Reprioritize the Economic Development Unit Capital Budget (7/1/2/2):

(Page 317: Economic Development and Planning Committee - Supplementary Agenda 2022-10-13)

Authority is sought to reprioritize the capital budget in order to meet contractual obligations during the 2022/2023 financial year. Challenges emerged in the 2022/2023 financial year primarily emanating from the Architecture Department's appointed professional service providers, in that the final account statements presented to the Economic Development Unit for the following projects were grossly understated, namely:

- Ntuzuma Roads and Stormwater Depot Relocation
- Magabheni Sizakala Centre

A total sum of R4 871 661.00 (Four Million Eight Hundred and Seventy-One Thousand Six Hundred and Sixty-One Rand) for the Ntuzuma contractual commitments, and R2 875 633.00 (Two Million Eight Hundred and Seventy Five Thousand Six Hundred and Thirty Three Rand) for the Magabheni project contractual commitment is required, it being noted that no financial provision was made in the 2022/2023 financial year by the Unit.

Projects requiring finalisation of final accounts:

The Stanvac Canal in Cutting Beach was implemented by the Engineering Unit on behalf of the Economic Development Unit.

This infrastructure was deemed to be critical for the future development of tourism assets in the Bluff Beaches (Cuttings Beach). This infrastructure was successfully completed, however, the 5% retention payable with respect to contractual commitments is now due in the 2022/2023 financial year. Due to the unprecedented budget cuts the Economic Development Unit experienced in the 2022/2023 financial year, it was impossible to accommodate the retention amount of R217 108.00 (Two Hundred and Seventeen Thousand One Hundred and Eight Rand).

Furthermore, an additional two (02) smaller projects also require availability of budget, namely, Pinetown CBD Public Realm and Shezi Road Traffic Circle to the value of R12 660.00 (Twelve Thousand Six Hundred and Sixty Rand) and R117 125.00 (One Hundred and Seventeen Thousand One Hundred and Twenty Five Rand) respectively, for contractual commitments pertaining to the final accounts.

Authority is therefore sought to utilise funds allocated to KwaMashu Safe Hub and Anton Lembede Memorial project to pay for these contractual obligations. This project can be delayed to the latter half of the current financial year as the project has a six (6) month duration and can be implemented through the Community Infrastructure Program Framework contract. The specific list of projects requiring funding in the 2022/2023

financial year as well as project numbers and specific reasons for the budget requirement is included under the recommendations.

At the Support Committee level, the Democratic Alliance (10), voted against the recommendations, IFP (03) abstained and the ANC (14), EFF (03) Action SA (01), ACDP (01), and UIM (01) voted in support of the recommendations.

The DA also abstained at the Executive Committee level, and with the majority being in support,

COMMITTEE RECOMMENDS:

2.4.1

That authority be granted for the Deputy City Manager: Economic Development to reprioritize capital budget to secure an amount of R8 094 187.00 (Eight Million and Ninety-Four Thousand One Hundred and Eighty-Seven Rand) in order to meet the contractual obligations during the 2022/2023 financial year, as indicated in the table below:

Description	Project No.	2022/2023 Budget Available	Proposed Revised 2022/2023 Budget	Comments
KwaNozaza Development Node	S1111AZ2	0,00	R4 871 661.00	P& G's escalation emanating by illegal occupant on site boundary, and related issues.
Magabheni Building Complex	S1067Z1	0,00	R2 875 633.00	Budget required to meet contractual obligation.
Cutting Beach (Stanvac)	S1015	0,00	R217 108.00	Budget required to meet contractual obligation. The balance of 5% Retention is to be released at the end of Maintenance period which is twelve (12) months.
Pinetown CBD Public Realm Upgrade	S1014CZ1	0,00	R12 660.00	Contractual commitment budget to enable the final close out of the project during 2022/2023 financial year
Shezi/Sibisi Road Traffic Circle	S1159A	0,00	R117 125.00	Practical completion achieved budget required to enable final account contractual commitments.
Total			R8 094 187.00	

The table below depicts the full list of the projects that will be used to meet the contractual obligations in the 2022/2023 financial year.

Description	Council Funded Apportionment	Factors allowing for delay in implementation
KwaMashu – Safe Hub	R7 300 000.00	Kwa-Mashu Safe Hub Project budget reprioritisation on the understanding that adjustments will be made to the timing of the utilisation of City funding so that it's spent on the latter half of 2022-2023 financial year.

Anton Lembede Memorial Project	R800 000.00	Project can be implemented within 6months in the latter part of the 2022/2023 Financial Year through existing framework contracts.
Total	R8 100 000.00	

- 2.4.2 That subject to the approval of .1 above, the reallocation of budgets be regularised during the adjustment budget process.

Financial Implications

Council funded budget total amounting to R8 100 000.00 (Eight Million One Hundred Thousand Rands only) has been identified from two projects in order to fund contractual commitments incurred from the previous financial year to the total value of R8 094 187.00 (Eight Million Ninety Four Thousand One Hundred and Eighty Seven Rands only).

BU	Item	Fund	Costing	Project	Region	Expenditure proposed (incl. VAT)	Financial year end
26101	45348.30	91104	0000	S1060D	W047	R7 300 000.00	2022/2023
26101	41410	91104	0000	S1169B	W100	R800 000.00	2022/2023

As some Councillors were not in support of the recommendations. The matter was put to the vote. With 194 Councillors present, 144 Councillors (ANC - 87, EFF – 21; IFP – 15; Action SA – 03; ABC - 00, ACC – 02, DLC – 00, ACDP – 02, AIC – 02; ADEC – 01; APF – 01, ATM – 01, JEP - 01, KZNI – 00; MF – 01; MOSA – 01; NFP -01 , PFP – 01; PRM – 01; TA – 01; UIM – 01 and VF Plus – 01) voted in favour of the recommendations and 48 DA Councillors voted against the recommendations. There were no abstentions recorded.

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

- 2.5 Application in terms of Section 46 of the eThekweni Municipality: Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) for the Amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme, Section 7: Development Facilitation Table: Research Station Zone (21/7/R):
(Page 323: Economic Development and Planning Committee - Supplementary Agenda 2022-10-13)

Authority is sought to approve the amendment of the eThekweni Municipal Land Use Scheme: North Sub-Scheme, Section 7: Development Facilitation Table: Research Station Zone with specific intention to amend Additional Control 3: which current reads: “An Office is permitted when ancillary to the Agricultural use”. The intention is to amend the additional control to read: “An Office is permitted on portion 2 of Erf 17 Mount Edgecombe (SASEX Building) either ancillary to the Agricultural use or for general office use”.

This application will allow the change of use of existing office space reserved for agricultural purposes only to that of general Office space. A change to a mix of agricultural related and general office space will allow for improved use of the building and improved efficiency and sustainability of the Research Station Zone by fully utilising an existing building. The proposed amendment will also complement, improve, and extend land uses in the vicinity.

Having noted that the proposed amendment is appropriate and meets the development principles set out in the current planning legislation and promotes sustainable economic development,

COMMITTEE RECOMMENDS:

- 2.5.1 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: North Sub-Scheme: Section 7: Development Facilitation Table: Research Station be adopted, for the following reasons:
- 2.5.1.1 The proposed amendment will allow for the better use and more sustainable utilization of an existing building, as all associated facilities are in place.
- 2.5.1.2 The amendment of the scheme will allow a change of land use which is in keeping with the promotion of inclusive and efficient development planning but is still within the scheme intent of the zone.

The eThekweni Municipal Land Use Scheme: North Sub-Scheme: North Sub-Scheme: Section 7: Development Facilitation Table: Research Station will be amended as follows:

Additional Controls

An Office is permitted on portion 2 of Erf 17 Mount Edgecombe (SASEX Building) either ancillary to the Agricultural use or for general office use.

		ZONE: RESEARCH STATION	
SCHEME INTENTION: To provide, preserve, use land or buildings for agricultural research.			
MAP REFERENCE: NS / 05 / 2012		COLOUR NOTATION: Orange horizontal lines	
PRIMARY	SPECIAL CONSENT	PRECLUDED	

<ul style="list-style-type: none">• Agricultural Activity• Agricultural Land• Conservation Area• Dwelling House• Garden Nursery• Multiple Unit Development• Office*	<ul style="list-style-type: none">• Boarding House• Chalet Development• Convention Centre• Crèche• Educational Establishment• Health Studio• Laundry• Private Open Space• Special Building• Telecommunications Infrastructure	<ul style="list-style-type: none">• Action Sports Bar• Adult Premises• Airport• Arts and Crafts Workshop• Betting Depot• Builder's Yard• Car Wash• Cemetery / Crematorium• Container Depot• Correctional Facility•Direct Access Service Centre• Display Area• Escort Agency• Flat• Flea Market• Fuelling and Service Station• Funeral Parlour• Government / Municipal• Health & Beauty Clinic• Hotel• Industry - Extractive• Industry – General• Industry – Light• Industry – Noxious• Institution• Landfill•Mobile Home Park & Camping Ground• Mortuary	<ul style="list-style-type: none">• Motor Garage• Motor Display Area• Motor Vehicle Test Centre• Motor Workshop• Museum• Nature Reserve• Night Club• Office – Medical• Parkade• Pet Grooming Parlour•Place of Public Entertainment• Place of Public of Worship• Recycling Centre• Reform School• Refuse Disposal• Restaurant / Fast Food Outlet• Retirement Centre• Riding Stables• Scrap Yard• Shop• Student Residence• Transport Depot• Transport Use• Truck Stop• Veterinary Clinic• Warehouse• Zoological Garden				
ADDITIONAL CONTROLS							
<div>1. All landscaping to the satisfaction of the Municipality.</div> <div>2. No subdivision shall be permitted except Portion 2 of Erf 17 to accommodate the SASEX building only.</div> <div>3. An Office is permitted on Portion 2 of Erf 17 (SASEX Building) either ancillary to the Agricultural use or for general office use</div>							
DEVELOPMENT PARAMETERS							
DISTRICT	SPACE ABOUT BUILDINGS		UNITS PER HECTARE	MINIMUM SUBDIVISION	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
	BUILDING LINE	SIDE & REAR SPACE					
Mount Edgecombe	7.5 m	2.0 m	Not Applicable	To the discretion of the Municipality	2	12.5%	0.125

ADOPTED.

2.6

Request to Receive Donation of Assets for Cottonlands Agri Park Incubator from the Department of Economic Development, Tourism and Environmental Affairs (RASET Operation Vula Program) and Fuze Business Initiative (20/1/7/5):
(Page 329: Economic Development and Planning Committee - Supplementary Agenda 2022-10-13)

Authority is sought to approve that Agribusiness Department receives donation of assets from the Provincial Department of Economic Development, Tourism and Environmental Affairs (EDTEA) Radical Agrarian Socio-Economic Transformation (RASET) an Operation Vula Program and Fuze Institute for Human Development Praxis Non-profit Organisation 2020/262161/08 for the enhancement of operations at the Cottonlands Agri Park Incubator. Additionally, authority is sought to incorporate assets as outlined in the report by the City Manager dated 2022-08-16 in the asset register, provide maintenance, and insurance under the Municipality.

Cottonlands Agri Park Incubator is situated in Ward 60 Verulam area and contributes to the eThekweni Vegetable value Chain, Poultry production (Layers) Value-Chain, Agro processing to reduce industry barriers to entry and improve industry compliance requirements for sustainable business enterprises as per overall objective of the Agribusiness department.

The assets will be used to further the enterprise development initiative of the Municipality. The Agribusiness department under Business Support, Market, Tourism and Agribusiness Unit was established with a vision to grow the economy by improving the productivity of Small, Medium, Micro Enterprises in the Agribusiness value chain through customized solutions that reduce barriers through embracing science, innovation, and technology. RASET, an Operation Vula Program together with Fuze Business Initiative has donated production equipment for the development of the Cottonlands Agri Park Incubator.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.6.1 That authority be granted for the Agribusiness Department to receive, from the Department of Economic Development, and Tourism and Environmental Affairs (EDTEA) and Fuze Institute for Human Development Praxis NPO 2020/262161/08, a donation of assets listed in Annexures 1 and 2 of the report by the City Manager dated 2022-08-16, and also attached herein, for the enhancement of operations at the Cottonlands Agri Park Incubator.
- 2.6.2 That authority be granted to incorporate the assets alluded to in the Municipal Asset Register and then provide maintenance, and insurance thereof under the Municipality.

ADOPTED.

- 2.7 Reprioritisation of the Catalytic Project Units Capital Budget (7/1/2/2 & 8/1/6/1):
(Page 345: Economic Development and Planning Committee - 2nd Supplementary Agenda 2022-10-13)

Authority is sought to reprioritise the capital budget funds for the allocation of funds to Computer and Equipment. The Catalytic Projects Unit will be appointing additional human resources this financial year and needs to equip the additional staff with computer equipment. The Computer and Equipment project vote does not have sufficient funds to purchase new computer equipment to be assigned to new staff members.

The Project Team has undertaken an assessment of the progress of all capital budget projects. The assessment has been undertaken jointly with the Project Managers to gauge the expected expenditure on each of the projects approved in the 2022/2023 capital budget. Savings have been identified from one of the projects that is estimated to have less than the budgeted expenditure. The total expected savings in the 2022/2023 financial year is R350 000.00 (Three Hundred and Fifty Thousand Rand).

Savings on the current capital budget for the 2022/2023 financial year have been identified from a single project, of which based on the new projections will have less than budgeted expenditure.

COMMITTEE RECOMMENDS:

- 2.7.1 That authority be granted for the Head: Catalytic Projects to reprioritize the capital budget to secure funding in the amount of R350 000.00 (Three Hundred and Fifty Thousand Rand) in order to procure the required computer equipment in the 2022/2023 financial year.
- 2.7.2 Subject to the adoption of .1 above, the re-allocation of budgets would be regularised during the formal adjustment budget process.

Financial Implications

The acquisition of computers requires a total sum of R350 000.00 (Three Hundred and Fifty Thousand Rands only) for the current financial year (2022/2023 FY) while there is no budget available. The savings of R350 000.00 (Three Hundred and Fifty Thousand Rand), have been identified to be reprioritized as follows:

Re-Allocation	Project	Budget Vote	Amount
From	ERP (Design Packaging)	26750.45130.91104.0000.CP014A.0010	R350 000.00
To	Computer Equipment	26750.44630.30015.0000.PC8300.0010	R350 000.00

ADOPTED.

- 2.8 Request for Authority for the eThekwin Municipality to host the 25th TCI Global Conference, 9-11 November 2022, Inkosi Albert Luthuli International Convention Centre (13/2/1/2/1 & 20/1/7/1):
(Page L39: Economic Development and Planning Committee - Agenda 2022-10-13)

Authority is sought for the eThekwin Municipality, through Invest Durban, the Economic Development and Planning Unit and the Durban Automotive Cluster to host and participate in the 25th TCI Network's Global Conference from 9-11 November 2022 at the Inkosi Albert Luthuli International Convention Centre.

The Economic Development and Planning Unit is mandated to develop and implement the Municipality's Industry Development Support Programmes, which contributes towards the realisation of Plan 2 of the Integrated Development Plan.

The TCI Network creates global connections, inspires clusters, and improves policy learning by bringing together various stakeholders in cluster development from around the globe and within regions. Participation in the Conference will assist in exchanging best practices in cluster development internationally, showcase cluster initiatives from South Africa and around the world, position South Africa as a thought leader in cluster development, inspire creation of new clusters, including a proposed tourism cluster in Durban Kwa-Zulu Natal, provide a platform for cluster-driven trade and investment promotion, promote rural development and women, youth and SMME inclusion through cluster initiatives, and grow TCI Network presence and activities across Africa.

The theme for the 25th TCI Conference is Cluster and Networks: Engine for Economy Recovery, Sustainability, and Inclusion, and will take place over three (3) days. It will feature a conference, technical visits, and an exhibition.

Having noted the advantages of eThekwin Municipality's participation in the Conference,

COMMITTEE RECOMMENDS:

- 2.8.1 That authority be granted for the eThekweni Municipality to, through the Durban Invest Unit and Economic Development (Programmes) Department, to host and participate in the 25th TCI Global Conference to be held from 09 to 11 November 2022 at the Inkosi Albert Luthuli International Convention Centre.
- 2.8.2 That Council approves sponsorship by the eThekweni Municipality in the amount of R1 000 000.00 (One Million Rand) to be contributed towards the hosting of the 25th TCI Global Conference from 09 to November 2022.

Financial Implications:

Invest Durban	91000.25030.17.12120.0000.38886.0010	R500 000.00
Economic Development (Programme) Department	26102.25030.17.12120.0000.MRC01.0010	R500 000.00
Total		R1 000 000.00

FC Number: 2023/18/25

An indication was provided that the proposed Global Conference to be held at Inkosi Albert Luthuli International Convention Centre was important and lucrative for the City, reference being made to the increase level of Gross Domestic Products as well as injection of funds to the City due to an increased number of tourists which are expected. Mention was made that the City had proven to be resilience in the midst of all the recent challenges.

In this regard, the above recommendations of the Executive Committee were;
ADOPTED.

3. REPORT OF THE FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE: MEETING HELD ON 2022-10-19

(Page R16)

3.1 Request for Authority to Transfer Harlequins Sports Club at 48 Garcin Place, Bluff to Metro Police Unit (31/1/1/2):
(Page 47: Finance, Security & Emergency Services Committee - Agenda 2022-10-19)

Authority is sought for the Head: Real Estate to give permission to the Metro Police Unit to utilize the Harlequins Sports Club premises at 48 Garcin Place, in Bluff area for the purpose of housing the Metro Police dogs. The current dog kennels are no longer suitable to house the police dogs due to social environment impact changes in the area where the kennels are situated which is affecting the efficiency and wellbeing of the dogs. The proposed property to be transferred is owned by eThekweni Municipality and therefore are no cost implications to the Municipality. The Municipality will only carry implications in terms of personnel required to execute the resolution. However, same staff members that are based at the Dog Unit will move with the dogs to the new property. The Metro Police utilizes various types of patrols as part of crime prevention, including the use of police patrol dogs, and this being one of the specialised police functions that the Unit utilizes to achieve crime prevention objectives.

Background information was given that the South African Police Service Act No. 68 of 1995 gives authority to the Minister of Police to make regulations regarding the effective functioning of the Municipal Police Services and for the National Commissioner of the SAPS to determine the National Training Standards for the Metro Police. It is for this reason that SAPS has developed the South African Police and Metro Police K9 Minimum Standards to be complied with by all Metro Police Dogs Units within the country using dogs for crime prevention. Police dogs are therefore deployed according to the predefined requirements and organisational standards in line with the SAPS K9 Standards. The K9 Standards Guidelines require that the animal welfare requirements be always adhered to in order to ensure the effective use of the dogs as a police resource; and part of the requirements are:

- Ensuring that the infrastructure requirements regarding housing (kennels), feeding, hygiene and veterinary care dogs is prioritised at all times.
- Ensuring that the development of the dogs' senses and ability to perform according to conditioned behaviour is maintained at all times.
- Ensuring that the dogs undergo training exercises to ensure and maintain the dogs' fitness levels in line with the minimum standards.

It being noted that the Finance, Security and Emergency Services Committee conducted an inspection-in-loco on 2022-10-13, to enable the Committee to make recommendations from a well-informed perspective.

The Committee noted that the proposed facility at the Harlequins Club has enough space and land that will cater for Metro Police Dogs Section and will assist the Unit to meet all requirements for the dog kennels as outlined by the SAPS Minimum Standard for K9 as well as the SPCA. It being also noted that the premises are currently being leased on a month-to-month contract to an external party and has been earmarked to be utilized by the Business Support Unit for their business ventures. Further, that the Business Support Unit has indicated that they are willing to handover the site to the Metro Police Unit for police usage. The property already has office spaces and is located in a secluded area away from the public and the noise disturbance that can affect the dogs senses. The place is also big enough to house the office staff with enough land to build the dogs kennels and still be able to conduct the necessary maintenance training for the dogs. In addition, the property has an existing structure that will be utilised as offices for the admin staff and locker rooms. Mention being made that the Metro Police will utilise three (03) hectares of the land.

The DA abstained at both the Support and the Executive Committee levels. With the other Political Parties being in support at both Committee levels. During consideration at the Executive Committee level, the DA requested further clarity on the specific area to be occupied by the Dogs Unit; timelines within which to occupy the area since it has been reported that the dogs are still to be trained; and information on the costs of the land and the relocation costs.

With the majority being in support,

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Real Estate to transfer the property at Harlequins Club, 48 Garcin Place, Bluff to the Metro Police Unit to enable the Unit to continue to provide service delivery effectively and efficiently, in relation to handling

dogs in line with the South African Police Service Act 68 of 1995, it being recorded that there will be no implications in terms of personnel required to execute the resolution, and that the same staff members based within the Dogs Unit will move with the dogs to the new property.

MOTION TO AMEND

In terms of Rule of Order By-Law 20(4), Councillor ZA Solomon of DA, moved and seconded by Councillor WJD Burne as a procedural motion that the above recommendation of the Executive Committee be amended by insertion of the following words in place of the words “ ... to transfer the property ...” in the first line of the resolution after the words “Head: Real Estate” to read as follows:

“That authority be granted for the Head: Real Estate to transfer an area of approximately 3,0 Hectares in extent, as pointed out by Metro Police staff at the inspection-in-loco on 13 October 2022, the exact location and dimensions of which are to be agreed between the Head: Real Estate, the Commissioner of Metro Police and the leadership of the Harlequins Club, of the property”

NOT CARRIED

As some Councillors were not in support of the Motion to Amend, the matter was put to the vote. With 197 Councillors present, 58 Councillors (DA – 52; Action SA – 03; MF – 01; UIM – 01 and VF Plus – 01) voted in favour of the amendment and 139 Councillors (ANC - 87, EFF – 21; IFP – 15; ACC – 02, DLC – 00, ABC - 00, ACDP – 02, AIC – 02; ADEC – 01; APF – 01, ATM – 01, JEP - 01, KZNI – 01; MOSA – 01; NFP -01 , PFP – 01; PRM – 01 and TA – 01) voted against the amendment. There were no abstentions recorded.

The above-mentioned Motion to Amend was, by the majority vote, **NOT CARRIED**.

Discussion thereafter reverted to the substantive matter and the DA was in support of the proposal to relocate the dog Unit to Bluff. However, they indicated that the resolution had to be specific and to reflect the exact location and dimensions of the land to be transferred to the Metro Police Unit for the dog kennels.

The ANC then specified that the land in question was solely owned by the Municipality and Metro Police had submitted a proposal to utilise the vacant land at Bluff to relocate the dog kennels as the site which was currently being utilised by the dogs Unit was no longer conducive. It was also confirmed that the Support Committee had conducted an inspection in-loco at Bluff. It being mentioned that the place was also big enough to house the office staff with enough land to build the dogs kennels and still be able to conduct the necessary maintenance training for the dogs. Further, that the presence of Metro Police would also assist to eradicate criminal activities within the Bluff area and achieve peace and stability.

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

Approval is sought for the eThekweni Municipality to enter into a Memorandum of Understanding with the MGN Resorts (Octavia Hotel, Inanda), to make available access to the Durban Metropolitan Police Services to its resort to be used as a base of operation with the understanding that the Unit will provide the necessary services to the local community in the surrounding areas of the resort. It being mentioned that the visibility of Metro Police in the area would enhance the policing services accessibility in combating and preventing crime, by-laws and general enforcement of the National Road Traffic Act.

The Executive Committee appreciated the approach being followed by the Metro Police Unit to police establishments together with the community. That successful businesses should be encouraged to follow a similar approach to provide state-of-the art crime prevention strategies. That with regard to the catalytic projects the Metro Police has requested that negotiations be held with investors to provide the Metro Police facility for safety purposes in view of large crowds frequenting the establishments.

With regard to the site in question, it was confirmed that the Metro Police operations will not interfere with the hotel operations as they will be using different access points. The Committee then supported this progressive move while the DA abstained on the matter at this stage.

Accordingly, by the majority support

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into a Memorandum of Understanding (MOU) between MGN Resorts and eThekweni Municipality, Durban Metro Police Services; that the MOU seeks to improve the level of service delivery to the community at large, MGN Resorts will make available access to the Durban Metropolitan Police Services its resort to be used as a base of operation with the understanding that the Unit will provide the necessary services to the local community in the surrounding areas of the resort which relates to the Octavia Hotel in Inanda, it being noted that there will be no financial implications relating to the MOU.

The MOU will cover a few obligations of both parties, which are detailed hereunder:

1. **MGN Resorts to:**
 - Ensure availability and access of the building, including use of facilities, (toilets, electricity, water, parking and other) for the use by Metro Police for policing purposes and related functions,
 - Maintenance of the building and its related necessary facilities,
 - Provision of 24-hour CCTV cameras for surveillance of the building and surroundings, and
 - Provision of 24-hour security in an around the building facility
2. **eThekweni Municipality, Metro Police to:**
 - Provide 24-hour visible policing in an around the area or community,
 - Ensure 24-hour police services accessibility characterised by good customer service, efficiency and effectiveness in combating and preventing crime, including TRIO crimes, domestic related crimes, by-laws and general enforcement of the National Road Traffic Act,
 - Take good care of all donated facilities for use including the building, and
 - To provide furniture facilities and other required police equipment and necessities.

Speaking on the matter, the ANC extended gratitude to Council on behalf of Inanda community and owners of the hotel for this partnership. They emphasised

that the Memorandum of Agreement would assist in terms of visibility of Metro Police in the area to enhance the policing services accessibility in combating and preventing crime, also the enforcement of by-laws etc.

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

- 3.3 Quarterly Report on Withdrawals from Municipal Bank Account in terms of the Municipal Finance Management Act 2003:
(Page 103: Finance, Security & Emergency Services Committee - Agenda 2022-10-19)

In noting the report in the above regard,

COMMITTEE RECOMMENDS:

- 3.3.1 That the report on withdrawals from the Municipal bank account as at 30 September 2022, submitted in terms of Section 11(4) of the Local Government: Municipal Finance Management Act No. 56 of 2003, be noted, it being recorded that the withdrawals relate to the following:
- Section 11(f): To refund money incorrectly paid into a bank account.
 - Section 11(g): To refund guarantees, sureties and security deposits.
 - Section 11(h): Investment of money not immediately required.
- 3.3.2 That Council notes that the report on withdrawals will also be submitted to the Provincial Treasury and the National Treasury as well as the Auditor-General, in line with the statutory requirement.

NOTED.

- 3.4 Investments Report for the Month Ended 30 September 2022 (7/11/4):
(Page 106: Finance, Security & Emergency Services Committee - Agenda 2022-10-19)

The Committee noted the Municipal funds invested at different financial institutions in the amount of R4 916 Million Rand, at an average rate of return on investments of 6.42%. Also, that the Municipality had 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 103 Million. It being noted that there was 44 days cash on hand.

Accordingly,

COMMITTEE RECOMMENDS:

That the report on investments for eThekweni Municipality as at 2022-09-30, which records the total funds invested at financial institutions as R4 916 000 000.00 (Four Billion Nine Hundred and Sixteen Million Rand), at an average of return on investment of 6,42%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

NOTED.

- 3.5 Public Tender Awards of eThekweni Municipality for the Month Ended 30 September 2022 (9/1/3):
(Page 112: Finance, Security & Emergency Services Committee - Agenda 2022-10-19)

COMMITTEE RECOMMENDS:

- 3.5.1 That the public tender awards by the City for the month of September 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 2022-10-05, be noted.
- 3.5.2 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.
- 3.5.3 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.
- 3.5.4 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.
- 3.5.5 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.

In noting the matter, the DA submitted that use of Section 36 to obtain some of the tenders and the reasons thereof being provided were not justified. They indicated that in some instances the reason that were given related to risk of hostile attacks. In this regard, they emphasised that the Municipality could not be held at ransom to allocate tenders and that such matters had to be reported to the Law Enforcement Agencies.

His Worship, the Mayor, Councillor TM Kaunda, who is also the Chairperson of the Finance, Security & Emergency Services Committee mentioned that tenders are awarded in line with the relevant legislation and all stakeholders as well as the public were allowed to bid for any tenders and/ or work being advertised by the Municipality. He then cautioned Councillors not to interfere with procurement processes, but to play an oversight role as required by the legislation.

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

- 3.6 Budget Statement Report for the Quarter Ended 30 September 2022 (7/1/4):
(Page 188: Finance, Security & Emergency Services Committee - Agenda 2022-10-19)

In giving an overview, the Head: Expenditure took the meeting through the salient features of the report relative to the actual operating revenue of 98% of the year-to-date budget, with a variance of -2%, and revenue generated to date is 28.6%. The actual operating expenditure reported as a percentage of year-to-date budget figure is 94% with a variance of -6% and Operating Expenditure spent to date is 23.5%. A cash collection of 93.82% as at the end of September 2022 was reported slightly lower when compared to the same period in the previous year (94%).

Thereafter, concerns were expressed over escalating water distribution losses and the uncollected debts, reference being made to Tansnat Durban CC debt. It being emphasised that management provides a presentation on the Turnaround Strategy for water and electricity losses as well as the implementation thereof to the Committee. It being also emphasised that the Municipality should make efforts and develop strategic plans to recover monies owed by Government Departments and Parastatals in order to improve service delivery.

A submission was made that interventions were being made to address challenges impacting revenue collection and service delivery, however, it being acknowledged that the process is moving slowly considering the economic decline facing the country, as a whole.

COMMITTEE RECOMMENDS:

- 3.6.1 That the Budget Statement report for the month ended 2022-09-30 and the supporting documents, submitted by the City Manager as per his report dated 2022-10-13, in compliance with Section 71 and Section 52 (d) of the Municipal Finance Management Act No. 56 of 2003, and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, be noted.
- 3.6.2 That in compliance with Section 32(2) of the Municipal Finance Management Act, Council notes the Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) incurred for the month of September 2022 as detailed on section 10 of the Budget Statement Report.
- 3.6.3 That Council refers the UIFW referred to in .2 above to the Municipal Public Accounts Committee (MPAC) for investigation to determine whether there are recovery chances or a need to write-off the said expenditure, in terms of Section 32(2)(b) of the Municipal Finance Management Act and request the MPAC to report back to Council on the outcome of its investigations.

Commenting on the matter, the DA noted with reservations the reasons for the declining revenue and water loss that were reflected on the monthly budget statement reports, reference being made to floods etc. They cited that the unstable electricity grid, failing water infrastructure and the uncollected historical debt from Government Departments and Parastatals were the reasons for the declining revenue. In this regard, they submitted that the Municipality had to resolve the outstanding Tansnat debt matter and enhance revenue collection strategies. They highlighted that in the event that customers were failing to make payment for services, the Municipality normal disconnects services. On this basis, they emphasised that the same principle had to be applied for Government Departments and Parastatals that had failed to honour their payments.

Then, His Worship the Mayor indicated that Council had an approved Indigent Policy and encouraged residents that qualify to come forward to make necessary applications. He reported that the arbitration matter between Tansnat and the Municipality had been concluded, and the outcome thereof would be presented to Council, it being mentioned that there were other issues before the Court of Law and were still being considered. In terms of revenue collection, it was advised that satellite detectors would be utilised, however the ageing infrastructure could no longer cope with the demand. It was also advised that revenue collection strategies

were being implemented, information being given that payments for rates of Government Departments were made annually and therefore the reduction of government debt would be noticeable by the end of October when this payment reflects on the Municipal books. It being also mentioned that tariffs had to be charged by the Municipality in order for the City to sustain itself, however that this was based on a proper analysis, an informed assessment, affordability and consideration of the economic scale of the communities.

Thereafter, the above recommendations of the Executive Committee; **3.61 & 3.6.2** were; **NOTED**, **3.6.3** being; **ADOPTED**.

4. **DIRECT EXCO REPORTS**

4.1 **REQUEST FOR AUTHORITY TO IMPLEMENT COMMUNITY ARTS DEVELOPMENT PROGRAMMES DURING THE 2022/2023, 2023/2024 AND 2024/2025 FINANCIAL YEARS (35/R)**

(Page 8)

As part of the commitments in terms of Plan 6 of the Integrated Development Plan, the Parks, Recreation and Culture Unit implements the Community Arts and Development Programmes. It should be noted that the creative industry makes a significant contribution to economic growth and in turn provides employment thus creating quality of life to the citizens of Durban.

The industry also contributes in social cohesion in view of bringing unity in cultural diversity through cultural and sporting activity, amongst others. The eThekweni Municipality is regarded as a pre-eminent world center for artistic excellence in view of the diversity of the Artists and companies; innovative work done and Artists are widely celebrated and valued.

The Programmes to be undertaken include:

- Cultural Programmes
- Community Arts Development Programmes, which includes:
 - Music Development Programmes
 - Dance Development Programmes
 - Comedy Development
 - Poetry Development
 - Theatre Development
 - Arts Education Programme
- Gospel Icon Discovery

With there being consensus,

COMMITTEE RECOMMENDS:

- 4.1.1 That authority be granted to the Head: Parks, Recreation and Culture to coordinate and implement the annual arts programmes through Arts and Living Culture for the 2022/2023; 2023/2024; 2024/2025 financial years as detailed in the report of the Head: Parks, Recreation and Culture dated 2022-10-06.

- 4.1.2 That Council approves the total budget of R11 116 940.00 (Eleven Million One Hundred and Sixteen Thousand Nine Hundred and Forty Rand) to be used for the implementation of the Community Arts Development Programmes over a period of three (03) financial years, as per the breakdown contained in the table below, and it being recorded that there will be an escalation of 5% in each financial year.
- 4.1.3 That, subject to the approval of .2 above, Council approves expenditure in the amount of R2 325 620.00 (Two Million Three Hundred and Twenty-Five Thousand Six Hundred and Twenty Rand) to implement the 2022/23 Programmes.
- 4.1.4 That subject to the approval of .1 and .2 above, all procurement of goods and services be undertaken strictly in accordance with the Supply Chain Management Policy and the Local Government: Municipal Finance Management Act, 2003, Circular 82, regarding the Cost Containment Measures.
- 4.1.5 That a close-out report be submitted by the Head: Parks, Recreation and Culture after the implementation of the programmes.

Financial Implications:

Year	Approved Budget	Year	Budget Increase	Year	Budget Increase	Total Budget for 3 years
2022/23	R4 254 480	2023/24	R4 570 100	2024/25	R4 798 610	R11 694 330
Less Commitment	R1 928 860					
Grand Total	R2 325 620					

FC #: 32/272 (Gospel ID)

In compliance with Section 82, the department has made strides in ensuring that with the limited resources allocated to our department, the department form partnerships with relevant stakeholders to ensure that the department reach all district with their programmes. All austerity measures will be taken into account:

PROGRAMME NAME	VENUE	AMOUNT R	VOTE
Cultural Programmes	All eThekweni Zones	2 561 320.00	15503
Community Arts Development Programmes	All eThekweni Zones	2 567 000.00	15503
Dance Development Programmes	All eThekweni Zones	1 670 000.00	15503
Music Development Programmes	All eThekweni Zones	1 993 000.00	15503
	SUB-TOTAL	8 791 320.00	
Gospel Icon Discovery	All eThekweni Zones	2 325 620.00	15009
	SUB-TOTAL	2 325 620.00	
	GRAND-TOTAL	11 116 940.00	

FC #: 33/418 (Arts & Living Culture Programmes)

ADOPTED.

4.2 REQUEST FOR APPROVAL TO UNBUNDLE THE COMMUNITY INFRASTRUCTURE PROJECTS/ZONAL BLOCKSUM VOTE TO ENABLE CONTINUATION OF SERVICE DELIVERY WITHIN THE ETHEKWINI MUNICIPALITY (7/1/2/1)

(Page 21)

Due to the flood damages and the severity of infrastructure damage, the Community Infrastructure Projects (CIP) had to assist to undertake emergency works that are within the scope of work to speedily restore damaged infrastructure and also to assist to accelerate the implementation of repairs and placement of infrastructure within the City of eThekweni.

Project scoping and implementation on the ground is already underway as undertaken by the five (05) appointed Managing Contractors; three (03) Professional Services Providers; and Local Contractors, to expedite the rehabilitation and construction of the areas in communities.

The 2022-23 payment certificates are already due for processing. It is therefore requested that the CIP Zonal Blocksum be unbundled and allocated to the participating departments for ease of processing and monitoring line departmental expenditure. This will allow for a flow of departmental expenditure reporting within the programme and accountability of involved departments.

In view of the foregoing,

COMMITTEE RECOMMENDS:

4.2.1 That Council approves the unbundling of the Community Infrastructure Projects (CIP)/ Zonal Blocksum vote in order to allow for the continuation of service delivery in eThekweni Municipality and the payment of service providers by the participating departments in the infrastructure restoration following the floods damages.

4.2.2 That the unbundling process should align with the requirements of the Local Government Municipal Finance Management Act No. 56 of 2003, and with the Deputy City Manager: Finance to be involved to ensure compliance with the following:

- (i) Reporting of the unbundling process in the Adjustments Budget
- (ii) Full unbundling of projects to be executed with budget implications
- (iii) Financial Certificates to be issued at a project level as per the responsible department so that invoicing and receipting will follow the same process
- (iv) Parent and children votes to be created for ease of reporting

CIP Regional Allocation: Table (a):

Region	Number of Wards	Regional Cost Investment R
West 1 Region	21	21 000 000.00
West 2 Region	21	21 000 000.00
Central Region	19	19 000 000.00
Northern Region	25	25 000 000.00
Southern Region	25	25 000 000.00

Region	Number of Wards	Regional Cost Investment R
TOTAL	110	111 000 000.00

**2022/2023 CIP Scope of Work and implementing Departments and Allocation of each Department:
Table (b):**

Department	Nature of Work	Total Allocation R	Expenditure R	% Expenditure
eThekweni Transport Authority	Speed humps, Guardrails, Roadside furniture	5 500 000.00	0.00	0%
Water & Sanitation	Ablution works and related works	8 000 000.00	0.00	0%
Human Settlements	Retaining Walls, Gabions	23 000 000.00	0.00	0%
Parks, Recreation & Culture	Outdoor Gyms, Hall Renovations	36 500 000.00	0.00	0%
Road Provision	Sidewalks, Access Roads and Roads related works	15 000 000.00	0.00	0%
Sizakala	Building Renovations	800 000.00	0.00	0%
DCM – HSET (Contractual monthly costs)	PSP fees, contingency and contractual monthly costs	22 200 000.00	0.00	0%
		111 000 000.00	0.00	0%

Financial Implications:

There are no financial implications to be incurred.

ADOPTED.

4.3

REQUEST FOR APPROVAL: INSTALLATION OF 9M BRONZE STATUES OF O.R. TAMBO AND NELSON MANDELA IN THE CITY HALL PRECINCT AND RENAMING OF FRANCIS FAREWELL SQUARE IN HONOUR OF O.R. TAMBO (12/11 & 21/8/R)

(Page 25)

It was recalled that arising from the decision by the Executive Committee, the above matter was subjected to a Multi-Political Party discussion, to engage on the concerns raised relating to the installation of statues, that this appears to be bias towards one Political Party and same struggle icons within that Party.

In terms of the engagement by the different Political Party leadership, cognisance was taken of the fact that the authority to install the statues in question was already granted during the previous Council term of office. However, the installation was delayed as a result of the Covid-19 pandemic as the statues were to be shipped from overseas. That the report under discussion serves as an update that the statues are now to be installed and with funding in the amount of R1 Million being requested for this purpose. Further, authority being requested to rename Francis Farewell Square in honour of the struggle icon O.R. Tambo.

Meanwhile, it was reported that the decision during the political engagement was that the Community Services Committee should then develop Guidelines which would outline that for future statue installation there should be prior consultation at different Political Party levels prior to the matter being officially submitted for Council approval. It was also noted that a Council-approved Policy guiding the installation of statues within the eThekweni Municipal area is already in place.

During the resubmission of the matter at the Executive Committee level, both the DA (03) and the IFP (01) voted against the recommendations, and with the IFP submitting that further input in this regard will be provided during the Council meeting.

The DA on the other hand felt that the political engagements did not exhaust all issues raised regarding this matter. That the key issue pertained to a need to create a balance when installing statues for this to be undertaken in an inclusive approach and to represent the past and new dispensation. This being regarded critical to form part of history for the future generations.

The contribution by the DA was noted, with the ANC emphasizing though that focus should be on the matter under discussion in view of huge expenditure already been incurred to develop and deliver the statues, also including the storage costs in the event of the delays to make a decision for a way forward.

Meanwhile, the ANC elaborated on the significance of installing statues as part of history and also citing that currently the statues surrounding the City Hall represent the past and not the current dispensation. Confirmation was given that there is no decision that the old statues be removed but that the issue is that the existing statues are not the representation of the majority citizens hailing from the disadvantaged background. That a need exists to decolonize this aspect, with the ANC supporting any decision relating to the installation of statues to represent indigenous and majority people from the disadvantaged background, in particular.

In view thereof, the ANC (04), and with the casting vote of His Worship the Mayor, in his capacity as the Chairperson, supported the matter.

Therefore,

COMMITTEE RECOMMENDS:

- 4.3.1 That authority be granted to the Head: Parks, Recreation and Culture to incur expenditure in the amount of R1 000 000.00 (One Million Rand) to install two (2) 9m bronze statues of OR Tambo and Nelson Mandela which were commissioned by the eThekweni Municipality before the outbreak of the COVID-19 pandemic and currently in the process of being shipped from the foundry to the Durban Harbour.
- 4.3.2 That subject to the adoption of .1 above, it be noted that the statues would be installed along Church Walk (outside the City Hall) in the City Hall precinct so that the entire heritage precinct is transformed, inclusive and representative, as per the Council resolution.
- 4.3.3 That subject to the adoption of .1 and .2 above, Council notes that the statue of Archie Gumede, which was commissioned by the National Department of Arts and Culture would be installed next to the City Hall to make the heritage precinct more transformative and inclusive in nature and form in terms of representation.

- 4.3.4 That subject to the adoption of .1, .2 and .3 above, authority be granted to rename Francis Farewell Square in honour of O.R. Tambo.
- 4.3.5 That subject to the adoption of .1, .2, .3 and .4 above, authority be granted for the Head: Parks, Recreation and Culture to engage the families of O.R. Tambo and Nelson Mandela to conscientize and seek the consent of the families regarding the statues.
- 4.3.6 That subject to the adoption of .1, .2, .3, .4 and .5 above, all procurement of goods and services be undertaken strictly in accordance with the Supply Chain Management Policy and the Municipal Finance Management Act, 2003.

Financial Implications:

DESCRIPTION	COSTS	RESPONSIBILITY
Unveiling	R0.00	Parks, Recreation & Culture
Marketing and Publicity	R0.00	Parks, Recreation & Culture
Installation Costs	R1 000 000.00	Parks, Recreation & Culture – Capital Budget
TOTAL	R1 000 000.00	

Speaking on the matter, the DA maintained their views as submitted during the Executive Committee, which are reflected above.

Thereafter, the IFP submitted that they were not against recognition and honour of anti-apartheid political struggle icon O.R. Tambo. However, they mentioned that public funds could not be utilised for the installation of the statue of the aforesaid political leader. On the basis, that the Leader in question had never served in any sphere of government. In this regard, the IFP dissented on the matter.

Meanwhile, the EFF was in support of the matter and further cited that this was part of decolonization of public spaces.

APF was also in support of the recommendations from the Executive Committee and stated that future generation had to be informed of the history of the Country, and that Heroes had to be known, celebrated and recognized.

ATM then mentioned that the finalisation of this matter had been prolonged and pleased that the matter was being concluded. They stressed that installation of statue of prominent leaders who had fought for the liberation of the Country was significant.

Whereas, the ANC submitted that traces of colonization were still visible within the vicinity of eThekweni. They mentioned that even though the late anti-apartheid struggle icon OR Tambo had been a leader of a political party, he had played a significance role in the liberation of the Country. Reference also being made to the book published in honour of the late Leader titled “Beyond Angel Mountain” which symbolized his struggles, academic journey etc. They emphasised that the Country was liberated due to the efforts and contributions from different Leaders. They indicated that the lives of these Leaders had to be honoured. Reference was also made to the Princess Magogo Stadium which was named after a Zulu Princess that contributed immensely towards arts, music etc, in this regard, they emphasised that such history needed to be passed on to the future generation.

On this basis, the ANC supported a decision to install statues and also cited that it represents indigenous and majority of people from the disadvantaged background, in particular and also to preserve the history of the Country.

As some Councillors were not in support of the recommendations. The matter was put to the vote. With 194 Councillors present, 119 Councillors (ANC - 87, EFF - 21; ABC - 01, ACC - 02, DLC - 00, AIC - 02; ADEC - 00; APF - 01, ATM - 01, JEP - 01, MF - 01; MOSA - 00; NFP -01 , PFP - 00; PRM - 01 and TA - 00) voted in favour of the recommendations and 75 Councillors (DA - 52; IFP - 15; Action SA - 03; ACDP - 02, KZNI - 01; UIM - 01 and VF Plus - 01)voted against the recommendations. There were no abstentions recorded.

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

4.4 TABLING OF SKILLS AUDIT REPORT AT MUNICIPAL COUNCIL AND IMPLEMENTATION OF OUTCOMES

(Page 40)

The KwaZulu-Natal Provincial Department of Cooperative Governance & Traditional Affairs (COGTA) conducted skills audit for both Councillors and Municipal officials within the Municipalities. COGTA has since submitted the findings thereof for tabling and noting by the Municipal Councils. Detailed Report with findings, also incorporating those relating specifically to the eThekweni Municipality is attached herein.

The Municipal Council is requested to note the findings; the priority training needs and requests for training; as well as the Implementation Plan for monitoring the findings of the skills audit for Councillors and Employees.

In this regard,

COMMITTEE RECOMMENDS:

4.4.1 That Council notes the findings of the eThekweni Municipality Councillor and Employee Skills Audit conducted by the KwaZulu-Natal Provincial Department of Cooperative Governance & Traditional Affairs (COGTA), as per the detailed Report attached herein and with the findings presented according to the following variables:

- (i) Gender
- (ii) Age
- (iii) Race
- (iv) Disability
- (v) Previous experience/Level of experience
- (vi) Current employment
- (vii) Educational information
- (viii) Competencies
- (ix) Training needs

4.4.2 That the priority training needs and requests for training for Councillors as well as Employees, as outlined in the Report by COGTA, be noted.

- 4.4.3 That Council notes the implementation Plan for tabling of the findings of the Councillor Skills Audit at Municipal Council and monitoring the findings of the skills audit for Councillors.
- 4.4.4 That Council notes the proposed training extracted from the Provincial Capacity Building Plan in response to the findings of the skills audit.
- 4.4.5 That the eThekweni Municipality develops and approves the Action Plan to respond to the gaps identified through the skills audit and report on progress made to bridge the gaps identified.
- 4.4.6 That the reporting requirements and the submission dates of the quarterly training report, be noted.

ADOPTED.

- 4.5 REQUEST FOR AUTHORITY TO APPROVE FUNDING FOR PROGRAMMES RELATING TO THE CEREMONY FOR HIS EXCELLENCY PRESIDENT MC RAMAPHOSA TO HANDOVER THE CERTIFICATE OF KINGSHIP TO THE ZULU KING MISUZULU (13/2/1/2/1)

(Page 154 & L49)

The Executive Committee reiterated its appreciation for the City of eThekweni being tasked with the responsibility to host the ceremony to handover the Kingship Certificate to King Misuzulu kaZwelithini. The Committee acknowledged this is a magnitude and prestigious event and which also needs to be handled with care and sensitivity in view of the protocol surrounding the Royal household.

It was recalled that the Committee supported the recommendation to grant authority for the eThekweni Municipality to host the event, it being acknowledged that various Municipal departments will be involved according to their areas of expertise. Also, with the Committee acknowledging the magnitude of activities to be undertaken and that additional expenditure will be incurred beyond the costs of hiring the Moses Mabhida Stadium venues.

Accordingly, the Committee dealt with the two Reports comprising activities to be undertaken, and with the Municipality now having incorporated a dinner which has been requested by Isilo sama Bandla wonke to host dignitaries to grace this event. It being noted that the event will also attract international guests and media. Further, that the number of buses to be provided to transport the community and other stakeholders have been increased from the original one hundred and eleven (111) and now to add a further thirty-nine (39) buses to accommodate other key stakeholders outside the Ward communities.

Budget reprioritization will be implemented by various participating departments and with a commitment having been made that re-imbursement will be made accordingly where funds have been taken to host the event. It was confirmed that the Provincial Government will contribute funding for the guests' catering.

The Committee acknowledged positive economic spin offs associated with the event as well as unity in diversity and local economic development. That this will be a historical event for the City of Durban and appreciation being extended to the organizers for choosing Durban as the host City. That this will assist the floods Recovery Plan with

Durban displaying the strength to still host significant events. Also, the opportunity to realise that the area of eThekweni is part of the Zulu Kingdom.

While realizing the significant of the event to the City, the Province and to South Africa as a whole, a request was made to strengthen the inter-governmental relations thereby collaborating initiatives and associated expenditure when undertaking programmes in a synergistic approach.

Thereafter, the Committee supported the event in the spirit of promoting cultural diversity, and acknowledging that this is a once in a lifetime history-making event.

Accordingly,

COMMITTEE RECOMMENDS:

- 4.5.1 That Council approves the additional funding in the amount of R5 180 444.26 (Five Million One Hundred and Eighty Thousand Four Hundred and Forty-Four Rand Twenty-Six Cents), as per the breakdown contained in Table A below, to cater for hospitality; stakeholder engagement and other services required to host with dignity the Ceremony for His Excellency, President MC Ramaphosa, to Handover the Kingship Certificate to the Zulu King Misuzulu on Saturday, 29 October 2022 at the Moses Mabhida Stadium.
- 4.5.2 That Council approves funding for the activations to be undertaken as a build up to the ceremony, and which activities commenced from 24 October and to culminate in the actual Ceremony on 29 October 2022, and with the costs thereof amounting to R1 763 500.00 (One Million Seven Hundred and Sixty-Three Thousand Five Hundred Rand), as per the breakdown of activities contained in table B below.

Financial Implications: TABLE A

Item	Amount	Capacity/ Quantity
Hospitality	R868 444.26	10 000
Additional of 39 buses	R312 000.00	
King Misuzulu Dinner to host dignitaries	R4 000 000.00	
TOTAL	R5 180 444.26	

FC No.: 32/275 and 2023/13/12

Vote No.: 14001.27999.7052.99900.7052.PD001.0010
26714.16315.12120.0000.53500-16.0010

Financial Implications: TABLE B

Item	Amount
Radio Promos	R400 000.00
Banners	R60 000.00
Newspaper supplements	R80 000.00
Electronic Billboards	R20 000.00
Transport of 111 buses	R808 500.00
Sound and Stage	R60 000.00
PA Outdoor sound System	R48 000.00

Item	Amount
Photographer, Videographer & Photobook	R50 000.00
Programme Director	R65 000.00
Artist	R150 000.00
Promotional Items	R30 000.00
TOTAL	R1 763 500.00

FC No.: 32/276 Vote No.: 14001.Varoius. 12120.0000.38300.0010

Vote No.: Saving Identified
R 300 000.00 - 32314.21805.12120.0000.37630.0010
R 404 250.00 - 2601.18950.10.12120.0000.37420.0010
R1 059 250.00 - 31077.13370.20.12120.0000.MRC01.0010

Speaking on the matter, the DA welcomed the report and mentioned that it was an honour for the City to have been chosen to host such a prestige and historic event. They encouraged communities to be part of the event.

The NFP was also in support of the matter and shared similar sentiments of the DA. They further appreciated the provision of additional buses to transport people to the event.

In support and joining in on the deliberations, the IFP encouraged communities to attend the event and also excited that small business is buzzing as a result of this event.

Actions SA also expressed their support of the event, and they stated that the City was humbled to have been chosen to host such a historic event.

Similarly, the ANC emphasised the significance of the event and mention was made that the Municipality was ready to welcome dignitaries and to host the event. They further mentioned that employment opportunities would be created and also boost local economy.

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

4.6

REQUEST FOR AUTHORITY TO DISBURSE FUNDS TO THE COMMUNITY
TOURISM ORGANISATIONS APPROVED BY THE MUNICIPAL COUNCIL
(20/1/4/3)

(Page L48)

The eThekweni Municipality enlists the services of the Community Tourism Organisations (CTOs) to support the Business Tourism Unit to promote tourism in different areas within the Municipality. There are nine (09) existing CTOs in operation, but the two (02) of those could not qualify for the 2021-22 funding. Therefore, the Municipality is currently supporting these two CTOs through Capacity Building Initiatives on issues of Good Governance and Accountability and how to handle financial management compliance as per the provisions of the Local Government: Municipal Finance Management Act 2003.

The key functions of the CTOs are as follows:

- To create, promote and stimulate tourism at the local level and that include governmental, private and community elements as vital features
- To give local communities involved in tourist endeavours the chance to contribute to the business, take a genuine interest in tourism initiatives and take part in decision-making
- To exist as an extension of government and exist as a vehicle to stimulate greater tourism local economic development, including lobbying and forging more private sector partnerships
- Act as a tourism development stimulant for aspiring, emerging and established tourism businesses and link them with immediate available tourism business opportunities in the local CTO region

The CTOs are expected to achieve the necessary compliance requirements prior to the funds being released for their tourism activities. This includes the expectation to hold the Annual General Meeting; produce the Audited Annual Financial Statements; and Submitting their Business Plans.

The approval of the CTO funding for the 2021-22 financial year was delayed due to the extensive verification of the audited Annual Financial Statements, and due diligence of compliance documents.

During consideration at the Executive Committee level, appreciation was extended that funding for the CTOs will be released prior to the festive season which will assist with the festive season promotions. An appeal was made through to separate CTOs complying and those not complying at a particular period, so as not to deprive those compliant by delaying to release funding due to them. This was noted.

Accordingly,

COMMITTEE RECOMMENDS:

- 4.6.1 That Council notes the Community Tourism Organisations (CTOs) Programme, as benefitting the City in terms of tourism local economic development since the Programme started.
- 4.6.2 That, following extensive audit verification, and in line with the requirements of the Local Government: Municipal Finance Management Act 2003, authority be granted for the payment of the seven (07) CTOs, as approved by Council at its meeting in June 2022, for the tourism development programmes undertaken during the 2021-22 financial year.
- 4.6.3 That Council notes and considers the current status quo, the reasons and circumstances of the delayed 2021/2022 funding post the submission of the CTO programme accountability report of the 2020/2021 City funding, which is mainly due to the extensive audit verification process undertaken; due diligence compliance documents and delayed signing.
- 4.6.4 That Council notes that the submissions from the seven (07) CTOs have now been vetted against the requirements of Section 67 of the Municipal Finance Management Act and these are compliant.

4.6.5

That Council notes that the Head: Business Support, Tourism and Market will confirm the deliverables by the CTO which were achieved satisfactorily for payment of grant funding in 2021/2022 financial year.

Financial Implications:

The financial implication for the City's grant to given to the 7 (seven) qualifying CTOs listed below, funding is provided for in the 2021/2022 provisions. The below funds will be disbursed in line with the provisions of Section 67 of the MFMA.

Table 1- 2021/2022 CTO Funding:

NO.	NAME OF CTO	TOTAL ALLOCATION
1.	Inanda Ntuzuma KwaMashu (INK) Tourism	R255 000.00
2.	Sodurba Tourism	R255 000.00
3.	Durban Central Tourism	R255 000.00
4.	1000 Hills Tourism	R255 000.00
5.	Sapphire Coast Tourism	R255 000.00
6.	Umlazi Township Tourism	R255 000.00
7.	Durban West Tourism	R255 000.00
	Total	R1 785 000.00

Amount R1 785 000.00 funding is available in a budget vote below:

BU	ITEM.SUB	FUND	COSTING	PROJECT	REGION	PROPOSED EXPENDITURE	FINANCIAL YEAR
26724	25445.410	12120	0000	85605	0010	R255 000.00	2022/2023
26724	25445.460	12120	0000	85605	0010	R255 000.00	2022/2023
26724	25445.390	12120	0000	85605	0010	R255 000.00	2022/2023
26724	25445.370	12120	0000	85605	0010	R255 000.00	2022/2023
26724	25445.440	12120	0000	85605	0010	R255 000.00	2022/2023
26724	25445.480	12120	0000	85605	0010	R255 000.00	2022/2023
26724	25445.400	12120	0000	85605	0010	R255 000.00	2022/2023

FC No.: 2023/13/11 As provided for in the financial year 2022/2023

The funding to the CTOs will be transferred and monitored for accountability as follows:

1. From their already submitted business plans, each Community Tourism Organisation will submit 2021/2022 project execution reports with portfolio of evidence (POE) as be submitted business plans on what has been achieved and still to be achieved in next three (03) months.
2. The eThekweni Municipality's Durban Tourism will sign a Certificate of Verification (COV) for the tourism development work done and Memorandum of Agreement (MOA) for balance of work to be done in the next three (03) months and funds accountability. Balance reporting and how they will account with each CTO that details the precise deliverables for which they will use and how they will keep track of them.
3. After three (03) months, in compliance with the MFMA 67, CTOs will submit audited financials to account for the 2021/2022.

The Municipality was commended for a decision taken to support the CTO, particularly just before the festive season. Mention being made that the Municipality had to investigate and address challenges which had led to non-payment and/or support of the other CTOs. It was also mentioned that E. coli

at the beaches had to be attended to and for the pump stations to be fixed prior to the festive seasons.

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

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

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-10-27)

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

ABSENT : Executive Committee Member T Miya

1. DIRECT EXCO REPORTS

1.1 REQUEST FOR BUDGET REPRIORITIZATION FOR HUMAN SETTLEMENTS UNIT

(Page 6)

Authority is sought to reprioritize the Human Settlements Unit Capital Budget as the Unit is still concentrating its efforts to relocate the floods victims from the mass care centres. Also, various projects within the Human Settlements Unit have been impacted by the budget reprioritizations, which then resulted in movements across various projects and, some of which, are now due for implementation and require funding. It should be noted that the other budget movements have been informed by the pace of individual projects due to various factors, and, with some projects moving at a slow and others at a fast pace, hence the need to then reprioritize funds to the fast-moving projects when required.

The Human Settlements Unit has received grant funding under the Human Settlements Development Grant, and this requires budget reprioritization to be recorded appropriately. The proposed budget reprioritization is also informed by the savings identified within the non-performing projects and to be appropriated towards the Gap Housing Projects.

The funds to be made available will cover the costs of the storm disaster interventions/lease of temporal accommodation. Also, to undertake projects alignments based on funding received.

The summary of the financial implications informing the budget reprioritization is presented as follows:

- (i) Delayed project funds are reprioritized to the fast-moving projects
- (ii) Material supply funding paid to Council already amounts to R34 Million
- (iii) For the April 2019 storm disaster funding, the MEC approval amounts to R37 Million
- (iv) Projects alignment for the period of June 2012 until 2015 for projects that were previously not receiving the correct subsidy during this period. Funding has since been allocated and will cover the Umlazi projects for now, while a process of reconciliation of the other projects that qualify to benefit on the same period
- (v) The Treasury approval of the TEAs (Temporary Emergency Accommodations) to be paid against the families accommodated for this period for an amount of R135 Million.

Accordingly,

COMMITTEE RECOMMENDS:

1.1.1 That Council approves the reprioritization of the 2022/2023 Capital Budget allocation for the Human Settlements Unit, which is necessitated by the funding received from the KwaZulu-Natal Provincial Department of Human Settlements, as part of the Human Settlements Development Grant (HSDG) and thus need to be appropriated accordingly, with the following aspects highlighting the budget reprioritization elements:

- (i) Delayed project funds are reprioritized to the fast-moving projects
- (ii) Material supply funding paid to Council already amounts to R34 Million
- (iii) For the April 2019 storm disaster funding, the MEC approval amounts to R37 Million
- (iv) Projects alignment for the period of June 2012 until 2015 for projects that were previously not receiving the correct subsidy during this period. Funding has since been allocated and will cover the Umlazi projects for now, while a process of reconciliation of the other projects that qualify to benefit on the same period
- (v) The Treasury approval of the TEAs (Temporary Emergency Accommodations) to be paid against the families accommodated for this period for an amount of R135 Million.

1.1.2 That the identified savings within non-performing projects savings be appropriated towards Gap housing projects.

1.1.3 That the following programmes be covered by the funds made available:

1.1.3.1 Storm disaster interventions/lease or sale of temporal accommodation.

1.1.3.2 Projects alignments based on funding received.

ADOPTED.

(At this stage of the proceedings Councillor P Mkhize, in her capacity as the Deputy Chairperson of the Municipal Public Accounts Committee, presented the following Report of the Committee).

REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

TO: COUNCIL

ASSESSMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FUNCTIONALITY ON UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) OVERSIGHT

The role and duties of MPAC, as stated in the UIFW process, have been documented in line with Section 32 (2) (ii) and (3) of the MFMA which states as follows:

2. *A municipality must recover unauthorised, irregular or fruitless expenditure and wasteful expenditure from the person liable for that expenditure unless the expenditure –*
 - (a) *In the case of unauthorised expenditure, is –*
 - (i) *authorised in an adjustment budget; or*
 - (ii) *certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by Council; and*
 - (b) *In the case of irregular expenditure is, after investigation by a council committee, certified by the council as irrecoverable and written off by council.*
3. *If the accounting officer became aware that the council, the mayor or the executive committee of the municipality has taken a decision, which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure, the accounting officer is not liable for any ensuing unauthorised, irregular or fruitless and wasteful expenditure provided the accounting officer has informed the council, the mayor or the executive committee, in writing, that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure.*

MPAC is identified as the Council Committee responsible for investigating and making recommendations to Council on the recovery or write off of UIFW related matters.

COGTA, whilst undertaking its oversight and monitoring role over municipalities, has been highlighting such concerns of National Government in respect of reduction of UIFW and the implementation of consequence management.

It had, therefore, been resolved at The Speaker's Forum convened on 2021-06-22 that COGTA would support municipal initiatives in respect of UIFW. A tool was developed by COGTA and the expectation was that all municipalities would use the tool to assess their functionality on UIFW oversight. Hence, MPAC would report quarterly to Council on its performance based on COGTA's tool for the assessment of functionality on UIFW Oversight.

It had been ascertained that the City may not have been fully compliant with UIFW once it was incurred. Following workshops with National Treasury, the city aligned its process with National Treasury Circular 68 and the MFMA. There was also input from COGTA and the amended process was workshopped by Internal Control at the Mayoral Workshop held on 12th August 2021. Subsequently, the revised process was adopted by Council on 2021-08-26.

In terms of the assessment, MPAC's oversight role would be measured as follows:

- 80-100% - Functional
- 50-79% - Challenged
- 0-49% - Dysfunctional

As COGTA requires the assessment report to be submitted at the end of the fourth quarter of the financial year ended 30 June 2022, we have acceded to their request and completed the report.

We are proud to report, as per the Assessment of MPAC's functionality on UIFW Oversight, **(Annexure 1)**, that MPAC has achieved 100% and is fully functional.

Therefore,

COMMITTEE RECOMMENDS:

That the Assessment of Municipal Public Accounts Committee Functionality on Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) Oversight for the period ending 30th June 2022, attached hereto as Annexure 1, be noted.

NOTED.

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

1. NOTICE OF MOTION: PROPOSED BY COUNCILLOR NJ BOLLMAN AND
SECONDED BY COUNCILLOR RD MACPHERSON: ANNUAL DROWNING
RATE (31/3/1/2)

This Council Noting that:

SA's annual drowning rate is 4.06 per 100 000 compared to 0.34/100 000 for Jamaica.

UN Resolution on Global Drowning Prevention (A/75/L76) was adopted to call for action to improve water safety reducing preventable deaths.

There are several NGOs affiliated to international Life Saving Federation working successfully in this regard.

These community-based lifesaving clubs provide training and a reserve force of trained lifesavers to eThekweni Municipality.

Hereby resolves that the Executive Committee considers the following and report back to Council:

1. Recognises metro's surf lifesaving clubs in combating drownings as set out in the UN Resolution on Global Drowning Prevention.
2. That the eThekweni Municipality Council Policy and administrative operational decisions are in line with goals and aims of this motion by viewing the metro's surf lifesaving clubs as strategic assets.

CARRIED.

2. NOTICE OF MOTION: PROPOSED BY COUNCILLOR M JOHNSON AND SECONDED BY COUNCILLOR DT PILLAY: REPRIORITIZATION OF FUNDING FOR THE WIDENING AND SIGNALING OF JG CHAMPION DRIVE IN PHOENIX (28/2/1/7)

This Council noting that:

The Executive Committee investigate the reprioritization of funding for the widening and signaling of this busy road and revert back to Council:

1. The densification of Phoenix without the provision of additional infrastructure has led to an overwhelming increase in traffic volumes on JG Champion Drive causing major gridlocks during peak morning and afternoon traffic.
2. The lack of Metro Police visibility to monitor contra driving and overtaking by errant motorists causes huge frustration daily to the thousands of commuters using this major arterial road.

As some Councillors were not in support of the above motion. The matter was put to the vote. With 175 Councillors present, 59 Councillors (DA – 52, Action SA – 03; ACDP – 02 and UIM – 01 and VF Plus – 01) voted in favour of the motion and 116 Councillors (ANC - 87, EFF – 21; ABC - 01, AIC – 02, DLC – 00, ADEC – 00; APF – 01, ATM – 01, JEP - 01, KZNI – 01; MF – 00; MOSA – 00 ; NFP -01 , PFP – 00; PRM – 00 and TA – 00) voted against the motion. There were no abstentions recorded.

Thereafter, the above motion was by the majority vote, **NOT CARRIED.**

REPORT OF COMMITTEE DECISIONS

Decisions of Committees reflected below have been reported to Council by way of circulating minutes of such Committees to each Member of the Council:-

1. COMMUNITY SERVICES COMMITTEE

Meeting held on : 2022-09-12

2. ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

Meeting held on : 2022-09-08

3. EXECUTIVE COMMITTEE

Meetings held on : 2022-09-20
: 2022-09-27
: 2022-09-29

4. FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE

Meeting held on : 2022-09-21

5. GOVERNANCE AND HUMAN RESOURCES COMMITTEE

Meeting held on : 2022-09-20

6. HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE

Meeting held on : 2022-09-06

7. LOCAL LABOUR FORUM: ECONOMIC DEVELOPMENT AND PLANNING

Meeting held on : 2022-10-07

8. SPEAKER'S COMMITTEE

Meeting held on : 2022-09-26

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 5. to 60 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the months of August and September 2022 were, **NOTED.**

The meeting terminated at 17h55.

ADOPTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2022-12-08

SPEAKER