



eThekweni Municipal Council

MINUTES

Special Meeting held Wednesday, 2022-05-18

No. 11

MINUTES OF ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Wednesday, 2022-05-18T12:00, streamed from
Luthuli Hall, Durban City Hall

PRESENT : Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), PG Mavundla (Deputy Mayor), A Abdul, J Annipen, AD Beesley, A Beetge, S Bhanprakash, M Billy, T Biyela, JM Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, GD Clarivette, R Cloete, TP Collins, SV De Boer, Z Dzanibe, J Essop, BA Fortein, SN Gabela, GM Gasa, DM Gcabashe, FO Gcabashe, NBC Godlwana, R Gokool, G Govender, S Govender, Y Govender, NL Graham, BR Gumede, NC Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, MF Ismail, LBS Jali, DM James, M Johnson, MA Jokweni, K Khambule, MH Khan, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kissoon, BG Kubheka, V Kunju, CJ Laing, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, MA Madlala, SR Madlala, A Maharajh, RP Maharaj, S Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, WM Mazibuko, M Mbambo, KT Mbhele, RP Mbonambi, BA Mchunu, JL Mchunu, SW Mcineka, X Mdlazi, FW Mdletshe, SM Memela, SP Mfeka, K Mhlaba, GN Mhlongo, NM Mhlongo, SE Mhlongo, T Miya, MB Mjadu, AZ Mkhize, MA 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, TJ Mnguni, BV Mngwengwe, PB Mnikathi, ZO Mnomiya, S Mnyandu, T Mohamed, ND Motseke, SB Mpanza, NP Msibi, LI Msomi, NP Msomi, LG Mthembu, 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, MM Ngiba, DB Ngubane, LE Nkomeni, MS Nkosi, DR Nowbuth, XM Nqweniso, DM Nsundwane, PC Ntshangase, BT Ntuli, N Ntuli, NZ Ntuli, PB Ntuli, B Nxumalo, MR Nxumalo, PH Nxumalo, NN Nyanisa, MV Nzimande-Madlala, AAK Paruk, BW Phewa, DT Pillay, DR Pillay, P Pillay, GDA Pullan, B Radebe, A Rampersad, VG Reddy, A Shaheed, BH Shange, LP Shange, MG Shange, IM Shinga, HP Shoji, JN Sibisi, LC Sikhakhane, BSB Sindane, EL Singh, J Singh, S Singh, PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, 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, M Zondi, N Zondi, ON Zondi-Mthembu, TG Zungu, and there being one (1) vacancy.

ABSENT : Councillors NI Madlala, SR Moodley and J Naidoo

AMAKHOSI

PRESENT : Inkosi JJ Shangase and Inkosi EB Shozi

AMAKHOSI

ABSENT : Inkosi S Mlaba

OFFICIALS

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

(At the commencement of the meeting 185 Councillors were present, comprising ANC - 81, DA - 42, EFF - 22, IFP - 15, ASA - 04, ABC - 02, ACC – 02; ACDP - 02, AIC -01, DLC - 01, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 01, JEP - 01, KZNI - 01, MF - 01, MOSA - 00, NFP - 01, PFP - 01, PRM - 01, TA- 01, UIM - 01 and VF Plus - 01).

Following confirmation of Councillors present by each Party Whip, accordingly, it was noted that the eThekweni Municipal Council Special meeting held on 18 May 2022 was properly constituted on the basis that majority of Councillors were present at this meeting.

1. NOTICE CONVENING THE MEETING

Following the directive by the Speaker, the Acting City Manager read the notice convening the special meeting in terms of Rule 5 subsection 6 of the Rules of Order By Law, 2014, as amended.

2. OPENING

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

3. AFRICAN UNION AND NATIONAL ANTHEM

At the request by 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 of silence for meditation and remembrance

5. OFFICIAL ANNOUNCEMENTS

The Speaker made the following announcements for the information of the Municipal Council and eThekweni citizens:

- 5.1 Councillors are kindly requested to complete the Attendance Register attached to the MS Chat Platform. Any Councillor experiencing challenges in completing the Attendance Register should contact Administration.
- 5.2 The City of eThekweni still bears the scars of the April devastating floods. We call for calm as the Municipality is working around the clock to restore infrastructure. Condolences once again to the bereaved families and deepest sympathy is extended to those still searching for their relatives; those left homeless; and those whose properties were damaged.
- 5.3 The eThekweni Municipal Leadership extends its sincere gratitude to all donors supporting the Municipality to provide humanitarian support to the flood victims and burial assistance to the bereaved families.
- 5.4 The Municipality joins the country to mourn the loss of the Award-Winning South African Music Gospel Icon and the Durban-Born Musician, Ms Deborah Fraser. Condolences to family and friends.
- 5.5 The Covid infections are on the rise and the eThekweni citizens are encouraged to continue adhering to the non-pharmaceutical interventions; that of regular washing of hands or sanitizing; wearing face mask; and practicing social distance. Citizens are also encouraged to take the Covid vaccine to minimise the impact of this pandemic.
- 5.6 As part of ensuring smooth proceedings, the microphones of Party Leaders and Support Committee Chairpersons will remain unmuted for the duration of the meeting. Other Councillors will remain muted and only unmuted should they wish to talk. Even though some microphones will remain unmuted, a principle of raising a hand and being recognized by the Speaker before talking is still applicable. The Speaker reserves the right to revert back to the muted status should any of the Party Leaders or Chairpersons misuse the opportunity of having their microphones on.
- 5.7 Councillors are brought to the attention of Rule of Order 16(1) (a)-(e) and (4), (5), (6), (7) and (9). As per these Rules, Councillors are requested to conduct themselves in a respectful manner, to refrain from interrupting the proceedings and are encouraged to conduct business with the highest decorum and integrity that the occasion and the citizens of eThekweni deserve.
- 5.8 Councillors are encouraged to switch off their MS Teams camera to strengthen connectivity and only switch it on when speaking. Councillors also requested to be mindful of their surroundings to avoid interference with the virtual proceedings.

6. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor N I Madlala	:	2022-05-15 to 2022-05-20 (Municipal Business)
Councillor ER Moodley	:	2022-05-18 to 2022-05-20 (Indisposed)
Councillor J Naidoo	:	2022-05-17 to 2022-05-19 (Municipal Business)
Councillor T Xuma	:	2022-05-18 to 2022-05-18 to be excused at 13:30

7. DECLARATION OF INTEREST

It was noted that Councillor V Reddy had declared interest on matters appearing on the agenda on the basis that apart from being eThekweni Municipal Councillor, he is also a Board member at Umgeni Water.

8. UPDATE REPORT ON ETHEKWINI MUNICIPALITY FLOOD DAMAGES:
APRIL 2022

His Worship the Mayor, Councillor TM Kaunda commenced by greeting the Traditional Leaders; members of the Executive Committee; Honourable Councillors; the eThekweni Municipal Officials; Members of the Media and Members of the Public viewing on social media live streaming.

Thereafter, He presented the First Report of the Executive Committee.

FIRST REPORT OF THE EXECUTIVE COMMITTEE
(Special Meeting held 2022-05-13)

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

1. UPDATE REPORT ON ETHEKWINI MUNICIPALITY FLOOD DAMAGES:
APRIL 2022

(Page 1)

It will be recalled that during the month of April 2022 the unprecedented and devastating floods befell the City of eThekweni and the other parts of the Province of KwaZulu-Natal. Since then, the Municipal leadership has been on the ground assessing the extent of the damages, with the Municipal Officials working tirelessly to restore

the infrastructural damages, facilitating the process of providing humanitarian support to displaced families, whilst also facilitating burial assistance and the search and rescue mission for missing bodies. The Municipality is working with different stakeholders in the process of rebuilding the City. In this regard, a Joint Operation Centre (JOC) was established and led by the eThekweni Municipality Disaster Management Office (DMO). Participant in the JOC include Municipal officials; Provincial Government Departments; and Private Sector representatives.

The DMO has facilitated the process of coordinating and consolidating the Report from the Municipal Clusters in terms of Recovery Plans. The Report and the Recovery Plans have been submitted to the Provincial and National Disaster Management Centre. Such Report focused on the following:

- (i) Extent of damages based on preliminary assessment
- (ii) Expenditure to date
- (iii) Progress with budget reprioritization
- (iv) Update on application for relocation and repurposing of disaster grants
- (v) Medium- to long-term Recovery Plans and funding requirements as shortfalls

As at 09 May 2022, the summary of update is reflected on the table below. The statistics has been sourced from the Department of Health and therefore does not reflect what is being communicated in the Media:

Category	Update
Total confirmed fatalities	390
Missing people	60
Impacted Wards	78
Dwellings affected	18 764
Dwellings partially damaged	93
Dwellings totally damaged	18 672
Number of people in 84 Care Centres	9 091
Children affected	12 494
Adults affected	28 954
Injuries	7
Roads affected	430

The presentation attached herein comprises detailed update on the nature of support provided by various stakeholders to the flood victims and in terms of repair of infrastructural damages. The presentation includes, amongst other things, information on:

- (i) Humanitarian support for displaced people accommodated in community halls; churches; and few schools;
- (ii) Counselling services rendered by the Provincial Department of Social Services;
- (iii) Burial support through donations and with the Municipality covering the shortfall where applicable;
- (iv) Provision of clinical and environmental services;
- (v) Removal of debris;

- (vi) Roads, sewer and stormwater repairs and/or clearance where applicable, whilst also creating temporary detour where there are massive road damages;
- (vii) Human Settlements activities in terms of decanting from Care Centres; housing and retaining walls repairs; and land identification for relocation of floodplains dwellings;
- (viii) Status of businesses and jobs impacted;
- (ix) Water and electricity disruptions as well as interventions thereof;
- (x) Financial consideration in terms of the preliminary assessment costs;
- (xi) Explanation on the limitations of public liability cover with regard to covering natural disasters; and
- (xii) Key strategic interventions in terms of strengthening Integrated Customer Relations Management

The Municipality acknowledges and extends its gratitude for all humanitarian support provided by various stakeholders, including Private Sector; Non-Government Organisations; Faith-Based Organisations; Provincial and National Government; Sister Municipalities; and contributions by community members on an individual basis and/or as a collective. It was acknowledged that the flood damages were catastrophic, hence, the all-of-society approach is commended and truly appreciated.

A call for calm was made as the Municipality was doing its level best to restore the City. While the temptation was there for areas to feel neglected, but attention was drawn to the fact that a number of areas within the City have suffered massive damages and that Municipal Officials are working around the clock to remedy the damages.

Detailed presentation on floods update was appreciated by the Executive Committee. It was recommended that assessment continues thereby arriving to what could be regarded as a true reflection of the extent of the damages. That clear timelines should be stipulated for ease of tracking progress and for accountability purposes. It was noted that there is noticeable progress made to restore the City, but the issue of water shortages was considered catastrophic, especially in the Northern areas. That water tankers distribution programme be managed effectively, it being reported that even though not adequate, but the Northern area is receiving water tankers more than other areas. The contribution by the Tongaat-Hulett in repairing water infrastructure in the Tongaat area was noted with great appreciation.

The Committee was informed of the risk posed by repeated floods in the Durban South Basin companies and which risk was posing threats that the companies might consider relocating in future. That, through the intervention of the Durban Chamber of Commerce and Industry, the Office of the Presidency has been approached in this regard and therefore the President would attend to this threat.

To fully understand the extent of the flood's damages Municipal-wide, a recommendation was made for the leadership to conduct inspection in this regard as a collective. Communication on floods damages was appreciated, but that consideration be given to strengthening capacity for improved communication thus minimizing stakeholder anxiety. From the staff perspective, a detailed account was narrated in terms of what they face in relation to searching for missing bodies. Therefore, Management was requested to monitor this aspect and ensure staff receives necessary wellness support to overcome the traumatic experience.

It was noted that at this stage the Municipality is focusing on reprioritizing own budget to face the floods challenges. In this regard, explanation was sought on the definition of declaring national state of disaster in terms of funding from the other spheres of Government.

The Committee appreciated a comprehensive update on floods damages Recovery Plans implementation, it being recommended that regular meetings be convened for ongoing updates for all City stakeholders to be kept abreast of the developments in this regard.

Accordingly,

COMMITTEE RECOMMENDS:

1.1

That Council notes comprehensive update report on the implementation of Recovery Plans following the devastating floods of April 2022 within the eThekweni Municipal area, and which update is detailed in a presentation by the Acting City Manager dated 2022-05-13, and attached herein, it being recorded that during implementation focus be also made on the following:

- (i) Resuscitating weekly Command Council Meetings attended by various stakeholders in order to obtain regular update on progress made to implement Floods Recovery Plans, whilst also monitoring the Covid-19 matters given the pattern being seen with regard to an increase in infections.
- (ii) Broader floods inspection by leadership to fully comprehend the extent of flood damages and understanding short-, medium-and long-term restoration plans in this regard, also providing feedback to communities to remain calm and patient.
- (iii) Improvements in support provided to displaced families in Cares Centres thereby accommodating all Care Centres equitably.
- (iv) Improvements in communications and integrated customer management services thereby keeping stakeholders abreast of the developments regarding service delivery during recovery from the floods disaster.
- (v) Comprehensive assessment of human settlements to ensure all residents affected are accommodated and explanation on residents eligible to receiving support to rebuild houses and the criteria to be complied with in this regard.
- (vi) Communication of water tankers distribution programme for communities to be well-organized and to enable Councillors to make follow ups where required.

A detailed presentation was made to give broader overview of the extent of the flood damages and the Recovery Plans being implemented in the short-, medium- and long-term basis. The budget reprioritization process as per the approval previously granted by Council, it being mentioned that assessment of flood damages continues.

Speaking on the matter, the DA reiterated its concerns regarding lack of communication to update Councillors on interventions being made, in particular as the City was struggling with water, sanitation and electricity in its most parts. Appreciation was extended for convening this Council meeting for all Councillors to obtain information on the state of disaster and the interventions thereof. A commitment to resuscitate the weekly Command Council meetings also being appreciated.

A request was made though that officials should verify information being presented since in certain parts what is being presented and what is happening on the ground differ.

Concern was raised on the issue of the promised R1 billion not being forthcoming and the intention by the Municipality to once again raise a R1 billion thus compounding its liability.

The DLC emphasized the importance of getting all hands on deck to ensure what is presented on paper translates into practical service delivery to the floods victims and the citizens of eThekweni in general. That social relief packages be considered.

The EFF spoke on the shortage of land, hence, floods victims were provided with material to rebuild in the very same places where their houses have been washed away. Emphasis was put on getting the land back. Concern also being raised with regard to the quality of building material being provided. Speaking on the Soup Kitchen Programme the EFF requested that food earmarked for this programme be used as such and not otherwise.

Taking into account that other citizens were still searching for their relatives, the IFP suggested a daily programme for rescue and search mission in an attempt to help victims find closure. The importance of extending counselling session to staff was raised as well as renovating buildings affected by the floods thereby not accommodating people in unsafe properties. Lastly, the IFP appealed for justice to prevail whenever funds for floods relief are released. That transparency and accountability should prevail when reporting on the expenditure incurred for flood disaster interventions, thus providing a detailed breakdown of each and every component.

The ADEC also reiterated the importance of preparing authentic reports, citing some discrepancies on certain aspects presented. Also, that budget quantification be realistic as per the value of the project to be undertaken.

The MF then called for equal treatment in handling service delivery matters across the eThekweni Municipal area. That support is required to curb land invasion and that areas be prioritised accordingly in this regard.

The ANC encouraged whistleblowing should there be an element of misconduct observed during the implementation of the floods Recovery Plans. That formal reports be submitted to the Office of the Speaker for investigation where required.

It was submitted that funds approved had to follow certain processes as per the MFMA requirements prior to official release, reference being made to additional funding approved for the extension of the Soup Kitchen Programme. The leadership and officials were then commended for working tirelessly trying to provide relief to the flood victims.

The ANC appreciated contributions by different political parties and thereafter highlighted that even though no funds have been forthcoming at this stage from the other spheres of government, the Municipality was transferring funds to deal with the most pressing needs as a result of the floods. A call for unity was made as well as exercising responsible leadership to calm the community while the City is still trying to deal with the magnitude of damages.

In closing, the Speaker appreciated participation and fruitful contributions made. He then referred to the issue of the distribution of water tankers and appealed that this programme be managed effectively to prevent conflict at the Ward level.

The Speaker appreciated all stakeholders who have come to the party to implement interventions to provide relief to the floods victims and to restore infrastructure. He appreciated the leadership of His Worship the Mayor and the Executive Committee, and in particular His Worship the Mayor, who has been stretching himself despite his ill health.

Thereafter, the recommendations of the Executive Committee contained in 1.1 above were, **NOTED.**

The meeting terminated at 14h45.

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

SPEAKER