

No. 58

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Wednesday, 2023-02-14T10:00, held in the Inkosi Albert Luthuli International Convention Centre, Durban.

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

ABSENT : Councillors J Essop (Leave), K Khambule (Leave), T Miya (Leave-Indisposed), BA Mchunu (Leave - Indisposed), LG Mthembu (Leave - Indisposed), M Munien, Mvubu (Indisposed), NN Nyanisa, P Pillay (Leave), BH Shange (Leave), ZN Tshazela (Leave), T Xuma, and G Zondi (Leave).

AMAKHOSI

PRESENT : None

AMAKHOSI

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

OFFICIALS

PRESENT : Messrs/Mesdames Mr TB Mbhele (City Manager), M Mhlongo (Head: Legal & Compliance), S Mfingwana (Deputy Head: Litigation: Legal and Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), T Ndlovu (Senior Manager: Secretariat) and SC Khumalo (Manager: Council Committees).

(At the commencement of the meeting 195 Councillors were present, comprising ANC - 92, DA - 55, EFF - 15, IFP - 15, ASA - 03, ABC - 02, ACC - 01, ACDP - 01, AIC - 02, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 01, DLC - 00, JEP - 00, KZNI - 01, MF - 01, MOSA - 00, NFP - 01, PFP - 01, PRM - 01, TA- 00, UIM - 01 and VF Plus - 01).

1. NOTICE CONVENING THE MEETING

The City Manager, Mr TB Mbhele read the notice convening the meeting as per the statutory requirement.

2. OPENING

The Speaker declared the meeting open at 10h11 and extended a warm welcome to Councillors, Traditional Leaders, City Manager, Deputy City Managers, Head: Legal and Compliance, other Unit Heads and Members of the Administration. A special welcome was also extended to the 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 The South African Soccer Team, Bafana Bafana was congratulated for their performance during the 2024 African Cup of Nations where they claimed third position and thus obtaining the bronze medal.
- 5.2 Members were informed that the Council meeting will be three-fold commencing with the continuation of the Council meeting that was adjourned on 31 January 2024 and will be followed by the Special Council meeting convened to consider an urgent Notice of Motion (Dissolution of Council) and later consider In-Committee matters.
- 5.3 Councillors were reminded to conduct themselves in dignity and decent manner during the proceedings of the Council meeting and adhere to the Councillors Code of Conduct.
- 5.4 Best wishes were extended to the Councillors that had celebrated their birthdays in the month of February 2024.
- 5.5 Congratulatory remarks were extended to the Municipality for the recognition in the Municipal Service Excellence Awards ceremony organized by KwaZulu Natal Department of Co-operative Governance and Traditional Affairs on the following:
- Best Land Use Management Public Awareness Programme
 - Most Functional Community Service Centre with best 4IR implemented: Mnini Sizakala Customer Centre
 - Cleanest Township and Best Waste Management Outreach Programme- Ntuzuma Township

6. SPEAKER'S REPORT

There was no Speaker's Report presented at this meeting.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Regarding the Applications for Leave of Absence submitted for this meeting, it was accordingly,

RESOLVED:

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

COUNCILLOR

Councillor MH Buthelezi	:	2024-02-14 (To leave at 16h30)
Councillor J Essop	:	2024-02-14 (Personal Commitments)
Councillor K Khambule	:	2024-02-14 (To join the meeting late)
Councillor BA Mchunu	:	2024-02-14 (Indisposed)
Councillor NP Mchunu	:	2024-02-14 (To leave at 12h00)
Councillor T Miya	:	2024-02-14 (Indisposed)
Councillor Z Mncwango	:	2024-02-14 (To join the meeting late)

Councilor LG Mthembu	:	2024-02-14 (Indisposed)
Councillor D Motseke	:	2024-02-14 (Personal Commitments)
Councillor OB Mvubu	:	2024-02-14 (Indisposed)
Councillor NT Tyelinzima	:	2024-02-14 (To leave at 12h00)
Councillor MR Nxumalo	:	2024-02-14 (To leave at 12h00)
Councillor P Pillay	:	2024-02-14 (Personal Commitments)
Councillor B Shange	:	2024-02-14 (Personal Commitments)
Councilor Z Tshazela	:	2024-02-14 (Personal Commitments)
Councillor G Zondi	:	2024-02-14 (Personal Commitments)

AMAKHOSI

There was no application for leave of absence received for Amakhosi.

Councillor Mthethwa of the DA drew the attention of Council to the Rules of Order, By-Law, 2014 as amended, with specific reference to Rule 12 (2) read as follows: -

“The Speaker may change the order in which the matters appear on the agenda after considering suitable motivation.”

In this regard, Councilor Mthethwa requested indulgence of the Speaker to amend the order of proceedings for this meeting and to allow the Notice of Motion contained in the Special Council Agenda (Dissolution of Council) to be considered prior to the Council Agenda for the adjourned Council meeting of 31 January 2024.

However, the above proposal from Councillor Mthethwa was dismissed by the Speaker and ruled that the order of procedure be considered as previously outlined.

8. **DECLARATION OF INTEREST**

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

9. **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:

9.1 **Questions submitted by Councillor B Mzamo: Abuse of Municipal Vehicles (8/3/1/7):**

Noting that the city has a Fleet Management Policy approved in 2017 which seeks to ensure that all fleet in the city is managed and operated following certain rules and procedures, it is prudent to ascertain if the administration operates in line with these to ensure no abuse on municipal vehicles.

In light of the above, the following questions were raised:

- 1. How many operating light motor vehicles, heavy motor vehicles and heavy plant vehicles does City Fleet own and manage?**
- 2. How many operating light motor vehicles heavy, heavy motor vehicles and heavy plant vehicles does the various Units have and manage?**

3. **How many take home vehicles and who or what positions do the Drivers hold for the period 1 July 2021 to 1 December 2023. Please specify vehicle details.**
4. **How many dedicated vehicles and who or what positions do the Drivers hold for the period 1 July 2021 to 1 December 2023? Please specify vehicle details.**
5. **How many vehicles are presently unlicensed? If there is, why?**
6. **How many vehicles have a tracking device that is functional?**
7. **How many vehicles have been disposed of between the period 1 July 2016 till 1 July 2022? Please specify:**
 - (a) **Disposed because the vehicles have reached the end of their economic lifespan?**
 - (b) **Disposal because it has become uneconomical to maintain or repair the vehicle/s?**
 - (c) **What process was followed to dispose of the vehicles?**

The responses to the above questions are as follows:

1. eThekweni Municipality currently have a total fleet size of approximately 8000 vehicles which includes, Light Vehicles, Trucks, Heavy Plant, Buses, etc.

Below reflects fleet composition for various Units:

City Fleet	Water and Sanitation	Cleansing and Solid Waste	Electricity	Total
3363	2088	630	1798	7879

City Fleet provides a comprehensive fleet management support to the municipality which includes:

- Corporate Policy
- Procurement of vehicles
- Vehicle Registration and Licensing
- Vehicle Monitoring
- Motor Vehicle Accidents (Investigations & Repairs)
- Cost Benefit Analysis
- Vehicle Maintenance & Repairs
- Vehicle Disposal

It must be noted that Trading Services Units (eThekweni Water and Sanitation, Cleansing and Solid Waste & Electricity) have dedicated fleet personnel that provide fleet management support which includes vehicle registration, licensing, Certificate of Fitness and other fleet administrative functions.

City Fleet provides Technical Support to eThekweni Water and Sanitation and Electricity Units and specialised Cleansing and Solid Waste fleet being maintained and serviced by their technical team.

2. Responded to in 1 above.
3. The primary objective of the municipality is to provide services to the communities, as a result some Units have 24 hours/7 days a week operation. These Units provide essential services. In meeting their service delivery mandates, the Units have formed standby teams that can attend to service delivery issues immediately. The standby teams are granted permission by the Unit Heads to take vehicles home while on standby. This enables the teams to immediately respond to call outs.

The number of vehicles taken home varies from time to time based on the operational demands of the Units providing the essential services. As part of minimizing vehicle abuse, City Fleet generates and communicate After Hour Usage reports which get communicated with the relevant Unit Heads. City Fleet developed protocols and procedures that must be followed by the Departments when granting permission for the After Hour Usage.

4. City Fleet's responsibility is to provide reliable fleet to user departments, the allocations are determined by the user departments based on their operational demands.
5. In terms of the National Road Traffic Regulations, all vehicles must be licensed to be on the road. The regulations require vehicles to be tested and be issued with a Certificate of Roadworthiness (CRW) once per annum for general fleet and twice per annum for public transport vehicles (Buses). City Fleet ensures that all vehicles managed by the Unit are licensed before the expiry of the exist license. This include preparation of the vehicles before being sent to the test stations.
6. eThekweni Municipality currently have a total fleet size of approximately 8000 vehicles, all the vehicles are fitted with the Vehicle Tracking device. The tracking devices fitted into the vehicles help to monitor the vehicle, generation of various management report, etc.
7. eThekweni Municipality has managed to dispose 1392 vehicles that have reached their optimal lifespan since 1st July 2016 to July 2023. The disposal is conducted through public auction process in line with the Supply Chain Management regulations.

9.2 Questions submitted by Councillor A Beesley: Development of the Oceans Mall Umhlanga (31/2/1/5/2):

The Ocean Umhlanga Development has been approved as a Catalytic Project. Whilst there may be some positive benefits from this development as things currently stand, this development has been largely negative for the residents and tourists of Umhlanga.

Within this context, the following questions were posed:

1. **The development was approved as a catalytic project on the basis that additional income of R135 million would accrue to the City from rates and service charges.**
 - **On a monthly basis how much is currently accruing to the city from rates and service charges from the development?**
 - **If there is a shortfall from the approved amount of R135 million, is the Developer being held responsible for this shortfall?**
 - **If not, why not?**

2. **Two of the towers remain uncompleted and are an eyesore.**
 - **Is the Developer being charged rates on these two towers and the unbuilt bulk?**
 - **If not, why not?**
 - **Has the Developer been given a deadline to complete these two towers?**
 - **If so, when is the deadline?**
 - **If not, why not?**
3. **The roads and infrastructure around the development can be best described as a mess and will have enormous impact if not resolved before the festive period.**
 - **When will the roads and infrastructure around the development be completed?**
 - **If not before the festive period, what plans has the city got in place to ensure that there is no traffic chaos?**
4. **Since the development started, Umhlanga beaches have been closed often due to high E-coli levels.**
 - **Is the city constantly monitoring the impact that the development is having on the sewage infrastructure?**
5. **Since the development was approved on the basis that a Public Transport Facility (PTF) was in place.**
 - **Why was the Developer was not compelled to adhere to the original PTF?**
 - **What is the alternate PTF solution that will be implemented?**
 - **When will this alternate solution be implemented?**
6. **The development has a massive outdoor advertising screen.**
 - **Does the outdoor advertising screen meet all the city By-laws with particular reference to the Outdoor Advertising By-law?**
 - **If not, what is being done about it?**
7. **There is constant noise coming from the development late at night.**
 - **Does the development and its tenants comply with the Nuisance and Behaviour in Public Places By-Law?**
 - **If not, what is being done about it?**
8. **The development has a special parking bay reserved for supercars.**
 - **What is the definition of a supercar?**
 - **Does Metro Police do regular checks on this parking bay to ensure that these cars are properly registered and have number plates?**
 - **Do Councillors and city officials park in these reserved parking's?**

Councillor BT Ntuli provided the following responses:

1. As per the Council report of 15 December 2020 and 26 June 2021, the anticipated annual revenue to the City was R91 million. The R135 million was the anticipated cash flow requirements by the City towards the Public Transport Infrastructure.

The current monthly rates and service revenue for Oceans Development is approximately R5,5 million which equates to R66 million per annum. If water and electricity revenue is included, the revenue amount increases to R84 million per annum, which is conservative given the load shedding and frequent water supply interruptions experienced.

The last phase of the development, which is the residential towers, is still under construction. Once these are completed within next two years, the revenue growth will exceed the estimated amount of R91 million per annum.

2. Yes, rates are based on market value of the entire site at time of valuation, including the ‘un-built bulk’ of the residential towers. On completion of residential sites, a re-evaluation will take place, after which the rates will increase accordingly.

No, in terms of the Regulations there is no deadline for development to be completed.

3. The majority of the public transport infrastructure including roadworks, landscaping, retarring of Lagoon Drive and traffic signals installation (except at Oceans/Pearls entrance) were practically complete before the festive period in December 2023.

The remaining works including the PTF extension, traders shelters, and paved sidewalks is scheduled to be completed by mid-February 2024.

4. Development applications included the expected sewer outflows into the sewerage infrastructure. The development does not have any additional impact from what was approved.
5. Due to financial pressure that the city was facing post COVID and unrest, the City made a decision that an alternative at-grade solution for the PTF needs to be considered which would reduce costs, from the underground PTF as per the SPLUMA approval in 2016.

There are ongoing engagements taking place between the various affected stakeholders to come up with a suitable alternative PTF solution. This entails implementation of the following facilities for the different transport modes: Taxi Holding, Bus Holding, Bus ranking and Taxi Holding.

It is anticipated that an alternative solution should be reached by the parties by June 2024, which would then be subject to SPLUMA amendment process which could take between 6 -12 months, before implementation can then start.

6. Oceans Mall applied for the 2 Advertising Billboards and same were refused by the relevant Department. This decision was taken on appeal to the City Manager and same is still being processed.
7. Metro Police enforces the Nuisance By-law for all establishments in the area, including Oceans Mall. Metro Police will be requested to conduct an assessment and confirm noise compliance. Such an assessment needs to take into account that uMhlanga Village is a tourist attraction node with a number of restaurants, hotels and places of entertainment, including providing a vibrant nightlife. This

provided the much positive economic boost, even during the 2023 festive season which witnessed more rainy days.

8. The ‘special parking bay’ in question forms part of private property. Metro Police performs law enforcement on all public road users as per their standard operating procedure.

This falls outside the powers and functions of the municipality.

As stated above this is private parking area managed by the Oceans Mall.

9.3

Questions submitted by Councillor N Bollman: Neglect of the Glenashley Open Spaces in Ward 35 (23/2/1/3/3/1):

In Glenashley, a suburb in Ward 35, an expense of approximately 62,000m² of once maintained open spaces has fallen into disarray. The eThekweni Parks Department, responsible for its care until 2019, ceased maintenance citing the entire span of vacant property within Glenashley as privately owned by the suburb’s original Developer from the 1950s.

The shift in responsibility has resulted in the suburb’s overall appearance becoming untidy, leading to concerns beyond aesthetics. The neglect has coincided with an increase in criminal activities and a decline in property values. Additionally, the neglect conflicts with Section 6 (1) of the Nuisances and Behaviour in Public Spaces By-law, 2015 which prohibits interference with public service infrastructure or causing inconvenience to those using public roads.

In light of the above, the following questions are raised:

1. **Has the privately owned entity responsible for these properties been identified by the eThekweni Municipality?**
2. **Could you provide specific details regarding the ownership of the said properties including the name of the entity or individual(s) owning the property, contact details and any other pertinent information?**
3. **Is the privately owned entity a registered ratepayer within the eThekweni Municipality?**
4. **Is the entity receiving monthly utility bills for the approximate 62, 000m² property in question?**
5. **Are the rates for this property up to date in terms of payment to the municipality?**
6. **Is there an existing Memorandum of Understanding (MoU) or any formal agreement between the municipality and the privately owned entity regarding the upkeep of these properties?**
7. **Has the Director or responsible party for the privately owned property been located and contacted by the municipality concerning this matter?**

8. **If contact was established, what was the outcome of this interaction, if any?**
9. **What contingency plans or measures are in place to deal with this particular situation in Glenashley?**
10. **Providing the privately owned entity is not registered ratepayer, what will the municipality do in order to:**
 - **Recover rates**
 - **Bill the entity accordingly?**
11. **What contingency plans or measures does the municipality have in place to maintain privately owned properties when they contravene municipal By-laws or regulations, particularly in relation to Section 6 (1) of the Nuisances and Behaviour in Public Spaces By-Law, 2015?**

It was noted that the responses in respect of the above questions will be e-mailed to Councillor Bollman.

9.4

Questions submitted by Councillor GJ Hegter: Shortage of Lifeguards in the 2023/2024 Holiday Season 2/3/4):

With the 2023/24 holiday season ending, it needs to be recognized that it is only due to the dedication of our professional Lifeguards that only one drowning was recorded over this period. It is understood that over this period there was severe shortage of lifeguard on beaches and public swimming pools.

In light of the above, the following questions were raised:

1. **How many permanent Lifeguards do we currently have in service?**
 - (a) **On the beaches?**
 - (b) **At swimming pools?**
2. **How many of these Lifeguards passed their annual swim test?**
 - (a) **On the beaches?**
 - (b) **At swimming pools?**
3. **How many temporary Lifeguards are currently employed?**
 - (a) **On the beaches?**
 - (b) **At swimming pools?**
 - (c) **If none, why not?**
4. **How many seasonal Lifeguards are currently employed?**
 - (a) **On the beaches?**
 - (b) **At swimming pools?**
 - (c) **If none, why not?**

Councillor Z Sokhabase provided the following responses:

1. On the beaches there are 106 permanent Lifeguards for the entire coastline and the breakdown is as follows:
 - (a)
 - Northern beaches: 29
 - Central beaches: 55
 - Bluff beaches: 7
 - Southern beaches: 20
 - (b) At swimming pools there are 41 permanent Lifeguards.
2. 93 beach Lifeguards and 41 swimming pool. Lifeguards passed their annual re-tests the remainder will be re-tested from the 4th of January 2024.
3. On the beaches there are 44 temporary Lifeguards for the entire coastline, and they are on 5 months contract. The breakdown is as follows:
 - (a)
 - Northern beaches: 03
 - Central beaches: 26
 - Bluff beaches: 2
 - Southern beaches: 13
 - (b) At swimming pools: 0
4. On the beaches, the seasonal Lifeguards are as follows:
 - (a)
 - Northern beaches: 0
 - Central beaches: none
 - Bluff beaches: 0
 - Southern beaches: 0
 - (b) At swimming pools: 63

9.5

Questions submitted by Councillor M Ismail: Hijacked buildings in the Durban Central Building District and other areas (23/2/1/3/3/1):

Hijacked buildings in the Durban CBD and other areas are nothing less than a real estate pandemic. This systematic exercise of real estate invasion is notable costing the city and losses on revenue are running into millions of rands.

Given the above, the following questions were raised:

1. **What is the magnitude of hijacked buildings in the eThekweni Municipality precinct?**
2. **Who are role players, or people responsible for the hijacked building rehabilitation process and is there a constructive plan for the recovery of these buildings?**
3. **Has the City brought any criminal charges against slumlords or syndicates operating these buildings?**

4. **Is the City engaging with owners in terms of debt relief and recovery of their buildings in partnership with landowners?**
5. **What would be the quantum in rand value of rates, electricity and water as Cleansing and Solid Waste services losses to the city due to bad buildings?**
6. **What is being done about illegal electricity and water connections to these buildings?**
7. **What is the timeframe by the City to resolve the issue of illegal occupation or hijacked buildings?**
8. **Do we have a list identifying bad buildings in the city and can this be provided?**
9. **Have the owners of these buildings ever been contacted by the city to find a solution to the decay and possible invasion of more building?**

Councillor BT Ntuli provided the following responses:

1. There are currently 86 declared problem buildings in the eThekweni Inner City of which 65 are privately owned and 21 in the ownership of different state departments. Of the total declared problem buildings, 16 are hijacked which means they are not in control of their rightful owners.
2. The owners of buildings are ultimately responsible for the rehabilitation of their dilapidated buildings. In the event there is non-cooperation or where owners are unknown, the municipality is empowered to intervene on a cost recovery basis.

The municipality has a strategy in place for the eradication of problem buildings which is being implemented since the 2019/20 financial year. Both internal and other external departments are participating in the implementation of the strategy which has yielded the following results thus far:

• Refurbishments	= 19
• Demolitions	= 9
• Dangerous Situations Resolved	= 6
• Hijacked Buildings back in owners' control	= 13
• Appointment of Administrators	= 6

It must be noted that another significant percentage of buildings is currently undergoing various legal processes.

3. Yes. In addition, the city works closely with the building owners to achieve compliance and hence the achievement reported above where previously hijacked buildings are now back in the control of rightful owners. The municipality has also applied for Court Orders to evict illegal occupants from its own buildings but there is a push back against these efforts by some NGOs who are working to protect slumlords by applying for court interdicts. The latter is affecting the city's law enforcement actions towards addressing this challenge.

4. Yes, engagement with owners is ongoing and this covers different aspects including but not limited to:
 - Debt relief
 - Incentives
 - Rights and responsibilities
 - General awareness
5. An exercise is currently being undertaken by our Treasury to determine the quantum. Once this exercise is completed, the provisions of credit control and debt collection policy will be invoked. A report will be submitted to Council before the end of the current financial year to provide progress related to problem buildings programme of action.
6. As part of the blitz operations on problem buildings, known or discovered illegal connections are dealt with in line with departmental processes and mandates. These include further investigations for confirmation, disconnections, or the complete removal of affected meters from site.
7. This challenge remains one of the top priorities during this term of Council. The city has an annual action plan to address this problem and solutions are couched based on the merits of each case being dealt with and these trigger different legal processes with varying timelines. Law enforcement interventions are being upscaled to intensify the city's efforts in this regard.
8. A comprehensive list is in place and same is continuously updated as existing cases are closed and new ones added. A simplified version of the list may be made available within the confines of the Protection of Private Information Act (POPI).
9. Yes, there is engagement with owners individually and collectively on an ongoing basis.

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

FIRST REPORT OF THE EXECUTIVE COMMITTEE

Meeting held 2024-01-23)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, Y Govender, NI Madlala, TM Mthethwa, MS Nkosi, BT Ntuli and ZR Sokhabase.

ABSENT : Executive Committee Member OB Mvubu (Personal Commitment).

1. AUDIT COMMITTEE REPORT FOR THE FIRST QUARTER ENDED
30 SEPTEMBER 2023 (11/1/3)

(Page 1)

The Chairperson of the Audit Committee presented the audit outcome for the period ended 30 September 2023. In his opening remarks, he congratulated the Municipality for obtaining an unqualified audit report, with its entities obtaining clean audit, and pointing out that this was as a result of collective efforts by both the political and the administrative leadership of the Municipality. The Chairperson then presented the findings as recorded from page 3 of the Audit Committee Report circulated separately. Recorded below is just a synopsis of the findings:

- i) Inadequate internal controls and Standard Operating Procedure to guide the operations in a structured manner under Information and Communication Technology
- ii) Inability of the management to meet set deadline for the Oracle CX, Customer Relations Management project
- iii) The Municipality still not compliant with the Protection of Personal Information (POPI) Act
- iv) Ineffective management of employment contracts resulting in certain employees working and remunerated while their contracts have already expired. Others being engaged without signing a formal contract
- v) Lack of coordination in relation to the supply chain management contracts awards and thus imposing financial risk as some of the projects are funded through loan and grant funding.
- vi) No dedicated Department to focus on implementing the Non-Revenue Water Plan
- vii) No Strategic Business Plan in place to guide operations of the Engineering Unit, and with the Unit recording high vacancy rate of 59% for Architecture; Electrical; Asset & Facilities Management Department
- viii) No Strategic Business Plan in place in Water & Sanitation Unit, with the Unit also recording high vacancy rate of 52%. Shortage of tools of trade such as vehicles also hindering the performance of the Unit
- ix) No Strategic Business Plan in place in the Cleansing and Solid Waste Unit and the human resources capacity of the division lacking by 29% of the current approved structure

The Committee welcomed a comprehensive report by the Chairperson, and also received Management responses on plans implemented or to be implemented to clear the findings identified.

During discussions, the Committee raised views as per the points recorded below:

- i) Management was commended for improvement effected to achieve unqualified audit. Furthermore, both entities were commended for achieving clean audit during this quarter.
- ii) Whilst acknowledging the slight improvement in Non-Revenue Water, However, attention was drawn to the significance of addressing water leaks throughout the Municipality.
- iii) Reservations were raised on the poor attendance of Senior Officials at the DCM level at the Audit Committee. That for the Committee to achieve accountability and proper responses for informed decision, it was crucial for Senior Management to attend the meetings.

- iv) Furthermore, the Committee expressed dissatisfaction with the slow progress for the Municipality to be POPIA compliant. That further delays could subject the Municipality to fines.
- v) Reservations were further extended on the existing challenges of the Supply Chain Management (SCM) processes which constantly hinders service delivery. That solutions should be explored further to find a lasting solution.
- vi) Management was encouraged to work on these findings to find lasting solutions and that political interventions will be given where required.
- vii) The Committee reiterated the importance of rezoning the Inkosi Albert Luthuli International Convention Centre (ICC) precinct to best complement its operations and to maintain its international standard. That support should also be given to the Durban Marine Theme Park to ensure that it thrive in its operations for both entities to continue achieving clean audit.

The issue of Management representation in the Audit Committee was discussed, and the City Manager confirmed standing arrangement for the Executive Manager in his office to serve as a permanent representative in the Audit Committee while he pursues other overwhelming responsibilities. The Office of the City Manager to also ensure representation of Deputy City Managers in the Audit Committee.

With the Committee having noted the Audit and Risk Committee findings; as well as commitments made by the Management to continue attending to these issues,

COMMITTEE RECOMMENDS:

That the Audit Committee Report for the first quarter of the 2023/2024 from 01 July to 30 September 2023, submitted in terms of Section 166 (1) of the Local Government: Municipal Finance Management Act No. 56 of 2003 and Section 14(2)(a) of the Local Government Municipal Planning & Performance Management Regulations, to advise Council of the activities of the Audit Committee and the results of its quarterly reviews of the systems of internal financial control; internal audit; risk management processes; financial reporting; performance management; governance; compliance with laws and regulations; and any other issues referred by the Municipality or its Entities; be noted, as well as the Management responses related thereto.

Commencing the debate and looking on challenges continuing to be a worry factor and to attract audit findings, the DA expressed concerns that the City Manager only established the Water Working Committee in December 2023 whereas water challenges have been ongoing for some time. On the other hand, they also cited some ongoing challenges in respect of streetlights not functioning, residents being in huge arrears towards the payment of Municipal services. Reference was made to the concern raised by the Audit Committee regarding poor attendance by the City Manager and at times some of the Deputy City Managers was considered worrying and to cause lack of accountability at the executive management level.

Noting the report, the EFF mentioned that issues relative to inadequate internal controls, failure to comply with POPI Act, supply chain management challenges as well as lack of decisive leadership continued to be a going concern.

Joining the debate, the IFP shared the same sentiments raised by the previous speakers in particular emphasising the point of holding the management accountable due to ongoing water and sanitation challenges as well as cleansing and solid waste issues.

Contrary to the previous speakers, the ANC welcomed the report and noted the issues contained therein and taking into account commitments by management to address same as per the feedback report presented to the Executive Committee in response to the audit findings reported. On the issue of water challenges, mention was made that these were being attended to and this was supported by the fact that the Municipality had commenced to install water meters to ensure that water leakages were addressed and monitored. The action to terminate the contract of the service provider for failure to provide the required information on the status of the dam levels was also reported. It being further reported that plans were underway to connect meters to communal taps and community ablution facilities with a view to reducing non-revenue water. The ANC was also pleased with the intervention made to deploy plumbers to fix water leaks in various Wards.

Thereafter, the recommendations were **NOTED.**

2. APPROVAL OF RISK APPETITE AND TOLERANCE POLICY (2/10/1/1/8)

(Page 32)

In line with Section 62(1)(c) (i) and Section 95 (c) (i) of the Local Government: Municipal Finance Management Act No 56 of 2003, the eThekweni Municipality has developed the Risk Appetite and Tolerance Policy to ensure that the Municipality and its entities establish effective and efficient risk management processes. The purpose of the policy is to indicate how much risk the Municipality can take or reject for each category of risk.

The benefits of developing the Risk Appetite and Tolerance Levels are highlighted as follows:

- The Risk Appetite and Tolerance levels establishes acceptable parameters to drive risk taking throughout the Municipality;
- It provides a structure for monitoring the level of risks to be taken or accepted at strategic or operational levels in order to achieve desired objectives;
- Knowing the defined risk appetite and tolerance helps Management and the Oversight Structures to make informed decisions;
- It assists the Municipality to make decision based on what has been determined to be acceptable risk levels; and
- It improves focus on monitoring risks that require attention as they may be outside of determined acceptable levels, therefore detrimental to achievement of objectives.

With the Committee being in support,

COMMITTEE RECOMMENDS:

That Council approves the Risk Appetite and Tolerance Policy established in line with Section 62(1)(c) (i) and Section 95 (c) (i) of the Local Government: Municipal Finance Management Act No. 56 of 2003 to ensure effective and efficient risk management process.

REFERENCE BACK

In terms of Rule 20 (1)(c) of the Rules of Order By-law 2014, as amended Councillor Burne, seconded by Councillor Liang moved that the recommendations of the Executive Committee be referred back to the Finance Committee for detailed consideration of the content of the Risk Appetite and Tolerance Policy in its entirety.

As some Councillors were not in support of the reference back, the matter was put to a vote.

With 197 Councillors present, 79 Councillors (DA-55, IFP-15, ActionSA-03, ACDP-01, ADEC-01, APF-01, MF-01, UIM-01 and VF PLUS-01) voted in support of the reference back and 102 Councillors (ANC-92, ABC-02, ACC-01, AIC-02, ATM-01, AL JAMAH-01, KZNI-01, NFP-01 and PFP-01) voted against the reference back. 16 Councillors (EFF-15 and PRM-01) abstained. Thereafter, the reference back was by a majority vote NOT CARRIED.

At this stage of the proceedings (11h24-11h28) the DA requested for a caucus break, and this was duly granted.

At the resumption of the proceedings after the caucus, the DA confirmed that the caucus was to firm up their position on this matter and that they are now ready for a debate.

Reverting to the substantive matter, the DA expressed that since this was a new policy, it was prudent for it to be referred to the Finance Committee with a view to allowing for further insight thereby ensuring all relevant factors are covered in the policy document.

The IFP as well as the ActionSA also shared the same sentiments as expressed by the DA in referring the policy to the Finance Committee. Also views were submitted emphasising that the relevant officials should ensure that the policy once approved is effectively implemented to achieve intended results.

The ANC welcomed the policy as it was much needed to ensure that the municipality was protected against potential risks that may arise from time to time.

As some Councillors were not in support of the recommendations, the matter was put to a vote.

With 191 Councillors present, 116 Councillors (ANC-91, EFF-16, ABC-02, ADEC-01, MOSA-01, NFP-01, PFP-01, PRM-01, TA-01 and UIM-01) voted in support of recommendations and 75 Councillors (DA-55, IFP-15, ActionSA-03, ACDP-01 and MF-01) abstained. Thereafter, the recommendations were by majority vote **ADOPTED**.

3. REQUEST TO APPROVE UNBUNDLING OF THE COMMUNITY INFRASTRUCTURE PROGRAM IN THE 2023/2024 FINANCIAL YEAR. (7/1/2/2)

(Page 46)

It will be recalled that on 31 May 2023, the Municipal Council approved the 2023/2024 Medium Term Revenue Expenditure Framework (MTREF) in accordance with Section 24(1) of the Local Government: Municipal Finance Management Act No. 56 of 2003. At that stage, the Community Infrastructure Project (CIP) allocation was approved as a consolidated capital project pending receipt of projects listing through Councillor submission, and which were not yet finalized at the time of budget approval.

Councillors have since submitted relevant projects listing hence the submission for authority to unbundle the CIP allocation. A total amount of R333 000 000.00 (Three Hundred and Thirty-Three Million Rand) will be shared amongst the one hundred and eleven (111) Wards under the CIP budget.

With all Members being in support,

COMMITTEE RECOMMENDS:

That authority be granted to unbundle blocksum in the amount of R333 000 000.00 (Three Hundred and Thirty-Three Million Rand) for allocations to individual Wards in accordance with submissions from the Ward Councillors to pursue Community Infrastructure Program (CIP) within the 2023/2024 Medium Term Revenue Expenditure Framework (MTREF).

Financial Implications:

ESTIMATES FOR 23/24 Financial Year	
ODCM: HSET P&Gs	59 940 000.00
ETHEKWINI TRANSPORT AUTHORITY	17 986 000.00
ETHEKWINI WATER AND SANITATION	51 885 300.00
HUMAN SETTLEMENTS	48 685 700.00
PARKS, RECREATION AND CULTURE	78 174 000.00
ROADS PROVISION	76 329 000.00
CIP BUDGET FOR 23/24 FINANCIAL YEAR	333 000 000.00

CIP CLUSTERS	BUDGET PER CLUSTER
ODCM: HSET P&GS + PSPs	59 940 000.00
HSET CLUSTER	143 000 700.00
TRADING SERVICES CLUSTER	51 885 300.00
COMMUNITY EMERGENCY CLUSTER	78 174 000.00
TOTAL	333 000 000.00

The IFP welcomed the report with reservations, emphasising that the programme should ensure that service delivery challenges are addressed and that the programme is fasttracked. In that regard they requested that efforts be made to implement the programme in its entirety with no delays.

The ANC pointed out that when the CIP programme was adopted, it was agreed that R3 million be allocated for each Ward and that submissions were made accordingly by Councillors and which submissions aligned with the project that the that they require to be implemented in their respective Wards. That the unbundling process would therefore assist in ensuring that the identified projects are implemented thus responding to service delivery issues.

The recommendations were thereafter, **ADOPTED.**

4. UPDATE REPORT ON INTERVENTIONS TAKEN TO RESPOND TO DAMAGES CAUSED BY DISRUPTIVE HEAVY RAINFALL OF JANUARY 2024 (29/2/2/2)

(L110)

During discussions, the Committee raised views as per the points recorded below:

- The Committee welcomed comprehensive report and appreciated efforts made by the Municipal departments to provide immediate responses during the recent heavy rains.
- Condolences were extended to families who lost their loved ones during this period.
- With harsh weather conditions becoming common in eThekweni, members emphasized the need to build better to ensure infrastructure is able to withstand heavy rains.
- Attention was drawn to the need to implement the City's Climate Change Strategy to enable effective mitigating measures from the Municipal departments during disasters.
- A need to install trash traps on stormwater drains was emphasized to prevent waste from infiltrating the drainage systems to protect rivers and streams.
- Attention was further drawn to the need to accord Municipal employees with similar benefits as those provided to regular citizens during disaster crisis. That some employees are unable to afford insurance for their properties.
- With regards to recent water outages in the City, concerns were expressed regarding poor coordination of water tankers. Mention being made that people were left without any solution due to non-availability of water tankers.
- Other Government Spheres through District Development Model (DDM) were called to play their key role in providing relevant resources for effective response during disasters rather than the Municipality being required to reprioritize its budget.

- With water tankers being considered critical during emergencies and eThekweni Municipality having insufficient capacity, the City Manager and the Chief Financial Officer (CFO) were encouraged to source funding to finances procurement of additional water tankers during this financial year.
- Furthermore, the City Manager and the CFO were encouraged to establish a turnaround strategy to address existing bottlenecks within the Supply Chain Management (SCM) processes resulting to delays to conclude projects at given timelines.
- For effective interventions during disaster crisis, the Municipality was encouraged to develop a mechanism at the Ward level to identify people willing to assist their respective communities when faced with disasters to achieve immediate responses.
- Attention was drawn to the need for relevant structures to review some of the curriculum, particularly in the Engineering Sector for designs to be responsive to current climatic conditions.
- That the Executive Committee will convene a 2-day workshop for all Municipal departments to present realistic approach and implementation of the Municipal Climate Change Action Plan.
- That uMngeni-uThukela Water will be invited to provide Councillors with necessary information to understand their challenges as their operations affect the communities of eThekweni Municipality which affects the image of the City.

Thereafter, Management noted comments made by the Committee, particularly on building better, taking into consideration current climatic conditions being experienced. That in view of water tankers status, One Hundred and Fifty-Seven (157) Municipal-owned and One Hundred and Five (105) hired active water tankers the Municipality should ensure effective deployment of water tankers.

Accordingly,

COMMITTEE RECOMMENDS:

- 4.1 That Council notes comprehensive update report representing various eThekweni Municipal Units and their flood disaster recovery cost incurred after disruptive rainfall which occurred in the eThekweni area on 13 and 16 January 2024.
- 4.2 That Council notes that following preliminary assessments on the overall damages, a total of R1 408 451 583.00 (One Billion Four Hundred and Eight Million Four Hundred and Fifty-One Thousand Five Hundred and Eighty-Three Rand), excluding VAT, is required to implement necessary recovery plans.
- 4.3 That Council notes that requests for assistance with burials have been received by the Office of the Mayor to assist floods victims.

- 4.4 That Council supports the application by the eThekweni Human Settlements Unit to the National Department of Human Settlements to fund damages listed in the table below at an amount of R282 360 000.00 (Two Hundred and Eighty-Two Million Three Hundred and Sixty Thousand Rand) of the preliminary costs submitted:

No	Items	Number of Units affected	Cost per Unit	Total Cost estimates
1	BNG	200	R 180 000	R36 000 000.00
2	Informal Settlements Shack	3600	R 12 000	R43 200 000.00
3	Hostels	178	R 220 000	R39 160 000.00
4	R293	655	R 190 000	R124 450 000.00
5	Council flats (retaining blocks)	48	R 350 000	R16 800 000.00
6	Retaining Walls	350	R 65 000	R22 750 000.00
TOTAL				R282 360 000.00

- 4.5 That Council support the request for budget reprioritization to fund the emergency repairs being undertaken by various departments to respond to the flood damages.
- 4.6 That Council supports Disaster Management for the submission of the preliminary report to the Provincial Disaster Management Centre for inclusion to the Provincial report being submitted to National Disaster Management Center for approval of a disaster declaration following the announcement of a classification in line with the Disaster Management Act 57 of 2002.
- 4.7 That Council notes that a detailed report will be submitted and comprising updated cost implications, relief provision, burial assistance provided, and emergency repairs undertaken.

Financial Implications:

1. Human Settlements:

No	Items	Number of Units affected	Cost per Unit	Total Cost estimates
1	BNG	200	R 180 000	R36 000 000.00
2	Informal Settlements Shack	3600	R 12 000	R43 200 000.00
3	Hostels	178	R 220 000	R39 160 000.00
4	R293	655	R 190 000	R124 450 000.00
5	Council flats (retaining blocks)	48	R 350 000	R16 800 000.00
6	Retaining Walls	350	R 65 000	R22 750 000.00
TOTAL				R282 360 000.00

2. **Engineering:**

Item No.	Department	Cost Estimate
1	Coastal Stormwater and Catchment Management (Drainage Systems)	R660 062 000
2	Roads Provision (Bridges & Roads)	R129 330 000
3	Roads & Stormwater Maintenance (RSWM0 gravel roads and roads network damages)	R209 760 583
	Total	R999 152 583

3. **Water and Sanitation Department:**

Item No	Description	Cost Estimate
1	Water operations: Damage to Water Works and Main Trunk lines	R11 800 000
2	Sanitation: Damage to wastewater treatment works	R107 000 000
	Total	R118 800 000

4. **Parks, Recreation and Culture:**

Item No	Description	Cost Estimate
1	Damage to public facilities, workshops and equipment	R7 139 000
	Total	R7 139 000

5. **Health Unit:**

Item No	Description	Cost Estimate
1	Primary Health Clinic damages to buildings	R1 000 000
	Total	R1 000 000

Integrated Cost Implications:

Department	Estimate Costs
Engineering	R 999 152 583.00
Human Settlements	R 282 360 000.00
Health	R 1 000 000.00
Parks Recreation & Culture	R 7 139 000.00
EWS- Water and Sanitation	R 118 800 000.00
Total	

Commenting on the matter, the DA reiterated its position on the issue of floods versus the state of infrastructure with the City of eThekweni. Also touching on what appeared to be disintegrated co-ordination process within the Unit responsible to respond during the flood damages. This including uncoordinated process to distribute water tankers to communities experiencing lack of water supply as a result of damaged water infrastructure. That a situation of being exacerbated by the lack of supply chain management processes directly dedicated to respond to disaster related emergencies.

Therefore, the overall view by the DA was that floods have just exposed ongoing challenges including lack of proper maintenance plan for the city infrastructure.

Moreover, the DA also referred to a proposal to identify people at the Ward level to assist during floods and citing this might sound as the abdication of duties by the Municipality.

The EFF noted all the efforts made by the Municipality to assist communities affected by the floods. They also encouraged political parties to work in co-operation to come up with solutions during disasters, pointing out that political differences during this period carry an element of insensitivity to flood victims.

The IFP, ADEC and the PRM welcomed the report indicating that good initiatives by the Municipality will always be supported.

Joining the debate, the ANC expressed its empathy towards the communities affected by the flood disasters. Indication was given that consideration should be made to re-allocate communities that were housed in low surging areas as they were more exposed to risk when disasters occur. On the recommendations made, it was mentioned that the process of implementing some had already commenced. The leadership was also appreciated for all their efforts and the report was welcomed.

Thereafter, recommendations 4.1, 4.2, 4.3, 4.4 and 4.7 were **NOTED** and recommendations 4.5 and 4.6 were **ADOPTED**.

5. RATIFICATION OF APPROVAL MADE IN TERMS OF RULE 28 (1) (b) OF THE RULES OF ORDER BYLAW 2014, AS AMENDED, WITH RESPECT TO HOSTING THE NATIONS CONNECT ONE FOOTBALL TOURNAMENT (33/2)

(L111)

The KwaZulu-Natal Provincial Government requested the eThekweni Municipality to support and host the National Connect One Football Tournament involving Orlando Pirates; Kaizer Chiefs; and two Teams from India, Mohammedan Sporting Club in Kolkata and Sreenidhi Deccan FC of Hyderabad. The tournament was perceived to be a powerful catalyst for economic growth; social cohesion and promotion of tourism in the KZN Province. The event was considered to create a lasting positive impact on the Province's economic; cultural and sporting landscape. The event was scheduled for 27 January 2024 in Moses Mabhida Stadium, but has since been postponed to June 2024.

With the Committee noting the postponement of the tournament from January to June 2024, some Members queried the possibility to withdraw the item to allow Management to prepare a comprehensive report for approval by Council. However, in view that the agreement has already been signed, a plea was made to continue with the processes that have already commenced to prepare for the tournament.

Accordingly,

COMMITTEE RECOMMENDS:

- 5.1 That the action of the City Manager, in consultation with 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, an allocation of an amount of R3 330 000.00 (Three Million Three Hundred and Thirty Thousand Rand), to support and host the Nations Connect One Football Tournament involving Orlando Pirates, Kaizer Chiefs and two Indian Super League Teams, namely, the Mohammedan Sporting Club in Kolkata and Sreenidhi Deccan FC of Hyderabad, scheduled to take place in Moses Mabhida Stadium on 27 January 2024 be ratified, it being recorded that the date has since been changed to June 2024.

Financial Implications:

Item	Description	Amount
Moses Mabhida Stadium	Match Venue	R750 000.00
Match Related Costs	Security; Cleaning; Medical Services; Venue Set Up	R200 000.00
Mayoral Reception	Hosting Officials, excluding Players	R200 000.00
Outdoor Profiling	City Address; Posters; Street Pole Banners	R180 000.00
Activations	Social Media Activations and Airport Activation	R200 000.00
Total		R3 330 000.00

The IFP pointed out that in view of the infrastructure challenges faced by the municipality, consideration should have been made to prioritise these funds towards addressing that instead of funding the Football Tournament.

The ActionSA advised that the report should not have been submitted for ratification purposes in the first instance since the Football Tournament is now due to take place in June 2024. Therefore they sought a legal opinion in this regard. In response, the Head: Legal and Compliance advised that the use of Rule of Order 28 was not confined to the programmes/projects that have already been implemented but is also allowed for the approval of urgent decisions that must be taken and/or fasttrack at a particular time.

The VF Plus also raised concern that it was improper for the Municipality to allocate such funding to football clubs that were not from eThekweni given the water challenges at hand.

The ATM, PRM and the ADEC expressed support of this tournament as they were of the view that this initiative will assist in addressing issues of social cohesion within eThekweni.

On the issue of the financial contribution by the KwaZulu-Natal Provincial Government, His Worship the Mayor confirmed that he was aware that there was some contribution that was going to be made in this regard. It was also mentioned that this tournament would serve as a platform to showcase South Africa's football talent, promote sports tourism and also citing economic spinoffs as a result of hosting this tournament.

Confirmation was further made that the sports programmes budget was going to be utilized in this regard.

At this stage of the proceedings and taking into account a query from the DA, the City Manager explained that erroneous recording in the financial implications table of the amount of R200 000 instead of R2 000 000 as per confirmation by Secretariat, the City Manager confirmed that an erratum was circulated to Councillors separately correcting this figure.

AMENDMENT

In terms of Rule 20 (4) of the Rules of Order By-Law 2014 as amended, Councillor V Reddy and seconded by Councillor SR Moodley proposed that the recommendations of the Executive Committee be amended by including an additional recommendation as follows:

“That the eThekweni Municipality engages the KwaZulu-Natal Provincial government to determine its financial contribution in support of the Nations Connect One Football Tournament taking place in June 2024.”

The proposed amendment was unanimously **CARRIED**. Consequently recommendation 5.1 was **RATIFIED**, subject to including additional recommendation as 5.2:

“That the eThekweni Municipality engages the KwaZulu-Natal Provincial government to determine its financial contribution in support of the Nations Connect One Football Tournament taking place in June 2024.”

With the amendment, the recommendation ratified by the Council in this regard then read as follows:

“5.1

That Council ratifies approval given in terms of Rule of Order 28, relating to the approval to allocate an amount of R3 330 000.00 (Three Million Three Hundred and Thirty Thousand Rand), to support and host the Nations Connect One Football Tournament in June 2024 (specific dates to be confirmed), involving Orlando Pirates, Kaizer Chiefs and two Indian Super League Teams, namely, the Mohammedan Sporting Club in Kolkata and Sreenidhi Deccan FC of Hyderabad, scheduled to take place in Moses Mabhida Stadium, with funding allocation to be broken down as per the categorization in the table below:

Item	Description	Amount
Moses Mabhida Stadium	Match Venue	R 750 000.00
Match Related Costs	Security; Cleaning; Medical Services; Venue Set Up	R2 000 000.00
Mayoral Reception	Hosting Officials, excluding Players	R 200 000.00
Outdoor Profiling	City Address; Posters; Street Pole Banners	R 180 000.00
Activations	Social Media Activations and Airport Activation	R 200 000.00
Total		R3 330 000.00

- 5.2 **That the eThekweni Municipality engages the KwaZulu-Natal Provincial government to determine its financial contribution in support of the Nations Connect One Football Tournament taking place in June 2024.”**
NOTED AND ADOPTED.

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

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-01-29)

- PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, Y Govender, NI Madlala, TM Mthethwa, MS Nkosi, BT Ntuli and ZR Sokhabase.
- ABSENT : Executive Committee Member OB Mvubu (Personal Commitment).
-

1. REQUEST FOR APPROVAL TO EXTEND TERM OF OFFICE OF THE AUDIT & RISK COMMITTEE MEMBERS AND APPROVAL OF UPDATED REMUNERATION FRAMEWORK FOR OVERSIGHT COMMITTEES (4/3/2 & 4/5/1/1)

(Page 1)

The eThekweni Municipality has established Audit and Risk Committee (ARC) in line with the requirements of Section 166 of the Local Government: Municipal Finance Management Act No. 56 of 2003 (MFMA). The Audit Committee serves as an independent advisory body to the Council, Political Office bearers, Accounting Officer, Management, Municipal Entities and staff on issues relating to the internal control environment.

In terms of the Audit Charter, Members should be selected from different areas of expertise to respond to varied needs of the Municipality, and they are to serve for a 3-year period, which is renewable for another 3 years if the Municipality wishes to extend the term of office, but the duration could not proceed beyond a six-year period.

Currently, the six (06) serving Members have completed their first 3-year period, and authority is sought to extend their term of office for another 3-years thereby achieving business continuity. The Members referred to are listed in the table below, including their qualifications and areas of expertise.

No.	Members	Qualifications	Area of Expertise	Appointed	End of Term
1	Mr. Siboniso Shabalala	Bachelor of Commerce: Accounting Post Graduate Diploma in Accounting	Financial Management	01/07/2021	30/06/2024
2	Ms. Precious Sibiya	Chartered Accountants (SA) Bachelor of Accountancy Postgraduate Diploma in Accounting	Financial reporting, Financial management, Risk management, Auditing (Internal and External), Compliance management, Supply chain management	01/07/2021	30/06/2024
3	Ms. Adila Chowan	Chartered Accountant Advocate Certified Director LLB Degree) B.ACC, Honours in Accounting Leadership Course	Legal	01/07/2021	30/06/2024
4	Mr. Ashley Latchu	MSc (Masters in Computing) Honors Degree (Computing) BSc Degree (IT Management) Bachelor of Accounting Sciences (Internal Auditing) Diploma in Networking & Engineering	Information Technology Auditing	01/07/2021	30/06/2024
5	Mr. Ayanda Wakaba	Master of Business Management and Administration (MBA) Honours Bachelor of Accounting Sciences Bachelor of Commerce Advanced Diploma in Accounting	Financial Management Auditing	01/07/2021	30/06/2024
6	Mr. Imtiaz Valley	Chartered Accountant (SA). Chartered Management Accountant. Chartered Global Management Accountant Highest degree: Master of Accountancy	Audit and risk management Accounting and finance Strategic leadership Corporate governance	01/07/2021	30/06/2024
7	Dr. Jonty Tshipa	Ph.D. Financial Management Science Master of Finance and Investment (Cum Laude). Master of Business Administration Project Management Electrical Engineering	Financial management, Business Management, Risk Management and Engineering, ICT and Compliance Management	01/03/2022	28/02/2025

Based on the requirements of the Charter as quoted above, it is recommended to extend the term of office of the existing six (06) Audit Committee Members, which approach makes business sense in terms of achieving business continuity and saving time and resources to start a new process while the Council is satisfied with the level of service rendered by the current Members. It should be noted that the term of office of the 7th member is still active till 2025 and therefore not included in the renewal process.

On the other hand, authority is sought to approve updated Oversight Remuneration Framework as the existing one is due to expire in June 2024. The Framework has since been reviewed to align with the proposed new term of office of the members. The costs implications in this regard is categorised as follows:

Estimated Costs: 2024-25	Estimated Costs: 2025-26	Estimated Costs: 2026-27
-------------------------------------	-------------------------------------	---------------------------------

R2 207 250.00	R2 486 610.00	R2 660 670.00
---------------	---------------	---------------

The breakdown of costs is contained in the comprehensive framework attached herein.

With the Executive Committee being satisfied with the level of service rendered by the current Audit Committee members, the extension of term of office was unanimously supported, as well as the proposed revised remuneration framework.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.1 That Council notes the term of office of six (06) Members of the Audit and Risk Committee is coming to an end in June 2024.
- 1.2 That subject to 1.1 above, and in a bid to achieve business continuity, Council approves the extension of the term of office of the following six (06) Audit and Risk Committee Members whose term of office expires in June 2024, and the extension to commence another three-year term of office commencing 01 July 2024 and expiring 30 June 2027, it being recorded that the Members in question are still in possession of the required qualifications and competencies to serve on this Committee:
 - (i) Mr. S Shabalala;
 - (ii) Ms P Sibiya;
 - (iii) Ms A Chowan;
 - (iv) Mr. A Latchu;
 - (v) Mr. A Wakaba and
 - (vi) Mr. I Valley
- 1.3 That Council approves the revised Oversight Remuneration Framework attached herein, and which aligns with the new term of office, to be implemented with effect from 01 July 2024, and which reflects the costs estimates as reflected in the table below:

Description	Estimated Costs (R) 2024/25	Estimated Costs (R) 2025/26	Estimated Costs (R) 2026/27
Total Costs*	2 207 250.00	2 486 610.00	2 660 670.00

** Note funding is still requested from the Chief Financial Officer.*

The EFF raised concern regarding the extension period of 3 years as it appeared to be too long, therefore suggesting a lesser period should have been considered.

The ANC as well as the ADEC welcomed the report and thereafter, recommendation 1.1 was **NOTED and recommendations 1.2 and 1.3 **ADOPTED**.**

2. DRAFT 2024 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS (3/4/1)

(Page 26)

It was recalled that the Municipal Council at its 11 December 2023 meeting resolved to defer consideration and approval of the draft Calendar of Council and Committee meetings pending the pronouncement of the date of the South Africa's 2024 National and Provincial Elections. This approach being taken in order to effect the necessary amendments to accommodate pre-election activities of the Political Parties that might interfere with other Committee meetings.

In view of the election date not yet communicated whilst the Calendar is also required to direct the activities of the Municipal Council, it was agreed to approve the Calendar in principle subject to the proviso that any latest developments with regard to the election date will be considered at the time of receipt of communication and subsequently the submission of amendments where required.

Approval of the Calendar is of essence to enable Officials to meet reporting timelines and allow scheduling of Support Committee meetings in a manner that enables their reports to serve before the Executive Committee prior to the final decision-making at the Council level.

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

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

It is understood that from time-to-time certain circumstances will warrant postponement and/or cancellation of meetings. This would be attended to by the respective Chairpersons and decision taken based on justifiable reasons. Timeous submission of Committee Reports is also encouraged to avoid postponing and/or cancelling meetings due to receipt of insufficient reports from line departments.

Attached herein is the Calendar of Meetings for ease of reference. In support of the in-principle approval,

COMMITTEE RECOMMENDS:

- 2.1 That Council approves, in principle the 2024 eThekweni Municipal Calendar of Meetings, to aid forward planning for the Council and its Committees; thereby achieving a smooth flow of the Council's decision-making process, it being recorded that the Calendar will be resubmitted upon the pronouncement of the date of the 2024 General Elections to confirm if there are changes to be effected to some of the dates of Council Committee meetings.

- 2.2 That, in the meantime, the Chairpersons of Committees adhere to the dates contained in the Calendar of Meetings when convening meetings, it being recorded though that the Chairpersons reserve the right to cancel and/or postpone meetings, based on justifiable reasons.
- 2.3 That the Deputy City Managers and the Unit Heads manage the process of timeous submission of Committee Reports to the Office of the City Manager for final signature, before submission to the Secretariat Department for Agenda purposes, and which process will enable meetings to convene as scheduled.

ADOPTED.

3. **REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

3.1 **REPORT OF THE MPAC FOR THE 2023/2024 QUARTERLY: SECOND QUARTER FROM OCTOBER TO DECEMBER 2023**

That Council notes the report of the Municipal Public Accounts Committee for quarter 2 of the 2023/2024 financial year, i.e., the period ended 31 December 2023, it being recorded that the activities undertaken during the period under review include:

- (i) Review of the 2021-22 eThekweni Municipality's Annual Report
- (ii) Oversight role of the Municipality's financial management;
- (iii) Monitoring compliance with procurement processes;
- (iv) Monitoring performance of appointed service providers;
- (v) Oversight of Unauthorised; Irregular; Fruitless and Wasteful Expenditure;
- (vi) Tracking implementation of mitigating measures arising from the findings raised by the Auditor-General; and
- (vii) Monitoring of investigations undertaken by the City Integrity and Investigation Unit.

The ANC noted with concern that the Chairperson of the Municipal Public Accounts Committee is often unavailable to at Council meetings to present the committee report. In view thereof, the Speaker ruled that consideration of this report be deferred, and pleading with some members to await the availability of the Chairperson to present the report.

DEFERRED.

**NOTICE OF MOTION
IN TERMS OF SECTION 18 OF THE RULES OF ORDER
BY-LAW, 2014, AS AMENDED**

4.1

NOTICE OF MOTION: PROPOSED BY COUNCILLOR J ANNIPEN AND
SECONDED BY COUNCILLOR J NAIDOO: MORATORIUM ON WATER
DISCONNECTIONS (23/1/11/6/3)

This Council noting that:

Thousands of water meters have gone unread in eThekweni for over 01 (one) year and residents being billed estimated charges for usage. This does not accurately translate to water usage verses billing and violates the Council's Credit Control and Debt Recovery Policy.

Further noting that:

A number of residents do not have water meters because, it has been stolen, vandalized or never had water meters before.

This Council resolves that:

Executive Committee consider the following recommendations and reports its fundings in the next meeting:

1. Implementing an immediate moratorium on disconnection of water supply of all residents in eThekweni until the meter reading department has a standard operating procedure on reading of water meters.
2. Conduct an audit of water meters in stock.
3. Conduct an audit of properties without water meters.
4. Set a timeline to close the gap between point 2 and 3 above.

Prior to considering this motion, the Speaker asked if the motion was supported, and divergent views were expressed. On the same note, the DA proposed an amendment to recommendation 1 to read:

“Implementing an immediate moratorium on the disconnection of water supply to all properties of eThekweni in respect of which the water meters for the property have not been read for the last 90 days period.”

In view of the proposal made by the DA to amend recommendation 1, a legal opinion was sought and based in terms of Rule 20 of the Rules of Order By-law, the Head: Legal and Compliance advised that it would be improper to consider the suggested amendment as an indication has already been given that some Councillors were not in support of the Notice of Motion as initially presented. It was further mentioned that the amendment was a substantive motion that sought to amend the content of the motion. Also, to assist the process, the author of the motion maybe requested to present a motivation which may aid in convincing those that are not in favour of the motion to subsequently support the motion.

Based on the advice provided by the Head: Legal and Compliance, the Speaker outlined the process which will commence by Councillor Annipen motivating the submission of the motion, discussions thereafter, if any, and thereafter the voting process.

Accordingly, Councillor Annipen of the IFP presented the motion. In his motivation he expressed that the Municipality is in crisis as meter readings have not been done for almost a year. Also citing what he regarded as unsatisfactory service by the contractors engaged for the meter reading function. On the other hand, Councillor Annipen cited meter stock shortages resulting in prolonged delays to replace damaged or stolen water meters whilst customers are being issued estimated bills and also being disconnected in the process. The Municipality was cautioned then that failure to correct the situation will be opening itself to potential litigation by aggrieved customers.

Joining the debate, the ADEC and the EFF indicated support of the motion given the ongoing challenges about unread meter and incorrect billing.

In line with the Credit Control Polity, the DA advised that it was important for the Municipality to be able to collect revenue. However, that the ongoing challenges of unread meters posed a negative impact into revenue collection. Emphasis was made that regular meter readings should be done.

Commenting on the matter, the ANC indicated that they were not in support of the motion given the obligation for the Municipality to collect revenue and be able to financially sustain its other operations not receiving grant funding from other spheres of government. It was also advised that interventions will be implemented to improve service in relation to meter reading, confirmation being given that this function will be handled appropriately by the appointed service provider and that additional budget has been set aside for this purpose. The attention was drawn that the budget allocated will also be used to address damaged water meters. It also being revealed that the Municipality is exploring the option of using the contract in place at a national level pertaining to the supply of meters thereby addressing the issue of meter stock shortages. That the Municipality will continue disconnecting customers where applicable but that this would be undertaken in a responsible manner thus ensuring paying customers are not negatively affected in the process.

As some Councillors were not in support of the motion, the matter was put to a vote.

With 199 Councillors present, 99 Councillors (DA-55, EFF-17, IFP-13, ActionSA-04, ACC-02, ADEC-01, APF-01, ALJAMAH-01, MF-01, MOSA-01, PRM-01, UIM-01 and VF PLUS-01) voted in support of the motion and 99 Councillors (ANC-93, ABC-01, AIC-01, KZNI-01, NFP-01, PFP-01 and TA-01) voted against the motion. 1 Councillor (ATM-01) abstained.

Given the tie in the outcomes of the voting process for those in favour and those against the motion, the Speaker made a casting vote and voted against the motion.

In that regard, it meant that the scores for those against the motion was as follows:

(ANC-94, ABC-01, AIC-01, KZNI-01, NFP-01, PFP-01 and TA-01) voted against the motion.)

Thereafter, the Notice of Motion was by majority vote NOT CARRIED.

At 13h57-15h02, the meeting was adjourned for a lunch break.

4.2

**NOTICE OF MOTION: PROPOSED BY COUNCILLOR J NAIDOO AND
SECONDED BY COUNCILLOR J ANNIPEN: DEBT PAYMENT RELIEF
PROGRAMME (7/6/3/1)**

This Council noting that:

The Council resolution taken on 28 September 2023 WRT Debt Payment Relief Programme is scheduled to end on the 31 December 2023.

Further noting that:

A significant member of ratepayers have already taken advantage of the programme and a large degree of persons who anticipate employment in the new calendar year will also want to commit to settling their debt with the City.

This Council resolves that:

Executive Committee considers the following recommendations and reports its findings at the next Council meeting:

1. Preparing a report on the number of participants since the programme went live.
2. How much of debt has been recovered since the programme went live.
3. Expanding the programme for a further three (03) months from the date of the report being tabled to Council.

AMENDMENT

An amendment was proposed in respect of recommendation 3 to delete “....from the date of the report being tabled to Council” and this was supported unanimously. The Notice of Motion as amended to read as “Expanding the programme for a further three (03) months.” and thereafter it was unanimously CARRIED.

4.3

NOTICE OF MOTION: PROPOSED BY COUNCILLOR SV GOVENDER AND
SECONDED BY COUNCILLOR J ANNIPEN: LAND FOR FAITH BASED
ORGANISATIONS (21/8/2)

This Council noting that:

In his State of the City Address, His Worship the Mayor Councillor Mxolisi Kaunda promised the Faith Based Community that Religious Organisations will be offered the purchase of land for worship purposed at 10% (ten percent) of its value.

Further noting that:

Correspondence to the Real Estate Department as proven futile, leaving Faith Based Organisation in the dark about the processes to follow in order to access land.

This Council resolves that:

Executive Committee urgently considers the following recommendations and report its findings to Council:

1. In consultation with the Real Estate, Spatial Planning and Land Use Management identify land in eThekweni to be used for religious purposes.
2. Through the necessary policy developers, formulate a policy to guide the process of accessing land for Religious Use.
3. Communicate the policy and its requirements to the Faith-Based Community by a way of public hearing, social media etc.

CARRIED.

**URGENT NOTICES OF MOTION
IN TERMS OF SECTION 22 OF THE RULES OF ORDER
BY-LAW, 2014, AS AMENDED**

4.4

URGENT NOTICE OF MOTION: PROPOSED BY COUNCILLOR I SYED AND
SECONDED BY COUNCILLOR M ISMAIL: RELIEF OF APPROXIMATELY
49000 HOUSEHOLDS AFFECTED BY BILLING AND ARREARS
ADJUSTMENTS OF FREE BASIC WATER SINCE 2020 (7/6/1/5).

Motivation:

1. Some 49000 households have been affected by this Municipality by being billing erroneously in arrear for free basic water that was granted to them historically.
2. The 17th edition July 2023/204 of eThekweni Water and Sanitation Service Levels Standards Section 5 under free basic water speaks to how this Municipality should apply itself on the matter of free basic water.

- a) 6kl of water should be given to households that are valued under R250 000.00
 - b) Households that are valued between R250 000.00 and R650 000.00 could apply for free water.
 - c) All properties under 50sq meters in size should qualify for free water.
 - d) Indigent families living in higher value houses may apply to gain access to free water.
 - e) All water meter connected to standpipes via relevant flow meter shall provide free charge.
3. Households that have been historically given free basic water are the subjects of this billing.
 4. Covid-19 pandemic compounded with the insurrection and floods has left many households wanting financially and otherwise and its should be the position of this Council to grant relief to those very consumers who continue paying their bills diligently and not prejudice them further.
 5. The eThekweni Municipality under the leadership of Mayor Kaunda and the Executive Committee, has lost approximately 60% (sixty percent) in revenue from water purchased from uMngeni Water. This accounts for about R2 Billion (Two Billion Rands) in the current financial year.
 6. Some 56% of water is currently lost in this City and some 46% of this is non-revenue water while still being granted its R1,5 Billion Rand grant for flood relief and infrastructure repair which is mainly water, sanitation and roads.

Relief through this Council:

1. All households under R650 000.00 be relieved of the debt completely and be granted at least three (03) months from date of notice to apply for free water as per the Service Level Standards.
2. All households occupied by indigent families be granted relief of debt completely and three (03) months from date of notice to apply for relief moving forward.
3. All households that fall out of the above two (02) categories be billed 50% of the value of service since 2020 payable over a period of thirty-six (36) months without interest.
4. Relief of debt completely for years from 2020 to current wherein their properties fell within the R650 000.00 threshold.

Therefore, this Council resolves that:

Executive Committee considers providing relief to some 49000 households affected by increase water tariffs billed erroneously in December 2023 and reports its findings at the Council meeting.

AMENDMENT

Councillor PB Ndlovu and seconded by Councillor FW Mdletshe proposed an amendment to the recommendations to include an additional recommendation as follows:

“That the Executive Committee further investigates and scrutinise these households and report back to Council”.

Subsequently, the Motion was carried with amendment, as follows:

- “1. The Executive Committee considers providing relief to some 49 000 households affected by increase water tariffs billed erroneously in December 2023 and reports its findings at the Council meeting.**
- 2 That the Executive Committee further investigates and scrutinize these households and report back to Council.”**

CARRIED unanimously.

4.5

NOTICE OF MOTION: PROPOSED BY COUNCILLOR Z MNCWANGO AND
SECONDED BY COUNCILLOR AAK PARUK: DEBT RELIEF PROGRAMME
EXTENSION (7/6/3/1)

Motivation:

Due to high employment rate consumers are unable to pay their utility bills. The debt review programme will bring relief to the households of the unemployed.

This Council noting that:

1. Debt review programme expired on 31 December 2023.
2. Due to economic challenges, some ratepayers cannot afford to pay.
3. The debt review programme that was in place did provide some relief to the community.

Council hereby resolves that the Executive Committee investigates the following and report back to Council:

The extension of the debt review programme for ninety (90) days (three months).

WITHDRAWN in view of similar matter contained in Page 32 being covered through a Notice of Motion contained on Page 25 (Debt Relief Programme).

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. **FINANCE COMMITTEE**

Meeting held on : 2023-11-22
: 2023-12-19

2. **EXECUTIVE COMMITTEE**

Meetings held on : 2023-11-14
: 2023-12-07
: 2023-12-11

3. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**

Meeting held on : 2023-11-22

4. **SPEAKER'S COMMITTEE**

Meetings held on : 2023-11-08
: 2023-11-27
: 2023-12-08

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 33 to 47 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of November and December 2023 were, **NOTED.**

The meeting terminated at 15h24.

NOTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2024-02-29.

SPEAKER.