

No. 21

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Thursday, 2022-08-26T10:00, streamed from
Hall 2 West, Durban Exhibition Centre, Durban.

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

ABSENT : Councillors , T Biyela (Personal Commitments); WJD Burne (Personal Commitments), R Cloete (Indisposed), Z Dzanibe (Indisposed), SN Gabela, DM Gcabashe, (Personal Commitments); NC Gumede (Personal Commitments); BM Gwala, F Ismail (Indisposed); DM James, RP Mbonambi (Personal Commitments); K Mhlaba, MA Mkhize (Personal Commitments); TJ Mnguni, J Naidoo (Personal Commitments), MM Ngiba, MR Nxumalo

(Personal Commitments); NN Nyanisa (Indisposed), MV Nzimande-Madlala (Personal Commitments), B Radebe (Indisposed), VG Reddy, BH Shange (Personal Commitments); EG Smith (Indisposed) and ZN Tshazela (Personal Commitments).

AMAKHOSI

PRESENT : Inkosi EB Shozi.

AMAKHOSI

ABSENT : Inkosi S Mlaba and Inkosi JJ Shangase.

OFFICIALS

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

(At the commencement of the meeting 179 Councillors were present, comprising ANC - 84, DA - 51, EFF - 20, IFP - 07, ASA - 02, ABC - 01, ACC - 00, ACDP - 02, AIC -01, ADEC - 00, APF - 01, ATM - 01, AL JAMA-AH - 00, DLC - 01, JEP - 01, KZNI - 01, MF - 01, MOSA - 01, NFP - 01, PFP - 01, PRM - 00, TA- 00, UIM - 01 and VF Plus - 01).

1. NOTICE CONVENING THE MEETING

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

2. OPENING

The Speaker declared the meeting open at 10h28 and extended a warm welcome to Councillors; Traditional Leaders; Acting City Manager; Deputy City Managers; Head Legal and Compliance Services 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

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

- 5.1 He begun by stating that Council was saddened by the loss of a long serving Council Member Tex Collins who was called to rest on the 07th of August 2022 after serving 22 years at eThekweni Municipal Council. He advised that the late Councillor had contributed significantly towards the operations of the Municipality and contributed to the betterment of the lives of eThekweni residents.
- 5.2 Council extended words of gratitude to everyone for initiatives undertaken in celebrations of the Women's Month during August, under the 2022 Theme "Women's Socio-Economic Rights and Empowerment; Building Better Women Improved Resilience". Gratitude was extended to strong hard-working and diligent women, and Council wished these women more strength and success in all their endeavours to better their families and communities at large.
- 5.3 Council congratulated the whole Zulu Nation for the successful historical event on the confirmation of King MisuZulu kaZwelithini as the King.
- 5.4 The City of eThekweni congratulated the KZN Provincial Government and the ANC for taking a bold step to elect a woman Premier in the name of the Honourable Nomusa Dube-Ncube to lead the Provincial Government Affairs. The Municipal Council had confidence in her leadership and the people of KZN will witness her achievements during her tenure.
- 5.5 Council also congratulated Miss Ndavi Nokeri for being crown Miss South Africa 2022, during a beauty pageant held on the 13th of August 2022. Best wishes were extended to Miss SA during her reign.
- 5.6 Ward Councillors were reminded of the Councillor Workshop organised by the University of KwaZulu Natal on Heritage Development to be held on the 09th of September 2022, Councillors were encouraged to attend the aforesaid Workshop.
- 5.7 Councillors were then requested to limit their movements to avoid disagreements with numbers during voting. That a Councillor entering during the voting process would not be allowed to enter the meeting venue.
- 5.8 In addition, 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.
- 5.9 In concluding, his announcements, the Speaker extended best wishes to all Councillors celebrating their birthdays during the Month of August.

6. SPEAKER'S REPORT

The Speaker presented his Report comprising the activities undertaken by the Municipal Council during the month August 2022, in line with the provision of Section 13(f) of the Rules of Order By-Law 2014, as amended.

The items covered in the Report include the following:

- (i) Visit by the Parliament's Ad Hoc Joint Committee on Flood Disaster Relief and Recovery
- (ii) Community Engagements
- (iii) Ward Committee engagements
- (iv) Time allocation to questions raised in line with Section 27 of the Rules of Order By-Law (2014)
- (v) Membership in the Municipal Council
- (vi) Update on the closure of some Municipal Beaches

6.1 Visit by the Parliament's Ad Hoc Committee on Flood Disaster Relief and Recovery: 23 -25 August 2022

- (i) It was recalled that in April 2022 the Municipality was badly affected by floods that resulted in huge damages especially on the Municipal infrastructure and communities left destitute. With the drastic impact of the said floods, a National Disaster was declared in the KwaZulu Natal Province.
- (ii) As per the National Disaster declaration, and to ensure that an effective response across all spheres of Government was provided, intergovernmental structures were established.
- (iii) On the 23-25 August 2022, one of the said structures, namely, the Parliament's Ad Hoc Joint Committee on the Flood Disaster Relief and Recovery and the KwaZulu-Natal Premier with Members of the Executive visited the Municipality as part of oversight on the floods Relief and Recovery Programme.
- (iv) The main objective of the oversight visit was to engage with the Municipality and Ugu District that had been declared as disaster areas, to track progress made with regards to recovery following the April 2022.
- (v) The engagement with the eThekweni Municipality was held on Tuesday, 23 August 2022, where status reports were presents and on Thursday, 25 August 2022 site inspection in Verulam and Tongaat were undertaken.
- (vi) The oversight visit was much welcomed, as it was encouraging to note the progress made this far towards recovery, and the interventions made to try and fast track completion in areas where there were challenges identified.

6.2 Community Engagements

- (i) The Speaker mentioned that community engagements remain critical in ensuring that communities are kept abreast of the Municipality's activities; programmes; Municipal Council decisions, as part of the public participation initiatives.
- (ii) That, it is encouraging to note and report that other than the standard community meetings, other programmes such as Masakhane Programme have been held in some Wards, including Wards 01; 53; and 83. This gave the communities an opportunity to directly engage with the invited Municipal Departments. As such, such programmes are strongly encouraged so that communities feel the presence of the Municipality on the ground.
- (iii) The Municipal Council to further note that other than the above mentioned Masakhane Programme, there are also nineteen (19) Wards that had community meetings, making a total of only twenty (22) engagements held in the month of August 2022.

6.3 Ward Committees

- (i) Ward Committees have been successfully established in 108 Wards of eThekweni Municipality and are all currently operational. In the month of August 2022, the following meetings have been held:

Month	Meetings Held	Meetings not held	Meetings to be held	Evidence submitted	Evidence not submitted
August 2022	78	11	22	31	47

- (ii) Over and above the meetings, some other Wards have requested for the intervention of the Office of the Speaker to address some operational matters. Accordingly, the Intervention meetings were held in Wards 34; 63; 72; 90; and 101. The following Wards have also requested the Intervention meetings, Wards 12; 19; and 23. Meetings in this regard are forthcoming.
- (iii) The Office of the Speaker is addressing the matter pertaining to the two outstanding Ward Committees in Wards 39 and 97 to ensure that the Ward Committees are established accordingly as per the statutory requirement.

6.4

Time Allocation for Questions Raised in line with Section 27 of the Rules of Order By-Law (2014)

- (i) It was indicated that Section 27 of the Rules of Order By-Law (2014) makes provision that any member of Council may submit a question to the Municipal Council concerning any matter relative to the effective performance or administration of the Municipality.
- (ii) It being noted that Councillors have been raising questions in Council in line with the above-mentioned provision and those have been responded to accordingly. It has however been noted that provision of responses to the questions raised has been taking long and, as a result, extends the duration of the Council meeting.
- (iii) With responses to question extending the hours of Council meetings, this necessitated that the Speaker of Council consider how best Council Members are accommodated in terms of their rights to raise questions in Council, whilst also not impacting on the duration of the meeting.
- (iv) Section 27(6) of the Rules of Order By-Law makes provision that the Speaker may decide, after consulting with the Whips, on the amount of time to be allocated to questions at each meeting.
- (v) Given the above-mentioned provision, at the Speaker and Party Whips meeting held on Monday, 22 August 2022, the Speaker raised the matter of managing the questions submitted to the Municipal Council, with a view that there be a specific time allocated to address the said questions.
- (vi) Following consideration, it was resolved that the principle of time allocation to questions be adopted, and that it be tested during the Council meeting scheduled for 26 August 2022. That questions raised be allocated a maximum of five (05) minutes each for responses to be provided, and in the event that at the expiry of that five minutes not all responses have been provided, the remaining responses be forwarded directly to the Author of the question, and move to the next question submitted.
- (vii) It was further resolved that after every Council meeting, the above approach be reviewed at a subsequent Speaker and Party Whips meeting, to identify any gaps and areas needing improvements.
- (viii) Accordingly, Council Members are requested to note the resolution of the Speaker and Party Whips Committee meeting held on 22 August 2022, that as from 26 August 2022, questions raised in terms of Section 27 of the Rules of Order By-Law (2014) shall be allocated a maximum of five (05) minutes each for responses to be provided. However, if at the expiry of the five minutes not all responses have been provided for that particular question, the remaining answers be forwarded directly to the author by email, and/or as a hard copy. It being further noted that the time allocation shall be reviewed each month at the Speaker and Party Whips meeting.

6.5 Municipal Council Membership

- (i) The Municipal Council is reminded of the vacancy created following the resignation of the Inkatha Freedom Party (IFP) Proportional Representative (PR) Councillor Bhanprakash. This serves to confirm that the vacancy has since been filled by Councillor Noluthando Prudence Mchunu and a warm welcome is accordingly extended to her as she is joining the eThekweni Municipal Council.
- (ii) It is further reported that currently the Municipal Council had one (01) vacancy arising from the sad passing of its long serving Council Member, the late Democratic Alliance (DA) Ward 10 Councillor Tex Collins. The vacancy will be filled when the Independent Electoral Commission (IEC) confirms a date for a by-election.

6.6 Municipal Beaches Closure

- (i) In the past few weeks the Municipality has been receiving not so good publicity arising from the closure of some of its beaches and alleged lack of care for its fauna and flora.
- (ii) This has been caused by the challenge experienced due to the water treatment stations being contaminated. The eThekweni residents are reassured that the eThekweni Municipal Council takes so much pride in its fauna and flora and also have full respect for its residents. The matter is given priority and attention, with the Executive Committee; Human Settlements and Infrastructure Committee; and the relevant Officials working tirelessly to ensure the beaches become operational again.

On the completion of the Speaker's Report, the DA Councillor Beegte mentioned that the closure of thirteen (13) eThekweni beaches was detrimental to the City's economy.

Thereafter, a Point of Order was submitted where it was emphasised that the Speakers Report was not presented to Council for debate, and the attention being drawn to the existing relevant Support Committees to deliberate on matters and/or through the submission of Questions to Council in terms of Section 27 of the Rules of Order By-Law.

Commenting on the decision to allocate five (05) minutes to respond to Questions submitted in terms of Section 27, the IFP Councillor Nkosi enquired if the proposed approach was in line with the Rules of Order By-Law. He thereafter congratulated the Zulu Nation for the successful Coronation Ceremony of the King Misuzulu kaZwelithini. He mentioned that the Nation ought to recognize the role of Prince Mangosuthu Buthelezi in coordinating the event and to preserve the Zulu culture and history.

In response, the Speaker supported by the Head: Legal & Compliance advised that the Rules of Order do allow for time allocation for Questions. Section 27(6) of the Rules of Order By-Law was thereafter quoted, which specifies that: “the Speaker must decide, after consultation with the Whips, on the amount of time to be allocated to Questions at each meeting.

In this regard, the Speaker and Party Whips Committee convened on 22 August 2022, and resolved on the five (5) minutes allocation to respond to each Question submitted to the Municipal Council.

Thereafter, the Speaker’s Report was NOTED.

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor T Biyela	:	2022-08-26 (Personal Commitments)
Councillor WJD Burne	:	2022-08-26 (Personal Commitments)
Councillor R Cloete	:	2022-08-25 to 2022-08-26 (Indisposed)
Councillor Z Dzanibe	:	2022-08-26 (Indisposed)
Councillor DM Gcabashe	:	2022-08-26 (Personal Commitments)
Councillor NC Gumede	:	2022-08-26 (Personal Commitments)
Councillor F Ismail	:	2022-08-26 (Indisposed)
Councillor RP Mbonambi	:	2022-08-26 (Personal Commitments)
Councillor MA Mkhize	:	2022-08-26 (Personal Commitments)
Councillor J Naidoo	:	2022-08-26 (Personal Commitments)
Councillor MR Nxumalo	:	2022-08-26 (Personal Commitments)
Councillor NN Nyanisa	:	2022-08-26 (Indisposed)
Councillor MV Nzimande-Madlala	:	2022-08-26 (Personal Commitments)
Councillor B Radebe	:	2022-08-26 (Indisposed)
Councillor BH Shange	:	2022-08-26 (Personal Commitments)
Councillor EG Smith	:	2022-08-26 (Indisposed)
Councillor ZN Tshazela	:	2022-08-26 (Personal Commitments)

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: MEETINGS HELD: 2022-07-28
2022-07-28 (In-Committee)

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

- (i) 2022-07-28 (Ordinary) were tabled, moved by Councillor Madlala and seconded by Councillor Naidoo.
- (ii) 2022-07-28 (In-Committee), were adopted during an In-Committee session.

Thereafter, it was

RESOLVED:

That the Minutes of the meetings of the eThekweni Municipal Council held on 2022-07-28 and the minutes of the In-Committee meeting held on 2022-07-28, as circulated and taken as read, be and they are hereby confirmed.

At this stage of the proceedings, the Speaker requested to re-arrange the Order of Procedure. He requested that immediately after the consideration of the Questions submitted in terms of Section 27 of the Rules of Order By-Law 2014, as amended, as contained on the Main Agenda, an In-Committee matter pertaining to the appointment of City Manager, be discussed. That, this then be followed by discussing a Report on the appointment of the Municipal Public Accounts Committee Chairperson, as contained on the Second Supplementary Agenda.

The request by the Speaker was then acceded to.

However, for the purpose of the Minutes, the items are recorded to follow the sequence of the Municipal Council Agendas tabled on the day of the Municipal Council meeting.

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 GDA Pullan: Lifeguard Tower at Westbrook Beach in Tongaat (16/2/1/5):**

The lifeguard tower at Westbrook Beach, in Tongaat, has long had a portion of the building demarcated for vendors to sell food and beverages. Over the last few years, it is alleged that tender processes were flouted in securing tenants/vendors. Attempts to solicit information on the tender, the contract and the litigation alluded to concerning this site has been unsuccessful.

The public have been deprived of the convenience of this type of store and potential tenants are faced with no answers on the application process. There are similar sites across eThekweni.

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

1. **What is the policy or application process for applicants who wish to utilize beach based municipal property with a view to running a shop/store?**
2. **What is the tender process history for the Westbrook Beach site?**
3. **Who is the current lessee on this site?**
4. **How long has the lessee been in lawful occupation of the site?**
5. **How long has the lessee been in unlawful occupation of this site?**
6. **What is the status of the litigation, if any?**
7. **Who are the litigants?**
8. **What is the court number and in which court has the matter been enrolled?**
9. **When is it expected that the lease would go on tender again?**
10. **Will a report on every similar site at eThekweni beaches be presented to the portfolio Committee. If not, why not?**

Councillor AB Ndlovu provided the following respective responses:

1. Section 14 (5) and 90 (5) of the Municipal Finance Management Act (MFMA) dictate that any disposal of must be fair, equitable, transparent, competitive, and consistent with Supply Chain Management policy. The property is deemed to be viable in terms of the eThekweni Land Disposal and Granting of Rights Policy, therefore can only be disposed through as competitive in line the provision of Regulation 41 of the Municipal Asset Transfer Regulations (MATR). In an instance where there is an application, it will be circulated to service delivery units to establish if the property is not required to provide a basic municipal service in line with requirement of Regulation 7 and 36 of the MATR , it is only when the service delivery confirm that they do not require the property to provide a basic municipal service that it will now cleared to be disposed.
2. According to Real Estate the property has never been advertised on tender and there are no records however PRC submitted a list of all PLC facilities on 05 November 2021 (see annexure A) to Real Estate to facilitate the leasing process on their behalf.
3. The facility was empty and locked since pre-Covid.

4. Real Estate is not aware of any lawful or unlawful occupant on the site, as indicated above the property has not been handed over to Real Estate to dispose of it by the user units which is Parks and Recreation.
5. Real Estate is not aware of any lawful or unlawful occupant on the site, as indicated above the property has not been handed over to Real Estate to dispose of it by the user units which is Parks and Recreation.
6. Real Estate is not aware of any litigation relating to the property and if there is case who the litigants.
7. Real Estate is not aware of any litigation relating to the property if there are litigants.
8. Real Estate was not aware of any litigation relating to the property and the details of the case number.
9. As indicated in answer 2 Parks submitted list of its facilities to Real Estate to facilitate leasing process. Real Estate will then circulate the property in terms of Regulation 7 and 36 of the MATR to establish if they are no other municipal service delivery units that have or might have a need to utilise the property to provide a basic municipal service. It is only when no municipal unit require the property that it can now be made available for disposal, the process from circulation to service delivery to obtaining a Council resolution to dispose the property can take up to 12 months depending how quickly we are able to get comments back from line units.
10. It is mandatory that the leasing and disposal of municipal must be approved by Council to confirm that the property is not required to provide a basic municipal service and confirm the fair market to be received in exchange for the property in terms of Section 14 (2) of MFMA. The reports are taken through to Council via the Human Settlement and Infrastructure where the Real Estate Unit reports and account to. The properties on the central beachfront were advertised in November 2021 after Council approved them on the 27 May 2021. No municipal owned property can be disposed without following the process of obtaining a council resolution and an SCM process after council has granted approval.

11.2 Questions submitted by Councillor ME Thusi Welfare of the Disaster Victims (22/1) & (29/2/R):

The KZN disaster in April 2022 wreaked havoc and devastation across the province. Residents of eThekweni were the hardest hit with countless families losing their makeshift shelters and meagre possessions. Their abodes were mostly along riverbanks and flood plains in pockets of communities as well as the peripheries of the City. Since then, not much has been reported on the welfare of these disaster victims. EThekweni is poised as the most caring and liveable City.

I therefore pose the following questions:

1. **Has the City compiled a list of the disaster victims that were displaced throughout eThekweni in the April 2022 floods?**

2. **How many of the disaster victims are still housed in Municipal Halls?**
3. **Are they still being provided with meals and essentials?**
4. **Is it true that these victims are being forcefully removed?**
5. **Where any of the displaced families relocated and provided alternate accommodation? If yes, how many and where are they situated?**
6. **What process and criteria were used in the selection for relocation?**
7. **What is the Cities plan regarding the disaster victims?**
8. **How many abandoned and unoccupied buildings are there in the City?**

It was noted that the answers to questions 1 to 7 above were answered by Councillor ON Zondi-Mthembu at the Council meeting on 2022-07-28:-

Councillor MR Mngonyama provided the following respective response:

8. We currently have 6, out of which 4 have been offered to Human Settlement to assist in housing the flood victims, 1 an SCM process has been completed and we are waiting for letter of award and it will be handed over to the Developer. 1 (Winder Street) we have tabled a report to Council to conduct Public Participation.

11.3

Questions submitted by Councillor J Naidoo : Indigent Support for Installation of Prepaid Electricity Meters (27/2/5/1):

eThekweni Municipality's Indigent Policy provides, for customers who have successfully applied for the indigent support programme, to be installed with prepaid electricity meters. The Revenue Department has said that the cost for the application and installation of these meters would be added to the applicants existing debt and then written-off.

However, eThekweni Municipality's Electricity Department have not been able to process the installation of these prepaid meters because they claim that in cases where the customer is moving from the credit system to the prepaid system the tariff change absorbs a cost. Furthermore, without the cost being receipted on the RRS system of eThekweni Electricity, the Unit will not install these prepaid meters because they not be able to account for the stock and this regarded as irregular expenditure. This anomaly is the reason why customers are unable to have their indigent support applications finalized.

Against this backdrop, I pose the following questions:

1. **Which department is responsible for absorbing the cost for the installation of prepaid electricity meters to indigent households?**

2. In terms of Council Policy, a vote number is required when costs incurred, are to be written-off by a department. With this in mind:
 - 2.1 Is there a vote number to receipt against the cost for the installation of prepaid electricity meters for qualifying indigent customers?
 - 2.2 If so, what is the vote number?
 - 2.3 If not, why not?
3. Please indicate the Units/Departments involved in the indigent programme application process?
4. Please outline the role that each of the Units/Departments mentioned in .4 above are responsible for?
5. Which Department or Unit is the custodian of the Indigent Policy?

The above questions were **NOT RESPONDED** to as the author of the questions was not present at this Meeting.

11.4 Questions submitted by Councillor A Paruk : Availability of Cemeteries and Crematoria for Burials (31/8/6/R):

Residents in eThekweni are battling to have a dignified funerals for their loved ones and sometimes bury their loved ones some months later.

In view of the above we present the following questions:

1. How many cemeteries are there?
2. What is the capacity of each cemetery?
3. How many are operational?
4. Are there gravesites available?
5. What plans are in place for new cemeteries?
6. What has the Municipality done about recycling of graves?
7. How many crematoria's are operational?
8. If not operational, what are the reasons?

Councillor SV Mngadi provided the following respective responses:

1. eThekweni Municipality has sixty-five (65) Cemeteries and two (02) Crematoria.
2. The Capacity of the active Cemeteries is as follows:

No	Cemetery	Capacity
1	Etafuleni Cemetery	1817
2	Molweni Cemetery	3064
3	Phoenix Cemetery	2320
4	Langafontein Cemetery	2009
5	Mophela Cemetery	915
6	uMkhomazi Drift	726
	Total Available Capacity	10 851

3. Six (06) Cemeteries are currently active however, the other fifty-nine (59) cemeteries are not completely dormant, some families have taken up leases of graves, these families are allowed to re-use the graves for new family interments.
4. As of 15th August 2022, there are 10 851 gravesites available in the active Cemeteries.
5. The City has purchased land in the North in Ottawa/Mt. Edgecombe for purposes of developing a Cemetery, this land is 26 hectares in extent and the process of development is currently at master plan stage. The city continues to look for potential land that may be suitable for the development of new Cemeteries including engagement with private developers who develop private cemeteries.
6. The Municipality has terminated the practice of recycling of graves due to ongoing legal issues with the practice however, the practice of re-use of family graves continues where such families have taken a lease of such graves.
7. The Municipality operates and manages two (02) crematoria, namely (i) Mobeni Crematoria and (ii) Tongaat Crematoria, there are four (04) other private crematoria within the City.
8. All two (02) crematoria under the management and control of the City are operational.

11.5

Questions submitted by Councillor J Annipen : Customers who are in Arrears with the Utility Accounts (7/6/3/2):

There have been widespread reports that the City has instituted legal action against customers who are in arrears with the utility accounts. In view of this course of action I pose the following questions to Council.

1. **What are the conditions or circumstances that inform this decision? e.g., Debt due for a specific period of time? Debt above a particular amount? Value of the property? etc.**

2. What is the total amount of debt owed to the City by Government departments?
 - 2.1 Please tabulate this per department
3. What is the total amount of debt owed to the City by Parastatals?
 - 3.1 Please itemize each.
4. Has the City instituted action (by way of a combined summons) against any of the institutions mentioned in 1 and 2 above?
 - 4.1 If so, please indicate which are these institutions?
5. What is the total amount of debt owed by residents of eThekweni?
6. How many of those mentioned in 5 above have had action instituted against them by way of a combined summons?
7. How much of the debt mentioned in 5 above is, according to the Credit and Debt Recovery Policy, considered to be irrecoverable debt?
8. Please outline in detail when debt is considered to be irrecoverable and when the implementation of 'prescription of debt' can be applied?

Councillor NY Young provided the following respective responses:

1. The Municipality hands over the debtors that are long outstanding for more than 120 days. The value of the debt is also taken onto account because the municipality doesn't want to burden the customers that owe small amounts with high legal bills. The properties that are below R350 000 are not handed over because they fall under poorest of the poor.
2. The total amount owed by Government Departments as at 30 June 2022 is R726 Million and this amount is inclusive of current charges amounting to R110m.

2.1

GOVERNMENT DEBT	
Account Name	Outstanding Amount
NATIONAL GOVERNMENT	JUNE 2022
National Public Works	23 484 402
Dept. of Water Affairs	28 733 622
Dept. Of Defence	3 681 543
Dept. of Correctional Services	5 454 914
TOTALS FOR NATIONAL GOVERNMENT	61 354 480

GOVERNMENT DEBT	
Account Name	Outstanding Amount
NATIONAL GOVERNMENT	JUNE 2022
INGONYAMA	236 286 071
PROVINCIAL GOVERNMENT	
Education – Section 21 Schools	257 230 481
Provincial Public Works	25 699 237
Dept. of Health	29 952 253
Human Settlement	48 294 655
TVET Colleges	1 759 790
Education - Section 20 Schools	59 229 400
Dept. of Transport	3 522 842
Dept. of Social Welfare	1 726 851
Office of the Premier	16 156
Dept. of Arts & Culture	167 657
COGTA	330 686
Dept. of Economic Development	148 832
Dept. of Agriculture	3 529
TOTALS FOR PROVINCIAL GOVERNMENT	428 082 368
TOTAL OF GOVERNMENT DEBT	725 722 919

3. The total amount owed by parastatals amount to R214 Million as at 30 June 2022 and that is inclusive of current charges of R127 Million.

3.1

PARASTATAL DEBT	
Account Name	Outstanding Amount
	JUNE 2022
Transnet	153 435 147
Metrorail	7 680 677
Airports	7 930 242
PRASA	7 340 448
Ithala	4 199 415
Telkom	3 487 622
SABS	980 228
ESKOM	901 705
Petronet	1 017 767
SAA	135 197
Umgeni Water	24 890 366

PARASTATAL DEBT	
Account Name	Outstanding Amount
	JUNE 2022
Dube Tradeport	1 819 716
TOTAL	213 818 530

4. The City has disconnected a number of these institutions several times which is the first step when the account gets into arrears. The City has not instituted legal action by way of combined summons because there is an Act that governs the relationship between government institutions which is Intergovernmental Relations Framework Act 13 of 2005. This Act is prescriptive in terms of inter relations that the municipality has to go through the declaring a dispute before legal action is taken. The municipality has taken those steps in some of the organisations.
5. Amounts owed by the residents is the biggest portion of the total outstanding amount as at 30 June 2022. It is about 71% of the total outstanding which is R13,6 bn out of R19,3 bn.
6. There are 309 residential customers where combined summons have been served out of the total of 550 customers. These residential customers are the one that owe huge amounts of money above R50 000.
7. For the debt to be irrecoverable, each and every file has to be scrutinised in order to identify them. The following categories are not comprehensive but are broad and considered irrecoverable for residential properties:

IRRECOVERABLE DEBT	
Rural Water	946 188 179
Hostels	219 866 293
Deceased Estates	270 649 841
TOTAL	1 436 704 313

8. **The Council Approved Policy has got Comprehensive Section on Irrecoverable Debt as Quoted Below:**

“Debt will only be considered as irrecoverable if it complies with one or more of the following criteria–

- a. all reasonable notifications and cost-effective legal avenues have been exhausted to recover a specific outstanding amount;*
- b. any amount equal to or less than R500.00, or as determined by the Municipal Council from time to time, will be considered too small, after having followed basic checks, to warrant further endeavours to collect it;*
- c. the cost to recover the debt does not warrant further action;*

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- d. it has been proven that the debt has prescribed;*

- e. *the debtor is untraceable or cannot be identified so as to proceed with further action;*
- f. *the debtor has emigrated leaving no assets of value to cost-effectively recover the Municipality's claim;*
- g. *it is not possible to prove the debt outstanding;*
- h. *a court has ruled that the claim is not recoverable;*
- i. *the claim is subject to any order of court;*
- j. *the claim is subject to an out of court settlement agreement;*
- k. *the debt is subject to a settlement in terms of section 109 of the Systems Act;*
- l. *the Municipality has resolved that the debt is irrecoverable;*
- m. *if an offer of Full and Final Settlement is accepted and confirmed in writing by the Head: Legal and CFO if it has financial implications;*
- n. *the outstanding amount is—*
 - i. *as a result of an administration error;*
 - ii. *as a result of a property debt that arose prior to the current owner taking transfer and successive transfers before his;*
- o. *expenditure incurred in respect of internal accounts raised in the name of the Municipality, in any previous financial year;*
- p. *conversion of old dormant account balances of debtors, inherited from the previous municipalities which now form part of the Municipality, and where reasonable steps have been taken to recover these debts;*
- q. *where the Municipality—*
 - i. *expropriates any property and the amount of compensation payable is insufficient to offset the debt due to it; or*
 - ii. *purchases any property at a sale in execution.*
- r. *Where the Municipality has entered into a valid written agreement with, or is the holder of a valid power of attorney issued by, National/Provincial Government alternatively, an organ of State, to develop land registered*

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in the name of / statutorily vested in such entity for low income purposes in terms of a government subsidised housing program, and:-

- i. *Salient terms of the agreement or power of attorney include any of the following:*
 - (a) *the Municipality assumes responsibility for the payment of rates, or any other charges levied on such property;*
 - (b) *The Municipality will not levy rates, or any other charges on the property until such time as a serviced land reference number is created and property registered in the name of a beneficiary of the subsidised housing program; or*
 - (c) *The Municipality is contractually obliged to exempt the owner from liability to pay rates and or service charges on such property.*
- ii. *A certified copy of the written agreement or power of attorney is produced to the CFO by duly authorised representative of the Municipality's Human Settlement Unit confirming that the Municipality is, and remains, legally obliged to assume/waive/exempt rates and or any service charges.*
- s. *The Municipality may write-off the debt where any property, other than a property registered in the name of an Organ of State, has been informally settled upon for a period in excess of twenty-four (24) months and: -*

- i. *Most of the land comprises of informal structures and the balance of the properties that remain unoccupied, is not suitable for formal development on its own, due to planning or statutory grounds;*

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- ii. *the accrued debt on the property exceeds the Municipal value of the property, as confirmed by a certificate from the Municipal Valuer;*
- iii. *the Municipality is in receipt of Deeds Registry report not older than three (3) months, confirming that the owner(s) either has no other fixed assets or has fixed assets with a Municipal value below the value of the uncollected debt. This provision applies, with such changes as may be necessary, to any sureties who may have stood security for the debt; and*
- iv. *ultimately, all other legal mechanisms and avenues to recover the debt as contemplated in this Policy and Bylaw, have been exhausted, including an unsuccessful endeavour to obtain a court order in the owner's favour for the return of the use and possession of the property.*

11.6 Questions submitted by Councillor S Gwala: Budget Allocated for CIP/Blocksum Projects (33/3/2):

EThekweni Municipality has allocated an Annual budget of R3 Million for 2021/2022 financial year for CIP/Blocksum Projects (per Ward).

I pose the following questions:

1. **Was the R333 000 000.00 as the allocation of all 111 Wards been utilised?**
2. **How many outdoor gyms were built across the City of eThekweni?**
3. **Was the funding allocated for each Ward enough to conducts CIP Projects?**
4. **If not, what was the shortfall and how are we going to improve the service of this nature to meet the Municipality Service Standards?**
5. **With regards to the projects that were part of 2021/2022 financial year yet they are not implanted on the ground what would be the way forward of the solution to fulfil the submissions made by Councillors on behalf of their communities?**
6. **If we have not meet the target due to Covid-19 or any other issues. How much money was left and not utilised and what are we going to do with that money?**

Councillor ON Zondi-Mthembu provided the following respective responses:

1.
 - The total allocation for the 2021/22 financial year was R330 million and this represented a total of 110 wards, from the 2022/23 MTREF the ward allocation will be increased to 111 wards, this was however not the case in the 2021/22 financial year,

- The financial performance of the CIP allocation for the 2021/22 financial year was as follows, which is a demonstration of the actual expenditure per area of responsibility:

DEPARTMENT	ACTUAL EXPENDITURE
Community & Emergency Services	77,768,595
Human Settlements	37,566,274
Engineering	29,608,706
HSET - DCM's Office	49,916,167
Ethekweni Transport Authority	3,881,525
Sanitation	38,210,944
Total Spent	236,952,211
Total Budget Allocation	330,000,000
Total Unspent	93,047,789

2.

Description	North Region	South Region	Central Region	West 1	West 2	Total
Number of Outdoor Gyms	23	24	13	5	16	81

The Community & Emergency services built 81 outdoor gyms in the respective financial year.

- Capital projects for CIP are submitted by Councillors. When the applications are received a cost assessment was conducted by the affected line department to make a determination of whether the projects will qualify for CIP, or if it requires a separate application process in line with Community Based Planning (CBPs) in line with the ward's priorities.
 - It was noted that CIP projects should not exceed R3 million for that financial year as the implementation of these projects was expected to be short., The CIP allocation for wards was a complementary budget allocation to assist with small projects within wards to improve service delivery, and the allocation of R3 Million was based on the City's affordability taking into account that over R5 billion was allocated annually for capital to deal with bulk infrastructure and the replacement of aged assets to improve service delivery and also maintain the current service level.
- No answer was provided for number 4.
- The submissions made by Councilors were submitted to the implementing departments for action given the different mandates within the City, a reconciliation of the submissions will need to be conducted to take stock of what has been implemented and the outstanding matters. Once this has been established the relevant line department will have to provide feedback on the status of implementation in line with the City's affordability,

- It was noted that the 2022/23 MTREF has been reprioritized to respond to the most urgent and critical storm damages. The City is currently undergoing a rebuilding process in response to the recent disaster dating back to 2019, Covid19, Political unrest and the April/May 2022 floods. This has affected a number of programs that were still under planning and implementation stage given that no external sources of funding has been received by the City.
6. Refer to our response above regarding our unspent portion of the allocation. The money not utilised in 2021/22 year will be used to fund the expenditure as per the approved budget for 2022-23.

11.7

Questions submitted by Councillor Y Govender : The State of eThekweni Sanitation Infrastructure (23/2/1/3/3/1):

The state of the eThekweni sanitation infrastructure is dire and in need of urgent remedial action. Sewer spills have reach epic, unprecedented proportions and eThekweni Municipality has been slow to intervene.

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

1. **A list of all vandalized Pump Stations is required, such list to include the physical addresses of the action?**
2. **What is the precise location of Pump Stations where the pumps have been stolen?**
3. **How much of budget has been prioritised to deal with the Umbilo Treatment Works which was severely affected by floods?**
4. **What proactive intervention is in place to deal with recurring sewer blockages and unblocking of manholes by the wastewater network team? Precise details are required.**
5. **A copy of the total budget required to fix sanitation is required.**
6. **The report on the status of sanitation and wastewater infrastructure and the financial implications presented to EXCO is required.**
7. **A copy of all directives and notices of non-compliance that have been issued against or to the eThekweni Municipality is required.**
8. **What is the action plan that has been developed to attend to the directives and is currently being implemented?**
9. **A list of all stations where water quality testing is done is required?**
10. **Where can one find up to date results on water qualify testing online?**

Councillor CN Sisoka provided the following respective responses:

1. Progress of all pump stations damaged by floods and progress on repairs was presented.
2. No pumps have been stolen. Stations have been vandalized and mainly cable theft takes place.
3. R54 Million was required to restore the works there is currently no funding
4. Where there are recurring blockages CCTV inspections of the sewer are carried out to determine if there is damaged infrastructure or if it is simply abuse of the system. If there is damaged infrastructure contracts are advertised to repair the infrastructure
5. Capital Budget required was R810,000,000.00. Government grant funding was only given for underground pipe damage. All above ground damage i.e. treatment works, pipe bridges etc. has to be covered by insurance claims.
6. The report was sent to the Executive Committee.
7. The below is a list of all directives and notices of non-compliance that have been issued against or to the eThekweni Municipality.

Directives and Non-Compliances Notices								
No.	Date issued	Nature of Enforcement	Authority	Description	Associated Infrastructure	Response from EWS	Response from Authorities	Status
43	08-Jun-22	Pre-Directive	EDTEA	Notice of intent for sewage spill due to flood damage	various infrastructure due to flood damage	Yes		
42	13-May-22	Directive	DWS	Pollution from various wastewater infrastructure and resultant pollution of environment	various infrastructure due to flood damage	Yes	No	pending
41	06-Apr-22	Non-compliance notice	DWS	Pollution from discharge from Umbilo WWTW	Umbilo WWTW			
40	05-Apr-22	Non-compliance notice	DWS	Pollution from discharge from Amanzimtoti WWTW	Amanzimtoti WWTW			
39	03-Feb-22	Pre- Directive	EDTEA	Pollution of Umbilo River on Sprite Rd, Pinetown	sewer blockage	Yes	No	pending
38	01-Feb-22	Pre-Directive	EDTEA	Pollution emanating from Isibaya Pump station	Isibaya Pump station	Yes	No	resolved
37	14-Jan-22	Pre-Directive	EDTEA	Pollution of Umgeni River by Northern WWTW and Pump stations	Northern WWTW and Johanna Rd PS	Yes	No	pending
36	26-Jan-22	Pre- Notice	DFFE	Pollution of coastal environment with sewage at Bronze beach	Portland Pump station	yes	No	resolved

Directives and Non-Compliances Notices								
No.	Date issued	Nature of Enforcement	Authority	Description	Associated Infrastructure	Response from EWS	Response from Authorities	Status
35	26-Jan-22	Directive	DWS	Pollution of Umgeni River by Northern WWTW and Pump stations	Northern WWTW and Johanna Rd PS	Yes	no	pending
34	14-Jan-22	Non-compliance notice	DWS	Pollution of Umbilo River on Surprise Rd, Pinetown	sewer blockage	Yes	No	pending
33	07-Jan-22	Directive	DWS	Pollution of water resource affecting Umlazi River	Dassenhoek trunk sewer	Yes	No	pending
32	10-Nov-21	Non-compliance notice	DFFE	Sewage discharge into the harbour via Lavender Creek	Mahatma Gandhi PS	Yes	Yes	pending
31	05-Nov-21	Non-compliance notice	DWS	Pollution of Mbokodweni River with non-compliant effluent	Amanzimtoti WWTW	Yes	No	resolved
30	05-Oct-21	Non-compliance notice	DWS	non-Compliance letter in terms of Section 19 NWA: Discharge of effluent likely to cause pollution to Isipingo River	Isipingo WWTW	Yes		resolved
29	05-Oct-21	Non-compliance notice	DWS	Non-Compliance letter in terms of Section 20(3) and Section 20(4) of the National Water Act, 1998 (Act No.36 of 1998) : Trunk Sewer line discharge into the Umhlatuzana River near 196 Heron Street, Umhlatuzana	Sewer line at Heron Street	Yes	No	resolved
28	17-Sep-21	Non-compliance notice	EDTEA	Sewage overflow at 127 Margaret Mncadi Ave, Esplanade	Ghandi Rd sewer diversion	Yes	no	resolved
27	23-Sep-21	Non-compliance notice	DWS	High Ecoli counts in Ezimbokodweni & Isipingo River	numerous	Yes	No	resolved
26	18-Aug-21	Non-compliance notice	DWS	Failure to prevent pollution to water course, Worthing Avenue	sewer blockage	Yes	No	resolved
25	28-Jul-21	Non-compliance notice	DWS	Manhole overflow into Umhlatuzana Rafia Road	manhole	no		resolved
24	05-Jul-21	Non-compliance notice	DWS	Manhole overflow into tributary of Umbilo River. Swanfield Rd	manhole	yes	no	resolved
23	28-Jun-21	Non-compliance notice	DWS	Sewage overflow at 273 Quarry Rd East	Pumpstations overflow	Yes	No	resolved
22	05-May-21	Directive	EDTEA	Environmental degradation of Umgeni River as a result of numerous overflows	Umgeni Pump Stations	Yes	No	resolved
21	09-Apr-21	Directive	EDTEA	Degradation of properties situated at Eiderwood Close		Yes	no	resolved
20	25-Mar-21	Notice of Intent for Directive	DEFF	Unlawfull discharge into Umlazi Canal	Southern WWTW	Yes		resolved

Directives and Non-Compliances Notices								
No.	Date issued	Nature of Enforcement	Authority	Description	Associated Infrastructure	Response from EWS	Response from Authorities	Status
19	09-Mar-21	Notice of Intent for Directive	EDTEA	Overflow of sewers in Waterloo	Various sites	Yes	No	resolved
18	04-Mar-21	Non-compliance notice	DWS	Failure to contain/prevent pollution to water course	Landsdowne Pump station	No	no	resolved
17	09-Apr-21	Directive	EDTEA	Degradation of properties situated at Eiderwood Close	Surrounding sewers	Yes	No	resolved
16	11-Dec-20	Non-compliance notice	DWS	Failure to prevent pollution to water resources from Craigeburn WWTW	Craigeburn WWTW	yes		
15	11-Dec-20	Non-compliance notice	DWS	Failure to prevent pollution to water course, Bottlebrush	Bottlebrush trunk sewer	yes	no	resolved
14	26-Nov-20	Non-compliance notice	DWS	Discharging of effluent likely to cause pollution of Umbilo River	Umbilo WWTW			
13	09-Nov-20	Directive	EDTEA	Environmental degradation of Umbilo Canal	Vusi Mzimela sewer line	Yes	No	Temp
12	05-Nov-20	Non-compliance notice	DWS	Manhole overflow into the Umbilo River, Caversham rd	manhole			
11	03-Nov-20	Directive	EDTEA	Environmental degradation of oThongathi Estuary	Thongathi WWTW	Yes	No	pending
10	30-Jul-20	Directive	EDTEA	Environmental degradation of Isipingo Estuary	Pumpstations and sewer pipes	Yes	No	resolved
9	16-Jul-20	Non-compliance notice	DWS	Pollution at Amanzimtoti Bird Park	Sewer pipe	Yes	No	resolved
8	17-Jul-20	Directive	DWS	Pollution of water resource at tributary of Umhlathuzana	Heron Street sewer	No		resolved
7	24-Jun-20	Directive	EDTEA	Degradation of Umdloti River situated in Verulam	Verulam WWTW	Yes	Yes	pending
6	15-Jun-20	Directive	EDTEA	Degradation of Umbilo River in Paradise Valley Vicinity	Umbilo WWTW	Yes	Yes	pending
5	12-Jun-20	Non-compliance notice	DWS	Discharging of effluent likely to cause pollution of Umbilo River	Umbilo WWTW			
4	26-May-20	Directive	EDTEA	Degradation to the property on 3 Eiderwood Close	Sewers	Yes	Yes	pending
3	17-Mar-20	Notice of Intent for Directive	DEA	Degradation of environment caused by discharge from Ohlanga Pump station	Ohlanga Pump Station			

Directives and Non-Compliances Notices								
No.	Date issued	Nature of Enforcement	Authority	Description	Associated Infrastructure	Response from EWS	Response from Authorities	Status
2	13-Jan-20	Non-compliance notice	DWS	Discharging untreated sewage from a burst sewage pipe along M7 Bluff	Sewer pipe Bluff			
1	14-Jan-19	Non-compliance notice	DWS	Discharging of effluent likely to cause pollution of Umlazi River	KwaNdengezi WWTW			

8. There was no action plan developed as each Directive requires different responses. The Department always reacts timeously to directives and keeps in constant contact with department who issues the directive. Every 2 months meetings are held between EWS, DWS and EDTEA to resolve issues.
9. No water quality testing was done at sewerage pump stations.
10. The Sea and river water test results are given to the City's Parks Department who advise the public if they are not to spec.

11.8

Questions submitted by Councillor M Billy : Abuse of Overtime in the Cleansing and Solid Waste Unit (4/5/1/3):

It has been widely reported in the public domain and in the previous Cleansing and Solid Waste (CSW) monthly performance reports that there is a real possibility that overtime in the CSW Unit is being abused by some employees. On the 10th of August 2022. The Mercury reported that a general employee in the CSW Unit managed to triple his salary when he claimed more that 208 hours of overtime pay in one month.

In light of the above I pose the following questions:

1. **It is legal or illegal for CSW or any other eThekweni employee to work over 200 hours in one month?**
 - 1.1 **If not legal, what are the bases to have allowed the above?**
2. **How many employees have worked illegal and over 200 overtime hours in the CSW department between July 2021 and July 2021? Please provide exact overtime hours worked and cost claimed per employee over this period.**
3. **What consequences management strategy/ policy is in place to ensure employees do not work illegal overtime in the CSW Unit? Please provide exact details on what policy is in place to hold employees and managers who claim and allow payment of illegal overtime.**

Councillor SM Mkhize provided the following respective responses:

1. If employees work excessive hours that has been approved by their supervisors and there is sufficient evidence (checks and balances) then such employees are paid their necessary overtime pay. Cleansing and Solid Waste is deemed an essential service and therefore given the scarce human capital available in the Plant and Engineering Department, overtime is seen as necessary to complete operations. It must be noted that landfill sites, garden and refuse transfer stations operated from 7:00 to 5:00 pm. (7) seven days a week. The Cleansing and Solid Waste Unit is challenged with the cutting of the overtime budget. The operation times for the Waste facilities will be reviewed.

2.

EMPLOYEES THAT WORKED OVER 200 HOURS OVERTIME:

Service No.	Department	Designation	Grade	Pay Month	Hours Per Month	Overtime per Month
2162832	Plant and Eng	Supervisor Driver	T07	Oct-21	207.00	R32,638.36
6912206	Plant and Eng	Supervisor Driver	T07	Nov-21	232.00	R42,236.62
2162589	Plant and Eng	General Assistant	T03	Nov-21	210.00	R20,321.51
2169263	Plant and Eng	General Assistant	T03	Nov-21	209.00	R19,268.64
9798200	Plant and Eng	Supervisor Driver	T07	Nov-21	209.00	R35,519.23
2162466	Plant and Eng	General Assistant	T03	Nov-21	209.00	R20,202.50
9927905	Plant and Eng	General Assistant	T03	Nov-21	209.00	R21,584.86
9553207	Plant and Eng	General Assistant	T03	Nov-21	209.00	R22,103.67
9114904	Plant and Eng	Supervisor Driver	T07	Nov-21	207.00	R35,100.74
9552308	Plant and Eng	General Assistant	T03	Nov-21	205.00	R21,582.82
2162477	Plant and Eng	General Assistant	T03	Nov-21	205.00	R19,726.45
2162470	Plant and Eng	General Assistant	T03	Nov-21	204.00	R19,756.20
9059407	Plant and Eng	Supervisor Driver	T07	Nov-21	204.00	R33,125.42
9295500	Plant and Eng	General Assistant	T03	Nov-21	202.00	R19,988.06
2162462	Plant and Eng	General Assistant	T03	Nov-21	200.00	R19,280.15
3071200	Plant and Eng	Plant Operator	T07	Dec-21	223.00	R42,140.81
6912206	Plant and Eng	Supervisor Driver	T07	Dec-21	213.50	R37,687.19
6750001	Plant and Eng	Plant Operator	T07	Dec-21	210.00	R39,519.89
6912206	Plant and Eng	Supervisor Driver	T07	Jan-22	247.00	R39,933.82
6750001	Plant and Eng	Plant Operator	T07	Jan-22	244.00	R42,288.04
5643902	Plant and Eng	Supervisor	T07	Jan-22	225.00	R30,117.11
7552203	Plant and Eng	Supervisor Driver	T07	Jan-22	225.00	R32,336.89
9553207	Plant and Eng	General Assistant	T03	Jan-22	225.00	R20,606.21
2162470	Plant and Eng	General Assistant	T03	Jan-22	220.00	R18,387.55
2162836	Plant and Eng	Supervisor Driver	T07	Jan-22	220.00	R29,403.43
2162462	Plant and Eng	General Assistant	T03	Jan-22	210.00	R17,494.96
6738001	Plant and Eng	Supervisor Driver	T07	Jan-22	209.00	R37,694.08

Service No.	Department	Designation	Grade	Pay Month	Hours Per Month	Overtime per Month
9927905	Plant and Eng	General Assistant	T03	Jan-22	209.00	R20,345.08
9798609	Plant and Eng	Supervisor Driver	T07	Jan-22	207.00	R30,288.11
9554300	Plant and Eng	General Assistant	T03	Jan-22	207.00	R19,271.54
9295500	Plant and Eng	General Assistant	T03	Jan-22	207.00	R18,038.01
2162593	Plant and Eng	General Assistant	T03	Jan-22	205.00	R17,048.66
9798200	Plant and Eng	Supervisor Driver	T07	Jan-22	200.00	R29,189.59
9928804	Strategic and New Dev	General Assistant	T03	Jan-22	200.00	R17,324.76
7336403	Plant and Eng	Supervisor Driver	T07	Feb-22	213.50	R37,715.27
2169263	Plant and Eng	General Assistant	T03	Feb-22	210.00	R18,757.83
4605403	Plant and Eng	Supervisor Driver	T07	Mar-22	221.00	R41,640.18
8769001	Plant and Eng	General Assistant	T03	Mar-22	215.00	R23,067.40
2154329	Plant and Eng	Supervisor Driver	T07	Apr-22	317.00	R49,449.54
8769001	Plant and Eng	General Assistant	T03	Apr-22	249.00	R26,067.48
9840605	Plant and Eng	Supervisor Driver		Apr-22	230.00	R37,454.75
4095804	Plant and Eng	Supervisor Driver		Apr-22	230.00	R44,636.16
2162561	Plant and Eng	General Assistant		Apr-22	226.50	R21,020.71
9797602	Plant and Eng	Supervisor Driver	T07	Apr-22	216.00	R34,943.80
9840001	Strategic and New Dev	Supervisor Driver	T07	Apr-22	214.00	R35,309.99
4605403	Plant and Eng	Supervisor Driver	T07	Apr-22	209.00	R38,489.19
2154334	Plant and Eng	General Assistant	T03	May-22	288.50	R26,561.52
8769001	Strategic and New Dev	Supervisor Driver	T07	May-22	234.00	R38,344.03
7761201	Plant and Eng	Supervisor Driver	T07	May-22	233.00	R40,862.16
4605403	Plant and Eng	Supervisor Driver	T07	May-22	208.00	R38,047.47
6750001	Plant and Eng	Plant Operator	T07	May-22	203.50	R36,221.66
6744605	Plant and Eng	General Assistant	T03	May-22	200.50	R20,467.32
9798005	Plant and Eng	Supervisor Driver	T07	Jun-22	226.00	R35,519.23
9798200	Plant and Eng	Supervisor Driver	T07	Jun-22	214.00	R35,728.48
9059407	Plant and Eng	Supervisor Driver	T07	Jun-22	203.00	R31,030.13
9840001	Strategic and New Dev	Supervisor Driver	T07	Jun-22	203.00	R32,537.50
TOTAL COST						R1,665,422.76

- Employees are allowed to work 40 hours overtime in terms of legislation, however, notwithstanding this requirement, the Unit is challenged with completing daily tasks with overtime. The Unit is aware that Corporate HR is undertaking an investigation on all employees who have worked excessive hours. The Unit will be in a better position to answer this query after the investigation and findings.

11.9

Questions submitted by Councillor S Sewshanker : Lack of Law Enforcement During the Political Event at Olive Convention Centre (28/1/2/1):

The weekend of 22 to 24 July 2024 was a nightmare for residents of North Beach and visitors of tourist hotspots on the Beach Front. A lack of enforcement and implementation of the law during the political event at the Olive Convention Centre is not what we, as a City, expect out of our Law Enforcement Unit.

Metro Police were deployed in large numbers to oversee a three day event, where the City's by-laws were contravened as attendees wreaked havoc on the streets of North Beach, including assaulting of residents, illegal parking blocking off entrances to residential buildings as well as public indecency and loud noise continued into the early hours of the following morning. It cannot be that any political organization allow their members to bring any residential area to a standstill with unruly disruptions.

Against this background, I pose the following questions:

1. **Who were the stakeholders involved in the planning committee meeting of the event?**
2. **When did the notices warning residents of the event go out and to whom?**
3. **How many Metro Police Officers were deployed for the event on both day and night shift?**
4. **How many vehicles were towed away for obstructing entrances to residential buildings?**
5. **How many fines, if any, were issued for illegal parked vehicles?**
6. **How many people were fined and or prosecuted for acts of public indecency?**
7. **How many people were arrested for drinking in a public place?**
8. **Does Metro Police have an instrument to measure sound levels?**
9. **How many complaints of nuisance were registered at the Emergency Call Centre on each night?**
10. **How many Metro Police vehicles were deployed for the event?**
11. **What was the cost of the event to Metro Police?**

A request was submitted to defer the matter questions to the next meeting, on the basis that the SAPS outcome report had not yet been received as by the Municipality for consolidation of the adequate responses to the questions.

Thereafter, it

RESOLVED:

That consideration of the Questions submitted by Councillor J Naidoo relative to the Lack of Law Enforcement During the Political Event at Olive Convention Centre, be **DEFERRED** to the next meeting.

12. REPORTS:

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

(At this stage of the proceedings, time being 12h09, the Municipal Council went In-Committee. The Ordinary Meeting subsequently resumed at 12h30.)

(The Deputy Mayor, Councillor PG Mavundla, presented the First Report of the Executive Committee).

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-08-16)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), PG Mavundla (Deputy Mayor), Y Govender, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, T Sabelo, ZR Sokhabase and there being one (01) vacancy.

1. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2022-08-03

(Page R1)

- 1.1 Re-Prioritization of Savings from P14635 Bankhead Road Project, for Utilization on P14182 - Upgrading of Max Masango Avenue and Inkwazi Close in Savannah Park, Ward 72 (25/4/7/1/1):
(Page 25: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

The Committee was advised that the Max Masango Avenue and Inkwazi Close in Savannah Park, Ward 72, forms part of the priority development in this area. That the route is essential as it provides access to the local community from the bus route. Budget allocation in the amount of R1 500 000.00 (One Million Five Hundred Thousand Rand), excluding VAT, has been allocated for the upgrade of the aforesaid road in the 2022/2023 financial year. However, due to the current market conditions, the total project cost to upgrade the road is R1 825 000.00 (One Million Eight Hundred and Twenty-Five Thousand Rand), excluding VAT, thus a shortfall in the amount of R325 000.00 (Three Hundred and Twenty-Five Thousand Rand). The shortfall will be covered through savings identified from P14635 – Bankhead Road project.

Authority is therefore sought to reprioritise the savings identified to then beef up the costs to upgrade the Max Masango Avenue and Inkwazi Close in Savannah Park. Accordingly,

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the Deputy City Manager: Human Settlements; Engineering and Transport to reprioritise savings in the amount of R325 000.00 (Three Hundred and Twenty-Five Thousand Rand), excluding VAT, identified from P14635, Bankhead Road project and to be utilized to fund the shortfall on P14182: Upgrading of Max Masango Avenue and Inkwazi Close in Savannah Park, Ward 72, in the 2022/2023 financial year.
- 1.1.2 That subject to the adoption of .1 above, the savings identified be regularized via the September 2022 adjustment budget.

Financial Implications

Savings of R325 000.00 (Excl. VAT) have been identified on P14635 (Bankhead Road) in the 2022/2023 financial year. The saving of R325 000.00 (Excl. VAT) available on this budget can be utilised to cover the shortfall on P14182: Upgrading of Max Masango Avenue and Inkwazi Close in Savannah Park, Ward 72.

Commenting on the matter, the DA queried the legitimacy of the proposed reprioritization of the budget, given that the 2022/2023 Budget had just been approved by Council in June 2022. They mentioned that the Municipal Finance Management Act specifies that the adjustment budget was to be approved by Municipal Council during February of each year.

Whereafter, the Chairperson of Human Settlement and Infrastructure Committee reminded Council that during consideration of the 2022/2023 Budget, there were numerous unfunded projects and therefore the Final Budget had to be re-worked in order for Council to approve a Final balanced budget. Subsequently, it has since been noted that the approved budget for this project relative to the Upgrading of Max Masango Avenue and Inkwazi Close in Savannah Park, was not sufficient and this has necessitated Council to reprioritise savings identified to then beef up the costs of the aforesaid project.

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

- 1.2 Request to Utilise Savings from the Roads Provision Department to Pay for Floods Damages Repairs (25/1/11) & (29/2/2/2):
(Page 38: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

The Committee received a report advising of the savings identified from the Roads Provision Department to be transferred to the Roads and Stormwater Maintenance Department to cater for flood damages repairs as well as the Low Volume Gravel Roads Upgrade Programme. Through the Municipal-wide budget reprioritization and savings identified from the underspending projects, funding in the amount of R35 000 000.00 (Thirty-Five Million Rand) has been made available for the Roads and Stormwater Maintenance Department to address challenges related to the recent floods of April 2022.

In view of the budget allocation referred to in the preceding paragraph, the Roads and Stormwater Maintenance Department therefore went ahead to identify critical projects, in line with its flooding prioritization process. Damages were therefore ranked in terms of high, medium and low.

Priority Setting	
High	Routes leading to major economic zones, major and high traffic routes, main bus routes connecting suburbs and townships, main routes leading municipal infrastructure.
Medium	Main residential streets with medium traffic, residential routes leading to municipal infrastructure, routes leading to schools and clinics, main residential routes.
Low	Rural and Urban normal residential routes.

Through the budget made available, priority will be given to rehabilitating the roads ranked as high as well as some of the medium-ranked roads. Secondly, before floods came, the Department was already busy with the upgrading of the gravel roads through the Low Volume Gravel Roads Upgrade Programme. An amount of R39 000 000.00 (Thirty-Nine Million Rand) was made available for this purpose in the 2021/2022 financial year. This budget has already been spent. However, due to the 10% retention money which finance had to cater for as part of this R39m, there was a shortfall of R3 900 000.00 (Three Million Nine Hundred Thousand Rand) on work done.

Therefore, overall, the Roads and Stormwater Maintenance Department has a need of the following budget:

- R35 000 000.00: Flood damages; and
- R 4 000 000.00: Retention money.

With Committee members being in agreement that a total of R39 Million identified from savings be utilised,

COMMITTEE RECOMMENDS:

That approval be granted for the Deputy City Manager: Human Settlements; Engineering & Transport to facilitate the transfer of funds in the amount of R39 000 000.00 (Thirty-Nine Million Rand) from the Roads Provision Department to the Roads and Stormwater Maintenance Department (within one Unit) to cater for flood damages as well as the 10% retention money on projects already undertaken.

ADOPTED.

1.3

Request for Authority for the Real Estate Unit to Register Servitude for Valley View Drive Trunk Sewer: Ward 60 (23/2/1/5/R):

(Page 135: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

Authority is sought for the Real Estate to register a servitude for the Valley View Drive Trunk Sewer Project, Ward 60. It was advised that the Water and Sanitation Design Branch was tasked by the Committee to provide a collector sewer to serve the new development of 720 low-cost housing in the Redcliff Area, Verulam, Ward 60. The project entails the construction of 860m sewer pipeline of 355mm HDuPVC pipe, 1m Diameter manholes and gabion protection work that will be constructed parallel to the Valley View Drive and connect into the existing sewer.

The estimated cost for acquiring servitude is R80 000.00 (Eighty Thousand Rand), excluding VAT, and budget has been provided in the 2022/2023 financial year under Project No.: Y6717.

With the Committee in agreement,

COMMITTEE RECOMMENDS:

- 1.3.1 That the acquisition of a sewer servitude over of the property described as the Remainder of Portion 373 of the Farm Roode Krans No.828, in approximate extent of 634m², as depicted on Hand Plan No.SJ 4792/6, from the private owner via donation, private treaty or expropriation if necessary, following the appropriate procurement process, as prescribed by the relevant legislation, including the Municipal Supply Chain Management Policy, if applicable, be granted.
- 1.3.2 That in the event that expropriation is deemed necessary, authority be granted for the Head: Real Estate to proceed with the expropriation of a sewer servitude over the Remainder of Portion 373 of the Farm Roode Krans No. 828, in approximate extent of 634m², as depicted on Hand Plan No.: SJ 4792/6.
- 1.3.3 That subject to adoption of .2 above, authority be granted for the Head: Real Estate to assess compensation in terms of Section 25(3) of the Constitution of the Republic of South Africa No.108 of 1996, read in conjunction with the Expropriation of Land Act No. 63 of 1975, as the proposed acquisition is in the public interest and/or for public purposes and, as such, the acquisition is deemed compulsory.
- 1.3.4 That subject to the adoption of .3 above, authority be granted for the Head: Real Estate to conclude the appropriate agreement and sign all necessary documents to effect transfer, donation or expropriation and registration in favour of the eThekweni Municipality.

Project No.: Y6717 R80 000.00 (Provided in the Capital Budget for the 2022/2023 financial year

ADOPTED.

- 1.4 Authority for eThekweni Municipality Water & Sanitation Unit to Enter into a 3-Year Memorandum of Agreement with Bill and Melinda Gates Foundation to Support the Testing, Evaluation and Uptake of Re-Invented Non-Sewered Sanitation Solutions and Capacity Building (23/2/1/3/3/10:
(Page 141: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

Authority is sought to enter into a 3-year Memorandum of Agreement (MOA) between the eThekweni Municipality and the Bill and Melinda Gates Foundation to support the testing, evaluation and uptake of re-invented non-sewered sanitation solutions and capacity building.

The Bill and Melinda Gates Foundation (BMGF) is a Non-Profit Organisation fighting poverty, disease, and inequity around the world for over 20 years. In 2011, the Water, Sanitation and Hygiene Programme at the BMGF initiated the Re-invented Toilet Challenge (RTTC) to spur the creation of new toilet technologies that safely and effectively manage human waste. The BMGF awarded grants to researchers around the world to develop reinvented toilet (RT) technologies based on innovative approaches and engineering processes. As a result of the RTTC there are now several RT technologies which are available worldwide.

The BMGF and the eThekweni Water & Sanitation (EWS) would like to collaborate closely and synergise initiatives with their respective mandates and resources to achieve the desired deliverables whilst maximising efficiency. The key objectives of the agreement are:

- The testing of RT technologies under the EFTP.
- The demonstration and evaluation of commercialised RT technologies in the eThekweni Municipality with a view to supporting the large-scale rollout.
- Provision of flood relief support by the BMGF with climate resilient RT technologies.
 1. • **Building capacity within the EWS for future uptake of RT technologies.**
 2. • **Identify other specific areas of collaboration which can be co-funded (subject to obtaining all necessary Council approvals).**

The co-funding arrangements on specific projects will be entered into between the BMGF and the EWS, subject to funding availability and obtaining all necessary Council approvals. The EWS will continue to provide community liaison, facilitation services and management support under this agreement. The BMGF have committed US \$ 350 000 for the first phase of the programme which includes the planning, stakeholder mapping and task force creation for the programme. Further funding will be made available based on the outcome of the first phase.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

That for the reasons set out in the report of the Head: Water and Sanitation dated 2022-07-04, authority be granted for the Acting City Manager to enter into a Memorandum of Agreement (MOA) between eThekweni Municipality and the Bill & Melinda Gates Foundation to support the testing, evaluation and uptake of re-invented non-sewered sanitation solutions and capacity building for a period of three (3) years.

Speaking on the matter, the IFP submitted that waterborne diseases result in fatalities, it being advised that a mother of two (03) kids has died after having drank contaminated water. That the recent floods have exacerbated the water challenges. A call was made for the Municipality to take responsibility and provide clean and safe water to its residents. The IFP then supported the recommendation in anticipation that the initiative would assist the Municipality to better provide water services.

Reference being made to the death of a mother cited in the preceding paragraph, the ANC cautioned Council members to refrain from making assumptions on the cause of death until such time that an investigation on the fatalities is undertaken to provide conclusive evidence on the cause of death. The recommendation was then supported it being mentioned that the Memorandum of Agreement will assist the Municipality to establish new technologies to address water challenges.

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

- 1.5 Noting of Section 116(3) of the Municipal Finance Management Act 2003, Regarding a Request for Additional Contract Authority Under Project 1H-40363, Construction of Houses, North and South Booth, Chesterville, Ward 24 (22/1/1/1/3):
(Page 240: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

The Committee received the report for noting in terms of Section 116(3) of the Municipal Finance Management Act 2003, with regard to the amendment of the period of performance and contract authority value on contract 1H-40363 for the North and South Booth rectification project.

The North and South Booth Road Project was developed in 2001 by the Cato Manor Development Association (CMDA) acting as a development agent for the KwaZulu-Natal Department of Housing (DoHS) (at that time). A number of 440 units were built under this project. The eThekweni Municipality has since taken over the project, obtained DoHS approval to implement a Rectification Project and appointed the following contractors to build 104 houses each: Company A (1H-40363) was appointed on 4 April 2020 for a Contract Value of R12 994 660.98, including VAT; and Company B (1H-40363) was appointed on 24 January 2020 for a Contract Value of R13 193 60.52.

The house design and specifications which formed part of the above-mentioned contracts were old specifications that were inadequate and not acceptable by the NHBRC, hence the enhancement of the norms and standards by the DoHS when construction started in July 2021. The Bid Adjudication Committee approved the award of contract 1H-40363 for the contract sum of R12 994 608.98 (inclusive VAT) for Contractor A and a sum of R13 193 609.52 (incl. VAT) for contractor B, construction of 312 houses (40m²) at North and South Booth, Chesterville Ward 24. The appointment will expire on 23 January 2023. The contract to be extended for 6 months with effect from 23 January 2023 to 23 July 2023.

On December 2012 the KZN-DoHS approved a construction budget for a 40m² house for R64 666.00. Due to escalation of building costs the budget was adjusted to R73 072.58 per 40m² house on 04 July 2017. The KZN-DoHS further recognized effects of escalation of building costs and adjusted the construction budget from R73 072.58 to R86 640.00 per 40m² house on 01 December 2018.

In 2020 the construction budget was R86 640.00 when the Municipality appointed a contractor to rebuild houses. However, the KZN-DoHS considered the effects of price escalation on building costs and adjusted the budget from R86 640.00 to R115 567,94 to comply with enhanced norms and standards. The original appointment of contractors was based on old specifications and house plan which did not comply with the requirements of the NBR and NHBRC regulations. Subsequently, the houses were reformatted to comply with the NBR & NHBRC regulations, resulting in additional cost to the contractors.

In view of the above additional contract authority, the professional team considered all facts and recommended a revised scope of work to address items excluded from the original Bill of Quantities (BoQ) but are a requirement to meet building standards set by the NHBRC. The contractors have submitted a revised BoQ based on the amended scope of works and new norms and standards as per the DoHS approvals.

Financial Implications:

Funding is obtained from the KZN DoHS

Existing Contract Authority:

	Contract value	VAT	Incl. VAT
Company A	R11 045 461.83	R1 949 199.147	R12 994 660,98
Company B	R11 214 568.09	R1 979 041.428	R13 193 609.52
Total Cost to Council	R22 260 029.92	R3 928 240.575	R26 188 270.50

Amended Required Contract Authority:

	Current contract value	Additional value	Percentage Increase (%)	Revised contract Value
Company A	R12 994 660,98	R7 248 681.52	56%	R20 243 342.50
Company B	R13 193 609.52	R7 049 732.98	53%	R20 243 342.50
Total	R26 188 270.50	R 14 298 414.50		R40 486 685.00

Contractors	Tendered Rate for Building Work Only of 40m2 House	KZN-DoHS Budget (per house)	DoHS Variation Allowance	Adjusted Budget (per house)
Company A	R76 256,00	R115 567.94 * 10.4% = R127 587,00	R20 098,63	R147 685,63
Company B	R111 099,50	R115 567.94 * 10.4% = R127 587,00	R20 098,63	R147 685,63

The above adjustment is based on latest approved subsidy quantum.

Existing Cash Flow:

Vote No	Financial Year	Amount
Company A	2022/2023	R4 225 624,50
	2023/2024	R10 423 207,10
Company B	2022/2023	R4 225 624,50
	2023/2024	R10 423 207,10

During consideration of the matter at the Executive Committee level, clarity was given that the project entailed rectification, refurbishment and upgrading of structures which were not in line with the norms and standards of the NHBRC. Also, that service providers were on the ground, however, delays were encountered as a result of the 5% rectification subsidy limitation in the human settlements grant allocated for such a programme. Therefore, this has prompted the Department to reprioritize budget in order to prioritize pre and post 1994 structures.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

1.5.1

That the reasons for the amendment to the contract 1H-40363 construction of 312 houses (40m²) at North and South Booth, Chesterville, Ward 24 in terms of Section 116(3) of the Municipal Finance Management Act, as outlined in the preamble above, be noted.

- 1.5.2 That it be noted that the public notice in terms of Section 116(3) requesting comments and / or objections to the proposed amendment to the contract was advertised on 13 May 2022 and closed on 17 June 2022 and no objections were received in this regard.

NOTED.

- 1.6 Request for Authority to Transfer Funds to Various Wastewater Projects WS2022/119 (23/1/11/2/1/1):
(Page L32: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

Authority is sought to transfer funds from block sums to various projects within the Water and Sanitation Unit within the 2022/2023 financial year.

The Water and Sanitation Unit has experienced multiple equipment failures, predominately due to ageing infrastructure and the recent floods in the KZN region. The proposed transfer aims to allocate funds to projects that require funds to facilitate the much-needed rehabilitation and upgrade of wastewater infrastructure. The funds are to be used within the 2022/2023 financial year sourced from block sums Y8911 (Pump and Valve Replacement) and Y9063 (WWTW Functional Upgrades). The project block sums were created for wastewater infrastructure rehabilitation and functional upgrades, as per the scope of work of the intended projects.

There are various critical projects within the Sanitation Operations Department that require funding within the 2022/2023 financial year. This will assist in restoring functionality to plant and equipment that requires upgrades and has suffered severe storm damage from the April 2022 floods in the KZN Region. The transfer of funds will also assist in the eThekweni Municipality's mandate to provide service delivery to the City citizens.

During consideration of the matter at the Executive Committee, a submission was made that in future details of each project earmarked for funding be specified.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.6.1 That authority be granted for the Deputy City Manager: Trading Services to facilitate the transfer of funds in the amount of R10 000 000.00 (Ten Million Rand) from Y8911 (Pump and Valve Replacement) and Y9063 (WWTW Functional Upgrades) to projects described in the report WS2022/119, as per projects detailed in the report of the Head: Water and Sanitation dated 2022-07-07.
- 1.6.2 That authority be granted for the Deputy City Manager: Finance to include in the adjustment budget report, the transfer of funds from Y8911 (Pump and Valve replacement) and Y9063 (WWTW Functional upgrades) to the projects described in the report by the Head: Water and Sanitation dated 2022-07-07.

Financial Implications:

As depicted below in Table 1, the following funds will be required in the respective financial years:

- Y8725 (Mahatma Gandhi Emergency Work) has R9,999,000.00 excl VAT available in the 2022/23 financial year and requires an additional R10,000,000.00 excl VAT. The R10,000,000.00 excl VAT is to be sourced from Y8911 (Pump and Valve Replacement) which has R10,000,000.00 excl VAT available in the 2022/23 financial year. If the transfer of funds is approved the new amount in Y8725 (Mahatma Gandhi Emergency Work) shall be R19,999,000.00 excl VAT in the 2022/23 financial year.

- Y8870 (Northern Wastewater Treatment Works DAF 1 Saturator Tank and Pipe Work) requires R800,000.00 excl VAT in the 2022/23 financial year. A total amount of R800,000.00 excl VAT is required over one financial year. Funds are to be sourced from available funds in Y9063 (WWTW Functional Upgrades) in the respective years as shown in table below:

FUNDS SOURCE (AVAILABLE) (Excl. VAT)					FUNDS REQUIRED (Excl VAT)				
Project No.	Project Description	FY (2022/2023)	FY (2023/2024)	FY (2024/2025)	Project No.	Project Description	FY (2022/2023)	FY (2023/2024)	FY (2024/2025)
Y8911	Pump and Valve Replacement	R10,000,000.00	R0.00	R0.00	Y8725	Mahatma Gandhi Emergency Work	R10,000,000.00	R0.00	R0.00
Y9063	WWTW Functional Upgrades	R5,000,000.00	R69,000,000.00	R55,000,000.00	Y8870	Northern WWTW DAF 1 Saturator Tank	R800,000.00	R0.00	R0.00

FC No: 365/C332

ADOPTED.

1.7

Request for Authority to Reallocate Funds Across the Electricity Unit Capital Projects:
(Page L33: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

Authority is sought to reallocate savings identified in the approved capital budget for the Electricity Unit in the 2022-2023 year. It has been identified that expenditure on certain capital projects may not reach its planned spend within this financial year due to budget constraints following the budget cuts. Certain critical projects could not be completed due to delays experienced on the Integrated Control and Protection (ICAP) Contract EE.170 that reached its expiry at the end of April 2022. The projects have been identified and funds reprioritized in order to execute these projects. To ensure the efficient and prudent capital expenditure for the Unit, the reallocation of funds to other projects is necessary.

The ICAP projects were delayed, largely due to the effects of the Covid-19 pandemic. At level 5, no work could be done. In the subsequent levels, the work had to be performed following precautionary measures for the Covid-19, which included reduced numbers of staff working on site at any given time. There has also been a shortage of components required to manufacture the panels, which in turn extended the lead times for items/equipment required for the system from abroad. The lead times were also based on face-to-face factory acceptance testing (FAT), which are performed in shorter durations in comparison to the virtual FATs that had to be done in compliance with the Covid-19 precautionary measures.

The July 2021 looting and the National Union of Metalworkers of South Africa's strike also attributed to the delays. At the expiry of the EE.170 Contract, the ICAP equipment had been procured and delivered to site and were to commence with installation and commissioning.

The 2022/2023 financial year budget is required to be reviewed to ensure compliance with the Unit's budget allocation. Two projects, viz. Bulwer and Rossburgh, have been identified for savings in order to complete the ICAP Projects. The 11 kV switchgear that was budgeted for Bulwer in 2022-2023 has been reprioritized for the following financial year following the budget cuts. It was identified that the remaining approved budget would not be sufficient to procure the required full 11 kV switchboard. The civil works at Rossburgh are still to be advertised, hence, the approved budget will cover the remaining ICAP work at Rossburgh and the other projects not covered by the savings from the Bulwer project.

This results in total savings in the amount of R21 903 000.00 (Twenty-One Million Nine Hundred and Three Thousand Rand) (excl. VAT) to be used for the nine (9) ICAP projects that have been identified in Annexure A attached to the report by the Head: Electricity dated 2022-06-24.

COMMITTEE RECOMMENDS:

- 1.7.1 That authority be granted for the Deputy City Manager: Trading Services to facilitate the reallocation of funds in the amount of R21 903 000.00 (Twenty-One Million Nine Hundred and Three Thousand Rand) (excl. VAT) from savings identified in the approved capital budget for the 2022/2023 financial year to be used for the nine (9) ICAP projects that have been identified and listed in Annexure A attached to the report by the Head: Electricity dated 2022-06-24.
- 1.7.2 That authority be granted for the Deputy City Manager: Finance to include in the adjustment report, the transfer of funds from the projects where savings have been identified to the list of projects where funding is required as detailed in the report of the Head: Electricity dated 2022-06-24.

Financial Implications:

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

FC No.: 361/CA0249

ADOPTED.

- 1.8 Request for Authority for the Electricity Unit to Host the 2022 Association of Municipal Electricity Utilities Convention:
(Page L34: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

Authority is sought for the eThekweni Municipality Electricity Unit to host the Association of Municipal Electricity Utilities (AMEU) Convention to be held from 2 – 5 October 2022 at the Inkosi Albert Luthuli International Convention (ICC). The stakeholders of the AMEU include amongst others, the South African Local Government Association (SALGA), Department of Energy (DoE), Department of Labour (DoL), Department of Co-operative Governance and Traditional Affairs (CoGTA), the National Energy Regulator of South Africa (NERSA), Municipal Infrastructure Support Agency (MISA), National Treasury and Eskom. The AMEU has also been formally appointed as the technical support association to SALGA to advise on various issues related to the electricity supply and distribution industry e.g., tariffs, electrification standards and projects, Eskom, NERSA, quality of supply issues, technical innovations, etc.

At a Council Meeting held on 31 January 2018, the eThekweni Council adopted the recommendation that Ms Jayshree Pershad accept nomination as Vice President (Elect) and subsequent President of the AMEU from October 2020. As is custom, the eThekweni Municipality Electricity Unit is expected to host the convention at which Ms Pershad will be sworn in as President of the AMEU. However, due to the Covid-19 pandemic, the 2020 Convention was postponed, and a virtual convention was held from 10 to 12 November 2021. The 2022 Convention will be a physical convention held at the Durban ICC.

It is therefore recommended that the 2022 AMEU Convention be hosted by the eThekweni Electricity Unit and that authority be granted for the Head: Electricity to incur expenditure in the amount of R 1 300 000.00 (One Million Three Hundred Thousand Rand), (including VAT), as a co-payment (39%) for hosting the 2022 AMEU Convention.

The AMEU also provides an advisory service to its members and the customers of its members. It has also been formally appointed as the technical support association to SALGA. EThekweni Municipality is currently represented by the following officials in the AMEU Executive Council:

1. Mr. Maxwell Mthembu, Head: Electricity is a Metro Engineering Member.
2. Ms. Jayshree Pershad, Project Executive is President.
3. Mr. Veer Ramnarain, Engineering Member elected by the KZN Branch of the AMEU.

The convention programme will allow for His Worship the Mayor or his representative to officiate the opening of the Convention and the Mayoral Cocktail Function on Monday, 3 October 2022 in the exhibition area. Traditionally, a keynote address by the Ministers of Energy or CoGTA and/or the CEO of NERSA on the first day and second day is also included in the programme.

During the discussion of this report, some Members of the Support Committee raised a concern that the amount required for the event was exorbitant and suggested that the AMEU Convention be held through Microsoft Teams. As such, they voted against the approval of this matter.

The matter was adopted by the majority vote at the Support Committee level. The DA (08) and the ACDP (01) voted against recommendations, with the ANC (12), IFP (02), ATM (01) and the PRM (01) voting in support of the recommendations. The (04) EFF Members abstained on the matter.

At the Executive Committee level clarity was provided that the Convention will generate much needed revenue for the City as well as exposure and an opportunity for knowledge sharing session, where delegates and experts will engage and deliberate on various challenges facing the respective Municipalities, including climate change issues, infrastructure challenges etc. It being noted that projections of Return on Investment (ROI) would be quantified in future.

The DA felt that the costs of hosting the Convention are exorbitant given the current volatile economic condition, also noting that there is no clear indication currently in terms of the ROI as a result of hosting this Convention. As such, they voted not in support of this matter.

Accordingly, the DA (02) voted against the recommendations and, with the ANC 04), ABC (01) EFF (01) and the IFP (01) being in support, by the majority vote,

COMMITTEE RECOMMENDS:

1.8.1

That authority be granted for the Electricity Unit to host the Association of Municipal Electricity Utilities (AMEU) Convention from 2 – 5 October 2022 at the Inkosi Albert Luthuli International Convention Centre to achieve the following objectives:

- i) Promote the interest of electricity utilities and to collaborate with other stakeholders in the pursuance thereof;

- ii) Bring together Municipal Council or Board representatives, Electrical Engineers and Managers and all persons interested in the advancement and development of electricity utilities and to promote wider contact and the exchange of views;
- iii) Arrange and hold Conventions and Technical Conventions for the reading of papers and the discussion of subjects pertaining to electricity utilities and to make recommendations on matters requiring joint action to establish branches consisting of electricity utilities with joint interests;
- iv) Affiliate with, or seek membership of such organisations as may be decided upon by the Executive Council;
- v) Foster the establishment of organisations outside the boundaries of South Africa having objectives similar to those of the Association, and to assist them technically and financially in such fields as may be deemed desirable by the Executive Council;
- vi) Organize or participate in international meetings of organisations having objectives similar to those of the association, and in general to foster the exchange of information in the field of electricity supply;
- vii) Actively promote training in the utilities environment;
- viii) Promote quality service and management of excellence amongst members so that their customers receive value for money;
- ix) Provide an advisory service for its members, for the customers of its members and for the SALGA; and
- x) To influence policy decisions at a national level.

1.8.2 That, subject to the approval of 1.1 Above, authority be granted for the Head: Electricity to incur expenditure in the amount of R1 300 000.00 (One Million Three Hundred Thousand Rand) (inclusive of VAT), as a contribution towards co-hosting, including hosting the Mayoral Cocktail Function and the Gala Dinner.

1.8.3 That His Worship the Mayor, Councillor MT Kaunda and or/his representative, be delegated to provide an opening address on Day 1 of the AMEU Convention.

1.8.4 That authority be granted for His Worship the Mayor and/or His representative to host the Mayoral Cocktail function in the exhibition area at the end of Day 1 of the AMEU Convention.

1.8.5 That authority be granted for the Speaker, in consultation with the Chairperson of the Human Settlements and Infrastructure Committee, to nominate a Councillor from the said Committee to participate as a member of the AMEU Executive Council.

Vote No: 3710119925111000000641000010
FC No.: 79/2966

Speaking on the matter, the DLC acknowledged the importance of hosting the 2022 Association of Municipal Electricity Utilities Convention, particularly, during the time where energy sustainability was still a challenge. An indication was given that this Convention would generate valuable outcomes in terms

of renewable energy sources. On this basis, the DLC supported the Convention and further requested that the costs breakdown be submitted to clearly understand expenditure per line item.

The ANC also welcomed the report and reiterated that the Convention came during a crucial time where there were major electricity challenges. Therefore, the event would enable delegates to discuss various issues related to the electricity supply and distribution industry.

Thereafter, as some Councillors were not in support of the recommendations from the Executive Committee, the matter was put to the vote. With 179 Councillors present; 124 Councillors (ANC - 84, EFF – 21 ; IFP -07; ABC - 01, ACC - 00, AIC - 01, DLC -01; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI - 01, MF – 01; MOSA – 01; NFP – 01; PFP – 00; PRM – 00; TA- 00; UIM – 01 and VF Plus – 01) voted in favour and 55 Councillors (DA- 51; Action SA – 02 and ACDP – 02) voted against the matter. There were no abstentions recorded.

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

1.9 Option Analysis on the Property and Authority to Conduct Public Participation for the Long-Term Lease of Erf 10306 Durban, in Terms of Regulations 34(2) and 35 of the Municipal Assets Transfer Regulations (2008):

(Page L35: Human Settlements and Infrastructure Committee - Agenda 2022-08-03)

The Executive Committee at its meeting held on 26 July 2022 referred the above matter back to the Human Settlements and Infrastructure Committee for reconsideration. During discussion, the Support Committee reaffirmed the recommendations contained therein and that the matter be resubmitted for consideration by the Executive Committee.

During discussion at the Executive Committee level, the Committee was informed that the property in question is owned by the eThekweni Municipality and its physical address is 75 Dr Langalibalele Dube Street. That the building was previously condemned by the Department of Labour and declared not suitable for human habitation. As such, the building is currently 90% vacant.

The Real Estate Unit is therefore recommending the commencement of the public participation process with a view to securing a long-term lease in this regard.

With Members being in support of the recommendations,

COMMITTEE RECOMMENDS:

- 1.9.1 That based on the outcome of evidence emanating from the process of analyzing and exploring various feasibility options that lends itself to the property described as Erf 10306 Durban, situated at 75 Dr Langalibalele Dube Street, Council approves the option of a proposed long-term lease of the subject property in its present condition.
- 1.9.2 That subject to the adoption of .1 above, since fair market value of the asset to be leased exceeds the value of R10 million and the proposed lease period is over 30 years, Council grants authority for the Accounting Officer to conduct a public participation process in connection with the proposed granting of a long-term right to use, control and manage Erf 10306 Durban in terms of Regulation 34(2) and 35 of the Municipal Asset Transfer Regulation, 2008.

- 1.9.3 That the public participation process be conducted in accordance with the provisions of the above regulations including:
- 1.9.3.1 Inviting the local community and other interested parties to submit comments and representations;
- 1.9.3.2 Soliciting the views and recommendations of the National and the Provincial Treasury on the matter;
- 1.9.3.3 Complying with Section 21 of the Local Government: Municipal Systems Act 2000, by publishing the notification through media, in a local newspaper(s) published in the area of jurisdiction of the Municipality, in a newspaper circulating in its area of jurisdiction and determined by the Municipality as a newspaper of record, or by means of radio broadcast covering the area of jurisdiction of the Municipality.
- 1.9.4 That the Accounting officer submits a report within 60 days of the conclusion of the public participation process, advising whether the capital asset is needed to provide a basic Municipal service as well as the fair market value of the asset and economic and community value to be received in exchange for the capital asset.
- 1.9.5 That authority be granted for the Head: Real Estate to sign all documentation to give effect to the above resolution.

ADOPTED.

2. **DIRECT EXCO REPORTS**

- 2.1 **NOTING OF APPROVAL IN TERMS OF RULE 28 (1) (b) OF THE RULES OF ORDER BY-LAW 2014, AS AMENDED, FOR THE CIVIC FUNERAL OF THE LATE FORMER COUNCILLOR MFANUFIKILE CELE (13/6)**

(Page 16)

As per the provision of the Council-approved Civic Funeral Policy, the Municipality, based on the approval by His Worship the Mayor, in terms of Rule 28(1)(b) of the Rules of Order By-Law 2014, as amended, provided funeral assistance for the late ANC former PR Councillor of the eThekweni Municipality Ward 39, Mfanufikile Cele. It will be recalled that the main objective of the Civic Funeral Policy is to honor and acknowledge deceased individuals who were public figures and have rendered distinguished service in Government or the Country.

In this regard, the late former Councillor Cele served as a Councillor and ensured that Council exercised a strong oversight to achieve speedy and effective service delivery in his Ward. He also ensured inclusive governance through the mobilization of the community of Ward 39 to participate in the Municipal affairs.

The Executive Committee Members acknowledged the significance of the Policy. However, reference was made to prevailing inconsistencies in terms of the amount allocated for funeral assistance to different families of the deceased Councillors. Therefore, a recommendation was made that Council needs to exercise fairness and equity in implementing the Policy.

It was therefore unanimously agreed to dedicate time to review the Policy to incorporate relevant factors to be taken into consideration during the implementation stage and also taking into account the mortality rate and the financial situation of the Municipality.

With regard to the funeral assistance provided to the current Councillors if deceased, it was clarified that such matter becomes the competence of the Speaker. Confirmation being given then that discussions are underway regarding the issue of the late DA Councillor who has passed on recently.

It then being noted that the Civic Funeral Policy will be reviewed accordingly to achieve consistency in terms of the criteria and financial allocation per deceased Councillor,

COMMITTEE RECOMMENDS:

- 2.1.1 That the action of His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive Committee, in approving as a matter of urgency in terms of Rule 28 (1) (b) of the Rules of Order By-law 2014, as amended, the following recommendations, in line with the Civic Funeral Policy, relative to the burial assistance of the late former PR Councillor Mfanufikile Stanley Cele of Ward 39, be noted:
- 2.1.1.1 That authority be granted for the funeral of the late former PR Councillor MS Cele of Ward 39, during the 2011-2016 Council term of office, to be accorded by the eThekweni Municipal Council a Civic Funeral status, in line with the Civic Funeral Policy.
- 2.1.1.2 That in line with the provision of the Municipality's Civic Funeral Policy, Council approves the allocation in the amount of R200 000.00 (Two Hundred Thousand Rand) to contribute towards the burial costs, in respect of the late former PR Councillor Cele.
- 2.1.1.3 That subject to the approval of .1.1 and .1.2 above, authority be granted to the Head: Mayoral Parlour to incur the expenditure as recorded.

Financial Implications:

The costs to cover the proposed Civic Funeral of the late former PR Councillor in Ward 39, Mr. MS Cele shall be provided as per below vote allocation:

DESCRIPTION	COST	VOTE NUMBER
Civic Burial Assistance	R200 000.00	32601.19110.10.12120.0000.MRC01.0010
Total Costs	R200 000.00	

Speaking on the matter, the DA Councillor Mthethwa submitted that the above report be treated with integrity it deserves and also to respect the families affected. He then mentioned that the recommendations of the Executive Committee were incorrectly captured predominantly in the amount for approval. Mthethwa then moved a Motion to Amend the recommendations and submitted that consistency in terms of the criteria and financial allocation per deceased Councillor be applied until such time the Civic Funeral Policy is reviewed.

Thereafter, the IFP Councillor Gwala emphasised that the Municipality needs to exercise consistency in terms of financial allocation per deceased Councillor. Also pointing out that the discrepancies might result in divisions amongst Councillors and portray disrespect to the families of the deceased.

The ANC Councillor Madlala spoke on the matter and concurred with the DA on the decision to beef up the amount allocated following a lengthy discussion at the Executive Committee level. He also confirmed the pending policy review to consider factors surrounding the civic funeral status also taking into account the ever-changing financial status of the Municipality. That a special session will be dedicated for the policy review and subsequently submit recommendations to Council in this regard.

The EFF Councillor Miya also concurred with Councillor Mthethwa on the incorrectly captured recommendations of the Executive Committee and the decision to review the policy to achieve consistency and transparency.

Thereafter, the Speaker read the Motion to Amend moved and signed by Councillor TM Mthethwa and Councillor A Beegte of the DA respectively, which read as follows: "That the amount to be allocated to both the late former Councillors be revised from R100 000-00 to R200 000-00."

Commenting on the matter, the Head: Legal & Compliance advised that procedurally there was no need to necessarily move a Motion to Amend but that the incorrect recommendations of the Executive Committee could just be corrected by the Municipal Council, as per the confirmation given by the Members of the Executive Committee.

Accordingly, Council agreed to correct the decision by reflecting that the late former Councillors Cele and Hlengwa's civic funeral assistance be increased from R100 000.00 previously allocated to R200 000.00, thereby meaning Council would have to make arrangement to release an additional R100 000.00 to the families of the deceased. This was agreed to.

Thereafter, the decision taken as per Rule 28 of the Rules of Order By-Law was ratified, with the correction to allocate a further R100 000.00 to the families of the late former Councillors Cele and Hlengwa thereby achieving consistency in terms of currently allocating an amount of R200 000.00 per deceased Councillor, pending the policy review. **NOTED.**

2.2

NOTING OF APPROVAL IN TERMS OF RULE 28 (1) (b) OF THE RULES OF ORDER BY-LAW 2014, AS AMENDED, FOR THE CIVIC FUNERAL OF THE LATE FORMER COUNCILLOR QALUKWENZA MLEMBUKA HLENGWA (13/6)

(Page 18)

Based on similar views submitted in 2.1 above with regard to a need to review the Civic Funeral Policy to achieve consistency in terms of the criteria and the financial allocation per deceased Councillor,

COMMITTEE RECOMMENDS:

- 2.2.1 That the action of His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive Committee, in approving as a matter of urgency in terms of Rule 28 (1) (b) of the Rules of Order By-law 2014, as amended, the following recommendations in line with the Civic Funeral Policy, relative to the burial assistance of the late former PR Councillor Qalukwenza Mlebuka Lancelot Hlengwa, be noted:
- 2.2.1.1 That authority be granted for the funeral of the late former PR Councillor QML Hlengwa, a Councillor during the 2016-2021 Council term of office, to be accorded by the eThekweni Municipal Council a Civic Funeral status, in line with the Civic Funeral Policy.
- 2.2.1.2 That in line with the provision of the Municipality's Civic Funeral Policy, Council approves the allocation in the amount of R200 000.00 (Two Hundred Thousand Rand) to contribute towards the burial costs, in respect of the late former PR Councillor.
- 2.2.1.3 That subject to the approval of .1.1 and .1.2 above, authority be granted to the Head: Mayoral Parlour to incur the expenditure as recorded.

Financial Implications:

The costs to cover the proposed Civic Funeral of the late former PR Councillor, Mr. QML Hlengwa shall be provided as per below vote allocation:

DESCRIPTION	COST	VOTE NUMBER
Civic Burial Assistance	R200 000.00	32601.19110.10.12120.0000.MRC01.0010
Total Costs	R200 000.00	

The above recommendations were, **NOTED, it being recorded that the amount allocated will be increased from R100 000.00 to R200 000.00 in line with the Council decision reflected in 2.1 above.**

2.3 REQUEST FOR AUTHORITY TO PURCHASE ADDITIONAL MOBILE WATER TANKERS (9/R)

(Page 20)

Authority is sought to procure additional mobile water tankers for the delivery of potable water to communities experiencing intermittent water supply or has no access to water supply within the eThekweni Municipal area.

Provision of water to local communities is a basic necessity for the Municipality. Where communities have no access to water supply the service of water tankers is used. The Municipality currently has a fleet of one hundred and twenty (123) water tankers servicing the entire eThekweni Municipal area. This is insufficient to meet the increasing demand for mobile water tankers, which increase is due to the following factors:

- Backlog due to insufficient funding for the procurement of vehicles;
- Recent floods which have had major impact on the fixed water network infrastructure, thus resulting in high demand for mobile water tankers; and
- Increase in population over the years, with more people erecting structures in areas where there is currently no fixed water network infrastructure.

As a result, a number of fifty-two (52) additional water tankers are currently being hired to meet the increased demand. The cost of hiring is expensive and the Committee has previously supported the idea of purchasing water tankers, but that, due to financial constraints, this be done in tranches across the 2 financial years.

As a way of background, the Municipality currently incurs an amount of R6.2 Million per month to hire 52 water tankers. Based on the cost analysis undertaken, it has been discovered that purchasing own water tankers would result in savings on the operational costs with the Municipality obtaining value for money. For instance, to hire a water tanker will cost the Municipality an amount of R28 520 228.00 (Twenty-Eight Million Five Hundred and Twenty Thousand Rand Two Hundred and Twenty-Eight Rand) over the next 10 years. Whereas the cost of ownership of a water tanker is R2 542 286. 66 (Two Million Five Hundred and Forty-Two Thousand Two Hundred and Eighty-Six Thousand Sixty-Six Cents).

In view of the foregoing, the Water and Sanitation Unit requests authority to purchase a total of fifty-five (55) water tankers to adequately meet the service delivery demands. During the current financial year, the Unit has a budget of R23 Million which will only cover nine (09) water tankers. Therefore, additional funding in the amount of R110 Million is required for the balance of forty-six water tankers. It is therefore recommended to identify savings from the other operational votes to cover the shortfall.

During discussion, the Executive Committee appreciated a bold step taken to purchase water tankers given the water challenges within the City and which situation has since been exacerbated by the floods damages. However, the DA and the EFF requested a breakdown of costs as well as the water tanker specifications to understand the overall implications associated with the proposed purchase of water tankers. That this information be provided before the August Council meeting. The IFP while supporting the matter but cautioned against committing a similar mistake of purchasing water tankers which are unusable, also reminding the Committee that a report with regard to those unusable water tankers is still outstanding at the Executive Committee level.

The ANC and the ABC reiterated what is regarded as the logic move by the Municipality to purchase rather than hire water tankers, thereby achieving cost-efficiency and obtaining value for money. It was advised that costs estimate for the purchase of water tankers are provided and subsequently test the market to then obtain the actual purchase costs. That information in this regard will be provided at the Support Committee level once quantified as the procurement process unfolds.

The DA Members abstained at this stage pending the submission of the costs breakdown and the water tanker specification. With the other Members being in support,

COMMITTEE RECOMMENDS:

2.3.1

That Council approves the transfer of funds from the operational votes that will be identified for the procurement of additional forty-six (46) mobile water tankers, at an estimated total cost of R110 000 000.00 (One Hundred and Ten Million Rand), excluding VAT.

- 2.3.2 That, subject to the approval of .1 above, Council approves the acquisition of the additional forty-six (46) mobile water tankers, at an estimated total cost of R110 000 000.00 (One Hundred and Ten Million Rand), excluding VAT, to be funded from savings to be identified.
- 2.3.3 That authority be granted for the Deputy City Manager: Finance to identify savings and to include in the adjustment budget report, the transfer of funds from the operational votes where savings have been identified.
- 2.3.4 That Council notes that the savings from the hire of mobile water tankers will be utilised for acquisition and internal operating cost.

Summary of funding requirements:

Financial Year	Number of units required	Estimated unit cost	Total estimated amount required	Available funding	Additional funding required
2022/2023	55	R2.418 Million	R133 Million	R23 Million	R110 Million

Speaking on the matter, the DLC supported the recommendation to purchase water tankers and this being regarded a better option as opposed to hiring. However, the DLC acknowledged that the acquisition will increase the Municipality's operational costs. That other interventions be fastracked, such as water leaks repairs to prevent water loss and associated revenue. Also, that the purchase of water tankers should not result in delays to repair water infrastructure which has been severely damaged due to floods. Reference was then made to some contractors not performing up to the required standard and thus leaving some communities without water for a prolonged period. The Municipality was requested to institute an investigation on alleged irregularities within the Water and Sanitation Unit.

Meanwhile, the ACDP mentioned that provision of basic services such as water ought to be one of the Municipality's priorities. Emphasis being put on that the communities should not be subjected to walking long distances to obtain water. The DA acknowledged that the City was in a dire need of water. However, they also cited that water distribution losses have been a challenge for some time, also that the implementation of water shedding has not contributed positively to some of the water challenges. The DA then supported the purchase of additional water tankers and indicated they will closely monitor the process to ensure value for money is obtained. It being mentioned that the Support Committee did not get the opportunity to play effective oversight on this matter.

Following the above discussion, a **REFERENCE BACK** was proposed as follows:

In terms of Rule of Order Bylaw 20(1)(c), Councillor Annipen of IFP, seconded by Councillor Gwala, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Human Settlements and Infrastructure Committee for oversight purposes and they highlighted that there were figures which were not clear on the Report.

NOT CARRIED

As some Councillors were not in support of the reference back, the matter was put to the vote. With 180 Councillors present; 34 Councillors (EFF – 21 ; IFP -07; ACDP – 01; ACC - 00, AIC - 01, APF - 01, AL JAMA-AH - 00, JEP - 01, PFP – 00; PRM – 01; TA- 00; and VF Plus – 01) voted in favour of the reference back and 145 Councillors (ANC - 85, DA- 51; Action SA – 02; ABC - 01, ATM - 01, DLC -01; MF – 01; MOSA – 01; NFP – 01; and UIM – 01) voted against the reference back. 1 - KZNI Councillor abstained on the matter.

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

Discussion thereafter reverted to the substantive matter, during which the IFP indicated that there were several challenges within the Water and Sanitation Unit. It being cited that the manner in which water tankers are distributed to the various Wards in need of water supply is not satisfactorily. The Tongaat residents in particular being mentioned that they have been without water for approximately 140 days. On this basis, the IFP was not in support of the recommendations, and also queried the validity of the figures reflected in the Report in terms of the cost analysis pertaining to the hiring option over a 10-year period. A legal opinion was then sought in this regard. Whereafter, the Head: Legal & Compliance confirmed that this was a finance rather than a legal matter.

Thereafter, the Deputy Mayor and Chairperson of the Human Settlements and Infrastructure Committee reiterated that the Municipality currently incurred an amount of R6.2 Million per month to hire 52 water tankers and based on the cost analysis undertaken, it has been discovered that purchasing own water tankers would result in savings on the operational costs, and with the Municipality obtaining value for money. He then explained that to hire a water tanker will cost the Municipality an amount of R28 520 228.00 over the next 10 years. Whereas the cost of ownership of a water tanker is R2 542 286. 66.

Commenting on the matter, His Worship, the Mayor apologised to the Members of the Support Committee, advising there is an urgent need to eliminate the costs attached to the hiring of water tankers. His Worship then reported of insufficient water sources within the City and therefore plans to build a new uMkomaas Dam at the projected expenditure of R24 Billion, it being mentioned that this would be funded by various Government spheres. That in the interim water tankers would still be required while the long-term goal to build the Dam to respond to water issues is still underway. It was indicated that upon approval of the recommendations, the delivery of water tankers is anticipated end December 2022.

Thereafter, as some Councillors were not in support of the recommendations from the Executive Committee, the matter was put to the vote. With 182 Councillors present; 152 Councillors (ANC - 87, DA- 50; Action SA – 03; ABC - 01, ACDP – 02; AIC – 01; ATM - 00, DLC -01; JEP - 01, KZNI -01; MF – 01; MOSA – 01; NFP – 01; UIM – 01 and VF Plus – 01) voted in favour and 30 Councillors (EFF – 21 ; IFP -07; ACC - 00, APF - 01, AL JAMA-AH - 00, PFP – 00; PRM – 01 and TA- 00) abstained on the matter.

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

2.4

RETURN OF OUTSTANDING FUNDS FOR THE 1860 INDENTURED INDIAN
MONUMENT TO THE PROVINCE OF KWAZULU-NATAL (7/4/2)

(Page 24)

Approval is sought to return the remainder of the funds which have previously been transferred by the KwaZulu-Natal Province to the eThekweni Municipality for the 1860 Indentured Indian Labourers Monument project. It was recalled that this project was aimed at commemorating the role played by the South African Indian Origin in South Africa through erecting a monument.

The project was in line with the Municipality's Monuments Guidelines as adopted by Council in 2010 as well as the Parks, Recreation and Culture Unit's Plan, within the Integrated Development Plan, to embrace cultural diversity; arts; and heritage, with a goal to create a City where people interact creatively in order to stimulate economic growth; social cohesion; and unity.

It was recalled that this has been a historical matter as the project was due to commence in 2015, but during the conceptualization stage the stakeholders tasked to handle the projects were entangled in disagreements regarding the designs brought forward. That the disagreements prolonged with no consensus reached on the matter. This then subsequently resulted to the Provincial Government withdrawing its support in this regard and requesting the funding allocated to be returned accordingly.

The budget initially allocated for this project amounts to R4 865 000.00 (Four Million Eight Hundred and Sixty-Five Thousand Rand). With the project not moving forward, funds have since been transferred back to the Province, but there is a remaining balance of R260 445.12 (Two Hundred and Sixty Million Four Hundred and Forty-Five Rand Twelve Cents) still to be returned.

The Executive Committee noted the inability to proceed with this project with disappointment. However, it was emphasised that this is not the fault of the Municipality but that the different views by different stakeholders brought the project to a halt. The Executive Committee indicated interest to proceed with the conceptualization of this project with a view to determining measure which could be implemented to pursue the project at the Municipal level.

Given the commitment to relook at the project at the Municipal level and the current need to return the funding previously allocated for the project, as it was originally due to be pursued by multi-stakeholders,

COMMITTEE RECOMMENDS:

- 2.4.1 That, considering the chronology of events pertaining to the 1860 Indentured Indian Monument in the Province of KwaZulu-Natal (KZN), and the complexity in implementing the project as per the Office of the KZN Premier and the Indian Representatives, all remaining funds pertaining to this project be returned to the Office of the KZN Premier as a matter of urgency so that they can implement the project in their own way and as per the request from the Indian Representatives.
- 2.4.2 That subject to the approval of 1 above, authority be granted for the Deputy City Manager: Finance to calculate all the expenditure incurred on the project to date and establish the exact amount to be returned to the Office of the KZN Premier, it being recorded that the current estimate refund sits at R260 445.12 (Two Hundred and Sixty Thousand Four Hundred and Forty-Five Rand Twelve Cents).

2.4.3

That subject to the approval of .1 and .2 above, the Memorandum of Understanding which was signed by the Office of the Premier and the eThekweni Municipality in March 2015 be cancelled and declared null and void.

Financial Implications:

The initial allocation to the project was R4 865 000.00. All other funds have been returned to the KZN Province except the amount reflected below:

DESCRIPTION	COSTS
Balance to be returned to the KZN Province	R260 445.12

Vote No.: 15607.65605.3B.99000.0000.PD001.0010

REFERENCE BACK

In terms of Rule 20(1)(c) of the Rules of Order Bylaw, 2014, the IFP Councillor Gwala, seconded by Councillor Khambule, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Executive Committee for re-consideration, and citing discrepancies in the amounts reflected on the Report.

However, the reference back was not voted upon, and Council noted that the amount in figure was correct and with just an error in recording the amount in words, thus reflecting “Million” and to rather read “Thousand”. As such, this was corrected and the recommendation now reflects the correct wording of Two Hundred and Sixty Thousand Four Hundred and Forty-Five Rand Twelve Cents.

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

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

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-08-23)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), PG Mavundla (Deputy Mayor), Y Govender, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, T Sabelo, ZR Sokhabase and there being one (01) vacancy.

**1. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE:
MEETING HELD 2022-08-17**

(Page R1)

**1.1 Request for Authority to Implement the Mayoral Izimbizo and Civic Functions during
the 2022/2023 Financial Year (2/3/2/1/2):**

(Page 19: Governance and Human Resources Committee - Agenda 2022-08-17)

The Mayoral Izimbizo is an ongoing Mayoral outreach programme aimed at bringing the government closer to the people. Using this platform, the Municipality interacts with the communities regarding the upcoming service delivery projects in their areas and also providing progress made in undertaking the existing projects. The Mayoral Izimbizo will be hosted throughout the financial year and across the Municipal area from July 2022 to June 2023. During the Mayoral Izimbizo the community concerns are heard and advice taken from the public with regard to issues impacting the Municipality's programmes and service delivery concerns.

The eThekweni Municipality, under the leadership of His Worship the Mayor, Cllr MT Kaunda, has drawn up the following Mayoral 10-Point Plan to institutionalize the new normal and drive radical social -economic transformation:

- The reindustrialisation of the City's economic trajectory driven by the Port City Industrial Programme
- Mayoral Job creation, catalytic projects, and skills revolution war room
- Infrastructure delivery & energy reform and climate change
- The Social Solidarity Economy Programme
- Procurement of centre of excellence
- Smart City and 4th industrial revolution
- Implementation of Radical Agrarian Socio-Economic Transformation (RASET) Master Plan
- eThekweni enterprise and supplier development fund
- Establishment of the eThekweni Economic Council
- Radical budget reengineering reforms

The Mayoral Izimbizo gives an opportunity for the Mayor, through community engagement, to evaluate the progress made in implementing the 10-Point Plan to respond to the needs and priorities of the community.

With regard to the civic and ceremonial functions, the Mayor has a responsibility to attend to such in order to promote the eThekweni Municipality. Ceremonial functions include events approved and coordinated by Council in honour of special days. Whereas, civic events/receptions include events normally held in celebration of the City's achievements, significant milestones and special events.

The Mayor delivers several civic and ceremonial events and functions, as well as other functions and receptions as the need arises. These events and functions foster a positive relationship between the community and the Municipality, connects the community in celebration, recognising and celebrating individual and community achievements, also promoting community pride and spirit. For the 2022/23 financial year the planned civic and ceremonial events and functions include but are not limited to the following:

- Matric Awards
- Mayoral receptions and ministerial visits
- Sister City delegations
- Remembrance Day Service
- Memorial events
- Fundraising functions
- Opening of new facilities

At the Support Committee level, the recommendations on this matter were adopted by the majority support while the DA abstained on the matter. During discussion at the Executive Committee level, the DA abstained again, and suggested reduction in certain expenditure which they considered not critical, and according to them this included gifts; promotional items; and decorations. However, they appreciated the programme in general, subject to addressing the cost implications where required.

The IFP supported the matter and however cautioned that this should be an all-inclusive programme in terms of inviting Political Parties, it being emphasised that such invitations be sent timeously to enable Political Parties to support the Mayor. Also, for the programme to respond solely to service delivery issues impacting the local communities without clouding this with political issues.

The ANC drew attention to the responsibility and accountability being exercised by the leadership in terms of engaging the local communities on an ongoing basis to deliberate on service delivery matters and getting the opportunity to address matters on the ground. With regard to the cost implications, clarity was given that these were cost estimates based on the previous expenditure incurred in undertaking a similar programme. However, that the exact costs would be determined at the procurement process stage. Mention was made that the intention was to make sufficient budget provision at the approval stage but with an understanding that a lesser expenditure might be incurred at the implementation stage. Confirmation was given that the intention was to manage the costs associated therewith and that the relevant officials would take the necessary steps to manage the costs effectively.

The EFF Member also abstained at this stage as he has joined the discussions at the tail end in view of having connectivity challenges.

By the majority support,

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the Head: Mayoral Parlour to incur expenditure in the amount of R4 423 000.00 (Four Million Four Hundred and Twenty-Three Thousand Rand) for the implementation of the Mayoral Izimbizo, Civic and Ceremonial Functions during the 2022/2023 financial year.
- 1.1.2 That the Head: Mayoral Parlour provide update reports to the Committee on a regular basis with regard to the implementation of the Mayoral Izimbizo, Civic and Ceremonial Functions during the current financial year.

Financial Implications:

Mayoral Izimbizo

ITEM	VOTE NUMBER	ESTIMATED EXPENDITURE R
Plants, Flowers and Deco	32601.10670.11.12120.0000.37420.0010	50 000
Medical Services	32601.10730.12120.0000.37420.0010	30 000
Ad Hoc Security	32601.10840.10.12120.0000.37420.0010	50 000
Artists and Performers	32601.11330.12120.0000.37420.0010	150 000
Hire of Toilets	32601.1135012120.0000.37420.0010	83 000
Catering Services	32601.1140012120.0000.37420.0010	200 000
Stage and Sound Crew	32601.11760.12120.0000.37420.0010	180 000
Refreshments	32601.14105.54.12120.0000.37420.0010	55 000
Gifts and Promotional Items	32601.16325.12120.0000.37420.0010	200 000
Hire Charges	32601.18950.10.12120.0000.37420.0010	1 000 000
Transport	32601.21805.12120.0000.37420.0010	60 000
TOTAL		R2 058 000

Civic and Ceremonial functions:

ITEM	VOTE NUMBER	ESTIMATED EXPENDITURE R
Catering	32601.11400.12120.0000.53100.0010	385 000
Artists and Performers	32601.11330.12120.0000.53100.0010	150 000
Plants, flowers, and other deco	32601.11640.12120.0000.53100.0010	100 000
Stage and Sound Crew	32601.11760.12120.0000.53100.0010	300 000
Refreshments	32601.14105.54.12120.0000.53100.0010	30 000
Marketing and Advertising	32601.16315.12120.0000.53100.0010	50 000
Gifts and Promotional Items	32601.16325.12120.0000.53100.0010	200 000
Hire charges	32601.18950.12120.0000.53100.0010	600 000
Transport	32601.21805.12120.0000.53100.0010	50 000
Hire of Venue/ ICC	32601.22710.30.12120.0000.53100.0010	500 000
TOTAL		R2 365 000
GRAND TOTAL		R4 423 000

Speaking on the matter, the IFP submitted that they were in support of the matter during the Support Committee engagement. However, that this position has since changed after attending the Human Settlements & Infrastructure Committee workshop during which it was reflected that the Municipality needs funds to address water and sanitation challenges. Reference being made to shortage of water pumps, amongst the other challenges. Therefore, a proposal was made to redirect the Mayoral Izimbizo budget to beef up the water projects budget. As such, the IFP was not in support of the Programme.

Meanwhile, the EFF registered their support for the Programme but requested budget adjustments on certain items to minimise expenditure.

The ANC also concurred with the EFF sentiments in terms of budget adjustments where applicable. Also emphasised that public participation is a critical component in Local Government level. That a clear programme has been developed to consult communities on service delivery, particularly, after the severe negative impact caused by the Covid-19 pandemic, civil unrest and the recent floods. The attention was also drawn to the fact that the figures contained on the Report are the costs estimates, with the actual figures to be reported at the implementation stage, and with some to reflect costs reduction at this stage.

As some Councillors were not in support of the recommendations from the Executive Committee, the matter was put to the vote. With 169 Councillors present; 112 Councillors (ANC - 83, EFF – 20; ABC - 01, APF - 01, ATM - 01, DLC – 1; JEP - 01, KZNI -01; MF – 01; MOSA – 00; NFP – 01; and PRM – 01) voted in favour and 09 Councillors (IFP -05; Action SA – 03 and AIC – 01) voted against the matter and 48 Councillors(DA- 44, ACDP – 02; UIM – 01 and VF Plus- 01) abstained on the matter.

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

1.2

Request for Authority to Implement the Gender Office Projects:

(Page 23: Governance and Human Resources Committee - Agenda 2022-08-17)

The Committee received a report comprising the Gender Office projects to be implemented by the Mayoral Parlour during the 2022/2023 financial year, as per the responsibility towards the vulnerable groups. With the ongoing challenges that the country is facing, including the Covid-19 pandemic which led to the loss of jobs; the floods disaster that affected the City residents badly; the July 2021 civil unrest which led to the loss of quite a number of jobs; and the Gender-Based Violence which continues to be a pandemic affecting women in the most painful manner, with the women of eThekweni Municipality finding themselves in the worst position ever. Adopting the awareness creation approach, the Gender Office Programmes intend providing support and empowering women to be armed with knowledge and skills to mitigate factors that make their lives more vulnerable each day.

The office intends focusing more on empowerment in supporting Gender-Based Violence victims, and has already started on empowering communities on the National Strategic Plan (NSP) on Gender-Based Violence. The Office has a responsibility to implement these programmes as contained in the report by the Head: Mayoral Parlour not only to support victims but also to comply with the National Strategic Plans requirements. Rapid Response Teams for Gender-Based Violence have been formed and are operational at Umlazi and Newlands.

The Gender Office has also formed partnership with the UN Women in the form of a 100-day Challenge where there will be more interaction and support for the Thuthuzela Care Centres which have special facilities under the Management of the National Prosecuting Authority. These facilities are found in a few hospitals in the Province of KwaZulu-Natal, namely, Prince Mshiyeni Hospital and Addington Hospital where the victims of violence get special treatment in a dignified manner. The current mission of the Government is to minimise secondary victimisation of victims while seeking help and to ensure that there is no further victimisation of the victims.

With the Committee being in support,

COMMITTEE RECOMMENDS:

- 1.2.1 That authority be granted for the Head: Mayoral Parlour to incur expenditure in the amount of R2 483 000.00 (Two Million Four Hundred and Eighty-Three Thousand Rand) for the implementation of the Gender Office Programmes in the 2022/2023 financial year.
- 1.2.2 That the Head: Mayoral Parlour provide update reports to the Committee on a regular basis with regard to the implementation of the Gender projects.

WOMEN EMPOWERMENT PROGRAMMES:			
No.	PROJECT NAME	MORE INFORMATION ON THE PROJECT	Estimated expenditure
1.	Gender Based Violence and Victim Empowerment Programme	<p>6 x Follow up programmes on Gender Based Violence. To assess the impact of the previous engagements to establish a relationship with communities and inform them of Rapid Response teams and unpack the NSP for them.</p> <p>Assessment of established Rapid Response Teams at Umlazi and Newlands.</p> <p>Establishment of new Rapid Response Teams in other areas of eThekweni. (KwaMashu, KwaNdengezi and Clermont)</p> <p>Self Defence Classes for women (pilot Project-Umlazi)</p> <p>Sixteen Days of Activism Programme (Activation Programmes, Launch and Closure)</p> <p>Support for Thuthuzela Care Centres</p> <p>Visits to Police Stations</p> <p>Visits to Prisons</p>	<p>Hire Charges (32601.18950.10.12120.0000.81400-24.0010) R485 000</p> <p>Catering (32601.11400.12120.0000.81400-24.0010) R70 000</p> <p>Hire of Toilets (32601.10670.11.12120.81400-24.00.10) R40 000</p> <p>Artist and performers (32601.11330.12120.81400-24.0010) R100 000</p> <p>Hire of Transport (32601.21805.12120.81400-24.0010) R60 000</p> <p>Gifts and Promotional Item (32601.16325.12120.81400-24.0010) R200 000</p>
WOMEN'S MONTH PROGRAMMES:			
2.	Women's Month Programmes	<p>Social Responsibility Programme (Nelson Mandela Day)</p> <p>Women's Month Programmes:</p>	<p>Hire Charges (32601.18950.10.12120.0000.81400-24.0010) R200 000</p>

WOMEN EMPOWERMENT PROGRAMMES:			
No.	PROJECT NAME	MORE INFORMATION ON THE PROJECT	Estimated expenditure
		(Women's Day launch, commemoration) Women's Month Prayer for Social Ills. Civil Society Women Breakfast	Catering (32601.11400.12120.0000.81400-24.0010) R100 000 Gifts and Promotional Item (32601.16325.12120.81400-24.0010) R150 000
3.	Girl Child Mentoring Programme	Mentoring of young girls to become young responsible women. This is a programme started in 2020 where young girls from a school in rural area with a high prevalence of teenage pregnancies and high drop out rate due to early marriages. These girls are given exposure to the advantages of choosing education and the rewards thereafter. Motivational speakers are invited. Basic necessities like sanitary towels and body lotions are supplied to them to discourage them from relying on sugar daddies. Over and above the exposure they get throughout the year they are given an opportunity to be part of Take a Girl Child to Work Programme. They get the opportunity to see females at work, purpose thereof is to highlight to them there is more to life than being someone else's wife and be fully dependant on them. Research indicates that one of the main causes of GBV is financial dependency.	Gifts and Promotional Item (32601.16325.12120.81400-24.0010) R80 000 Artist and performers (32601.11330.12120.81400-24.0010) R50 000 Catering (32601.11400.12120.0000.81400-24.0010) R50 000 Hire of Transport (32601.21805.12120.81400-24.0010) R20 000
4.	Boy Child/Men's programmes	Research indicates that too much attention has been given to the girl child while leaving behind the boy child. This makes the exercise of grooming young girls futile if their partners had no mentoring growing up as the rate of single mothers grows every day. These boys are also mentored under the wing of eThekweni Men's Programme.	Gifts and Promotional Item (32601.16325.12120.81400-24.0010) R60 000 Catering (32601.11400.12120.0000.81400-24.0010) R30 000
5.	Sexual and Reproductive Health Programmes and Cancer Awareness Programmes	We live in a time where it is common for women to have multiple partners. This programme educates women on the dangers of having multiple partners and further encourages them to use protection each time they engage in sex. It further educates women on the dangers of using sex enhancing untested muti which is easily available on the streets and is very popular amongst women of all ages.	Gifts and Promotional Item (32601.16325.12120.81400-24.0010) R50 000 Artist and performers (32601.11330.12120.81400-24.0010) R60 000

WOMEN EMPOWERMENT PROGRAMMES:			
No.	PROJECT NAME	MORE INFORMATION ON THE PROJECT	Estimated expenditure
		This programme seeks to encourage women to go for tests for Cervical cancer and breast cancer which are the common silent killers for women.	
LEGISLATIVE CALENDAR PROGRAMMES:			
6.	Women's Month Programmes/ Human Rights Programmes/	These are Calendar days that are informed by the National Calendar. These days are proceeded by the activation programmes. Celebration of these days give the women of South Africa in their diversity to each in their own unique levels and needs regroup and assess the progress with regards to women emancipation. Identify loopholes in failure to achieve previous goals and set new goals	Hire Charges (32601.18950.10.12120.0000.81400-24.0010) R200 000 Catering (32601.11400.12120.0000.81400-24.0010) R25 000 Stage and Sound Crew (32601.11760.12120.0000.81400-24.0010) R50 000 Gifts and Promotional Item (32601.16325.12120.81400-24.0010) R53 000
ECONOMIC EMPOWERMENT FOR WOMEN:			
7.	Economic Empowerment for Women	Two types of empowerments are planned. Empowerment programme for women who already have small businesses. This will be done in collaboration with the Office of the Status of Women in the Presidency as part of their outreach programme. Second one will be women in farming where women will be encouraged to invest in farming and skills on how to go about will be shared.	Hire Charges (32601.18950.10.12120.0000.81400-24.0010) R130 000
8.	Disability Sector	Disability sector support. Awareness programmes, commemoration of special days.	Hire Charges (32601.18950.10.12120.0000.81400-24.0010) R45 000
GENDER, IDENTITY AND CULTURE:			
9.	Heritage and Identity promoting Programmes.	Culture has always been cited as the main course of oppression of woman yet it is part of our being. Programs that engage with traditional leadership in trying to merge culture and human rights without compromising any of the two.	Catering (32601.11400.12120.0000.81400-24.0010) R25 000 Stage and Sound Crew (32601.11760.12120.0000.81400-24.0010) R50 000
SOCIAL RESPONSIBILITY PROGRAMMES:			
10.	Visit to Prisons and Old Age Homes / Orphanages	To provide emotional support to the most vulnerable	Hire of ICC/ DEC (32601.22710.30.12120.0000.81400-24) R100 000
	TOTAL		R2 483 000

Item	Vote	Amount
Hire Charges	32601.18950.10.12120.0000.81400-24.0010	R1 060 000
Catering	32601.11400.12120.0000.81400-24.0010	R300 000
Artist & Performers	32601.11330.12120.0000.81400-24.0010	R210 000
Gifts and Promotional item	32601.16325.12120.000.81400-24	R593 000
Hire of Toilets	32601.10670.11.12120.81400-24.0010	R40 000
Hire of Transport	32601.21805.12120.81400-24.0010	R80 000
Stage and Sound Crew	32601.11760.12120.81400-24-0010	R100 000
Hire of ICC/DEC	32601.27710.30.12120.81400-24.0010	R100 000
	Total	R2 483 000

FC No.: 2023/08/06

Commenting on the matter, the IFP submitted that women empowerment is one of the important tools that could be utilised to reduce poverty. That such programmes should be provided on an ongoing basis and not only during the Women's Month. In this regard, the IFP supported the programme.

The ANC shared similar sentiments with that of the IFP. Further, indicated that women are responsible for leading households, ensuring that basic needs of their families are provided for accordingly. They acknowledged that women also faced challenges in other aspects, including issues of Gender-Based Violence and that more still needed to be done for full women emancipation. On this basis, the ANC supported the programme.

Thereafter the above recommendations of the Executive Committee were ADOPTED.

1.3

Request for Approval to Implement the Youth Development Programmes (19/1/1/3):
(Page 30: Governance and Human Resources Committee - Agenda 2022-08-17)

At the Support Committee level, reservations were expressed by the Members of the DA regarding the virement budget to be undertaken by the Unit and therefore requested that figures be re-adjusted to a lower amount, but with projects such as the Artisan Programme being given priority. In addition, it was advised that the provision of vouchers to the youth was not beneficial, and an appeal was made that investing in more meaningful programmes would assist in curbing unemployment and assisting in building the Country's economy.

Thereafter, Members were reminded that the matter in question had already been approved in terms of the budget and the Service Delivery and Budget Implementation Plan (SDBIP) and, as such, the request in questions is informed by the SDBIP requirement. It was further cautioned that the request for a breakdown of the items to be procured was in contravention with the Supply Chain Management Regulations.

The DA then requested that beneficiaries of the events should be from all Wards of the Municipality and that the Committee exercise oversight role with a view to ensuring fair distribution in this regard.

With the Executive Committee being in concurrence, accordingly,

COMMITTEE RECOMMENDS:

- 1.3.1 That authority be granted for the Head: Mayoral Parlour to incur expenditure in the amount of R9 165 000.00 (Nine Million One Hundred and Sixty-Five Thousand Rand) for the implementation of the Youth Development Programmes by the Youth Development Office during the 2022/2023 financial year.
- 1.3.2 That the Head: Mayoral Parlour provide update reports to the Committee on a regular basis on the implementation of the Youth Development Programmes:
- (a) Student Relief Fund
 - (b) Back to School campaign
 - (c) Career exhibitions and social cohesion in educational institutions
 - (d) Phakama Mbokodo: Young women development programme
 - (e) Youth Izimbizo and social ills awareness campaign
 - (f) Youth in business Summit
 - (g) Youth Council Launch and Youth Council Programs
 - (h) Young Men Forum
 - (i) Youth Indaba: Environmental Climate Change education and awareness programme
 - (j) Youth Talent Show Initiatives
 - (k) Youth Month Activities
 - (l) Township Economy program
 - (m) We are responsible youth people campaign

Financial Implications:

FUNDS REQUESTED			FUNDED FROM		
DESCRIPTION	VOTE NUMBER	AMOUNT R	DESCRIPTION	VOTE NUMBER	AMOUNT R
Gifts and promotional items	32601.16325.12120 .0000.39720-3.0010	740 000	Artists and Performers	32601.11330.1 2120.0000.397 20-3.0010	740 000
Hire Charges	32601.18950.10.12 120.0000.39720- 3.0010	600 000	Stage and sound	32601.11760.1 2120.0000.397 20-3.0010	600 000
Catering	32601.11400.12120 .0000.39720-3.0010	115 000	Poverty relief	32601.24410.1 9.12120.0000. 39720-3.0010	115 000
Bursaries	32601.16310.12120 .0000.39720-3.0010	200 000	Poverty relief	32601.24410.1 9.12120.0000. 39720- 3.001032601.1 1330.12120.00 00.39720- 3.0010	200 000

FC No.: 2023/08/07

Speaking on the matter, the DA submitted that Youth is the face of the Country, and that young people currently face various challenges, including unemployment. That the Youth Programmes are supported but that a clear costs breakdown should be provided as well as a clear plan detailing an inclusive

Programme for all eThekweni Wards; the selection criteria where applicable to understand intended beneficiaries. The Support Committee was requested to play effective oversight role in this regard for the Programme to yield desired results, in particular the Youth employability.

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

- 1.4 Request for Approval for the Transition of the Employee Wellness Programme from an External Model to a Hybrid Model (5/2/2/2):
(Page 38: Governance and Human Resources Committee - Agenda 2022-08-17)

The Municipality, through the Human Capital Unit, manages the provision of mental health support to the Municipal employees. The programme is critical to maintain healthy employees to inform desirable productivity standards. The programme is even more critical given the multiple challenges faced by the employees, in particular, arising from varied traumatic experiences. The programme is currently largely driven by the external service provider. A need exists to beef up internal capacity to enable the Unit to proactively intervene to support employees with regard to mental issues. Also, to mitigate the risks of having insufficient personnel internally while also aiding the succession to provide business continuity and stability.

Accordingly, the Committee received a report requesting for approval for the transition of the Employee Wellness Programme from an external model to a hybrid model. This will include capacitating the internal Employee Wellness Programme while downscaling the staffing requirement/services of the external service provider. This will reduce the contract value payable to the service provider, while strengthening the internal Employee Wellness Programme by appointing internal staff. This will ensure effective rendering of mental health services to the Municipal employees and their families; reducing service provider costs; and establishing a more visible footprint in eThekweni Municipality's large workforce.

With the Executive Committee being in support,

COMMITTEE RECOMMENDS:

- 1.4.1 That, given the financial implications and the benefits to employees of the eThekweni Municipality in relation to the proposed strengthening of internal capacity for the provision of the Municipal employee mental health support, Council approves the transition from the external model to a hybrid level, including capacitating the internal Employee Wellness Programme thus downscaling staff requirements/ provided by the external service provider.
- 1.4.2 That, subject to the approval of .1 above, authority be granted for the Deputy City Manager: Corporate and Human Capital to advertise the two (2) posts of Social Workers.
- 1.4.3 That, subject to the adoption of .1 and .2 above, the adjustment budget be processed.

VOTE	BUDGET 2022/2023
Vote: 331119.10950.12120.56210.0000.0010	

ADOPTED.

2. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING
COMMITTEE: MEETING HELD 2022-08-18

(Page R9)

2.1 Request for Authority to Implement Business Empowerment and Information
Dissemination Programme 2022-2023 (20/1/7/3):
(Page 1: Economic Development and Planning Committee - Agenda 2022-08-18)

Authority is sought for approval to continue supporting the Business Empowerment and Information Dissemination Programme 2022-2023 across various Wards and Amakhosi Areas, targeting Small, Medium and Micro enterprise (SMMEs) within the Municipality.

The Business Empowerment and Information Dissemination Workshops Programme will empower the SMMEs with business development information critical for the success of their business; compliance; and business opportunities available to sustain them. Planning meetings for workshops are coordinated working with the respective Ward Councillors or tribal leadership. The Programme will also empower the communities with information to meaningfully participate in economic development initiatives and rebuilding of the economy.

The DA abstained on this matter at the Support Committee level. During discussion at EXCO, it was reiterated that the Programme is crucial and aimed at promoting business opportunities for the SMMEs from across various sectors; provision of the SMME training programmes; facilitating business linkages amongst the SMMEs and also linkages with large businesses; that the Programme also entail the invitation of government departments and the relevant agencies to address the SMMEs on business matters. Overall, the programme focuses on SMME empowerment and consultation processes.

The Programme, as presented, was supported, with the EFF emphasizing that the Programme should include all sectors and should be bias towards addressing monopoly in certain sectors. That the intention should be the facilitation of growth in particular for the roadside businesses which have been in existence for a long time but shows stagnant growth with no further business expansion opportunities.

In noting the foregoing,

COMMITTEE RECOMMENDS:

2.1.1 That the Business Empowerment and Information Dissemination Programme 2022-2023 be approved as follows:

QUARTER 1 (JULY TO SEPTEMBER 2022)			
No.	Date	Area/Venue	Ward No.
1.	27/07/2022	Itshelimnyama /Mpola	15
2.	11/08/2022	Albert Park	32
3.	17/08/2022	Bhekulwandle	109
4.	24/08/2022	Umzinyathi	3
5.	31/08/2022	Inanda	42
6.	07/09/2022	Cornubia	102
7.	15/09/2022	Swayimane	02
QUARTER 2 (OCTOBER TO DECEMBER 2022)			

QUARTER 1 (JULY TO SEPTEMBER 2022)			
No.	Date	Area/Venue	Ward No.
8.	19/10/2022	Phola/Qadi	108
9.	26/10/2022	Welbedacht	77
10.	09/11/2022	Lamontville	74
11.	16/11/2022	Cato Ridge	01
12.	23/11/2022	Klaar Water	17
13.	29/11/2022	Ntshongweni	07
14.	08/12/2022	Isimahla	105
QUARTER 3 (JANUARY TO MARCH 2023)			
15.	03/02/2023	Cato Manor	29
16.	08/02/2023	Newlands East	11
17.	08/02/2023	Modimeni	09
18.	15/02/2023	Umlazi N,P,Q	85
19.	08/03/2023	Ohlange	57
20.	15/03/2023	Umlazi K,J,L	78
21.	23/03/2023	Umlazi G	79
QUARTER 4 (APRIL TO JUNE 2023)			
22.	12/04/2023	KwaMashu G	104
23.	19/04/2023	Bhambayi	54
24.	26/04/2023	Lindelani	45
25.	10/05/2023	Kwa Mashu G 104	104
26.	17/05/2023	Amaoti	53
27.	08/06/2023	Austerville	68
28.	15/06/2023	KwaDabeka	20

2.1.2 That subject to adoption of .1 above, the Head: Business Support, Tourism, Markets and Agri Business, in liaison with the various Ward Councillors and Traditional Authorities, continue with the implementation of the Programme.

2.1.3 That subject to the adoption of .1 and .2 above, the Head: Business Support, Tourism, Markets and Agri Business, update the Economic Development and Planning Committee on progress in implementing the programme.

The Budget allocated for the programme is R1 420 000.00 in the 2022/2023:

BU	ITEM. SUB	FUNDING	COSTING	PROJECT	REGION
26503	Various	12120	0000	38805-104	0010

FC No.: 2023/32/10

As some Councillors were not in support of the recommendations from the Executive Committee, the matter was put to the vote. With 171 Councillors present; 125 Councillors (ANC - 83, EFF - 19; IFP -06; ABC - 01, Action SA - 03; ACDP - 02; AIC - 01; DLC - 1; APF - 01, ATM - 01, JEP - 01, KZNI -01; MF - 01; MOSA - 00; NFP - 01; PRM - 01 UIM - 01 and VF Plus- 01) voted in favour and 46 DA Councillors abstained on the matter.

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

2.2 Request for Authority to Reprioritise the Business Support, Markets and Tourism Unit's Capital Budget (7/1/2/2):
(Page 11: Economic Development and Planning Committee - Agenda 2022-08-18)

Authority is sought to approve the reprioritization of the capital budget in order to address the dire situation of the aging Retail Market infrastructure and the renovation of the facilities damaged by the flood disaster, including the English Market building; 127 Johannes Nkosi Street SEDA Office Park; 64 Flower Road business hive; 4 Bhejane Road EMahawini hive; and 01 Walsh Place Illovo Auto Hub.

The Business Support, Markets and Tourism Unit provides, on a rental agreement basis, affordable working space for the Informal Economy and Retail Markets operating within the eThekweni Municipal area. Therefore, the Unit has a responsibility to ensure that these buildings are in a conducive condition for occupation and for business. Currently, the English Market and other Business Hives are in a dilapidated state and the budget allocated to upgrade these buildings is insufficient. Hence, a request for the capital budget reprioritization.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.2.1 That authority be granted for the Head: Business Support, Tourism and Markets to reprioritise the Unit's capital budget in order to address the dire situation of the aging Retail Market Infrastructure and undertake repairs as a result of the flood disaster damages to small business facilities.
- 2.2.2 That the inclusion of the Folweni Trader project funds into the 2022/2023 budget be authorised, subject to ratification by Council during the formal adjustment process.
- 2.2.3 That subject to adoption of .1 and .2 above, the Head: Business Support, Tourism and Markets apprise the Economic Development and Planning Committee on progress in implementing upgrade projects.

Financial Implications:

The project requires a total sum of R12 350 100.00 (Twelve Million Three Hundred and Fifty Thousand and One Hundred Rands) for the current financial year while available funds only amount to R4 350 100.00 (Four Million Three Hundred and Fifty Thousand and One Hundred Rands) for 2022/23. The saving of 18 000 000.00 (Eighteen Million Rands) have been identified to be reprioritized as follows:

Reallocation	Project	Budget Vote
From	Relocation of Durban Tourism Office Funds	26722.45506.30.91104.0000.s3124c w027
To	English market building upgrade	26610.45346.50.91104.0000.s4027zi.w028
From	DCM Office Funds	
To	Business Support Unit floods disaster damages to facilities	

ADOPTED.

- 2.3 Request for Authority to Implement Municipal Employment Initiative (7/4/2 & 20/1/7/3):
(Page 30: Economic Development and Planning Committee - Agenda 2022-08-18)

Authority is sought to accept the Municipal Employment Initiative Funds and sign the grant transfer funding agreement with the KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs in this regard, it being noted the Unit will start with the implementation of this initiative in the 2022/2023 financial year.

The Provincial Department will transfer the amount of R1 000 000.00 (One Million Rand) in the 2022/2023 financial year by way of electronic transfer into the eThekweni Municipality Bank Account at Nedbank Limited, Branch Code: 198765, Account Number 1107821002, to undertake and execute the Programme.

The partnership will assist the City to improve informal businesses operating in townships to be financially viable and sustainable. The rationale is to develop informal economy to a position of commercial sustainability and recognized as suppliers of competitive services.

During consideration at the Executive Committee level, the IFP appreciated the programme and recommended further negotiations with the Provincial Department in an attempt to increase funding in this regard for the Programme to cater for more businesses within the eThekweni Municipal area taking into account that most of the businesses have been negatively affected by the triple disaster, that of the Covid-19 pandemic; the July 2021 civil unrest; and the April/May floods disaster.

Thereafter, with the Committee supporting the implementation of the Municipal Employment Initiative which will contribute to job creation and the country's Gross Domestic Product,

COMMITTEE RECOMMENDS:

- 2.3.1 That authority be granted for the Acting City Manager to accept the Municipal Employment Initiative funds and sign the grant transfer funding agreement with the KwaZulu-Natal Provincial Department of Economic Development, Tourism and Environmental Affairs in this regard.
- 2.3.2 That subject to the adoption of .1 above, the Head: Business Support, Markets and Tourism be authorised to implement the Municipal initiative during the 2022/2023 financial year.
- 2.3.3 That subject to the approval of .1 above, the Deputy City Manager: Finance be authorised to issue financial clearance upon receipt of funds from the Provincial Department of Economic Development, Tourism and Environmental Affairs, based on approved Project Implementation Plan (ratification through formal adjustment budget).
- 2.3.4 That Council notes that the Head: Business Support, Markets and Durban Tourism is finalising the Project Implementation Plan for approval by the Provincial Department of Economic Development, Tourism and Environmental Affairs.
- 2.3.5 That the Head: Business Support, Markets and Tourism keep the Economic Development and Planning Committee informed of progress with regard to the partnership and the implementation of the project.

ADOPTED.

2.4

Report to Apprise Council on the Inaugural Durban Tourism Business Awards Achievements and Seek Authority to Execute Annual Durban Tourism Awards (20/1/4/3):

(Page 39: Economic Development and Planning Committee - Supplementary Agenda 2022-08-18)

Authority is being sought for the approval to execute and host the Annual Durban Tourism Business Awards, and with these to be hosted for the three (03) consecutive financial years, the 2022/2023; 2023/2024; and the 2024/2025 financial years. To also apprise Council on the concept and sequence of activities of the second Annual Durban Tourism Business Awards to be held in the 4th Quarter of the 2022/2023 financial year.

The Annual Durban Tourism Awards creates further partnership; motivates; encourages tourism businesses in the different tourism categories; and its promotion ensures Durban remains the destination of choice. The aim of the Awards is to recognize and celebrate tourism businesses for tourism excellence; for their contribution towards Local; Provincial; and National global competitiveness, also growing tourism's contribution towards the Gross Domestic Product and job creation.

The prime objectives of hosting the Awards are to reward the people who deliver excellence in tourism in Durban; to give the Durban's tourism industry motivation to aspire to and give them a cause to celebrate; to give the public a voice that counts in terms of the feedback/reviews they give; to create an awareness about the value and importance of tourism towards growing Local, Provincial and National economy; to incentivize tourism products, especially within the ambit of the Covid-19 pandemic and beyond. To use these Awards as a platform to capacitate Small, Medium, Micro Enterprises, especially in townships and rural areas, with newly required skills, to ensure they are compliant and sustainable and assist them to move seamlessly into the tourism mainstream.

The recommendations were adopted by the majority vote at the Support Committee level. The DA (08), voted against the recommendations and the ANC (16), EFF (03) IFP (02), Action SA (01), MOSA (01) and the UIM (01) voted in support of the recommendations.

On a suggestion made by the DA at the Executive Committee level, that of a proposal to extend the Awards to include national and international Tourism Businesses, clarity was provided that the intention is to promote and support local tourism businesses, but that invitation to attend the Awards is extended nationally and internationally to profile the local tourism businesses. Confirmation was also given that national and international tourism businesses were considered if they also have business presence in the City of eThekweni.

Thereafter, with the Executive Committee being in support,

COMMITTEE RECOMMENDS:

2.4.1

That the achievements of the 2021/2022 Inaugural Annual Durban Tourism Business Awards held on 2022-06-15, be noted, which achievements include provision of tourism recovery, as part of the Economic Recovery Plan; provision of global footprint as a result of robust destination and business profiling; creation of a sense of pride in the tourism business; and giving assurance and motivation to continue promoting tourism for Durban to remain a leading destination in this regard.

- 2.4.2 That, given the previous success of the Durban Tourism Business Awards in supporting growth in the tourism business, authority be granted for the Deputy City Manager: Economic Development and Planning to host Annual Durban Tourism Business Awards over the three financial years of the 2022/23; 2023/24; and the 2024/25, as budgeted for per annum.
- 2.4.3 That authority be granted for the Head: Business Support, Tourism and Markets to approve processes that are similar to the previous resolutions relating to the hosting of the 2021-22 Durban Tourism Business Awards.
- 2.4.4 That the concept and sequence of activities of the second Annual Durban Tourism Business Awards to be held in the 4th Quarter of the 2022/2023 financial year which will be a similar approach for the 2023/24 and 2024/25 financial years, be approved, as detailed in the Report by the Acting City Manager dated 2022-08-15, and which include, amongst other things, a process to launch the Awards; managing entries; conducting roadshows; managing public voting; approval of credible panel of judges; the adjudication and auditing of the Awards process.

Financial Implications:

INCREMENTAL YEAR ON YEAR BUDGET FOR THE NEXT 3 YEARS		
2023/2024	2024/2025	2023/2024
R6 820 000	R7 500 000	R6 820 000

VOTE No.:

BU	ITEM NO.	FUNDING	COSTING	PROJECT	EXPENDITURE PROPOSED R	FINANCIAL YEAR
26723	16315	12120	0000	53500-41	1,500,000.00	2022/2023
26723	16315	12120	0000	53500-39	407,300.00	2022/2023
26723	16315	12120	0000	53500-43	610,900.00	2022/2023
26723	16315	12120	0000	53500-48	1,425,400.00	2022/2023
26723	16315	12120	0000	53500-49	1,056,900.00	2022/2023
26723	16315	12120	0000	63215	1,199,500.00	2022/2023
					R6 200 000	

26723	16315	12120	0000	53500-41	1,500,000.00	2023/2024
26723	16315	12120	0000	53500-39	427,670.00	2023/2024
26723	16315	12120	0000	53500-43	641,450.00	2023/2024
26723	16315	12120	0000	53500-48	1,496,670.00	2023/2024
26723	16315	12120	0000	53500-49	1,109,750.00	2023/2024
26723	16315	12120	0000	63215	1,644,460.00	2023/2024
					R6 820 000	

26723	16315	12120	0000	53500-41	1,500,000.00	2024/2025
26723	16315	12120	0000	53500-39	449,050.00	2024/2025
26723	16315	12120	0000	53500-43	673,520.00	2024/2025
26723	16315	12120	0000	53500-48	1,571,500.00	2024/2025
26723	16315	12120	0000	53500-49	1,165,230.00	2024/2025
26723	16315	12120	0000	63215	2,140,700.00	2024/2025
					R7 500 000	

Commenting on the matter, the DA mentioned that foreign direct investment had dropped, and they mentioned that the Municipality cannot afford to host the Awards at this stage. They acknowledged the importance of the tourism industry, it being emphasised that tourists needed to be encouraged to visit the City to spend their monies. They emphasised that the Municipality had to implement stringent fiscal policy. In this regard, they voted against the recommendations.

The ANC then drew attention to the fact that the aim of the Awards is to celebrate and recognize people who deliver excellence in tourism in Durban; to give the Durban's tourism industry motivation to aspire to and give them a cause to celebrate; to give the public a voice that counts in terms of the feedback and/or reviews they give; to create an awareness about the value and importance of tourism towards growing Local, Provincial and National economy; to incentivize tourism products, especially within the ambit of the Covid-19 pandemic and beyond. That the intention is also to capacitate SMMEs in rural and township areas. On this basis, the programme was supported.

Thereafter, as some Councillors were not in support of the recommendations from the Executive Committee, the matter was put to the vote. With 172 Councillors present; 125 Councillors (ANC - 84, EFF - 19; IFP -06; ABC - 01, Action SA - 03; ACDP - 02; AIC - 01; DLC - 1; APF - 01, ATM - 01, JEP - 01, KZNI -01; MF - 01; MOSA - 00; NFP - 01; PRM - 01 UIM - 01 and VF Plus- 01) voted in favour and 46 DA Councillors voted against the matter.

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

2.5

Assets Write-Off Report Economic Development (8/1/3):

(Page 59: Economic Development and Planning Committee - Supplementary Agenda 2022-08-18)

Authority is sought to write-off assets which are not physically in existence and were not found in the scanning process as of 30 June 2022. It was reported that initially the physical verification process was less sophisticated as assets were marked by either paper barcode and use of permanent markers. The use of paper barcodes and permanent markers has been found to be unreliable as, over time, the ink fades and they can be removed with ease.

The asset checks were done manually to see if assets were in existence. The schedules were then compared to the JDE register. Further, difficulties were experienced when trying to determine which assets were sent to the disposal yard and, over the years, several assets have been disposed of without any reference to the Unit or barcode number.

The Economic Development Unit has embarked on a Fixed Asset Register (FAR) clean-up drive in order to ensure that all assets appearing on this register are in existence at the correct fair values. The annual physical verification of assets was performed in the 2021/2022 financial year. The reconciliation process has revealed several items appearing in the asset register were not found over the years. These assets which could either not be found or had been disposed of in the previous financial years, would need to be written-off.

The assets are summarised below:

Assets Class	No. of Assets	Cost	Net Book Value	Comments
Computer Equipment	48	R41 639 .00	R0	Assets not found for 19 years, dating back to 2023.
Furniture & Equipment	45	R190 695.00	R391.45	
TOTAL	93	R232 334.00	R391.45	

The EFF abstaining on this matter at the Support Committee level. During discussion at the Executive Committee level, confirmation was given that this is a new list of assets to be written-off and not a continuation of the item submitted previously.

COMMITTEE RECOMMENDS:

That Council approves the write-off of 93 assets in the Economic Development Unit in the amount of R232 334.00 (Two Hundred and Thirty-Two Thousand Three Hundred and Thirty Four Rand), with a net book value as reflected in Annexure “A” of the report by the Acting City Manager dated 2022-07-12 and is recorded as R391.45 (Three Hundred and Ninety One Rand Forty Five Cents) for furniture and equipment, as at 30 June 2022.

Speaking on the matter, the DA mentioned that assets had been lost and not recovered in the past. Reference was made to the aluminium bicycles which had been donated for the 2010 World Cup. Concern was then expressed that the Municipality now has to write-off these assets.

Whereas the ANC mentioned that the Municipality is tirelessly working towards achieving clean audit. That to write-off assets is a step towards achieving the envisaged clean administration. That care would be taken to safeguard assets, and to report to the authorities in the event of loss or theft.

Thereafter, as some Councillors were not in support of the recommendations from the Executive Committee, the matter was put to the vote. With 169 Councillors present; 143 Councillors (ANC - 82, DA - 45; ABC - 01, Action SA – 02; ACDP – 02; AIC – 01; DLC – 1; APF - 01, ATM - 01, JEP - 01, KZNI -01; MF – 01; MOSA – 00; NFP – 01; PRM – 01 UIM – 01 and VF Plus- 01) voted in favour; 06 – IFP Councillors voted against the matter and 20 EFF Councillors abstained on the matter.

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

2.6

Proposed Amendment to the eThekweni North-Sub Scheme by the Amendment of Special Zone 20 Cornubia Residential and Mixed Use (21/7/8):

(Page 65: Economic Development and Planning Committee - Supplementary Agenda 2022-08-18)

Authority is sought to approve the amendment of the North-Sub Scheme Development Planning Facilitation Table for Special Zone 20 Cornubia Residential and Mixed Use (Use Category Housing 2) by increasing the Maximum Height from 6 storeys to 8 storeys. This is aimed at assisting in the processing of the Housing application submitted to the Public sector Housing by Iyer Urban Design on behalf of the eThekweni Human Settlement Unit. The application is for the erection of 3009 residential units, Mixed use facilities, social facilities and playlots/parks for Cornubia Phase 2b housing project.

The proposed amendment will give the Municipality an advantage of forward planning, uniformity and will create consistency for housing development throughout the City. It will also facilitate an increase in height from 6 storeys to 8 storeys, increase the bulk especially in mixed use areas, and allow for more effective use of public open space areas whilst acknowledging the importance of the conservation areas, and increasing mixed use development within poorer areas to stimulate growth and ensure that the overall economic status of the area improves.

Having noted that the proposed amendment is in line with the City's Strategic Plan,

COMMITTEE RECOMMENDS:

- 2.6.1 That Council approves, in terms of Section (18)1 of the eThekweni Planning and Land Use Management Second Amendment By-law, 2021(Notice 95 of 2021), the amendment of the North-Sub Scheme Development Planning Facilitation Table for Special Zone 20 Cornubia Residential and Mixed Use (Use Category Housing 2), by increasing the Maximum Height from 6 Storeys to 8 storeys, due to the following reasons:
 - 2.6.1.1 The addition of high-density typology caters for increased densities over a small portion of land where economic and social facilities are within walking distance, therefore allowing for more areas afforded the preservation of natural areas and mitigates against any flooding and natural occurrences;
 - 2.6.1.2 This will in turn optimize the utilization of existing infrastructure and services, therefore sustainable and contributes towards the reduction of urban sprawl; and
 - 2.6.1.3 This is in response to the increasing demand faced by the eThekweni Municipality for efficiency of the urban environment with respect to the better use of land, issue of infrastructure, human and financial resource.

Commenting on the matter; the DA was in support of the recommendations, however, they mentioned that the best international practices does not allow for people to be placed in the proposed housing development due to social issues. They indicated that people have needs to self-actualize, to grow on individual experiences, it being cited that the aforesaid cannot be realised with these high-rise housing development model.

Thereafter, the ANC also supported the report and mentioned that Cornubia was identified as a Presidential Project and the project is zoned with amenities being developed nearby. It was mentioned that the unavailability of land within the City is a challenge. That the 8-storey being proposed is not a high-rise and that there was no scientific evidence being given that the development would deprive communities of self-actualization. Also, that the hierarchy of needs, including security, safety etc were being attended to by the Municipality. Lastly, cognisance was taken that houses are building built based on budget allocated for this purpose.

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

- 2.7 Request for Authority for the eThekweni Municipality to Co-host the Global Business Services Investment Conference and Awards (20/1/7/3):
(Page 71: Economic Development and Planning Committee - Supplementary Agenda 2022-08-18)

Authority is sought for the eThekweni Municipality to again partner with the National Department of Trade, Industry and Competition (DTIC) in support of the Global Business Services (GBS) Investment Conference scheduled for November 2022, by financially contributing towards the costs as a host region.

Authority is also being sought for the Acting City Manager to enter into a Memorandum of Agreement with the Business Process Enabling South Africa (BPESA), the DTIC Entity, for the purpose of transferring funding contribution, in line with Section 67 of the Local Government: Municipal Finance Management Act 2003.

The main objective of the GBS Investment Conference and Awards is to market South Africa to investors as a scalable delivery destination that offers real value across the GBS value chain, including traditional Business Process Outsourcing (BPO), Shared Services and Digital and ICT. The secondary objective is to promote the sector domestically to stakeholders while creating a platform for the BPESA members and sector stakeholders to network with each other and with international role players.

The targeted outcomes of the event are increased awareness of South Africa and Durban KwaZulu-Natal as a credible, scalable and quality international destination; drive foreign direct investment to increase levels of export revenue; nett new job creation, particularly for unemployed youth; global knowledge sharing; and celebrating excellence.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.7.1 That authority be granted for the eThekweni Municipality to co-host the Global Business Services Investment Conference in 2022 and in 2023, as awarded the Department of Trade Industry and Competition (DTIC).
- 2.7.2 That, subject to the approval of .1 above, authority be granted for the Acting City Manager to enter into a Memorandum of Agreement with the Business Process Enabling South Africa, an Entity of DTIC, for the purpose of disbursing the eThekweni Municipality funding contribution, in line with Section 67 of the Local Government: Municipal Finance Management Act 2003.
- 2.7.3 That authority be granted for the Invest Durban Unit to disburse funds in the amount of R1 800 000.00 (One Million Eight Hundred Thousand Rand), excluding VAT, to the Business Process Enabling South Africa Non-Profit Company in the 2022/23 financial year and to make provision to allocate an amount of R1 800 000.00 (One Million Eight Hundred Thousand Rands), excluding VAT, for the funding contribution in the 2023/2024 financial year.

Financial Implications:

Council's funding will be directed towards the expectations to fulfil the host region commitment, scope and deliverables. Which include:

- Hosting of the event
- Commitment to distribute funds timeously in preparation for the event
- Supporting relevant and key public sector involvement, support and participation
- Active participation in the steering committee and operational event committee meetings
- Assisting in securing necessary partnerships and providers including regional tourism office, relevant government official support, local event related providers, relevant press
- Marketing of the event to potential participants
- Logistical support, support of key logistical event line items
- On ground support during the project planning phase of the event as well as during event and post event.

The Durban Invest Unit is also requesting the same commitment to be budgeted for in the next financial year for the same purpose. Trade and Investment KwaZulu-Natal through the KZN Provincial Department of Economic Development Tourism and Environmental Affairs has secured funding of R1 800 000. 00 (One Million Eight Hundred Thousand Rand) towards expenses for the regions hosting of the conference. This contribution is in response to the host region bidding process.

Vote Number	Amount	Financial Year
91000.25030.17.12120.0000.38886.0010	R1 800 000.00	2022/2023
91000.25030.17.12120.0000.38886.0010	R1 800 000.00	2023/2024
TOTAL	R3 600 000.00	

FC Number: 2023/18/16

The total conference budget over the 5-day period is R4 285 000.00 (Four Million Two Hundred and Eighty-Five Thousand Rand), the balance of funding to be raised through corporate sponsorship and delegate attendance fees.

As some Councillors were not in support of the recommendations from the Executive Committee, the matter was put to the vote. With 167 Councillors present; 123 Councillors (ANC - 82, EFF- 19; IFP -06; ABC - 01, Action SA – 02; ACDP – 02; AIC – 01; DLC – 1; APF - 01, ATM - 01, JEP - 01, KZNI -01; MF – 01; MOSA – 00; NFP – 01; PRM – 01 UIM – 01 and VF Plus- 01) voted in favour; and 44 DA Councillors abstained on the matter.

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

3. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD 2022-08-18

(Page R16)

3.1 Noting of Lease Contract Extension in terms of Section 116(3) of the Municipal Finance Management Act 2003, with respect to Existing Premises for Don Africana/Reference Library, Durban (17/2/2/3 & 34/3/R):
(Page 58: Community Services Committee - Agenda 2022-08-18)

The Committee noted that the Libraries and Heritage department currently leases premises from Delta Property Fund at Liberty Towers, 214 Dr Pixley kaIsaka Seme Street, Durban, to accommodate the Don Africana/Reference Library. The lease in question expires on 31 March 2023.

It was also reported that the Parks, Recreation and Culture Unit has been advised of the departmental plan to move the Don Africana/Reference Library to the new Centrum Library once built. It was noted that with the lease expiring on 31 March 2023 and the construction of the new Centrum Library not being started yet, a need exists to extend the lease in the current premises as this is considered a strategic location for the library and adequately caters for the needs of the local communities from various areas due to the central location of the library. To avoid incurring irregular expenditure and to ensure uninterrupted service delivery, it is recommended that Section 116(3) of the Local Government: Municipal Finance Management Act 2003, be invoked to renew the lease for a further period of three (3) years.

The Executive Committee reworded the recommendations relating to this matter to achieve the necessary compliance requirements with regard to the segregation of roles for the Council to exercise its oversight role and the Bid Adjudication Committee to thereafter proceed with the supply chain management processes.

Accordingly,

COMMITTEE RECOMMENDS:

- 3.1.1 That, in terms of Section 116(3) of the Local Government: Municipal Finance Management Act No. 56 of 2003, Council notes the expiry of the lease contract on 01 April 2023, with respect to the premises accommodating the Don African/Reference Library, and also note the reasons for the intention to extend this lease for a further three (03) year period, it being recorded such contract extension is necessary for the following reasons:
- (a) The premises adequately accommodate the needs of the library in terms of size and location;
 - (b) The current premises are located in the Central Business District close to transport route; and
 - (c) The current premises are easily accessible to the general public, learners and students.
- 3.1.2 That subject to .1 above having being noted, a public notice be advertised in the print media for a prescribed period, in terms of Section 116(3) of the Local Government: Municipal Finance Management Act 2003, requesting comments regarding the proposed contract extension.

Financial Implications:

Vote Number: 15053.15200.12120.0000.MRC01.W028
Provided 2022/2023 R6 936 360

NOTED.

- 3.2 Request for Partnership with the Municipality to Clean and Mop Areas Affected by the Recent Floods (24/4/1/1 & 25/1/3/R):
(Page 73: Community Services Committee - Agenda 2022-08-18)

The Committee noted a request for authority to recruit a total of 120 beneficiaries for a duration of six (6) months to assist in cleaning areas that were affected by the floods in different Wards within the eThekweni Municipal area. Also, to establish a good working partnership with the Department of Forestry, Fisheries and Environment in order to implement the cleaning programme.

With the Executive Committee being in concurrence,

COMMITTEE RECOMMENDS:

- 3.2.1 That authority be granted for the Head: Parks, Recreation and Culture to recruit 120 beneficiaries for a duration of six (6) months to assist with cleaning areas that were affected by the floods in various Wards within the eThekweni Municipality.
- 3.2.2 That, subject to the approval of .1 above, authority be granted for the Head: Parks, Recreation and Culture to establish partnership with the Department of Forestry, Fisheries and Environment to undertake the cleaning programme.

ADOPTED.

- 3.3 Request for Approval: Implementation of Events / Programmes by the Durban Natural Science Museum for the 2022/2023 Financial Year (2/3/2/1/2 & 35/2/R):
(Page 78: Community Services Committee – Agenda 2022-08-18)

In noting the various public and cultural programmes to be implemented by the Durban Natural Science Museum,

COMMITTEE RECOMMENDS:

- 3.3.1 That authority be granted for the Head: Parks, Recreation and Culture to incur expenditure in the amount of R4 492 313.33 (Four Million Four Hundred and Ninety-Two Thousand Three Hundred and Thirteen Rand Thirty-Three Cents) to implement various public and cultural programmes through the Durban Natural Science Museum for a period of three (3) years.
- 3.3.2 That subject to the approval of .1 above, the budget allocation for the 2022/2023 financial year only, be in the amount of R1 425 000.00 (One Million Four Hundred and Twenty-Five Thousand Rand) for the Head: Parks, Recreation and Culture to coordinate and implement various public and cultural programmes through the Durban Natural Science Museum.
- 3.3.3 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 the Cost Containment Measures.
- 3.3.4 That subject to the approval of .1, .2 and .3 above, a close out report be submitted after the implementation of the programmes.

ANNEXURE A – 2022/2023 PROPOSED NSM PROGRAMMES BUDGET:

RESPONSIBLE STAFF MEMBER AND CONTACT DETAILS	NAME OF PROGRAMME/ ACTIVITY	PROVISIONAL DATES	LOCATION AND TARGETED WARDS	PARTNERSHIPS (CO-ORGANIZE)	QUARTER	BUDGET ALLOCATIONS	VOTE ALLOCATIONS
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	NATIONAL SCIENCE WEEK	July - August 2022	Open to all regions	Durban Natural Science Museum, Department of Science and Innovation, SAASTA, EThekweni Municipal Libraries	1	R35, 000	15520.11400.12120.000 0.35000-4.W028; 15520.20325.12120.000 0.35000-12.W028; 15520.21990.12120.000 0.53500-17.W028; 15520.19000.12120.000 0.MRC01.W028; 15520.11350.12120.000 0.53500-12.W028
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	HERITAGE MONTH	September 2022	Based centrally (Ward 28), open to all regions because of virtual nature of programme - i.e. via online and / or radio	Communication department	1	R50,000	15520.11400.12120.000 0.53500-12.W028; 15520.11760.12120.000 0..535000-12.W028; 15520.21990.12120.000 0.53500-17.W028
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	SCIENCE WEBINARS/SEMINARS Potential topics include, but are not exclusive to: -The effects of medical waste on the environment	November 2022	Based centrally (Ward 28), open to all regions because of virtual nature of programme - i.e. via online.	NGOs, Ethekeeni Communication department	2	R 40,000	15520.11400.12120.000 0.53500-12.W028; 15520.11760.12120.000 0..535000-12.W028; 15520.21990.12120.000 0.53500-17.W028;
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	DECEMBER HOLIDAY PROGRAMME	December 2022	Wards 27; 28; Ward 46	NGOs, Ethekeeni communication department	2	R40 000	15520.11400.12120.000 0.35000-4.W028; 15520.20325.12120.000 0.35000-12.W028; 15520.14105.19.12120.0000.35000-4.W028; 15520.21990.75150.000 0.35000-4.W028;

RESPONSIBLE STAFF MEMBER AND CONTACT DETAILS	NAME OF PROGRAMME/ ACTIVITY	PROVISIONAL DATES	LOCATION AND TARGETED WARDS	PARTNERSHIPS (CO-ORGANIZE)	QUARTER	BUDGET ALLOCATIONS	VOTE ALLOCATIONS
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	ANNUAL VOLUNTEER TRAINING PROGRAMME	December 2022 January 2023 March 2023 April 2023	All regions; volunteers are sourced from all regions by placing adverts in various publications and websites	NGOs, Natural Resources, Skills department, UKZN STEC	2; 3; 4	R 300 000	15520.20325.12120.000 0.535000-12.W028; 15521.21990.12120.000 0.535000-17.W028; 15520.11400.12120.000 0.35000-4.W028; 15520.16315.12120.000 0.37110.W028; 15521.21990.12120.000 0.MRC01.W027; 15527.11400.77320.000 0.38540.W028; 15527.20310.77320.000 0.MRC01.W028; 15520.21990.12120.000 0.53500-17.W028; 15520.VARIOUS.12120 .0000.86200.0010
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	ANNUAL VOLUNTEER TRAINING CLOSEOUT PROGRAMME	February 2023	Central, Durban Natural Science Museum (Ward 28)	Durban Natural Science Museum, Batho Pele office, Natural Resources, CASME,KZN Science Centre, UKZN Science centre.	3	R 40 000	15520.20325.12120.000 0.535000-12.W028; 15521.21990.12120.000 0.535000-17.W028; 15520.11400.12120.000 0.35000-4.W028; 15520.16315.12120.000 0.37110.W028; 15521.21990.12120.000 0.MRC01.W027
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	IAN PLAYER - MAGQUBU NTOMBELA ANNUAL LECTURE	March 2023	DNSM City Hall/ Research Centre (Ward 28), Targeting Wards 97; 98; 99 (outreach included)	NGOs, Ian Player - Magqubu Ntombela Foundation, The Wilderness Leadership School, Communication department	3	R 250 000	15522.11400.75150.000 0.5350012.W028; 15522.19925.75150.000 0.35000-4.W028; 15520.11350.12120.000 0.53500-12.W028; 15520.20325.12120.000 0.53500-12.W028; 15520.11760.12120.000 0.53500-12.W028; 15520.21805.12120.000 0.5350012.W028; 15520.21920.12120.000 0.MRC01.W028; 15520.21965.12120.000 0.MRC01.W028

RESPONSIBLE STAFF MEMBER AND CONTACT DETAILS	NAME OF PROGRAMME/ ACTIVITY	PROVISIONAL DATES	LOCATION AND TARGETED WARDS	PARTNERSHIPS (CO-ORGANIZE)	QUARTER	BUDGET ALLOCATIONS	VOTE ALLOCATIONS
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	VOLUNTEERS TEAM DEVELOPMENT PROGRAMME	April 2023	All regions	Durban Natural Science Museum; Scott's Teambuilding academy	4	R40 000	15520.20325.12120.000 0.535000-12.W028; 15521.21990.12120.000 0.535000-17.W028; 15520.11400.12120.000 0.35000-4.W028; 15520.16315.12120.000 0.37110.W028; 15521.21990.12120.000 0.MRC01.W027
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	SCIENCE WEBINARS/SEMINARS Potential topics include, but are not exclusive to: -The effects of medical waste on the environment	April 2023	Based centrally (Ward 28), open to all regions because of virtual nature of programme - i.e. via online.	NGOs, eThekweni Communication department	4	R40 000	15520.11400.12120.000 0.535000-12.W028; 15520.11760.12120.000 0..535000-12.W028; 15520.21990.12120.000 0.535000-17.W028
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	INTERNATIONAL MUSEUM'S DAY	May 2023	Based centrally (Ward 28); Learners & Youth sourced from Ward 84; Ward 12; Ward 43	Local History museums, Durban Art gallery, Provincial Museum services	4	R200 000	15520.11760.12120.000 0.535000-17.W028; 15520.11400.12120.000 0.535000-17.W028; 15520.20325.12120.000 0.535000-17.W028; 15521.21990.12120.000 0.535000-17.W028; 15520.16315.12120.000 0.37110.W028 15520.11640.12120.000 053500-12.W028;
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	KWANUNU EXHIBITION	June 2023	Central - All regions (Ward 28), all regions	Natural Resources; uShaka; Botanic Gardens; KZN Bat Interest Group; UKZN STEC; Unizul Science Centre, KZN Science Centre, CASME, Kitchen Chemistry,SASRI,S ANBI	4	R 50,000	15520.11400.12120.000 0.535000-12.W028; 15520.21805.12120.000 0.535000-12.W028; 15520.21990.12120.000 0.535000-17.W028; 15520.16315.12120.000 0.37110.W028; 15520.11760.12120.000 0.535000-17.W028;
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	JUNE HOLIDAY PROGRAMME	June 2023.	DNSM City Hall Central (ward 28) and North region.	Durban Natural Science Museum; eThekweni Libraries	4	R 40 000	15520.11400.12120.000 0.535000-12.W028; 15520.14105.19.12120.0000.35000-4.W028; 15521.21990.12120.000 0.535000-17.W028; 15520.20325.12120.000 0.535000-17.W028;

RESPONSIBLE STAFF MEMBER AND CONTACT DETAILS	NAME OF PROGRAMME/ ACTIVITY	PROVISIONAL DATES	LOCATION AND TARGETED WARDS	PARTNERSHIPS (CO-ORGANIZE)	QUARTER	BUDGET ALLOCATIONS	VOTE ALLOCATIONS
Busi Gumede (031 311 2249); Nokwanda Cele (0313112248)	GO-WILD EDUCATION PROGRAMME	July 22- June 2023	Various	General public, schools	Durban Natural Science Museum and various exhibiting organization (TBC)	R300 000	15520. VARIOUS.12120.0000. 49702.0010
TOTAL	2022/2023 BUDGET ALLOCATION					R1,425,000	

Financial Implications:

Year	Budget Approved	Year	Budget + 5% increase	Year	Budget + 5% increase	Total Budget for 3 Years
2022/2023	R1 425 000.00	2023/2024	R1 496 250.00	2024/2025	R1 571 063.00	R4 492 313.33

FC No.: 34/411

Vote No.: 15520/15521.VARIOUS.12120.0000.VARIOUS.W028 VARIOUS. VARIOUS.12120.0000.VARIOUS.W028

ADOPTED.

- 3.4 Request for Approval to Implement Interactive Public and Cultural Museum Programmes in Line with Plan 6 of the IDP and the SDBIP as well as the UNESCO City of Literature Award (35/2/R):
(Page 91: Community Services Committee - Agenda 2022-08-18)

COMMITTEE RECOMMENDS:

- 3.4.1 That authority be granted for the Head: Parks, Recreation and Culture to incur expenditure in the amount of R3 680 000.00 (Three Million Six Hundred and Eighty Thousand Rand) to coordinate and implement various public and cultural interactive programmes through the Durban Local History Museums in the three (3) financial years, (2022/2023, 2023/2024 and 2024/2025), subject to budget approval for each financial year.
- 3.4.2 That subject to the approval of .1 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.
- 3.4.3 That subject to the approval of .1 and .2 above, a close out report be submitted after the implementation of the programmes.

Financial Implications:

NAME	COSTS	TIMEFRAME	Description and Wards	BUDGET
Nelson Mandela Educational programme	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	December 2022 / 2023 and 2024 (Death of Nelson Mandela)	Various/virtual (Wards 28 and 38)	15603 / various

NAME	COSTS	TIMEFRAME	Description and Wards	BUDGET
Being African Seminar Series / Amahubo dialogue / seminar)	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	September / October 2022/2023 and 2024	Various/virtual (Ward 28)	15605 / various
Victoria Mxenge Annual Lecture (honouring the life of Victoria Mxenge) and it takes place in different halls at Umlazi every year in partnership with the Mxenge Family and Mxenge Family Trust.	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	August to September 2022/2023 and 2024	Various/virtual (Ward 76, 80 and Ward 88)	15606 / various
Ubizo Intergenerational Heritage Talk (this is a talk about izinhlanga zesintu or izangoma together with umsamo. (Ideally this would be more appropriate in September in line with Heritage month where we invite people and traditional leaders to explain their conscription, people like V.V.O Mkhize, etc.)	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	April 2023/2024 and 2025	Various/virtual (Ward 28)	15540 / various
UNESCO International Museums Day programme (As Museums we are Mandated to observe and commemorate this day. Within eThekweni municipality we join forces with Durban Natural Science Museum and Durban Art Gallery to embrace this day and invite schools to celebrate and get career guidance)	R60 000 (60 000 – stage, sound, décor, catering and audio-visual equipment)	May 2023/2024 and 2025	Various/virtual (Ward 28)	15530 / various
UNESCO Educators Workshop (this happens every February or March to workshop teachers about the Passbook competition and other Museum programmes)	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	February 2023/2024 and 2025	Various/virtual (Ward 24)	15530 / various

NAME	COSTS	TIMEFRAME	Description and Wards	BUDGET
UNESCO Human Rights Day Seminar (takes place in March). This seminar takes place in different areas of Durban such as Tongaat, Inanda, Umlazi, etc. Where various government organisations exhibit their work and share information on human rights with ordinary people.	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	March 2023/2024 and 2025	Various/virtual (Ward 102 & 106)	15601 / various
Liberation Heritage Route Seminar and Book Launch which celebrates the heroes and heroines of Durban as well as the places of significance associated with the liberation struggle such as JL Dube House, Summerhouse in Hammarisdale, Diakonia, etc.	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	April 2023/2024 and 2025	Various/virtual (Wards 24, Ward 52, Ward 47)	15530 / various
Asinamali township struggle seminar / lecture. (Lamontville) this seminar celebrates one struggle stalwarts from Lamontville which takes place in the local hall.	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	October 2022/2023 and 2024	Various/virtual (Wards 74 & Ward 75)	15580 / various
UNESCO Speech Contest Annual Programme for schools and takes place at Old Court House Museum.	R60 000 (60 000 – stage, sound, décor, catering and audio-visual equipment)	April 2023/2024 and 2025	Various/virtual (Ward 28)	15530 / various
UNESCO School holiday Programmes for school learners (December, Easter and June holiday programmes).	R60 000 (60 000 – stage, sound, décor, catering and audio-visual equipment)	December 2022 and March / April 2023/2024 and 2025	Various/virtual (Ward 28)	15602 / various
Being an African Seminar Series (in line with May which is Africa month).	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	May 2023/2024 and 2025	Various/virtual (Ward 28)	15600 / various

NAME	COSTS	TIMEFRAME	Description and Wards	BUDGET
Mpumalanga Township Peace Lecture (this would be an annual lecture to heal people and saw a seed of peace among factions which were fighting).	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	October 2022/2023 and 2024	Various/virtual (Ward 6)	15604 / various
Abasha Bash (celebration of the Youth in struggle in line with June which is the Youth month). This programme is also done in partnership with the City of Bremen, Germany.	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	June 2023/2024 and 2025.	Various/virtual (Ward 24)	15601 / various
Harry Gwala 100 Years Lecture	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	September / October 2022/2023 and 2024.	Various/virtual (Ward 28, City Hall)	15603 / various
Launch of Museum Exhibitions (KwaMuhle Museum, Old Court House Museum)	R300 000 (100 000 – exhibition installers – 100 000 stage, sound and décor - 50 000 – catering -50 000 - audio-visual equipment)	September, October 2022 to June 2023 and June 2024.	Various/virtual (Ward 28 & Ward 32)	15530 / various
Declaration of KwaMuhle as the Provincial Heritage Site	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	April 2023, 2024 and 2025	Various/virtual (Ward 28)	15530 / various
KwaMashu Turns 60 Post Group Areas and Forced Removals (Commemoration of Heroes and Heroines)	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	November 2022/2023 and 2024 commemorative functions)	Various/virtual (Wards 38, Ward 39 & Ward 41)	15530 / various
Opening of Cato Manor Museum and Verulam Heritage Centre (commemorative functions in 2023, and 2024)	R400 000 (80 000 – stage, sound and décor 80 000 – catering 40 000 - audio-visual equipment)	September to December 2022	Various/virtual (Ward 101 and Ward 106)	15580 / various
1949 Afro-Asian Cato Manor tension seminar	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	April 2023/2024 and 2025	Various/virtual (Ward 28)	15580 / various

NAME	COSTS	TIMEFRAME	Description and Wards	BUDGET
Educational Health and Wellness Program (Wellness Campaigns for Libraries & Heritage Depart)	R50 000 (50 000 – stage, sound, décor, catering and audio-visual equipment)	February 2023/2024 and 2025	Various/virtual (Ward 28)	15560 / various
Andrew Zondo Lecture.	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	November 2022/2023 and 2024	Various/virtual (Ward 41 & Ward 104)	15605 / various
UNESCO Quiz Competition (Primary Schools)	R50 000 (50 000 – stage, sound, décor, catering and audio-visual equipment)	May 2023/2024 and 2025	Various/virtual (Ward 28)	15530 / various
4 x Book launches (1 each quarter)	R400 000 (Stage, sound, décor, catering and audio-visual equipment)	Quarter 1 Quarter 2 Quarter 3 Quarter 4 (2022 to 20 2025)	Various / Virtual (Various wards)	15560 / various
Anton Lembede Memorial Lecture	R100, 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	December 2022, 2023 and 2024	Various/virtual (Ward 28, ICC)	15580 / various
Memorials and Statues programme (launch of OR Tambo and Nelson Mandela Statues)	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	September / October 2022/2023 and 2024	Various/virtual (Ward 28, ICC)	15560 / various
Zulu Royal Programmes (various)	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	September 2022 January 2025	Various / virtual (Ward 28, ICC)	15580 / various
Heritage Month programmes	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	September 2022/2023 and 2024	Various / virtual (Ward 28)	15606 / various
Maritime Heritage Programme	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	March 2023/2024 and 2025	Various / virtual (Ward 26)	15540 / various

NAME	COSTS	TIMEFRAME	Description and Wards	BUDGET
Maidens programme	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	September 2022/2023 and 2024	Various / virtual (Ward 28)	15530 / various
Siyabakhumbula	R100 000 (50 000 – stage, sound and décor 20 000 – catering 30 000 - audio-visual equipment)	November 2022/2023 and 2024	Various / virtual (Ward 28)	15530 / various
Total	R3, 680 000			

FC No.: 34/416

Vote No.: Various.various.12120.0000.various.W028

All financial implications for subsequent years will be subject to budget approvals.

ADOPTED, by a majority vote, it being noted that the DA had indicated their dissenting vote after the matter has already been approved.

- 3.5 Request for Approval: Adjustment Budget 2022/2023: Cornubia Community Hall (7/1/2/2 & 17/2/2/6/1):
(Page 106: Community Services Committee - Agenda 2022-08-18)

The Committee noted that the Cornubia 1 Social Facilities Project currently underway comprised the Community Hall; Clinic; and Primary School. That the project is being funded by the Department of Education and, with the Department of Human Settlements having also allocated a conditional grant in the amount of R8 196 655.00 (Eight Million One Hundred and Ninety-Six Thousand Six Hundred and Fifty-Five Rand) towards the construction of the Community Hall.

Therefore, authority is sought for the Head: Parks, Recreation and Culture to accept the conditional grant referred to in the preceding paragraph.

With the Committee being in concurrence,

COMMITTEE RECOMMENDS:

- 3.5.1 That authority be granted for the Head: Parks, Recreation and Culture to accept the conditional grant in the amount of R8 196 655.00 (Eight Million One Hundred and Ninety-Six Thousand Six Hundred and Fifty-Five Rand) from the KZN Provincial Department of Human Settlements for the construction of the Community Hall under the Cornubia 1 Social Facilities Project.
- 3.5.2 That subject to the approval of .1 above, authority be granted for an adjustment budget to accommodate the R8 196 655.00 (Eight Million One Hundred and Ninety-Six Thousand Six Hundred and Fifty-Five Rand) grant funding in Vote Number 18001.45326.22.51080.0000.N2143B.W051.

ADOPTED.

3.6

Request for Approval: Implementation of Sports Development and Recreation Programmes in 2022/2023 Financial Year (33/2):
(Page 118: Community Services Committee - Supplementary Agenda 2022-08-18)

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Parks, Recreation and Culture to incur expenditure in the amount of R10 357 236.32 (Ten Million Three Hundred and Fifty-Seven Thousand Two Hundred and Thirty-Six Rand Thirty-Two Cents) to coordinate and implement various Sports Development and Recreation Programmes during the 2022/2023 financial year.

ANNEXURE A:

SPORT DEVELOPMENT AND RECREATION PROGRAMS OUTLINE FOR 22/23								
SPORTS AND RECREATION PROGRAMS					SDBIP	YEARS	OPERATION	
	Description	SDBIP	Pax	Date	Region	BUDGET	TOTAL	
1	ACTIVE CITY					R 5,300,000	R 5,300,000	
a	Area Development		500 x 10	July - April 23	North, South, West & Central			
	Sport Confederation	Sports Council Capacity Buildings	Q1,2,3,4	July-April 23				
	Code Development	Sixteen Priority Codes, Leugeas		July-April 23				
	10 Districts (111 wards)	Technical Code Development	Q1,2,3,4	July - April 23				
b	Recreation							
	ECD	Early childhood develop capacitation	Q1	100	July -Sept 23			
	Healthy lifestyle	fitness activities and capacitation	Q4	500	July - Sept 23			
	Recreation festival:	various recreation activations across	Q3	1000	July - Sept 23			
	Rural Horseriding	Promotion of rural horse riding	Q2	80	Oct-Dec 22			
	Senior Citizens	Golden games	Q1	300	July - Sept 23			
c	Learn to play (<12 yrs)						R1,050,000	
	Tennis: Play and Stay	youth introductory lessons	Q1	200	July - April 23	R250,000		
	swimming: LTS	Learn to swim for non swimmers	Q2	3500	Jan - April 23	R500,000		
	golf: grassroots	youth introductory lessons	Q4	150	Feb - April 23	R300,000		
2	WINNING CITY						R1,250,000	
a	Play to compete: leagues (>12)							
	Netball	U17, U19 leagues	Q1	1000	July - April 23	R500,000		
	Rugby	U14	Q4	150	July - April 23	R250,000		
	Cricket	U19	Q2	600	Oct-March 23	R250,000		
	Basketball	District leagues	Q2	250	Oct-March 23	R250,000		
b	Compete to win						R2,757,236	

SPORT DEVELOPMENT AND RECREATION PROGRAMS OUTLINE FOR 22/23							
SPORTS AND RECREATION PROGRAMS				SDBIP	YEARS	OPERATION	
	Description	SDBIP	Pax	Date	Region	BUDGET	TOTAL
eThekweni Games: Ward & interward						R357,236	
Table Tennis	district selections	Q4	200	July- April 23		R500,000	
IG's	district selections	Q2	200	July- April 23		R150,000	
Athletics	Inter district tournaments/Road Running	Q3	500	Jan - March 23		R400,000	
Football	Interward games	Q3	500	July-April 23		R400,000	
Boxing	Inter district tournaments	Q1	100	July - April 20		R150,000	
eThekweni Games Interward	Inter Ward Tournaments	Q4	400x10	Jan-June 23		R300,000	
Volleyball	district selections	Q3	100	July - April23		R100,000	
Dance	district selections	Q2	100	Oct - Dec 22		R100,000	
Chess	district selections	Q4	100	Oct - Dec 22		R100,000	
DISSA	Disability program	Q3	200	Oct - Dec 22		R200,000	
							R10,357,236
Total						R10,357,236	
Vote : 19010.VARIOUS.12120.0000.VARIOUS.0010 FC 35/506 PROVIDED 2022 / 2023							

Financial Implications:

FC No.: 35/506

Vote No.: 19010.various.12120.0000.various.0010

ADOPTED.

4. **REPORT OF THE FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE: MEETING HELD 2022-08-18**

(Page R28)

4.1 **Update on Credit Facility and Short-Term Overdraft Facility with Nedbank as at 30 June 2022 (7/8/4):**

(Page 12: Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

It was recalled that during August 2021 Council granted approval to update the Municipal credit facility and short-term overdraft facility with Nedbank. At that time, it was reported that the Accounting Officer would report back on any further updates on the facility values and the utilization thereof. Therefore, the above-mentioned report entails respective amendments to the facility as at 30 June 2022.

During discussion at the Executive Committee level, confirmation was given that the overdraft facility has not been used to fund the Municipal operating expenses, but that the usage has been minimal and limited to issues relating to letters of guarantees and toll fees.

On this basis,

COMMITTEE RECOMMENDS:

- 4.1.1 That, in line with the requirements of Section 45(3)(b) of the Local Government: Municipal Finance Management Act 2003, Council supports the updated Credit Facilities for the Municipality and held with the Nedbank, which will remain in effect for the duration of the 2022/2023 financial year.
- 4.1.2 That authority be granted to empower the City Manager or the Acting City Manager together with the Deputy City Manager: Finance, to sign an updated short-term facilities agreement with Nedbank Limited for a total amount of R681 568 000.00 (Six Hundred and Eighty One Million Five Hundred and Sixty Eight Thousand Rand) comprising the primary amount of R190 568 000 (One Hundred and Ninety Million Five Hundred and Sixty Eight Thousand Rand) and the secondary amount of R491 000 000.00 (Four Hundred and Ninety One Million Rand), subject to compliance with the requirements of the eThekweni Municipality governing legislations, including the Local Government: Municipal Finance Management Act No. 56 of 2003, as amended.
- 4.1.3 That the Accounting Officer (AO) will report back to Council on any further changes, as and when it may occur, however, in the absence of periodic changes, the Accounting Officer will provide the next update as at 30 June 2023.

Update Facilities as at 30 June 2022:

The following is the summary of the updated facilities:

No.	Facility Description	Value of Facility R	Utilization as at 30 June 2022 R
1.	Primary Overdraft	20 000 000	Nil
2.	Performance Letter of Guarantees	170 500 000	170 094 632
3.	Letters of Credit	Nil	Nil
4.	Fleet Management	68 000	12 418
5.	Secondary Overdraft Facility	491 000 000	Nil
	Total Facility Portfolio and Usage	681 568 000	170 107 050

ADOPTED.

- 4.2 **Progress Report on Minimum Competency Levels (6/2/3/1/2/R):**
(Page 15: Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

In terms of Section 168 of the Local Government: Municipal Finance Management Act, 2003, certain Municipal Senior Officials are required to undergo the Municipal Finance Management Training registered by the South African Qualifications Authority and validated by National Treasury.

It is then a requirement that a progress report be submitted to National and Provincial Treasury as well as the Municipal Council on the status of compliance as per the relevant modules to be completed at 100% by the officials concerned.

Therefore,

COMMITTEE RECOMMENDS:

That the progress relating to the status of compliance on Municipal Minimum Competencies levels, as per Regulations set in terms of Section 168 of the Local Government: Municipal Finance Management Act No. 56 of 2003; as contained in the report of the Acting City Manager dated 2022-07-12, be noted, as reflected in the table below:

Category	Summary Report
Accounting Officer	Compliant as per regulation
Chief Financial Officer	85% modules completed 15% modules in progress
6 Senior Managers (MSA S56)	6 compliant as per MFMP unit standards regulation of which 3 are awaiting SETA Certificate
3 Supply Chain Management	2 compliant as per regulation 1 completed 81% of modules; and 19% of modules in progress
2 Middle Manager: Finance	1 Vacant – final stage of recruitment 1 compliant

NOTED.

4.3

Investments Report for the Month Ended 30 June 2022 (7/11/4):

(Page 17: Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

COMMITTEE RECOMMENDS:

That the report on investments for eThekweni Municipality as at 2022-06-30, which records the total funds invested at financial institutions as R5 104 000 000.00 (Five Billion One Hundred and Four Million Rand), at an average rate of return on investment of 5,52%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

NOTED.

4.4

Investments Report for the Month Ended 31 July 2022 (7/11/4):

(Page 23: Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

COMMITTEE RECOMMENDS:

That the report on investments for eThekweni Municipality as at 2022-07-31, which records the total funds invested at financial institutions as R5 126 000 000.00 (Five Billion One Hundred and Twenty Sixty Million Rand), at an average rate of return on investment of 5,84%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

NOTED.

- 4.5 Quarterly Report on Withdrawals from the Municipal Bank Accounts as at 30 June 2022 (7/8/6):
(Page 29: Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

COMMITTEE RECOMMENDS:

- 4.5.1 That the report on withdrawals from the Municipal bank account as at 30 June 2022, submitted in terms of Section 11(4) of the Local Government: Municipal Finance Management Act 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.
- 4.5.2 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.

- 4.6 EThekweni Municipality Monthly Public Tender Awards: 31 July 2022 (9/1/3):
(Page 32 : Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

COMMITTEE RECOMMENDS:

- 4.6.1 That the public tender awards by the City for the month of July 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 2022-08-08, be noted.
- 4.6.2 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.
- 4.6.3 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.
- 4.6.4 That the Acting City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.
- 4.6.5 That the Acting City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the Acting City Manager can only respond when the reports are available.

NOTED.

4.7

Budget Statement Report for the Month Ended 31 July 2022 (7/1/4):

(Page 114: Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

The salient features of the report were presented relative to the actual operating revenue of 95% of the year-to-date budget, with a variance of 5%, and revenue generated to date is 12%. The actual operating expenditure was reported as a percentage of year-to-date budget figure is 82% with a variance of 18% and Operating Expenditure spent to date is 7%. A cash collection of 95% as at July 2022 was reported slightly lower when compared to the same period in the previous year (96.3%).

The attention of the Committee was drawn to the unstable electricity grid, water distribution losses, decline in revenue collection rate and the ongoing valuation roll objection process, it being advised that the process to obtain other energy sources was continuing; that revenue collection was impacted as a result of the City's huge revenue generators and/or Companies, including Toyota SA being severely affected by the recent floods; and an assurance being given that the valuation roll objections matters will be finalised by December 2022 as planned.

Following an in-depth elaboration of the report, during which clarity was provided in response to various issues raised by members,

COMMITTEE RECOMMENDS:

- 4.7.1 That the Budget Statement report for the month ended 2022-07-31 and the supporting documents, submitted by the Acting City Manager as per his report dated 2022-08-15, in compliance with Section 71 of the Municipal Finance Management Act 56 of 2003 and in terms of Government Notice 32141 dated 17 April 2009, relating to the "Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations", be noted.
- 4.7.2 That in compliance with Section 32(2) of the Municipal Finance Management Act, Council notes that there was no Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) incurred for the month of July 2022 reported by the line departments as detailed on section 10 of the Budget Statement Report.

Commenting on the matter, the DA mentioned their consistency in raising issues relative to unstable electricity grid, water distribution losses and the decline in the revenue collection rate. The business interruption was cited, in particular, that businesses cannot cope and be productive with the deteriorating provision of Municipal services. It was added that the closure of beaches has also exacerbated the situation, with potential reduction in the number of tourists to the City. With regard to uncollected debts, it was emphasised that the Municipality should make efforts to recover monies owed by the Government Departments and Parastatals in order to improve service delivery and, also to attend to infrastructural challenges, such as timeous repairs to burst pipes to prevent water loss.

Meanwhile, it was noted that the budget statement reflected the financial status of the Municipality. Mention being made that the Municipality is working tirelessly to address challenges impacting revenue collection and service delivery.

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

- 4.8 Request to Enter into Memorandum of Agreement Between the KZN Department of Transport and the eThekweni Municipality (28/2/R & 12/8/1):
(Page 279: Finance, Security & Emergency Services Committee - Agenda 2022-08-18)

With the Committee being in support of the proposed Memorandum of Agreement between the eThekweni Municipality and the KwaZulu-Natal Department of Transport, it being noted such partnership will create an acceptable manner of interaction and co-operation between both parties on issues of mutual interest in relation to service delivery matters.

COMMITTEE RECOMMENDS:

- 4.8.1 That authority be granted for the City Manager to enter into a Memorandum of Agreement (MOA) with the KwaZulu-Natal Department of Transport (KZN-DOT) and the eThekweni Municipality Metropolitan Police Services, which MOA seeks to create an acceptable manner of interaction or co-operation between both parties, it being noted that there are no financial implications relating to the MOA.
- 4.8.2 That the MOA essentially seeks to create an acceptable manner of interaction or co-operation between both parties and to cover the following key elements:
- 4.8.2.1 Integrated planning of all major operations;
- 4.8.2.2 Co-ordinated deployment of resources where both departments are to deploy resources for specific operation/programmes; and
- 4.8.2.3 Mutual support – sharing of resources where possible without sharing of costs e.g., use of facilities or equipment of either party.

ADOPTED.

5. DIRECT EXCO REPORTS

- 5.1 SCHEDULE OF KEY DEADLINES FOR BUDGET PREPARATION PROCESS FOR 2023/2024 – 2025/2026 (7/1/2/1)

(Page L37)

As per the statutory requirement, the Municipality is expected to note a schedule outlining key deadlines for the budget preparation process and which will entail the following activities:

- (i) Preparation, tabling; and approval of annual budget
- (ii) Annual review of the Integrated Development Plan (IDP) and the Budget-related Policies
- (iii) Tabling and adoption of any amendments to the IDP and the Budget-related Policies
- (iv) Any consultative processes forming part of the processes referred to in (i) to (iii) above

The process commences with the Municipal Council approval of the schedule of key deadlines in August 2022, followed by stakeholder consultation from September 2022, with the process to culminate in the submission of final draft budget to the Municipal Council in May 2023.

Accordingly,

COMMITTEE RECOMMENDS:

5.1.1

That Council notes the schedule of key deadlines in respect of budget preparation and associated processes, including the Integrated Development Plan (IDP); Service Delivery and Budget Implementation Plan; Performance Management; and Annual Report processes for the 2023/2024 - 2025/2026 financial years, submitted in compliance with the requirements of Section 21 of the Municipal Finance Management Act No. 56 of 2003 and, which process is outlined in detail in the report by the Acting City Manager dated 2022-08-17, with the synopsis thereof being recorded as follows:

KEY BUDGET PROCESS DEADLINES:

Key deadlines	Target
Schedule of key deadlines for budget preparation and approval	31 August 2022
Budget Planning: <ul style="list-style-type: none"> ➤ IDP Budget Priorities and strategic planning to improve service delivery. ➤ Public Participation – Community Budget participation on formulating the draft budget e.g. Capital projects. ➤ Prepare Quality Assurance Certificates for 2023/24 Capital Projects. CPAS/ Departments/Ward Councillor's – Road shows/Budget participation comments.	During August/ September
Strategic Planning Workshops: <ul style="list-style-type: none"> ➤ Review of previous years' spending and commitments to inform 2023/2024 MTREF – Financial and Non-Financial. ➤ Draft Budget Principles which will inform budget process and identify key priorities including strategic objectives for service delivery. ➤ Budget prioritization discussion on capital and operating budgets. ➤ Integrated Asset Management Plan and Strategic Asset Management Plan ➤ IDP review process determines strategic objectives for service delivery and development for next three-year budgets including review of provincial and national government sector and strategic plans.	12 – 30 September 2022
Administrative workshops/Political Leadership workshop	
Capital Budget Approval in principle by Council.	8 December 2022
Adjustment Budget for 2022/2023.	23 February 2023
Mid-year budget and performance – NT.	February/March 2023
Draft budget with tariff increases tabling.	30 March 2023
Consultative process on budget – all stakeholders.	During April and May
National Treasury benchmark.	April/May
First approval of Budget.	25 May 2023
Approval of SDBIP	23 June 2023

- 5.1.2 That Council notes the deadlines incorporate specific processes including preparation, tabling and approval of the annual budget; the annual review, tabling and adoption of any amendments to the IDP and the budget related policies; and any consultative engagements forming part of the processes.
- 5.1.3 That Council notes that progress reports will be submitted to the respective Council Committees during the course of the budget process.

NOTED.

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

THIRD REPORT OF THE EXECUTIVE COMMITTEE (Special Meeting held 2022-08-26)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), PG Mavundla (Deputy Mayor), Y Govender, NI Madlala, T Miya TM Mthethwa, MS Nkosi, T Sabelo, ZR Sokhabase and there being one (01) vacancy.

1. DIRECT EXCO REPORTS

1.1 ELECTION OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE CHAIRPERSON

(Page 1)

The Municipal Council at its meeting held on 15 December 2021 appointed the Action SA Member, Dr Makhosi Khoza to serve as Chairperson of the Municipal Public Accounts Committee (MPAC). Khoza has since resigned from the Municipal Council with effect from February 2022. Hence, a vacancy was created in this regard.

The Municipal Council established the MPAC and allocated Members according to proportional representation as follows:

Party	Number of Representatives	Member
African National Congress	5	<ul style="list-style-type: none">• Councillor Pearl Luthuli• Councillor Barbara Fortein• Councillor Muzikayise Thusi• Councillor Arthur Njokweni• Councillor Sindi Ngcobo

Party	Number of Representatives	Member
Democratic Alliance	3	<ul style="list-style-type: none"> • Councillor Andre Beegte • Councillor Shontel DeBoer • Vacancy
Economic Freedom Fighters	1	Councillor Thamisanqa Xuma
Inkatha Freedom Party	1	Councillor Jane Naidoo
Action South Africa	1	Councillor Alan Beesly

In terms of the procedure, the Municipal Council is responsible for electing the Chairperson of the MPAC amongst the existing Members of this Committee.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.1.1 That Council notes a vacancy exists within the Municipal Public Accounts Committee (MPAC) following the resignation of former Councillor Dr Makhosazane Busisiwe Khoza who served as the Chairperson of the MPAC.
- 1.1.2 That Council notes, as per the statutory requirement, the Municipal Council should elect the MPAC Chairperson from the existing Committee Membership and the current composition is as follows:

Party	Number of Representatives	Member
African National Congress	5	<ul style="list-style-type: none"> • Councillor Pearl Luthuli • Councillor Barbara Fortein • Councillor Muzikayise Thusi • Councillor Arthur Njokweni • Councillor Sindi Ngcobo
Democratic Alliance	3	<ul style="list-style-type: none"> • Councillor Andre Beegte • Councillor Shontel DeBoer • Vacancy
Economic Freedom Fighters	1	Councillor Thamisanqa Xuma
Inkatha Freedom Party	1	Councillor Jane Naidoo
Action South Africa	1	Councillor Alan Beesly

The Speaker then invited nominations for the election of a Chairperson of the Municipal Public Accounts Committee Chairperson.

Councillor BT Ntuli, Whip of Council, seconded by the Deputy Mayor, Councillor PG Mavundla, nominated Councillor T Xuma. Councillor Xuma accepted the nomination.

Councillor TM Mthethwa, seconded by Councillor M Billy, nominated Councillor A Beegte. Councillor Beegte accepted the nomination.

Therefore, the following Councillors were the nominees for this position:

- (i) **Councillor Thamisanqa Xuma (Economic Freedom Fighters)**
- (ii) **Councillor Andre Beegte (Democratic Alliance)**

With there being two (02) nominations, the election process was thereafter conducted through a show of hands and the following were the election results:

- | | | | |
|-------------|-----------------------------------|----------|------------|
| (i) | Councillor Thamisanqa Xuma | : | 124 |
| (ii) | Councillor Andre Beegte | : | 54 |

It should be noted that there were 2 abstentions.

By the majority votes, it was

RESOLVED:

That, as per the statutory requirement and in promoting the principles of good governance and clean administration, Council appoints Councillor Thamisanqa Xuma to serve as Chairperson of the Municipal Public Accounts Committee.

(At this stage of the proceedings, time being 14h34, Council took a comfort break, and the meeting subsequently resumed at 15h40.)

1.2

ACQUISITION OF TRANSNET PROPERTY – MONTCLAIR LODGE, BY THE PROVINCIAL DEPARTMENT OF HUMAN SETTLEMENTS

(Page 2)

As way of background with regard to the relocation of floods victims from the mass care centres, various interventions have been made by jointly, the Human Settlements Department in the Province of KwaZulu-Natal and the eThekweni Municipality. Detailed below is the status in this regard:

- Over three hundred and sixty (360) families have been issued with material supply to rebuild their informal structures but not in area that were prone to flooding,
- Over twenty (20) houses were built through donations by service providers in the sector and accordingly the families affected have since moved out of the community halls,
- Eight parcels of land have been identified and cleared as suitable to build at least one thousand and seventy-six (1076) houses. Accordingly, these land parcels have been handed over to the KZN Provincial Department of Human Settlements (KZN-PDoHS) to immediately commence with the construction of the temporary Residential Units (TRUs). These eight-land parcel are also suitable for conventional housing and will thus be converted into permanent housing once funding is approved.
- Contractors have been appointed by the KZN-PDoHS against the five (05) of the eight (08) sites that have been handed over with the three (03) remaining sites on tender.
- Also have 23 (twenty three) other parcels where officials are busy with the feasibility study and other regulatory processes necessary before construction is commenced with. These processes are done with jointly the Public Sector Housing from development planning.

- To date, forty three (43) mass centers have been cleared and people moved out.

The Executive Committee appreciated the initiative by the eThekweni Municipality under the leadership of His Worship the Mayor and the Deputy Mayor to facilitate the acquisition of the Montclair Lodge to accommodate in particular the people displaced by floods.

The Executive Committee Nkosi appreciated the approach being taken to acquire the building rather than the process of identifying land and build temporary structure. He emphasised that focus should be on securing permanent and sustainable structures for residential purposes. With regard to the acquisition, Nkosi advised of the importance to determine whether funds are available to maintain the property in question and to determine the accountable party in this regard.

The Executive Committee Madlala shared similar sentiments that this was a good acquisition. As part of responding to a query by the Executive Committee Mthethwa, Madlala indicated that the property in question has lot of potential to accommodate other activities such as small businesses and office space in addition to prioritizing the floods victims. On a recommendation by Madlala, it was noted that site inspection would be organized for the entire Executive Committee to view the property for a collective decision-making in terms of maximum utilization. Further, that the relevant officials would be invited to present to the Executive Committee to thereafter explore further options for maximum utilization of the property

With the Committee being in concurrence,

COMMITTEE RECOMMENDS:

- 1.2.1 That authority be granted to the Accounting Officer to write a letter to the KwaZulu-Natal Provincial Department of human Settlements (KZN-PDoHS) and confirm that eThekweni Municipality will use the Transnet Property - Montclair Lodge property for various activities, including accommodating people or families affected by natural and/or human made disasters subject to the KZN-PDoHS committing to fund all associated operational costs.
- 1.2.3 That Council notes that the KZN-PDoHS would donate the Transnet Property - Montclair Lodge to the City and the donation report will be submitted to Council for approval once due diligence is completed, all operational costs with managing, operating and administrating the subject property will be funded by the KZN-PDoHS.

Financial Implications:

There are no financial implications to the City regarding the acquisition of the property as the KZN-PDoHS will acquire the subject property from their own budget allocation. The financial implication will be triggered by the donation of the said building to the City and the KZN-PDoHS has indicated that they are willing to fund all operational expenses including management costs.

ADOPTED.

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

FIRST REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

The Municipal Public Accounts Committee (MPAC) Annual Report 2021/2022), comprising, mainly, details of the Committee functionality in terms of the nature of matters deliberated upon and the finding submitted to Council, as well as professional development undertaken by the MPAC Members as part of empowerment, was **NOTED**.

2021/2022
Annual
Report:
MPAC

June 30

2022

The Annual Report of the Municipal Public Accounts Committee (MPAC) records the Committee's activities for the 2021/2022 financial year

Municipal
Public
Accounts
Committee
(MPAC)

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1. CHAIRPERSON'S STATEMENT

The 2021-2026 term of office for MPAC began with the induction of members and training on the oversight role of MPAC. There were four returning members of MPAC and seven new members. The knowledge and experience of returning MPAC members has provided us with guidance as we move forward as the Oversight Committee responsible for safe guarding the Council purse.

As the primary aim of MPAC is to ensure that there is good governance, proper service delivery, sound financial management and a clean administration, we are all committed to undertaking our oversight responsibility in order to attain these goals.

It is our pleasure to therefore present to you the Annual Report of the Municipal Public Accounts Committee which records the activities of the previous Committee and current Committee during the 2021/2022 financial year.

Pearl Mkhize

Deputy Chairperson: Municipal Public Accounts Committee

eThekweni Municipality

2. MEMBERSHIP OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Members of the Municipal Public Accounts Committee (MPAC) are non-Executive Members of Council. The Mayor, Members of the Executive Committee, Speaker and the Whip of Council may not serve on MPAC. Councillors serving on MPAC do not serve on other Committees of Council to minimise possible conflicts of interest.

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

The current membership of the Committee is therefore as follows:

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

3. ROLE OF THE COMMITTEE

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

The Committee's activities include a mix of self-initiated enquiries and referred enquiries. The Committee receives submissions and conducts briefings and hearings on such matters as required.

Together with the usual reports outlined in the Committee's Terms of Reference and reports featured in the Work Programme of the Municipal Public Accounts Committee, there are also issues pertaining to the monitoring of the implementation of Committee's recommendations to Council; the effective execution of consequence management throughout the City, more vigorous oversight over the implementation of the action plan in response to the audit findings, supply chain management oversight, monitoring of the performance of plan owners as well as oversight in respect of financial management.

MPAC is adamant that consequence management will circumvent corruption and maladministration as well as enhance good governance.

Effective participation in the work of the Municipal Public Accounts Committee makes demands on the time and energies of members. There were 22 meetings of the Committee which took place in 2021/2022 financial year and it is important to note the considerable volume of reading and preparation that has to be undertaken by members for these meetings. It must be highlighted that Members of the Committee are part time Councillors, some of whom are also Ward Councillors.

Summary of Committee Activities for 2021/2022:

Activity	Number
Reports Tabled	153
Deliberative Meetings	22
Interviews with officials	162
Hearings	4
Briefings	Nil
Witnesses Appearing	Nil

4. REVIEW OF THE IMPLEMENTATION OF THE 2019/2020 RECOMMENDATIONS

The Municipal Public Accounts Committee highlights its recommendations to the Council arising from the interrogation of the Annual Report and its examination of the management of municipal funds and assets throughout the year. The purpose of these recommendations is to draw attention to issues which, in the opinion of the Municipal Public Accounts Committee, warrant follow up action. The Committee attaches considerable importance to having these recommendations actioned and places on record its disappointment in the delay and failure in some instances to receive responses to the recommendations made to Council in the 2019/2020 financial year. These include issues such as:

- Expenditure Management
- Procurement and Contract Management
- Consequence Management
- Bad Debt Provision and Write-Off of Bad Debt
- Material Water Losses

- Material Electricity Losses
- Material Findings and Adjustment of Material Misstatements in respect of Annual Performance on Plan 3

To enable systematic implementation of its recommendations, Committee has requested the City Manager to institute arrangements for tracking follow up actions and preparing periodic progress reports on their implementation. The Committee believes that this would enhance the effectiveness of its work by both minimising the need for unnecessary repetition of recommendations and by providing a framework for dialogue with management on issues arising from the implementation process.

To date, as the support requested has not been provided, the Committee has not received any follow up actions or progress reports on the implementation of its recommendations to Council.

5. REPORTING ARRANGEMENTS

The Municipal Public Accounts Committee reports directly to Council. In addition to reporting on issues which require the attention of the Council on an adhoc basis, MPAC reports to Council on a quarterly basis as well as providing an Annual Report to Council at financial year end.

6. MUNICIPAL PUBLIC ACCOUNTS COMMITTEE COMMENTS, FINDINGS AND RECOMMENDATIONS FOR 2020/2021

The Municipal Public Accounts Committee, having deliberated on a number of issues, made recommendations to Council in relation to the following matters:

- Irregular Expenditure
- Consequence Management
- Bad Debt Provision
- Material Water Losses
- Financial Management

7. CONFERENCES, WORKSHOPS AND TRAINING

The Municipal Public Accounts Committee recognises that training and capacity building interventions assist its members enhance the quality and effectiveness of their performance. It is therefore imperative that members are given the opportunity to receive ongoing training to keep abreast with the requisite skills and knowledge necessary to enhance the Committee's oversight role. The effectiveness and success with which the Committee performs its functions is dependent on its members having the necessary skills and knowledge.

In 2021/2022 financial year, the Committee attended the following training:

2022-01-28	
1. Finance Matters <ul style="list-style-type: none"> ▪ Budget Process & In-Year Reporting ▪ Cash Reserves ▪ Key Expenditure Issues ▪ Revenue Collection ▪ Debt Management 	Chief Financial Officer Head: Expenditure Head: Revenue Management
Supply Chain Management Matters	Head: Supply Chain Management
Unauthorised, Irregular, Fruitless and Wasteful Expenditure	COGTA National Treasury Deputy Head: Internal Control
AG Findings & Action Plan	Deputy Head: Internal Control
2022-01-31	
Terms of Reference & Proposed Amendments	Deputy Head: Litigation
Performance Management Matters	Head: Performance Monitoring and Evaluation
2022-02-07	
MPAC Roles And Responsibilities: MFMA Perspective	National Treasury
Amendment to the Municipal Structures Act and MPAC Brochure	KZN COGTA
2022-04-05	
Portfolio Induction for MPAC and Finance Committees	SALGA
2022-05-11 and 2022-05-12	
MPAC District Wide Workshop <ul style="list-style-type: none"> • Analyse Annual Financial Statements • Dealing with UIFW • Role, Function, Power and Authority of MPAC 	KZN COGTA

8. REVIEW OF EFFECTIVENESS

The Committee has built a reputation for its insistence on proper governance within the municipality and its aim is to achieve a clean audit outcome from the Auditor General as soon as possible, preferably by the 2021/2022 financial year end.

To this end, the Committee is concentrating its efforts on ensuring that consequence management is executed throughout the Municipality. We have requested that Deputy City Managers and Heads of Units to report on a monthly basis all disciplinary matters instituted and have urged that the backlog of outstanding cases is cleared as soon as possible. We are of the view that since Council has appointed the Disciplinary Board for Financial Misconduct, this will help the process as well. Furthermore, once ongoing attention is focussed on consequence management, there will most definitely be a reduction in irregular expenditure incurred throughout the municipality.

Progress is sometimes frustratingly slow, but it is the determination of the Committee that its recommendations to Council are thoroughly researched, Departments properly interrogated and the results targeted towards a City proud of its clean administration. There is still some way to go, but the Committee is convinced it will achieve this aim.

MPAC has been without a Chairperson since the end of March 2022. This is a full-time position and it is crucial that the position be filled as a matter of urgency. We believe that the appointment of the Chairperson will bring stability and contribute to the effectiveness of the Committee. Furthermore, it will have a positive impact on the Committee's oversight role.

9. RECOMMENDATIONS

COMMITTEE RECOMMENDS:

- 9.1 That the Annual Report of the Municipal Public Accounts Committee for the 2021/2022 financial year, be noted.
- 9.2 That Council appoints the Chairperson of the Municipal Public Accounts Committee as a matter of urgency.

Councillor A Beegte of DA mentioned that the MPAC engages with different stakeholders to obtain inputs for the Annual Report. He mentioned that in all these engagements, the issue of consequence management was being flagged. In this regard, he mentioned that the Municipality had to take decisive actions to address this matter and also the repeated transgressions being committed by the same Units/ Departments.

Thereafter, the above recommendations were; NOTED

Annexure A

2020/2021 OVERSIGHT REPORT

1. NON-COMPLIANCE WITH LAWS AND REGULATIONS

1.1 Annual Financial Statements

The Auditor-General reported that the financial statements submitted for auditing were not prepared in all material respects in accordance with the requirements of Section 122(1) of the MFMA. There were material misstatements of property, plant and equipment and depreciation identified by the auditors in the submitted financial statement were subsequently corrected resulting in the financial statements receiving an unqualified audit opinion.

There were no other material adjustments to the financial statements.

During our engagement with the Chief Financial Officer, he provided a background to the finding as follows:

- During the audit of Capital Work in Progress (CWIP), it was established through physical verification, that assets categorised as CWIP were in use and not under construction.
- In line with the auditor's recommendation, management assessed the population of CWIP to identify assets that were incorrectly classified as CWIP.
- The identified items were either transferred to PPE, debtors or expensed and depreciation calculated and processed for the items capitalised.
- The consolidated financial statements were subject to audit by the AG following the material adjustments on the municipality's separate financial statements.

In our deliberation of the matter, we noted that Finance will be instituting the following control measures to address the finding:

- Additional controls will be implemented to ensure that assets are capitalized in line with the dates on the practical completion certificate and at the time of final payment.
- The accounts payable payment checklist for construction related contract payments will be updated to include the percentage of completion of projects. If the percentage of completion is close to 100%, the completion and final payment certificate will be required to be attached.
- CWIP will be reviewed monthly and projects in progress will be confirmed.

A further control measure introduced by Finance, to mitigate the risk, was the non-release of retentions until completion certificates are issued and submitted to Finance.

While we understand that Finance is putting controls in place, we are of the that the Deputy City Manager: Trading Services and the Deputy City Manager: Human Settlements, Engineering and Transport should be accountable for this repeat finding.

Having noted the measures instituted to address the material misstatements identified by the Auditor General in the 2020/2021 Audited Financial Statements,

COMMITTEE RECOMMENDS:

That Council notes that the Municipal Public Accounts Committee will review the outcome of the interim audit to establish whether the measures instituted have been successful in resolving the issues of inadequate asset management and project management by line Units which resulted in the material finding.

NOTED

1.2 Expenditure Management

The Auditor-General reported that reasonable steps were not taken to prevent irregular expenditure of R 768,27 million (2019-20: R1,07 billion) disclosed in note 50 to the annual financial statements of the municipality, as required by Section 62(1)(d) of the MFMA. The majority of the irregular expenditure was as a result of non-compliance with supply chain management (SCM) regulations.

We note that the Internal Control Unit has implemented a revised Unauthorised Irregular Fruitless Wasteful (UIFW) expenditure process to account for UIFW in an appropriate manner. Aligned to this is a reduction strategy which was approved by Council and submitted to National Treasury. This strategy will have the effect of fast tracking the UIFW expenditure to MPAC to determine write-off/recovery of the expenditure. In addition, all UIFW matters are considered acts of financial misconduct and will be referred to the Disciplinary Misconduct Board to advise on the Disciplinary processes to be implemented through Council.

The Office of the City Manager, we note, is working closely with the Human Capital Unit to ensure that action is taken in line with the City Integrity & Investigation Unit's recommendations. Furthermore, the Office does not only ensure implementation of the recommendations for the Office but independently scrutinises reports for the City Manager's attention, to check if processes were followed in terms of applicable legislation.

Having noted these interventions

COMMITTEE RECOMMENDS:

That Council notes the Municipal Public Accounts Committee will continue to monitor irregular expenditure and ensure that it is processed in terms of section 32 of the Municipal Finance Management Act.

NOTED

1.3 Consequence Management

The Auditor-General reported that proceedings were not instituted by the council where the report of independent investigators confirmed the financial misconduct by a senior manager, as required by disciplinary regulation 5(6) for senior managers and municipal regulation 6(8) on financial misconduct procedures and criminal proceedings. The Auditor-General reported that appropriate action was not taken against officials of the municipality where investigations proved financial misconduct, as required by Section 171(4)(b) of the MFMA and municipal regulation 6(8) on financial misconduct procedures and criminal proceedings.

We engaged with Management on the current status of consequence management within the municipality on its plans to address the matter more effectively. In our engagement, Management advised of the following additional measures that it was instituting to address consequence management in the municipality:

- City Manager Circular to be issued to direct Unit Heads to conclude disciplinary hearings timeously.
- Introduction of an electronic monitoring schedule.
- Funding and capacitating the Employment Relations Department.
- Introduction of consequence management implementation in performance agreements for Heads and Deputy City Managers.
- Implementation of an observation program in disciplinary process to be coordinated by the Employment Relations Department.
- Training of Human Resource Officers and other officials on the disciplinary procedure collective agreement including refresher training.

- Reinforcement of Financial Misconduct Disciplinary Board Terms of Reference, where Heads of Units must appear before the Board to explain delays in finalising disciplinary matters.
- Board to seek intervention from Provincial and National Treasuries in cases of financial misconduct if consequence management is not implemented timeously.
- Use of SALGA Panel in instances of intimidation of Presiding Officers/Prosecutors.
- Central point for implementing consequence management in respect of officials from different Units implicated in one investigation report.
- Implementation of rotation system for Executive to chair disciplinary hearings.
- Finalise the supply chain management process for the appointment of service providers to augment the capacity of the City Integrity & Investigations Unit.

We are hopeful that these additional mitigation measures will go a long way in enforcing consequence management within the municipality,

Accordingly,

COMMITTEE RECOMMENDS:

That Council notes that the Municipal Public Accounts Committee will continue to monitor the implementation of consequence management and advise Council of progress in this regard.

NOTED

1.4 Procurement and Contract Management

The Auditor-General reported that some of the goods and services of a transaction value above R200 000 were procured without inviting competitive bids, as required by SCM regulation 19(a). Deviations were approved by the accounting officer even though it was not impractical to invite competitive bids, as required by SCM regulation 36(1). Similar non-compliance was also reported in the prior year. The Auditor-General reported some of the invitations for competitive bidding were not advertised for a required minimum period of 30 days, as required by SCM regulation 22(1).

The Head: SCM at our engagement with him on the corrective action to address gaps in controls as reported by the Auditor-General above, alluded to various interventions in this regard which are summarised below:

- A root cause analysis for irregular expenditure has been conducted and action plans to address the root causes is underway.
- Probity checklists and process flows to guide departments on invoking the use of Section 36 will be prepared to assist them in addressing the specific elements of S36 to eliminate the use of S36 as a result of poor planning and ensure uniformity and consistency in the review and use of S36.
- A contract management framework will be developed to ensure guidelines and scope for contract management within the City. Contract management standard operating procedures will also be prepared.
- The contract management cycle will be automated to ensure enhanced controls over the cycle.
- Notice was issued to the Bid Specification Committee to ensure compliance with SCM regulation 22(1). The Supply Chain Management Policy is being reviewed to include procedures for advertising periods for task orders, as some of the matters reported by the AG were task orders.

As we support the proposed actions

COMMITTEE RECOMMENDS:

That Council notes that the Municipal Public Accounts Committee will monitor the implementation of the corrective actions to address the procurement and contract management findings by the Auditor-General; through monthly progress reports by the Head: Supply Chain Management.

NOTED

1.5 Internal Control Deficiencies

The Auditor-General reported that the accounting officer and management did not ensure that systems of internal control were adequately implemented and monitored to ensure compliance with key legislation relating to expenditure management, consequence management as well as procurement and contract management. In addition, management did not ensure that proper review controls were in place to facilitate accurate and complete reporting in the annual financial statements. The Auditor-General reported that management did not implement proper record keeping to ensure that information supporting certain achievements in the annual performance reports as well compliance with SCM legislation is maintained. As a result, material findings were identified during the audit process.

We have noted the following actions being taken to strengthen internal controls:

- The city is committed to a clean audit and has adopted a Clean Administration & Clean Audit framework. An audit action plan is being finalised to address all audit issues raised.
- The implementation of action plans to correct these audit issues are closely monitored and reported to the audit committee, COGTA and National Treasury on a quarterly basis. The Mayor personally deals with these issues with the administrative leadership.

Having noted the measures to address the findings

COMMITTEE RECOMMENDS:

That Council notes that the Municipal Public Accounts Committee will monitor the implementation of the corrective actions to address the internal control deficiencies identified by the Auditor-General; through monthly progress reports by the Deputy Head: Internal Control & Business Systems.

NOTED

1.6 Material Irregularities in Progress

The Auditor-General identified material irregularities during the audit and notified the accounting officer of these, as required by material irregularity regulation 3(2). By the date of this auditor's report, the responses of the accounting officer were not yet due for some material irregularities and for the remainder, Auditor-General had not yet completed the process of evaluating the responses from the accounting officer. These material irregularities will be included in the next year's auditor's report.

In response to the identified material irregularities (MIs), management advised as follows:

- The city is committed to a clean audit and has adopted a Clean Administration & Clean Audit framework.
- Responses will be provided as and when the MI is received. MIs received have been responded to.
- Root causes will be assessed and controls enhanced to reduce MIs.
- Further investigations and consequence management will be implemented, where required; and
- Reported to MPAC and the Financial Misconduct Board.

COMMITTEE RECOMMENDS:

That Council notes that the Municipal Public Accounts will review these material irregularities in the next audit and ensure that the necessary corrective actions are instituted by management.

NOTED

2. MATERIAL DEBT IMPAIRMENTS, LOSSES AND WRITE-OFFS

Provision for Bad Debts

As disclosed in note 6 to the consolidated and separate financial statements, the municipality recognised a provision for bad debts of R8,05 billion (2019-20: R6,10 billion) on consumer debtors, as the recoverability of these amounts was doubtful.

Write-off of Debtors

As disclosed in note 51 to the consolidated and separate financial statements, material losses of R316,2 million (2019-20: R1,63 billion) were incurred by the municipality due to write offs on irrecoverable debts relating to rates, services, housing and sundry debtors.

We scheduled an engagement with Chief Financial Officer and the Head: Revenue Management to establish how management intends to arrest the escalating debt and losses. We have asked the Chief Financial Officer to provide us with a composite presentation on the debt owed by the Ingonyama Trust so that we can understand the issues surrounding the historical debt and how such issues could possibly be resolved. Furthermore, we have requested him to establish the impact of historical debt and dormant accounts inherited from erstwhile local authorities on the municipality's debt book.

As we are of the view that the Finance, Security and Emergency Services Committee also needs to closely monitor the rising debt and losses as part of its oversight role,

COMMITTEE RECOMMENDS:

- 2.1.1 That the Finance, Security & Emergency Services Committee ensure effective oversight of the measures proposed by the Revenue Management Unit to address the material debt impairments, losses and write-offs.
- 2.1.2 That the Finance, Security & Emergency Services Committee submit quarterly progress reports to the Municipal Public Accounts Committees on the reduction of the material debt impairments, losses and write-offs.

ADOPTED

2.2 Material Water Losses

As disclosed in note 51 to the consolidated and separate financial statements, material water losses of 188,09 million kilolitres (2019-20: 185,19 million kilolitres) were incurred by the municipality, which resulted in revenue losses of R1,75 billion (2019-20: R1,72 billion). These losses arose from ageing and deteriorating infrastructure as well as illegal connections.

We engaged with Head: Water & Sanitation Unit on the huge water losses and the actions his Unit is undertaking to reduce the water losses. The Head presented a progress report on the non-revenue water reduction interventions.

However, these interventions are the same measures that the Unit has been implementing without them delivering the desired outcome. We therefore doubt the effectiveness of the said interventions.

The difficulty in metering households that receive reticulated water is also noted. Furthermore, all the water that is consumed without passing through a meter is categorised as non-revenue water; which accounts for a big portion of the non-revenue water.

The Head has also shared the financial constraints which prevent the Unit from attending to the aging water infrastructure. This being another contributory factor to the non-revenue water which is seen in the frequent water leaks and burst pipes.

Urgent action is required to address these challenges which are impacting on the Unit's ability to ensure continued water supply to its customers.

Therefore,

COMMITTEE RECOMMENDS:

- 2.2.1 That the Human Settlements & Infrastructure Committee ensure effective oversight of the measures proposed by the Electricity Unit to address the astronomical water losses.
- 2.2.2 That the Human Settlements & Infrastructure Committee submit quarterly progress reports to the Municipal Public Accounts Committees on the reduction of the water losses.
- 2.2.3 That the Water & Sanitation Unit investigate the possibility of deploying additional human resources and utilising technology to respond speedily to illegal connections, water leaks and burst pipes; which are contributing to the high water losses.
- 2.2.4 That the City Manager consider including an appropriately weighted key performance indicator in the performance agreements of all senior management responsible for the reduction of water losses; with the non-payment of performance bonuses should the target for the financial not be achieved.

ADOPTED

2.3 Material Electricity Losses

As disclosed in note 51 to the consolidated and separate financial statements, material electricity losses of 1,22 billion kilowatt hours (2019-20: 811,47 million kilowatt hours) were incurred by the municipality, which resulted in revenue losses of R1,22 billion (2019-20: R762 million). These losses arose as a result of transmission and distribution losses as well as illegal connections.

We engaged with the Head: Electricity who attributed the increase in losses to three main factors, namely:

- Non-reading of meters from April to June 2020; which resulted in the estimation of consumption and credits in the new financial year (2020/21) as most businesses had been closed during this period. This then affected the calculation of losses.
- Increased theft of electricity due to the socio-economic impact of the Covid-19 pandemic.
- The moratorium on disconnections in response to the Covid-19 pandemic.

The Unit is hoping that the following measures will go a long way in reducing the increasing losses:

- The consistent meter readings are expected to stabilise the electricity loss calculation and resolve the anomaly in the reporting system.
- An iterative and lengthy process of interrogating the reporting systems.
- Increase meter sweep operations to identify and rectify meters that have been bypassed or tampered with.

Therefore,

COMMITTEE RECOMMENDS:

- 2.3.1 That the Human Settlements & Infrastructure Committee ensure effective oversight of the measures proposed by the Electricity Unit to address the high electricity losses.
- 2.3.2 That the Human Settlements & Infrastructure Committee submit quarterly progress reports to the Municipal Public Accounts Committees on the reduction of the electricity losses.

ADOPTED

3. ANNUAL PERFORMANCE REPORT

3.1 Material Findings and Adjustment of Material Misstatements

3.1.1 Material Findings on Various Indicators

The Auditor-General was unable to obtain sufficient appropriate audit evidence for the reported achievements of 2 of the 55 indicators relating to this objective. This was due to the lack of accurate and complete records. The Auditor-General was unable to confirm the reported achievements by alternative means.

Consequently, the Auditor-General was unable to determine whether any adjustments were required to the reported achievements in the annual performance report for the indicators listed below:

Indicator No.	Indicator Description	Reported Achievement
3A.5	WS3.11 Percentage of Complaints/Callouts responded to within 24 hours (sanitation/wastewater)	40%
3A.6	WS3.21 Percentage of Complaints/Callouts responded to within 24 hours (water)	62%

We engaged with the Head: Water & Sanitation who informed us that the new system will provide the required evidence. As this system is managed by the Head: Sizakala Centres as part of the integration of the municipality's call centres,

COMMITTEE RECOMMENDS:

That Council notes that a presentation will be provided by the Head: Sizakala Centres on the integration of Customer Call Centres and the ability of the new Huawei Call Centre Management System to produce the necessary audit evidence required by the Auditor General to substantiate response times to complaints/callouts. The Head: Electricity and Head: Water and Sanitation be in attendance when this presentation is delivered; to enable them to provide the users' perspective of the functionality of the system.

NOTED

3.1.2 Adjustment of Material Misstatements

The Auditor-General identified material misstatements in the annual performance report submitted for auditing. These material misstatements were in the reported performance information of plan 3 – creating a quality living environment.

As management subsequently corrected only some of the misstatements, the Auditor-General raised material findings on the usefulness and reliability of the reported performance information. Those that were not corrected are included in the basis for qualified opinion paragraph.

Management advises that the Municipality as part of its Performance Monitoring and Evaluation (PME) planned enhancements has introduced performance evidence verification processes to undertake performance validation on quarterly basis before the information is submitted to the Internal Audit for further auditing. This will assist in ensuring the accuracy and completeness of performance information reported.

COMMITTEE RECOMMENDS:

That Council notes that the Municipal Public Accounts Committee will monitor the effectiveness of these verification processes and their ability to ensure the accuracy and completeness of performance information reported during its quarterly reviews of the Service Delivery & Budget Implementation Plan (SDBIP).

NOTED

Annexure B

AUDITOR GENERAL FINDINGS

TRACKING OF ACTION PLANS STATUS AS AT 2022-06-30

AUDITOR GENERAL FINDINGS					
UNIT	TOTAL	RESOLVED	IN PROGRESS/ UNRESOLVED	ACTIONS WITH THE DEADLINE UP TO 2022-07-31 NOT RESOLVED	DEADLINES REVISED BEYOND 2022-07-31
CIU	1	-	1		1
Engineering	2	-	2		2
ETA	4	-	4	3	1
Expenditure	5	3	2	1	1
Housing	1	1	-	-	-
HR	3	3	-	-	-
Insurance & Investment	3	2	1	1	
Internal Control	3	3	-	-	-
IT	26	17	9	-	9
City Manager's Office	1	1	-	-	-
Parks	2	1	1	-	1
PME	1	1	-	-	-
SCM	11	4	7	5	2
Solid Waste	1	-	1	1	-
Solid Waste/metro Police/ Water (Overtime)	1	-	1	-	1
Water and sanitation	7	1	6		6
TOTAL	72	37	35	11	24

Annexure C

**MATTERS CONSIDERED BY THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022**

NO	ITEM	MEETING	STATUS
1	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2021-05-24 AND 2021-06-01	2021-07-06	CONFIRMED
2	CITY INTEGRITY AND INVESTIGATIONS UNIT: REPORT FOR THE PERIOD JANUARY TO MARCH 2021	2021-07-06	NOTED
3	THREE MONTH SUMMARY: BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 MAY 2021	2021-07-06	NOTED
4	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 MAY 2021	2021-07-06	NOTED
5	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF MAY 2021	2021-07-06	NOTED
6	REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS WITHIN THE MUNICIPALITY FOR QUARTER 3 OF THE 2020/2021 FINANCIAL YEAR	2021-07-06	NOTED
7	PROCUREMENT AND EXPENDITURE PLANNING: 2021/2022 CAPITAL BUDGET	2021-07-06	RESOLVED
8	DISCIPLINARY BOARD FOR FINANCIAL MISCONDUCT	2021-07-06	RESOLVED
9	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2021-06-17, 2021-06-24 AND 2021-07-06	2021-08-03	CONFIRMED
10	CONSEQUENCE MANAGEMENT: CIU DISCIPLINARY CASES BACKLOG PROJECT AND NEW CASES	2021-08-03	NOTED
11	THREE MONTH SUMMARY: BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 JUNE 2021	2021-08-03	NOTED
12	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 JUNE 2021	2021-08-03	NOTED

NO	ITEM	MEETING	STATUS
13	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF JUNE 2021	2021-08-03	NOTED
14	2020/2021 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE	2021-08-03	APPROVED
15	DISCIPLINARY BOARD FOR FINANCIAL MISCONDUCT	2021-08-03	NOTED
16	CONSEQUENCE MANAGEMENT MONITORING SCHEDULE AS AT 4 TH QUARTER 2018/2019: LIST OF MATTERS: MORAR INCORPORATED	2021-08-03	DEFERRED
17	DISCIPLINARY BOARD FOR FINANCIAL MISCONDUCT	2021-08-19	WITHDRAWN
18	ECONOMIC DEVELOPMENT AND PLANNING: RESPONSE TO QUESTIONS RAISED AT THE MEETING OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE HELD ON 2021-08-03	2021-08-19	NOTED
19	PERFORMANCE MONITORING AND EVALUATION: OUTSTANDING MATTER IN RESPECT OF SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN AS AT 30 JUNE 2020	2021-08-19	NOTED
20	WATER AND SANITATION: REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING FOR QUARTER 1 AND QUARTER 2 : 2020/2021: POOR PERFORMANCE : WS 7059	2021-08-19	NOTED
21	DURBAN INTERNATIONAL CONVENTION CENTRE: CONSEQUENCE MANAGEMENT MONITORING FOR QUARTER 4 OF 2018/2019	2021-08-19	NOTED
22	FINANCE MATTERS ARISING FROM MEETING OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE HELD ON 3 AUGUST 2021	2021-08-19	RESOLVED
23	INTERNAL CONTROL AND BUSINESS SYSTEMS: AUDITOR GENERAL'S ACTION PLANS 2019/2020	2021-08-19	NOTED

NO	ITEM	MEETING	STATUS
24	MAYORAL PARLOUR: OUTSTANDING MATTER: EXPANDED PUBLIC WORKS PROGRAMME	2021-08-19	NOTED
25	2019/2020 KPI PERFORMANCE: AREA-BASED MANAGEMENT	2021-08-19	NOTED
26	WATER AND SANITATION: REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING FOR QUARTER 3 AND QUARTER 4: 2020/2021: POOR PERFORMANCE: WS7059	2021-08-19	RESOLVED
27	WATER AND SANITATION: REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING FOR QUARTER 3: 2020/2021: POOR PERFORMANCE: WS7183	2021-08-19	RESOLVED
28	CONFIRMATION OF MINUTES: MEETING HELD ON 2021-08-03	2021-09-07	CONFIRMED
29	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) WORKSHOP <ul style="list-style-type: none"> ▪ INTERNAL CONTROL PRESENTATION: ROLE OF MPAC AND ROLE OF DISCIPLINARY BOARD ▪ COGTA PRESENTATION: ASSESSMENT OF MPAC FUNCTIONALITY ON UIFW OVERSIGHT 	2021-09-07	NOTED
30	APPOINTMENT OF DISCIPLINARY BOARD FOR FINANCIAL MISCONDUCT FOR NEW TERM OF OFFICE AND NECESSARY DELEGATIONS OF AUTHORITY: FEEDBACK	2021-09-07	NOTED
31	AUDIT COMMITTEE REPORT FOR THE THIRD QUARTER ENDED 31 MARCH 2021	2021-09-07	NOTED
32	PERFORMANCE MONITORING AND EVALUATION: ANALYSIS ON MPAC SELF-ASSESSMENT TOOL: 2019/2020	2021-09-07	RESOLVED
33	MPAC SELF-ASSESSMENT TOOL: 2020/2021	2021-09-07	IN PROGRESS

NO	ITEM	MEETING	STATUS
34	CONFIRMATION OF MINUTES: IN-COMMITTEE MEETING HELD ON 2021-08-03	2021-09-07	CONFIRMED
35	CONSEQUENCE MANAGEMENT MONITORING SCHEDULE: ENGINEERING UNIT	2021-09-07	NOTED
36	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2021-08-19 AND 2021-09-07	2021-09-23	CONFIRMED
37	DRAFT 2021/2022 QUARTERLY REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD ENDING 30 SEPTEMBER 2021	2021-09-23	APPROVED
38	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 JULY 2021	2021-09-23	NOTED
39	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF JULY 2021	2021-09-23	NOTED
40	REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS WITHIN THE MUNICIPALITY FOR QUARTER 4 OF 2020/2021 FINANCIAL YEAR	2021-09-23	
41	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF AUGUST 2021	2021-09-23	
42	BUDGET STATEMENT REPORT FOR THE MONTH ENDING AUGUST 2021	2021-09-23	
43	ASSESSMENT OF MPAC FUNCTIONALITY ON UIFW OVERSIGHT 2021/2022	2021-09-23	APPROVED
44	THREE MONTH SUMMARY REPORT: BUDGET STATEMENT FOR JULY-SEPTEMBER 2021	2021-09-23	NOTED
45	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF SEPTEMBER 2021	2022-01-20	NOTED
46	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF OCTOBER 2021	2022-01-20	NOTED

NO	ITEM	MEETING	STATUS
47	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF NOVEMBER 2021	2022-01-20	NOTED
48	PERFORMANCE CONTRACT OF MUNICIPAL MANAGER	2022-01-20	RESOLVED
49	THREE MONTH BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 SEPTEMBER 2021	2022-01-20	NOTED
50	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 SEPTEMBER 2021	2022-01-20	NOTED
51	THREE MONTH BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 OCTOBER 20	2022-01-20	NOTED
52	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 OCTOBER 2021	2022-01-20	NOTED
53	INDUCTION OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE	2022-01-20	AGREED
54	OUTSTANDING MATTER: WATER AND SANITATION: UNREAD METERS	2022-01-20	DEFERRED
55	WATER AND SANITATION: REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS WITHIN THE MUNICIPALITY FOR QUARTER 1 OF 2021/2022 FINANCIAL YEAR: WS7056: REPORT NUMBER 2021/179	2022-01-20	NOTED
56	ENGINEERING: CONTRACTOR: PERFORMANCE: CONTRACT NO CSA3071	2022-01-20	NOTED
57	CITY INTEGRITY AND INVESTIGATIONS UNIT: REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR PERIOD JULY TO SEPTEMBER 2021	2022-01-20	NOTED
58	FINANCE MATTERS <ul style="list-style-type: none"> ▪ BUDGET PROCESS & IN-YEAR REPORTING ▪ CASH RESERVES ▪ KEY EXPENDITURE ISSUES ▪ REVENUE COLLECTION ▪ DEBT MANAGEMENT 	2022-01-28	IN PROGRESS

NO	ITEM	MEETING	STATUS
59	REVENUE MANAGEMENT MATTERS	2022-01-28	IN PROGRESS
60	SUPPLY CHAIN MANAGEMENT MATTERS	2022-01-28	IN PROGRESS
61	CONSEQUENCE MANAGEMENT	2022-01-28	IN PROGRESS
62	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW)	2022-01-28	IN PROGRESS
63	AUDITOR GENERAL'S FINDINGS & ACTION PLAN 20/21 – PRESENTATION BY INTERNAL AUDIT	2022-01-28	NOTED
64	TERMS OF REFERENCE & PROPOSED AMENDMENTS	2022-01-31	NOTED
65	PERFORMANCE MANAGEMENT MATTERS	2022-01-31	IN PROGRESS
66	KEY ISSUES FOR THE INCOMING MPAC	2022-01-31	IN PROGRESS
67	MPAC ROLES AND RESPONSIBILITIES: MFMA PERSPECTIVE	2022-02-07	IN PROGRESS
68	AUDIT REPORT FOR THE YEAR ENDING 30 JUNE 2021: ISSUES TO BE DEALT WITH BY CITY MANAGER	2022-02-08	IN PROGRESS
69	AUDIT COMMITTEE REPORT FOR THE FOURTH QUARTER ENDED 30 JUNE 2021	2022-02-08	NOTED
70	THREE MONTH BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 NOVEMBER 2021	2022-02-08	NOTED
71	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 NOVEMBER 2021	2022-02-08	NOTED
72	THREE MONTH BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 DECEMBER 2021	2022-02-08	NOTED
73	MID YEAR BUDGET AND PERFORMANCE ASSESSMENT REPORT: 31 DECEMBER 2021	2022-02-08	NOTED
74	CITY INTEGRITY AND INVESTIGATIONS UNIT: REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR PERIOD JULY TO SEPTEMBER 2021	2022-02-08	NOTED

NO	ITEM	MEETING	STATUS
75	<u>AUDIT OF THE CONSOLIDATED AND SEPARATE FINANCIAL STATEMENTS:</u> <ul style="list-style-type: none"> • MATERIAL MISSTATEMENTS <ul style="list-style-type: none"> a. PROPERTY, PLANT AND EQUIPMENT b. DEPRECIATION AND ACCUMULATED DEPRECIATION 	2022-02-10	IN PROGRESS
76	MATERIAL DEBT IMPAIRMENTS, LOSSES AND WRITE-OFFS: <ul style="list-style-type: none"> ▪ PROVISION FOR DEBT IMPAIRMENTS OF R8.05 BILLION ▪ MATERIAL LOSSES OF R316.2 MILLION DUE TO WRITE-OFF OF IRRECOVERABLE DEBTS RELATING TO RATES, SERVICES, HOUSING AND SUNDRY DEBTORS 	2022-02-10	IN PROGRESS
77	CAPACITY BUILDING: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEMBERS	2022-02-10	IN PROGRESS
78	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-01-20, 2022-01-28, 2022-01-31 AND 2022-02-07	2022-03-01	CONFIRMED
79	BUDGET STATEMENT SUMMARY REPORT: MONTH ENDING 31 JANUARY 2022	2022-03-01	NOTED
80	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 JANUARY 2022	2022-03-01	NOTED
81	PRESENTATION ON UNREAD WATER METERS AND RELATED ISSUES/CHALLENGES	2022-03-01	IN PROGRESS
82	SUMMARY REPORT ON NON-REVENUE WATER REDUCTION AND INTERVENTIONS AS AT DECEMBER 21/22: WS2022/006	2022-03-01	NOTED
83	PROGRESS OF WORKS: CONTRACT NO 1M-41	2022-03-01	WITHDRAWN
84	MONTHLY TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF JANUARY 2022	2022-03-01	NOTED

NO	ITEM	MEETING	STATUS
85	REVIEW OF PREFERENTIAL PROCUREMENT POLICY	2022-03-01	IN PROGRESS
86	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-02-07 AND 2022-02-10	2022-03-10	CONFIRMED
87	CONSEQUENCE MANAGEMENT PRESENTATION AND REPORT	2022-03-10	NOTED
88	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL (UIFW) EXPENDITURE: REDUCTION STRATEGIES: STEPS TO REDUCE UIFW EXPENDITURE	2022-03-10	IN PROGRESS
89	TRACKING OF ACTION PLANS STATUS 2020/2021 AS AT 28/02/2022	2022-03-10	IN PROGRESS
90	CITY FLEET: PRESENTATION ON WATER AND SANITATION FLEET	2022-03-10	IN PROGRESS
91	PROGRESS OF WORKS FOR CONTRACT NO 1M-41503	2022-03-10	NOTED
92	3V-40945: GLEBELANDS NMT: PROVISION OF NON-MOTORISED TRANSPORT ROUTES (WARD 76)	2022-03-10	NOTED
93	CONFIRMATION OF MINUTES: MEETING HELD ON 2022-02-08	2022-03-10	CONFIRMED
94	MATTERS ARISING: ITEM 9: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT REPORT: 31 DECEMBER 2021: AMOUNTS OWED BY COUNCILLORS, STAFF AND WARD COMMITTEE MEMBERS	2022-03-10	IN PROGRESS
95	REPORT ON AUDIT OF COMPLIANCE WITH LEGISLATION: PROCUREMENT AND CONTRACT MANAGEMENT	2022-03-10	NOTED
96	AUDIT OF PERFORMANCE INFORMATION: WS2022/031	2022-03-10	DEFERRED
97	MATERIAL WATER LOSSES FOR 2020/2021 FINANCIAL YEAR: WS2022/035	2022-03-10	NOTED
98	REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS: QUARTER 1: 2021/2022: RESUBMISSION AS PER COMMENTS FROM MPAC: POOR PERFORMANCE WS7056	2022-03-10	NOTED

NO	ITEM	MEETING	STATUS
99	ANALYSIS OF SECTOR CONTRIBUTIONS TO ETHEKWINI MUNICIPALITY SERVICES REVENUE	2022-03-10	NOTED
100	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-03-01 AND 2022-03-03	2022-03-17	CONFIRMED
101	ELECTRICITY LOSSES FOR THE PERIOD 2020-07-01 TO 2021-06-30	2022-03-17	NOTED
102	REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS: QUARTER 1: 2021/2022: POOR PERFORMANCE WS7059	2022-03-17	NOTED
103	2020/2021 ANNUAL REPORT PROCESS: AUDIT OF PERFORMANCE INFORMATION (WS2022/031)	2022-03-17	IN PROGRESS
104	REPORT ON PUBLIC PARTICIPATION COMMENTS FOR ETHEKWINI MUNICIPALITY'S ANNUAL REPORT FOR THE 2020/2021 FINANCIAL YEAR	2022-03-20	RESOLVED
105	NON-COMPLIANCE WITH LAWS AND REGULATIONS: A. PROCUREMENT AND CONTRACT MANAGEMENT	2022-03-23	IN PROGRESS
106	NON-COMPLIANCE WITH LAWS AND REGULATIONS: B. INTERNAL CONTROL DEFICIENCIES	2022-03-23	IN PROGRESS
107	MATERIAL DEBT IMPAIRMENTS, LOSSES AND WRITE-OFFS	2022-03-23	IN PROGRESS
108	MATERIAL WATER LOSSES	2022-03-23	IN PROGRESS
109	MATERIAL ELECTRICITY LOSSES	2022-03-23	IN PROGRESS
110	ANNUAL PERFORMANCE REPORT	2022-03-23	IN PROGRESS
111	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-03-18 AND 2022-03-23	2022-05-03	CONFIRMED
112	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) RECOMMENDED FOR WRITE OFF OR RECOVERY AS AT 31 MARCH 2022	2022-05-03	IN PROGRESS
113	SUMMARY BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 MARCH 2022	2022-05-03	NOTED

NO	ITEM	MEETING	STATUS
114	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 MARCH 2022	2022-05-03	NOTED
115	DRAFT 2021/2022 QUARTERLY REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD JANUARY TO MARCH 2022	2022-05-03	APPROVED
116	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF MARCH 2022	2022-05-03	NOTED
117	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-03-10 AND 2022-03-17	2022-05-03	CONFIRMED
118	PERFORMANCE MONITORING AND EVALUATION: PRESENTATION: PME IMPROVEMENTS	2022-05-03	NOTED
119	PERFORMANCE MONITORING AND EVALUATION: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE SELF ASSESSMENT TOOL 2020/2021	2022-05-03	IN PROGRESS
120	PERFORMANCE MONITORING AND EVALUATION: RESPONSE TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: INDUCTION QUESTIONS	2022-05-03	NOTED
121	UPDATE LINKED TO AUDITOR-GENERAL FINDINGS: PARKS, RECREATION AND CULTURE UNIT'S HERITAGE ASSETS	2022-05-03	IN PROGRESS
122	SUMMARY BUDGET STATEMENT REPORT FOR THE MONTH ENDING 28 FEBRUARY 2022	2022-05-03	NOTED
123	REVENUE MANAGEMENT: STAFF AND COUNCILLORS IN ARREARS	2022-05-03	NOTED
124	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) INCURRED FOR THE QUARTER ENDING 31 MARCH 2022	2022-05-03	IN PROGRESS
125	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF FEBRUARY 2022	2022-05-03	NOTED
126	REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS WITHIN THE MUNICIPALITY FOR QUARTER 2 OF 2021/2022 FINANCIAL YEAR	2022-05-03	IN PROGRESS
127	ATTENDANCE AND LEAVE OF ABSENCE AT MEETINGS	2022-05-03	DEFERRED

NO	ITEM	MEETING	STATUS
128	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 28 FEBRUARY 2022	2022-05-03	NOTED
129	CITY INTEGRITY AND INVESTIGATIONS UNIT: REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR PERIOD OCTOBER TO DECEMBER 2021	2022-05-03	NOTED
130	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) RECOMMENDED FOR WRITE-OFF OR RECOVER AS AT 31ST MARCH 2022: <ol style="list-style-type: none"> 1. METRO POLICE 2. HEALTH 3. ENGINEERING 4. HUMAN SETTLEMENTS 5. CLEANSING AND SOLID WASTE 6. WATER AND SANITATION 7. ELECTRICITY 	2022-05-17	IN PROGRESS
131	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE RECOMMENDED FOR WRITE OFF OR RECOVERY AS AT 31ST MARCH 2022 <ol style="list-style-type: none"> 1. FINANCE 2. OFFICE OF THE CITY MANAGER 3. GOVERNANCE AND INTERNATIONAL RELATIONS 4. CORPORATE AND HUMAN RESOURCES 5. ECONOMIC DEVELOPMENT AND PLANNING 	2022-05-19	IN PROGRESS
132	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE RECOMMENDED FOR WRITE OFF OR RECOVERY AS AT 31ST MARCH 2022 <ol style="list-style-type: none"> 1. TRADING SERVICES 2. HUMAN SETTLEMENTS, ENGINEERING AND TRANSPORT 3. OFFICE OF THE CITY MANAGER 	2022-05-25	IN PROGRESS
133	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE RECOMMENDED FOR WRITE OFF OR RECOVERY AS AT 31ST MARCH 2022 <ol style="list-style-type: none"> 1. COMMUNITY AND EMERGENCY SERVICES 2. FINANCE 3. OFFICE OF THE CITY MANAGER 	2022-05-26	IN PROGRESS
134	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE RECOMMENDED FOR WRITE OFF OR RECOVERY AS AT 31 ST MARCH 2022	2022-05-27	IN PROGRESS

NO	ITEM	MEETING	STATUS
	1. GOVERNANCE AND INTERNATIONAL RELATIONS 2. CORPORATE AND HUMAN RESOURCES 3. ECONOMIC DEVELOPMENT AND PLANNING		
135	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE RECOMMENDED FOR WRITE OFF OR RECOVERY AS AT 31 ST MARCH 2022: IN-COMMITTEE: CIU INVESTIGATIONS 1. HUMAN SETTLEMENTS, ENGINEERING AND TRANSPORT 2. OFFICE OF THE CITY MANAGER 3. ECONOMIC DEVELOPMENT AND PLANNING 4. GOVERNANCE AND INTERNATIONAL RELATIONS 5. FINANCE 6. TRADING SERVICES 7. COMMUNITY AND EMERGENCY SERVICES	2022-06-10	IN PROGRESS
136	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-05-03 AND 2022-05-19	2022-06-15	CONFIRMED
137	AUDIT COMMITTEE REPORT FOR THE SECOND QUARTER ENDED 31 DECEMBER 2021	2022-06-15	NOTED
138	ATTENDANCE AND LEAVE OF ABSENCE AT MEETINGS	2022-06-15	NOTED
139	DATE FOR TOUR OF INSPECTION OF BUILDING AT UMKUMBANE: HEALTH UNIT	2022-06-15	DEFERRED
140	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE WORK PROGRAMME: 2022/2023	2022-06-15	APPROVED
141	TERMS OF REFERENCE: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE	2022-06-15	RESOLVED
142	OUTSTANDING MATTER: PRESENTATION ON INTERNAL AUDIT UNIT	2022-06-15	RESOLVED
143	CONSEQUENCE MANAGEMENT UPDATE	2022-06-15	IN PROGRESS
144	INTEGRATION OF CUSTOMER SERVICES: MUNICIPAL CONTACT CENTRES	2022-06-15	DEFERRED
145	METRO POLICE: REDUCTION OF OVERTIME	2022-06-15	NOTED
146	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 APRIL 2022	2022-06-15	NOTED

NO	ITEM	MEETING	STATUS
147	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF APRIL 2022	2022-06-15	NOTED
148	INFORMATION MANAGEMENT: STATUS REPORT ON TRACKING OF AUDIT ACTION PLAN	2022-06-15	NOTED
149	REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS – QUARTER 2 OF 2021/2022 – POOR PERFORMANCE CONTRACT WS7059	2022-06-15	NOTED
150	EXCO CONTINUOUS AUDIT LOG: RESPONSE TO ISSUES RAISED BY THE AUDIT COMMITTEE FOR QUARTER TWO 2021/2022	2022-06-15	WITHDRAWN.
151	REPORT ON AMENDMENTS TO THE ETHEKWINI MUNICIPALITY'S ANNUAL REPORT FOR THE 2020/2021 FINANCIAL YEAR	2022-06-15	APPROVED
152	METRO POLICE: PROGRESS REPORT ON EMPLOYEE: UIFW RECOVERY	2022-06-15	DEFERRED
153	CITY INTEGRITY AND INVESTIGATIONS UNIT: REPORT FOR PERIOD JANUARY TO MARCH 2022	2022-06-15	DEFERRED
154	MEETINGS TO DEAL WITH UIFW MATTERS: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)	2022-06-15	NOTED
155	<p>UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL (UIFW) EXPENDITURE RECOMMENDED FOR WRITE OFF OR RECOVERY AS AT 31ST MARCH 2022</p> <ul style="list-style-type: none"> ▪ TRADING SERVICES ▪ COMMUNITY AND EMERGENCY SERVICES ▪ HUMAN SETTLEMENTS, ENGINEERING AND TRANSPORT ▪ FINANCE ▪ OFFICE OF THE CITY MANAGER ▪ GOVERNANCE AND INTERNATIONAL RELATIONS 	2022-06-21	IN PROGRESS
156	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-05-17	2022-06-23	CONFIRMED
157	CHARTERED INSTITUTE OF GOVERNMENT FINANCE, AUDIT AND RISK OFFICERS (CIGFARO) CONFERENCE: 5 TH AND 6 TH JULY 2022	2022-06-23	APPROVED

NO	ITEM	MEETING	STATUS
158	INGONYAMA TRUST DEBT PRESENTATION	2022-06-23	NOTED
159	DISCLOSURE OF INTEREST PROCESS	2022-06-23	NOTED
160	REVIEW OF EXTERNAL SERVICE PROVIDER PERFORMANCE MONITORING BY UNITS – QUARTER 3 OF 2021/2022 FINANCIAL YEAR	2022-06-23	NOTED
161	MONTHLY PUBLIC TENDER AWARDS OF ETHEKWINI MUNICIPALITY FOR THE MONTH OF MAY 2022	2022-06-23	NOTED
162	SUMMARY BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 ST MAY 2022	2022-06-23	NOTED
163	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 ST MAY 2022	2022-06-23	NOTED
164	CONSEQUENCE MANAGEMENT IN RELATION TO INV068/09/2020: INTERNATIONAL CONVENTION CENTRE (ICC)	2022-06-23	DEFERRED
165	CITY INTEGRITY AND INVESTIGATIONS UNIT: REPORT ON INV058/09/2020: ENGINEERING UNIT	2022-06-23	NOTED
166	UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) INVESTIGATED FOR THE QUARTER ENDED 31 MARCH 2022	2022-06-23	APPROVED

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

SECOND REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

The recommendations of the Municipal Public Accounts Committee of Unauthorised, Irregular, Fruitless & Wasteful (UIFW) Oversight Report for Quarter 3 ended 31 March 2022 as contained in the Council Supplementary Agenda (2022-08-26), **ADOPTED.**

REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

TO: COUNCIL

UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) INVESTIGATED FOR THE QUARTER ENDED 31 MARCH 2022

BACKGROUND

Section 32(2) of the MFMA provides that a Municipality must recover UIFW expenditure, except where the unauthorised expenditure is regularised through an adjustments budget, or where the UIFW is deemed to be irrecoverable following an investigation into the expenditure incurred.

The section reads as follows:

“A municipality must recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure—

- (a) in the case of unauthorised expenditure, is—
 - (i) authorised in an adjustments budget; or
 - (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.”

ANALYSIS OF UIFW CASES FINALISED

In line with National Treasury’s Municipal Finance Management Act Circular No. 68 and as outlined in Regulation 74 of the Municipal Budgets and Reporting Regulations, the process outlined below, was followed:

- Reports were prepared by the departments that incurred irregular expenditure after investigations by the said departments. The reports disclosed the deviation from Supply Chain Management Policy, the reasons for the deviation and the value of the expenditure.
- The reports together with the supporting documents were submitted to the Internal Control Unit for review and thereafter were submitted to the Bid Adjudication Committee for noting purposes.
- The Internal Control Unit reviewed and applied its mind on each report and considered whether there was any value for money obtained by the municipality or any losses suffered by the municipality due to non-compliance detected using the following questions:

- a) The nature of the irregularity
 - b) Whether or not the contracts followed the SCM public tender process
 - c) Whether or not the Unit Head had certified that value for money was received
 - d) Whether or not the Unit Head has confirmed that goods or services were delivered as per contract specifications and initial contract rates
 - e) Whether corrective action needed to be undertaken
 - f) Whether preventative measures were required to be implemented and the status of such actions; where deemed necessary
- Other irregularities were identified during the audit by the Auditor-General and others through investigations by the City Integrity & Investigation Unit.

Cumulative UIFW expenditure totaling **R340 361.00** (three hundred and forty thousand three hundred and sixty-one rands) “**Annexure A**” was identified as at 31st March 2022 by City Integrity and Investigations Unit.

Further to the cumulative UIFW incurred, an amount of **R113 208.00** (one hundred and thirteen two hundred and eight rands) “**Annexure B**” was deemed recoverable as a result of an investigation undertaken by the City Integrity and Investigations Unit.

We interviewed the relevant Officials to establish the root causes of the UIFW expenditure. We further established the mitigating measures that had been implemented to prevent a recurrence of the expenditure and confirmed that disciplinary action had been taken or would be taken against the officials that had caused the expenditure to be incurred. In some instances, we noted that matters had been referred for criminal investigation.

Having duly considered and deliberated on the UIFW expenditure concerned,

COMMITTEE RECOMMENDS:

1. That in compliance with Section 32(2) of the Municipal Finance Management Act (MFMA), irregular, fruitless and wasteful expenditure totaling **R340,361.00** (three hundred and forty thousand three hundred and sixty-one rands) as detailed in “**Annexure A**” of this report be certified as irrecoverable and written-off by Council based on the outcomes of the investigations of such expenditure.
2. That in compliance with Section 32(2) of the Municipal Finance Management Act (MFMA), fruitless and wasteful expenditure totaling **R113,208.00** (one hundred and thirteen two hundred and eight rands) as detailed in “**Annexure B**” of this report be recovered from the relevant official or former official of the Municipality.
3. That it be noted that any consequence management recommendations will be dealt with in accordance with the council policy regarding financial misconduct and oversight by the Disciplinary Board for Financial Misconduct.

Councillor A Beegte of DA submitted the Municipality must recover UIFW expenditure and follow-up be made on criminal charges which had been instituted.

Thereafter, the above recommendations were; ADOPTED.

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

NOTICE OF MOTION: PROPOSED BY COUNCILLOR J ANNIPEN AND SECONDED BY COUNCILLOR J NAIDOO: 80/20 PREPAID ELECTRICITY DEBT RECOVERY PROGRAMME (27/2/5/1)

This Council notes that:

After much delay, the 80/20 Prepaid Electricity Debt Recovery Programme went live on Monday, 01 August 2022.

Further noting that:

The policy, in its current form, does not provide financial reprieve for customers entering into the programme.

Therefore, in view of the economic hardships precipitated by pandemic, social unrest and the recent floods.

That the Executive Committee consider the following and report its finding to Council:

1. To explore avenues to accelerate the application process;
2. To incentivize the programme by implementing a reversal of historic interest incurred on these accounts; and
3. Engage in widespread advertisement of the programme via local print media and social media platforms.

Councillor MS Nkosi of IFP submitted the above motion on behalf of Councillor J Annipen.

Subsequently to the tabling of the Motion, the DA opposed the submission.

Discussion thereafter reverted to the substantive matter where the IFP maintained that the proposal on the motion was meant to provide relief to the already struggling families and particularly those who had applied for relief in terms of the Indigent Policy. In this regard, they encouraged Council to support the motion.

Whereas, the DA recalled that the Programme was first introduced back in the 2017/2018 financial year and mentioned that citizens should have long benefitted from the Programme. They highlighted that some consumers were turned down as they were let down by the inefficiencies of the system.

Meanwhile, the ANC supported the proposal to investigate the acceleration of the 80/20 Prepaid Electricity Debt Recovery Programme. They mentioned that it would afford Council the opportunity to raise awareness on the programme and to encourage citizens to come forward and apply, thereby increasing the revenue of the City.

Thereafter, as some Councillors were not in support of the motion, the matter was put to the vote. With 172 Councillors present; 125 Councillors (ANC - 86, EFF- 20; IFP -06; ABC - 01, Action SA – 02; ACDP – 00; AIC – 01; DLC – 1; APF - 01, ATM - 01, JEP - 01, KZNI -01; MF – 01; MOSA – 00; NFP – 01; PRM – 01; and UIM – 01) voted in favour; and 47 Councillors (DA – 46 and VF Plus- 01) voted against the motion.

Thereafter, the above motion was a majority vote; **CARRIED.**

REPORT OF COMMITTEE DECISIONS

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

1. **COMMUNITY SERVICES COMMITTEE**

Meeting held on : 2022-07-14

2. **ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE**

Meeting held on : 2022-07-27

3. **EXECUTIVE COMMITTEE**

Meetings held on : 2022-07-19
: 2022-07-26
: 2022-07-28

4. **FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE**

Meeting held on : 2022-07-20

5. **GOVERNANCE AND HUMAN RESOURCES COMMITTEE**

Meeting held on : 2022-07-17

6. HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE

Meeting held on : 2022-07-15

7. UNIT LOCAL LABOUR FORUM: CLEANSING AND SOLID WASTE

Meeting held on : 2022-07-25

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 31 to 45 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of June 2022 were, **NOTED.**

The meeting terminated at 17h00.

NOTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2022-09-29

SPEAKER