

**No. 23**

# **MINUTES**

## **OF**

### **ETHEKWINI MUNICIPAL COUNCIL**

Meeting held on Thursday, 2022-09-29T10:00, streamed from  
Luthuli Hal, Durban City Hall, Durban.

**PRESENT :** Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), PG Mavundla (Deputy 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, GD Clarivette, R Cloete, 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, BR Gumede, NC Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, F Ismail, MF Ismail, LBS Jali, M Johnson, MA Jokweni, K Khambule, MH Khan, MN Khubisa, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, A Kissoon, BG Kubheka, V Kunju, CJ Laing, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, NI 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, NP Mchunu, SW Mcineka, RL McKenzie, X Mdlazi, SM Memela, SP Mfeka, GN Mhlongo, NM Mhlongo, SE Mhlongo, T Miya, MB Mjadu, AZ Mkhize, KV Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, BR Mngadi, DK Mngadi, E Mngadi, S Mngadi, SV Mngadi, MR Mngonyama, BV Mngwengwe, PB Mnikathi, ZO Mnomiya, S Mnyandu, T Mohamed, SR Moodley, ND Motseke, SB Mpanza, NP Msibi, LI Msomi, NP Msomi, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, ZP Myeni, SK Mzimela, BD Naidoo, J Naidoo, WP Ndiweni, NB Ndlela, AB Ndlovu, PB Ndlovu, NS Ndlovu, V Ndlovu, SG Nene, TH Nene, SP Ngcobo, SB Ngcobo, S Ngema, DB Ngubane, LE Nkomeni, MS Nkosi, DR Nowbuth, XM Nqweniso, DM Nsundwane, SH Ntombela, PC Ntshangase, BT Ntuli, N Ntuli, NZ Ntuli, PB Ntuli, B Nxumalo, MR Nxumalo, PH Nxumalo, NN Nyanisa, V Nzimande-Madlala, AAK Paruk, BW Phewa, DR Pillay, P Pillay, GDA Pullan, A Rampersad, VG Reddy, T Sabelo, S Sewshanker, A Shaheed, BH Shange, LP Shange, MG Shange, TE Shezi, IM Shinga, HP Shoji, JN Sibisi, KS Sibisi, N Sibiya, LC Sikhakhane, BSB Sindane, EL Singh, J Singh, S Singh, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZR Sokhabase, ZA Solomon, I Syed, BB Thusi, ME Thusi, M Thusi, ZN Tshazela, NT Tyelinzima, JC Van den Berg, HM Van Der Ryst, NB Vilakazi, NI Webster, SM Windvogel, TV Xulu, T Xuma, NY Young, GN Zondi, M Zondi, N Zondi, ON Zondi-Mthembu and TG Zungu and there being two (02) vacancies.

**ABSENT :** Councillors DM James (Indisposed), MA Madlala, SR Madlala, FW Mdletshe, K Mhlaba (Personal Commitments), MA Mkhize, ME Mkhize (Indisposed); TJ Mnguni, SNC Khwela, V Ncukana, MF Ndlovu (Indisposed), MM Ngiba, DT Pillay (Personal Commitments), PS Sishange and B Radebe.

AMAKHOSI

PRESENT : Inkosi JJ Shangase and Inkosi EB Shozi.

AMAKHOSI

ABSENT : Inkosi S Mlaba.

OFFICIALS

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

(At the commencement of the meeting 201 Councillors were present, comprising ANC – 88, DA - 55, EFF - 20, IFP - 15, ASA - 03, ABC - 02, ACC - 02, ACDP - 02, AIC -00, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 01, DLC - 01, JEP - 00, KZNI - 01, MF - 01, MOSA - 01, NFP - 01, PFP - 01, PRM - 01, TA- 01, UIM - 01 and VF Plus - 01).

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1. NOTICE CONVENING THE MEETING

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

2. OPENING

The Speaker declared the meeting open at 10h11 and apologised for a delayed start which was due to the disturbance of the system as a result of the scheduled loadshedding. He then extended a warm welcome to Councillors; Traditional Leaders; City Manager; Deputy City Managers; Head Legal and Compliance and other Unit Heads; Members of the Administration; Media; and Members of the Public viewing on social media live streaming.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

4. OPPORTUNITY FOR PRAYER/MEDITATION

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

5. OFFICIAL ANNOUNCEMENTS

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

- 5.1 Councillors were requested to complete the Attendance Register posted on the MS Teams Chat. That any Councillor experiencing a challenge in this regard should contact the Administration.
- 5.2 The Speaker then extended an apology to those Councillors who have received their main Council Agendas late. He confirmed that the matter has since been addressed with the City Administration and with improvements therefore expected in future.
- 5.3 On behalf of Council, the Speaker extended condolences to the family; friends; as well as the ANC, for the loss of the Ward 99 Councillor Mnqobi Victor Molife. He anticipated that the police investigation would reveal the assassins for justice to prevail.
- 5.4 Meanwhile, the Council was also informed of the tragic passing of the Municipal employee, Mr Cassim Phiri, who was brutally assassinated on 2022-09-28. Further, another unidentified Municipal employee was also brutally murdered on the same day. The Municipal leadership condemned the brutal killings of employees and mentioned that interventions would be made accordingly.
- 5.5 On the other hand, the Speaker advised that Mr. Bongani Mavuso who served as the News Anchor for Ukhozi FM has also passed on. Condolences were extended to the family and friends of this seasoned Journalist.
- 5.6 The Speaker then acknowledged community members who were following the Council proceedings on the social media platforms. He urged all residents and stakeholders to continue exercising their democratic right to be part of the Council proceedings.
- 5.7 He advised that Council notes the enquiries, suggestions, and messages of support that are being received from the online platforms. Also, that in the past month, the residents have raised concerns regarding loadshedding, water outages and lack of cleanliness in the City. He mentioned that unfortunately, the loadshedding and its impact is a national challenge. He added that for the rest of the items raised, the Municipality is working on fixing water and sanitation infrastructure; and cleaning the City in a more sustainable manner. In this regard, he called upon the residents to take pride in their City by reducing the amount of litter discarded carelessly, but that litter belongs in a bin always, with businesses being urged to desist from the illegal dumping of waste. He then encouraged Councillors to regularly visit social media platforms as this is another way to scan the environment and to hear what the community members were raising.
- 5.8 The Speaker acknowledged that September is a Heritage Month and that the City of eThekweni prides itself for being the home of the diverse nations. In this regard, cultural tolerance was encouraged to promote unity in diversity.
- 5.9 On the same breath, the Speaker congratulated Isilo SamaBandla Wonke, the King Misuzulu kaZwelithini for hosting the first UMkhosi woMhlanga after his coronation. He pointed out that this ceremony is significant and contributes to the

efforts made to promote abstinence by maidens from premature sexual activities and the overall upbringing of a girl child.

The Speaker added that this was also a blessed month as the King Misuzulu celebrated his birthday on 23 September, it being a good coincidence for the King to be born on a Heritage Month. He extended best wishes to him, excellent health and wisdom to lead successfully.

- 5.10 Meanwhile, the Speaker reported on the sad news of the brutal killing of Iso LeSilo, Dr Khumalo, after attending UMkhosi woMhlanga which dampened the spirit of the Zulu Nation. He wished his family find solace during this trying time and anticipated the law enforcement would leave no stone unturned to apprehend perpetrators.
- 5.11 The Speaker was pleased to report to the people of eThekweni that the City's economy is slowly recovering, with a number of events having been hosted successfully and others still on the Calendar of Events to be hosted in the Inkosi Albert Luthuli International Convention. The recent event being the successful Business Fair and Fashion Fair. Attention being drawn to the fact that the resilience by the City after the triple disaster is amazing and humbling.
- 5.12 The City joined the KZN Province in mourning the loss of 20 people, mostly the Primary School kids, in the area of Pongolo, following the crash between the truck and the van. Condolences were extended to the families involved, praying for God to grant them strength as they begin the healing journey.
- 5.13 Commenting on the Council proceedings, the Speaker encouraged Councillors to conduct themselves with dignity and decency during the proceedings, and in compliant with the expectations in terms of the Councillors' Code of Conduct.
- 5.14 The Speaker emphasised that since Council had convened through the MS Teams, Councillors are expected to comply as follows:
- (i) To ensure they connect in a decent environment with no disturbance to be caused by the surroundings, it also being noted that some of the Council matters are of a confidential nature.
  - (ii) Councillors to be presentable since this was still a formal Council meeting.
  - (iii) To raise a hand to be recognised when requesting to speak on the item.
  - (iv) Switch off the video camera to improve stability of the network.
  - (v) Connect in the area with a stable network since some of the technical glitches experienced are not coming from the City Hall streaming but, in the areas where individuals are connecting.
  - (vi) To stay connected for the duration of the meeting to maintain quorum.
- 5.15 Councillors were reminded of the decision taken to allocate five (05) minutes to respond to each Question submitted by individual Councillors to the Municipal Council. He appealed to Councillors to strive to adhere to this allocation for effective time management.
- 5.16 Best wishes were extended to all Councillors celebrating their birthdays during the month of September. It was highlighted that the Political Head, His Worship the Mayor, Councillor TM Kaunda, celebrated his birthday on 13 September.

## 6. SPEAKER'S REPORT

### 6.1 Purpose

In presenting his Report, the Speaker submitted that the purpose was to report the activities undertaken by the Municipal Council during the month of September 2022, in line with the provision of Section 13(f) of the Rules of Order By-Law 2014, as amended.

### 6.2 Community Engagements

The Speaker mentioned that it being the first quarter (July-September) of the 2022/2023 financial year, it has been noted that the number of the Ward-based engagements reported remained on the low. That during the quarter under review, the Wards which convened the community engagements are recorded in the table below:

Month	Total Number of meetings held	Wards
July	06	14; 17; 44; 47; 55 and 59
August	14	14; 15; 17; 26; 39; 40; 41; 45; 55; 56; 67; <b>77(PR)</b> ; 102 and 109
September	09	16; 17; 26; 37; 40; 45; 46; 55; and 85
<b>Total number of Wards where at least one meeting was held in quarter 1</b>	<b>17</b>	<b>14; 15; 16; 17; 26; 37; 39; 40; 41; 45; 55; 56; 59; 67; 77; 102 and 109</b>

The Municipal Council noted that the above indicated that during quarter 1, July-September 2022, only **17** out of **111 Wards** have complied with the Code of Conduct to hold at least one meeting per quarter. The Speaker emphasised to Councillors that this is really a cause for concern since the report back engagements are a matter of compliance aimed at ensuring that communities are engaged on an ongoing basis on service delivery matters pertaining to their environments.

### 6.3 Ward Committee Engagements

It was reported that the Ward Committees continue to hold monthly meetings as required in terms of the Rules regulating the establishment and operation of Ward Committees. That during the quarter under review, July–September 2022, the following is a record of meetings held, it being noted that currently the Municipality only has 109 Ward Committees:

Month	Meeting Held	Meeting not held	Meetings to be held	Evidence submitted	Evidence not submitted
July	108	01	01	108	-
August	96	15	00	58	38
September	79	19	13	25	54
<b>TOTAL</b>	<b>283</b>	<b>35</b>	<b>14</b>	<b>191</b>	<b>92</b>

It was reported that in terms of the two (02) outstanding Ward Committee elections, (Wards 39 and 97), plans are underway to hold the election in Ward 97 in October 2022. That no election date has been proposed yet for Ward 39 since there are security-related concerns currently being addressed through the relevant law enforcement urgencies.

The Municipal Council was advised that operational matters raised by different Wards and impacting the functioning of Ward Committees have been attended to through the intervention meetings. That matters impacting Wards 19, 23 and 34 have since been addressed and resolved accordingly. However, for matters relating to Wards 12, 64, 72, 90 and 101 there are further engagements to be held in an attempt to resolve the outstanding matters, some of which are political in nature.

#### **6.4 Changes in the Municipal Public Accounts Committee (MPAC)**

It was recalled that at the last Council meeting of 26 August 2022, Council noted the passing of one of its long serving Councillors from the Democratic Alliance (DA), the late Councillor T Collins, who also served as a member of the MPAC.

Council recalled that MPAC was a section 79A Committee established by the Municipal Council with a membership thereof being allocated proportionally.

In terms of proportional representation, membership allocation is as per the table below:

<b>Political Party</b>	<b>Number of allocated seats</b>
African National Congress (ANC)	05
Democratic Alliance (DA)	03
Inkatha Freedom Party (IFP)	01
Economic Freedom Fighters (EFF)	01
Action South Africa (ACSA)	01

With the passing of the late Councillor Collins, representing the DA on the MPAC, a vacancy has since been created in the said Committee. Subsequently, the DA Caucus Leader has advised that the Party appoints Councillor Alicia Kisson to replace the late Councillor Collins on the MPAC.

With the Head: Legal & Compliance having confirmed that MPAC is the Committee of Council, and with the membership thereon being approved at this level, it was

#### **RESOLVED:**

That the Municipal Council approves the appointment of Councillor Alicia Kisson from the Democratic Alliance as a member of the Municipal Public Accounts Committee, and replacing the late Councillor T Collins thereon.

#### **ADOPTED**

#### **6.5 Membership Change in the Executive Committee (EXCO)**

The eThekweni Municipality is established in terms of Section 12 of the Local Government: Municipal Structures Act 1998, as a Metropolitan with a collective

Executive system combined with a Ward participatory system. In line with the above, the Municipal Council established the Executive Committee comprising ten (10) members, with seats allocated on a proportional basis as follows:

Political Party	Number of allocated seats
African National Congress (ANC)	05
Democratic Alliance (DA)	03
Inkatha Freedom Party (IFP)	01
Economic Freedom Fighters (EFF)	01

With one of the Executive Committee Members from the Democratic Alliance (DA), former Councillor Nicole Graham having resigned from the Municipal Council, the DA has a vacancy in the Committee. The DA Caucus Leader has advised that Councillor Andre Beetge has been appointed to serve on the Executive Committee filling the vacancy created by the resignation of former Councillor Nicole Graham.

With the Head: Legal & Compliance having advised that this appointment should be noted rather than approved by Council, in view of the Executive Committee having already been established by the Municipal Council and allocated the number of individual Political Party seats accordingly, it was

**RESOLVED:**

That the Municipal Council notes the appointment of Councillor Andre Beetge, by the DA, to serve on the Executive Committee, replacing former Councillor Nicole Graham following her resignation from the Municipal Council.

**NOTED**

**6.6 Membership Changes in the Municipal Council**

The Municipal Council was advised that the Democratic Alliance (DA) vacancy of a Proportional Councillor (PR) that was created by the resignation of former Councillor Nicole Graham has since been filled by Councillor Mxolisi Nkosinathi Khubisa. A warm welcome was extended accordingly to Councillor Khubisa as he was joining the Municipality.

Council noted the sudden sad passing of the late Ward 99 Councillor Molife, thus creating a vacancy in Council. The Speaker then confirmed that, currently, there are two (02) Ward Councillor vacancies in Council, for Wards 10 and 99. That for Ward 10, a by-election will be held in November 2022, and with the Ward 99 by-election date to be confirmed once the Independent Electoral Commission has made an official announcement in this regard.

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

**RESOLVED:**

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

## COUNCILLORS

Councillor DM James	:	2022-09-29	Indisposed
Councillor K Mhlaba	:	2022-09-29	Personal Commitments
Councillor ME Mkhize	:	2022-09-29	Indisposed
Councillor MF Ndlovu	:	2022-09-29	Indisposed
Councillor DT Pillay	:	2022-09-28 & 29	Personal Commitments

### 8. DECLARATION OF INTEREST

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

### 9. CONFIRMATION OF MINUTES: MEETINGS HELD: 2022-08-26 2022-08-26 (In-Committee)

9.1 Prior to the adoption of the Minutes, the ADEC Councillor VG Reddy submitted that he was incorrectly reflected as absent in the Minutes of the Council meeting of 26 August 2022, drawing the attention to the fact that he actually filed an official application for leave of absence on this day. This was noted and for the amendment to be effected accordingly.

9.2 Referring to the Minutes, the IFP Councillor MS Gwala of IFP sought clarity and submitting the inaccuracies in relating to the items reflected below:

- (i) Page 794 – 795, Question 11.6 on “*Budget allocated for CIP/Blocksum Projects*”, he indicated that the amount on the first response to the question should be R333 Million.
- (ii) That the Minutes does not reflect response for Question 4, whereas this was provided during the meeting. Question 4 reads as follows: - “*If not, what was the shortfall and how are we going to improve the service of this nature to meet the municipality service standards.*”
- (iii) Reference was made to Page 821, item 2.3, “*Request for Authority to Purchase Additional Mobile Water Tankers*”, paragraph 5, which read as follows:

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

Councillor Gwala then indicated what appeared to be a discrepancy in the figures provided, and reiterated that a similar discrepancy was pointed out at the previous Council meeting. He submitted that the cost to hire water tankers over a 10-year period out to be R744 000 000,00 (Seven Hundred and Forty-



Four Million Rand), if using the hire cost per water tanker as provided in the preceding paragraph.

Following discussion, the Speaker acknowledged the input by Councillor Gwala and ruled that the City Manager will investigate the matters in consultation with the relevant Deputy City Managers and submit responses at the next Council meeting.

Accordingly, the eThekweni Municipal Council Minutes for the meetings held on 2022-08-26 (Ordinary) and 2022-08-26 (In-Committee) were tabled as having been circulated:

- (i) 2022-08-26 (Ordinary) were tabled, moved by His Worship the Mayor Councillor Kaunda and seconded by Councillor Syed.
- (ii) 2022-08-26 (In-Committee), were adopted during an In-Committee session after having been moved and seconded by Councillors Khambule and Myeni, respectively, and subject to the following amendment
  - To reflect that the meeting ended at 12h30
  - To specify at the end these are Minutes of the In-Committee meeting

On this basis, it was

**RESOLVED:**

That the minutes of the ordinary meeting of the eThekweni Municipal Council held on 2022-08-26, and the In-Committee meeting held on 2022-08-26, as circulated and taken as read, be and they are hereby confirmed, subject to the following:

- (i) The amendment to reflect Councillor VG Reddy as being on leave since he submits he has filed an official application for leave of absence from the Council meeting of 26 August 2022
- (ii) The investigation of matters raised by Councillor MS Gwala in relation to what he regards as an omission to record a response to No. 4 of the question pertaining to ....., of which he alleges the response was provided during the meeting
- (iii) Also, the investigation of the alleged discrepancy in the figure of the hire costs of the water tanker over a 10-year period, to obtain the accurate figure to determine whether an amendment is warranted

10. MATTERS ARISING

Councillor MS Gwala of IFP raised similar matters as raised during confirmation of Minutes. It was then reiterated that the City Manager will investigate and provide responses accordingly.

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

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

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

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

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

Against this backdrop, I pose the following questions:

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

The Speaker advised that the above questions that were submitted by Councillor J Naidoo in terms of Rule 27 of the Rules of Order By-Law; were part of the August 2022 Council Agenda. He reported that the author of these questions was not in attendance during the August meeting and did not indicate who in her absentia would accept the responses. In this regard, and as per the provision in Section 27(15) of the Rules of Order By-Law, the questions were accordingly not responded to.

He mentioned that the responses to the above questions were then sent directly through an email to Councillor J Naidoo.

11.2

Questions submitted by Councillor S Sewshanker : Lack of Law Enforcement During the Political Event at Olive Convention Centre (23/1/11/1/1/2):

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

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

Against this background, I pose the following questions:

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

His Worship the Mayor Councillor TM Kaunda provided the following respective responses:

1. For all events of this magnitude that are taking place within the city, an ESSPC is convened with all relevant stakeholders to plan for such an event. So the planning of this event was no different nor unique from all other events that were

ever planned by the ESSPC. Similarly, the event of the 22-24 July 2022, the planning was done as usual.

Precisely, the stakeholders that were involved in this event were Olive Convention Centre, ANC Provincial Offices, Various units from SAPS, Metro Police, Safety Officer, and attendees as per the attendance register for the applicable ESSPC meetings (SAPS Ethekewini District would have possession of these records).

2. The event organiser and the responsible person for the venue were tasked by the committee to inform the residents of the applicable closures within a reasonable time.
3. 93 members day and night were deployed for this event. This is an average deployment for events of this magnitude.
4. Despite this being an ANC event in the ANC-run municipality, we ensured that by-laws were adhered to without fear, favour or prejudice in the entire area. There were 34 vehicles towed (includes both obstruction of entry/exit and roadway).
5. 176 vehicles were prosecuted for the following parking offences:

Parked on a sidewalk	42
Red line (no stopping)	59
Parked on Yellow line (no parking area)	23
Unlicensed	11
Obstruction (includes both roadway and entrance/ exit)	41
<b>TOTAL</b>	<b>176</b>

- 6.

Indecency and behaviour By-law	1
Urinate in Public Places	4
<b>TOTAL</b>	<b>5</b>

- 7.

Consumed alcohol in Public	<b>5</b>
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8. The instrument does exist, but not with Metro Police. The Municipality's Environmental Health services section is the competent Department tasked to deal with noise monitoring emanating from events or from any premises. Upon receiving the notification of the event, the health unit's Environmental Health services were activated.

#### 9.1 22/07/2022

No.	Occurrence No.	Area in detail	Type of offence	Time
1	0096	West Street opposite E liquors	Loud music causing disturbance	19h36
2	0123	Olive Convention Centre	Loud screaming and noise	20h15

3	0126	Somtseu Road	People causing havoc	21h15
4	0001	Blue Island Pub	Noise complaint	23h34
5	0182	Fisherman Parking	Braai in parking	23h05
6	0175	11 South Beach Road	Loud noise complaint	22h26
7	0126	Somtseu Road, North Beach	Disturbing the peace	21h14
8	0125	Somtseu Road, North Beach	Fighting in public	21h15
9	0001	Playfair Road	Loud noise complaint	23h56
10	0032	Playfair by Caltex garage	Drinking in public	07h21
11	0006	New Light International Boscombe Road	Loud music	02h26
12	0050	ANC Conference Somtseu Road	Loud music and disturbance	11h56
13	0103	Mangrove Beach	ANC officials occupied parking	17h36
14	0004	Elangeni Hotel- Playfair Road	Breaking bottles and noise	01h00

9.2 23/07/2022

No.	Occurrence No.	Area in detail	Type of offence	Time
1	0103	Mangrove Beach Centre	Parking problem	17h36
2	0090	Grieff Place	Noise Disturbance	15h01
3	0040	Ordinance Road	Beggars disturbing the peace	08h24
4	0036	Playfair Road	People drinking in public	07h18
5	0017	Playfair Road	Loud music complaint	01h31
6	0071	1104 Sol Harris Crescent	Illegal Parking of vehicles, obstruction	21h33
7	0050	Olive Convention Centre	Theft out of motor vehicle/belongings	09h13
8	0037	Belmont Arcade, West Street	Vehicles illegally parked	07h25
9	0051	Vicinity of Blue Waters Hotel	Theft of motor vehicle	09h26
10	0065	South Beach Toilets	Theft of belongings	10h30
11	0194	Olive Convention Centre	Singing, dancing, and shouting by people	23h51
12	0175	South Beach Avenue	Loud Noise complaint	19h00
13	0139	Erskine Terrace	Drinking in public	19h00
14	0135	Sol Harris Crescent	Members of ANC loud music and drinking in public	18h38
15	0020	Erskine Terrace	Loud music and disturbing the peace	22h25

9.3 24/07/2022

No.	Occurrence No.	Area in detail	Type of offence	Time
1	0121	Playfair, North Beach	ANC members screaming, dancing, disturbing the peace	23h27
2	0118	Montezuma North Beach	Occupants in car and 4x4 screaming and singing, loud music	23h01
3	0117	137 LMP, Joe Kools	Loud music disturbing the peace	22h49
4	0112	2 Boscombe Place	Loud music complaint	21h09

10. The number of vehicles utilized for the event fluctuated, as the event was and part of the beachfront division of Metro Police, thus not easily ascertainable.

11. Cost of the event as per the plan was R1030 514, 40.

11.3

Questions submitted by Councillor I Syed : Repairs to the City's Water System (23/1/9):

Water repairs in the City as we know are being conducted regularly by contractors. The economy and the effect of these repairs impact on residents daily.

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

- 1. What is the staff compliment employed by the Water and Sanitation Unit?**
- 2. How many of that staff are plumbers who carry out repairs to the water supply system?**
- 3. How many of that staff are allocated vehicles?**
- 4. How many vehicles does the Unit have allocated for the repair to the water supply?**
- 5. What is the fuel literage for those vehicles in the last month?**
- 6. What measures are in place to avoid abuse of the vehicles?**
- 7. How many contractors doe the Unit issue contract to?**
- 8. How many jobs were reported and attended to across the City in the last three months?**
- 9. What number of those jobs were allocated to contractors, and how many were allocated to internal plumbers?**
- 10. How many hours of overtime was logged and claimed over the last three months by the staff who work on repairs to water supply system?**

- 11. What are the KPI's (Key Performance Indicators) in place to ensure that internal staff are doing their jobs effectively and timeously?**
- 12. Are contractors allocated work on an "as needed basis" when we do not have internal staff or have we as the City "normalized" outsourcing.**

Councillor CN Sisoka provided the following respective responses:

1. The Unit has 3558 staff.
2. Repairs and maintenance of infrastructure are conducted by numerous staff including plumbers. There is a total of 119 artisan plumbers.  
  
These staff assist to maintain the water infrastructure comprising over 12 000kms of water mains and 500 000 water connections.
3. 119 subject to roadworthiness of vehicles.
4. 119 this figure is subject to roadworthiness of vehicles.
5. Still awaiting for BP (Fuelmaster) to provide information, as soon as it being received, an update will be provided.
6. Council vehicles are monitored with the Netstar tracking device which is linked to the touch key allocated to all drivers in the Unit. In addition, to this, there are existing policies and processes that guide employees on the use of Municipal NDM vehicles.
7. This information will be provided that at the same time as the fuel usage.
8. 32 285 jobs were reported and attended to over the last three (03) months.
9. Contractors were allocated 28 529 jobs. eThekweni Water & Sanitation (EWS) internal plumbers were allocated 5 564 jobs.
10. 68 048 hours were claimed over the past three (03) months.
11. In collaboration with Performance Monitoring Unit , the EWS strive to achieve the goals as set out by the IDP which are monitored by the SDBIP. All staff have a performance plan and individual goals are set and measured.
12. The Unit strategically elects to insource or outsource work according to requirements. The number of outsourced staff varies e.g Plumbers and security according to the workload and backlogs.

***At this stage of the proceedings, time being 12h00, the meeting was adjourned to allow for the system to reboot and for re-connection following scheduled electricity loadshedding at 10h00am. Thereafter, the meeting re-convened at 12h20.***

11.4

Questions submitted by Councillor M Ismail : City's Services (27/2/R):

In the City services are supplied to residents alike. It is with that spirit that clarity is sought on the actual impact of urbanization and non-revenue services. The eThekweni Municipality on the whole supply's electricity across the City through its Electricity Unit.

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

- 1. How many residents across the City are on the eThekweni Municipality's billing system who contribute towards rates?**
- 2. What is the quantum in rand value of revenue received towards electricity through our billing system over a three month period, say from January 2022 to March 2022?**
- 3. What is the amount of electricity, in rand value Unit have to Eskom over the same period of January 2022 to March 2022?**
- 4. How many customers does the City's Electricity Unit have on the prepaid system and on credit, as in normal billing?**
- 5. Does the City measure its own usage on pump stations and streetlights, among others, of its own facilities?**
- 6. We understand that we have about 595 (five hundred and ninety five) Informal Settlements within the City, of which all of them receive CSW services – water to about 535 (five hundred and thirty five) and electricity to about 300 (three hundred) of these Informal Settlements. What measures are in place to stop illegal electricity connections at Informal Settlements where there is already a supply of electricity through the prepaid system?**
- 7. Do we have bulk metering before entry of supply into any Informal Settlements and are we measuring revenue received within the prepaid system compared to the readings of the bulk supply?**
- 8. Is there enforcement that continuously checks on illegal connections and if so how often are they effecting disconnections across the 595 (five hundred and ninety five) settlements?**
- 9. Does the ratepayer ultimately end up paying for non-revenue services as well as illegal connections of electricity, non-revenue supply of water as well as CSW services?**
- 10. Is so to what percentage and when would a cap be put on these non-revenue supplies with a solution to the reversal of the problem be implemented?**

The Deputy Mayor Councillor PG Mavundla provided the following respective responses:



1. Residential properties contributing towards rates are 472 520.
2. Revenue received is as follows:

January – R1,2 billion

February – R1,3 billion

March – R1,5 billion

ELECTRICITY RECEIPTS			
	January 2022	February 2022	March 2022
Normal	754 481 815	782 392 073	901 099 989
Bulk	491 785 140	529 554 596	590 504 403
<b>Total</b>	<b>1 246 266 955</b>	<b>1 311 946 669</b>	<b>1 491 604 392</b>

3. R2 675 068 905.83
4. 443 517 (prepaid) & (321 214 (credit)
5. Street lights are unmetered, pump stations are metered supplies.
6. Routine meter sweeps and removal of illegal connections. This is however, a losing battle as these illegal connections are restored as soon as staff leave the site, often with stolen cable from somewhere else. The real cause of this is the poor socio economic conditions in these settlements.
7. No to both.
8. Yes Electricity does routine illegal removal in all informal settlement. However there are challenges in some where the safety is a concern and staff are not able to do their work without planned operations with Metro Police and SAPS police. There are also budget constraints which sometimes limits the operations.
9. City has to pay all costs of supply to Eskom (including losses)
10. All non revenue burden has to be carried by the City. Electricity theft is approx. 8 to 9% of electricity purchased and this is carried by paying consumers. The Revenue Protection Branches key activity is removing illegal connections and disconnections in a bid to stop theft and recover monies. Electricity theft is an international one and our losses are within the guidelines stipulated by the electricity regulator NERSA.

#### 11.5 Questions submitted by Councillor M Billy : Contract to Fix Streetlights (27/2/7/1):

Many areas in eThekweni have had streetlights not working for months in some cases for years. In 2019 the Municipality awarded a contract to fix streetlights which was to be in place for two years.

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

1. **How much was allocated to the above contract?**
2. **Did the contract last the intended two (02) years?**

3. **If the answer to the above is No, how long did the contract last and what were the reasons for the termination or lapse?**
4. **At the time the contract ended or was terminated how much had the Municipality paid to the contractor or contractors?**
5. **Was any investigation conducted regarding the challenges in the implementation of this contract?**
6. **If the answer to the above is Yes, what was the outcome, if the answer is No, why not?**

The Deputy Mayor Councillor PG Mavundla provided the following respective responses:

1. ± R130 Million.
2. No, Contract value was exceeded before the period.
3. ± 8 Months. Contract value was exceeded before the period.
4. Contract still under investigation and figures are being populated by Finance.
5. Yes, It was referred to City Integrity and Investigation Unit.
6. Awaiting report from City Integrity and Investigation Unit.

11.6 Questions submitted by Councillor RL Mckenzie : Repairs of Swimming Pools (31/2/1/3):

Swimming pools in eThekweni Municipality are non-operational. The prioritization of repairs of these swimming pools are imperative. Upcoming Championship Galas require proper swimming facilities for residents to train for these galas.

It is on these grounds that I pose the following questions:

1. **How many pools are currently operational and non-operational?**
2. **Please provide a full report of all swimming pools in the City.**
3. **What economic impact has the closure of pools had for the City?**
4. **Is there a shortage of chemicals for the pools?**
- 4.1 **If Yes, what are the reasons for the shortage?**
5. **Please explain what challenges are being faced with regards to the closure of pools if not due to chemical shortages?**

6. What plans does the department have to address these challenges and by when?
7. Please provide an updated list and report of the current status of all pools.
8. Is there a problem with the heating system of Kings Park?
  - 8.1 Are there other swimming pools with heating system issues?
  - 8.2 If Yes, what is being done to address this issue?
  - 8.3 What is the plan of action to address this issues?
9. Do we have a planned maintenance work schedule for pools?
  - 9.1 If Yes, please provide a list and timeline for these?
10. Are staff handling facilities qualified and ready for the season?

Councillor SV Mngadi provided the following respective responses:

1. The City has thirty (30) operational pools that are currently available

No.	Name of Pool	Ward Area	Ward Number
1.	Verulam	Verulam	W03
2.	Stanmore	Phoenix	W49
3.	Rainham	Phoenix	W48
4.	KwaMashu G	KwaMashu G Section	W46
5.	Ntuzuma E	Ntuzuma	W42
6.	Durban North	Durban North	W36
7.	Pipeline	Amanzimtoti	W97
8.	Ilovu	Ilovu	W98
9.	Tiger Rocks	Isiphingo	W90
10.	Umgababa	Umgababa	W98
11.	uMlazi D	uMlazi D Section	W79
12.	Anstey's Paddling	Bluff	W66
13.	Austerville	Austerville	W68
14.	L.T King	Bluff	W66
15.	Tesoriete	uMbilo	W33
16.	Merewent	Merebank	W68
17.	Arena Park	Chatsworth	W73
18.	Bellair	Bellair	W65
19.	Bayview	Chatsworth	W70
20.	Croftdene	Chartsworth	W73
21.	Lamontville	Lamontville	W74
22.	Alex Bulley	Montclair	W64
23.	Lahee Park	Pinetown	W18
24.	Westville	Westville	W18
25.	Mariannridge	Mariannridge	W13
26.	Chesterville	Chesterville	W24
27.	Sutton Park	Morningside	W26
28.	Laguna Paddling	North Beach-Blue Lagoon	W26

29.	South Beach	South Beach	W26
30.	Kings Park Complex	North Beach	W26

2. Annexure was circulated separately.
3. The closure of pools especially central pools has negative impact towards tourism and hospitality industry. This discourage visitors from visiting the City since Durban is the main tourist attraction. The whole coastline will be affected as it has popular tourism attraction with many large hotel establishments. The tourism value chain is badly affected i.e restaurants, entertainment facilities, street vendors and food stall all benefit directly from tourists.
4. Yes, there is shortage of Dry Pool chemicals and gas and it is the main reason for the non-reopening of facilities. The 36-month contract is not finalised by SCM, this has been ongoing issue since the first inception of the contract in 2018. The section has had to purchase the chemicals through PQ orders under R200 000,00, which is not enough to open or maintain all facilities over a certain period.
  - 4.1 Shortage of gas – NCP is the sole supplier for Chlorine gas n South Africa and they are experiencing challenges in their plants and production of the gas and have not been able to meet the section’s demand. They are prioritizing Water and Sanitation in the supply of drinking water.  
Dry chemicals: in the absence of a contract the Unit is unable to open other swimming pools.
5. During winter season it has been a practice and norm that some pools are closed on weekends this is informed by the statistics of pool users.
6. This will be addressed when the City has a contract in place, the process is with SCM Department.
7. As per response under question 1, the City has thirty (30) operational pools within its area of jurisdiction.
8. There is a problem of the heating system at Kings Park pool the heating system was installed in the early 1960s it has now reached its expiry date. The cost for repairs of the existing heating system is R800 000 for the entire facility and the department has opted to replace the old heating system that will cots R6 Million in 2023/2024 financial year.
  - 8.1 Yes, they are:-  
uMgababa Swimming Pool in ward 98, the Pool does not provide enough heating due to coastal weather conditions  
Bayview Swimming Pool in Ward 70, the pool does not provide enough heating it has to repaired.  
Stanmore Swimming Pool in Ward 49, the pool heating system is dysfunctional  
NB: Proformas were sent to Architecture.
  - 8.2 Due to budget constraints the Department is unable to address this in 2022/2023 financial year, it will be considered in the next financial year or outer years.

- 8.3 This can be addressed sooner subject to budget availability, the department has projected to consider the upgrade of heating system in the next financial year or outer years.
9. Not yet, the Department has requested Architectural services to package whole project with cost estimates.
- 9.1 N/A
10. Swimming Pool staff are qualified and experienced in an ideal environment each swimming pool is manned by two (02) Pool Supervisors and three (03) Pool attendants, Superintendent oversee the operations of the district Pools. In paying pools there Pool Cashiers i.e two (02) per pool.

In preparation for the season the Department will be doing its annual fitness test for permanent staff in November and has engaged Human Capital to start with recruitment process for seasonal staffing.

11.7 Questions submitted by Councillor TM Mthethwa : Restructure and reallocate the Approved Public Transport Service Improvement Incentives Programme Budget (26/3/1/2):

In July, eThekweni Council took a decision to restructure and reallocate the approved Public Transport Service Improvement Incentives Programme budget of R202 025 818.75 as an incentive for the Mini Bus Taxi (MBT) Operators. The objective of the programme is to empower the industry, improve the service and safety of commuters, and have a more formal and scheduled service structure. Incentives include each taxi owner that qualifies getting paid R1400 per taxi per month, associations getting R5900, regions getting R9500, and drivers getting paid between R1750 to R3000. Qualifying requirements to benefit from the incentives include having roadworthy vehicles with valid operating licenses and tracking systems, an employment contract for driver's, no outstanding warrants of arrest, a letter of recommendation from the association, and a vehicle maintenance programme.

In light of the above I pose the following questions:

1. **How many drivers have benefited from this programme? Please provide per association and region.**
2. **How many drivers have employment contracts in the programme since its inception?**
3. **How much was paid to each taxi owner between October 2018 and to date?**
4. **How many taxi associations have benefited from this programme? Please specify all.**
5. **How many regions have benefited from this programme?**
6. **How much was paid to each region between October 2018 and to date?**

The Deputy Mayor Councillor PG Mavundla provided the following respective responses:

1. To date 500 drivers have benefitted from the Program and the drivers spread across 78 Associations and 5 Regions throughout the eThekweni Metro through appropriate driver training and customer care training.
2. All participating drivers have a contract as part of the minimum compliance requirements for the owners is that there needs to be contract of employment between the Owner and the Driver.
3. A total of R15,9 Million was paid from 2018 to date to with the phasing in of operators from 150 to 500 owners in the pilot phase. The participating owners have been paid R1000 per owner.
4. The below total of 78 Association have participated in the Pilot Phase of the Project at R5000 per Association.

ASSOCIATIONS
Qadi-Nyuswa
Sydenham Taxi Association
Newlands East TA
Newlands West TA
Amaoti TA
Ndwedwe Qadi T.A
Piesang Waterloo Taxi Owners Association
KwaMashu TA
Bester TA
Inanda Taxi Owners Association
Bhoolas TA
Lindelani TA
Ntuzuma Taxi A&B Taxi Association
Isinamuva Taxi Association
Zamukulungisa Ndwedwe Taxis
Siyanda Taxi Club
Newtown ABC T.A
Thuthukani Taxi Association

Southgate Taxi Owners Club
Umhlanga Taxi Association
Ntshongweni Taxi Owner Association
Dassenhoek Taxi Association
Embo Taxi Association
Nazareth Taxi Association
Molweni Association sole prop
Vilesh Debba
Winkelspruit Taxi Owners Association
Kwandengezi Taxi Association
Malukazi Taxi Association
Msahweni Taxi Association
Illovu Adams Taxi Association
uMlazi West M; N & R Taxi Association
St Wendolins Klaarwater Taxi Owners Association
Amanzimtoti Taxi Owners Association
Clermont & KwaDabeka Taxi Association
Mereridge Taxi Association
Umgababa Taxi Association
Ntuzuma Taxi Association
Thuthukani Mathuli Taxi Association
Mid Illovu Taxi Association
Isiphingo Pinetown Taxi Association
Umbumbulu Taxi Association
KwaMakhutha United Taxi Owners Association
Isiphingo Durban Taxi Owners Association
Folweni Taxi Owners Association
Overport Taxi Association
KwaMgugu Taxi Association

uMlazi Taxi Association Club
YellowPark Taxi Association
Masakhokuhle Taxi Association
Mishack Vamindaba Shozi
Reunion Taxi Association
Clare Estate Taxi Association
Mitchell Park & Musgrave Taxi Association
Chesterville West Taxi Association
Avoca Hills Duffs Road & Quarry Heights Taxi Association
Durban – Verulam Taxi Association
Reservoir Hills Taxi Association
Inner City Circle Taxi Association
Mlaba & Mkhizwane Owners Association
Lamontville Taxi Owners Association
KwaMnyandu Taxi Owners Association
Inchanga / Fredville Taxi Association
Mariannhill/Tshelimnyama Taxi Association
Sonqoba Taxi Association
Engonyameni Taxi Association
Durban Liner Taxi Association
Berea Long Distance Taxi Association
University Park Taxi Association
Bhekithemba Taxi Association
South Beach Taxi Association
Inanda Cross Road Taxi Association
Pinetown Taxi Owners Association
Mophela Taxi Owners Taxi Association
Nqetho Taxi Owners Association Club
Cato Manor Taxi Association



Ndwedwe and District Taxi Association
Pinetown Taxi Owners Association

5. A total of 5 Regions have benefitted from the Program:-

Greater North  
Durban West  
Central  
South 1  
South 2

6. Each Regions split the 500 vehicles equally to 100 per Region

Greater North	- R280 000-00
Durban Central	- R280 000-00
Durban West	- R280 000-00
South 1	- R280 000-00
South 2	- R280 000-00

The amount is made up of R8000-00 per Region.

11.8

Questions submitted by Councillor TS Govender : Neglect of the Silverglen Nature Reserve (32/1/5/1/1):

The Silverglen Nature Reserve is approximately 460 hectares and is situated South of Durban. It is also one of the largest green lungs along the Durban belt, but many years ago, this Nature Reserve was one of the best, which saw many tourists taking advantage of its pristine beauty and lovely hiking trails. During the past three decades, not much effort was put into the sustainability of this once beautiful area which also boasts a natural lake with many different bird species. The neglect of this Nature Reserve will surely have a negative result due to the lack of visitors and tourists, who are too scared because of the many murders that were committed, not forgetting the two Nature Reserve Rangers who were sadly ambushed and killed. Criminals are now using the Nature Reserve as a springboard, to attack and rob unsuspecting residents living on the periphery of the Nature Reserve, which is becoming a great concern within this community.

Considering the above, I therefore pose the following questions:

- 1. Why is this Nature Reserve, being one of the largest, seems to get the least budget to sustain itself?**
- 2. When will the two deceased rangers be replaced?**
- 3. Why has there been no proper maintenance over the years where the roads and fencing has still not been addressed?**
- 4. Will there be regular security patrols deployed in the reserve, to curtail the high crime being experienced by the nearby residents?**

5. **How much of the income being generated by the Nursery, is being ploughed back towards the upkeep of the reserve and for safety and security?**
6. **There were discussions about introducing the \*big five\* after the existing residents were safely moved to Savana Park. May we know exactly when this may happen?**
7. **Will we be seeing a drive towards reviving this reserve and attracting visitors and tourists to put this place back on the international map?**
8. **Due to the high crime, residents living along the periphery of this reserve are appealing for the thick brush and trees to be cleared at least twenty metres away from the rear of their homes. Can this be done as a matter of urgency?**

Councillor S Mnyandu provided the following respective responses:

1. Operational budget is available, but the capital budget was affected by budget constraints within the City.
2. Budget for the two positions has been taken away but as from the 1<sup>st</sup> of October there will be people on responsibility allowance to assist with patrols.
3. Budget constraints that is affecting the whole municipality especially since Covid-19.
4. Yes, regular patrols are been taken by rangers from other reserves.
5. The money generated by the nursery goes to the municipality treasury.
6. Silverglen is a small reserve to accommodate the big five.
7. Yes, Silverglen is the jewel for the City and plans are in place to revive it to be the best tourism attraction in the City.
8. Fence clearing is done regularly as a management tool to avoid fires from crossing to private properties, clearing is for 10 metres.

12. REPORTS:

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

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

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## **FIRST REPORT OF THE EXECUTIVE COMMITTEE**

(Meeting held 2022-09-20)

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

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1. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2022-09-06

(Page R1)

1.1 Re-Prioritization of Savings to be Utilised on P13220 - Folweni Gravel Roads Upgrade in Ward 95:

(Page 20 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

The Committee was advised that Folweni Gravel Roads Upgrade, Ward 95, form part of the priority development in this area as it will provides access to the local community for the roads to be upgraded under this contract which are Mgogeni, Mayhiya, Cishamlilo and Velani situated in Folweni Township. Savings in the amount of R3 250 000.00 (Three Million Two Hundred and Fifty Thousand Rand (Excl. VAT) has been identified on P13219 – Lunguza Road, Ward 99 in the 2022/2023 financial year due to no responsive tendered being received for that project and this savings will be utilized to cover the amount to complete the work on Folweni Gravel Roads Upgrade.

In motivating the proposal, the Deputy Head: Engineering advised that the project for the upgrade of Folweni Gravel Road was approved by the Bid Adjudication Committee at its meeting held on 21 June 2021. The work commenced but due to the recent floods, the progress of the work was affected by the damages hence the necessary repair work was required.

Authority is therefore sought to reprioritize the savings identified to then beef up the costs to upgrade the roads which are Mgogeni, Mayhiya, Cishamlilo and Velani situated in Ward 95, Folweni Township.

With the Members being in support,

### **COMMITTEE RECOMMENDS:**

- 1.1.1 That authority be granted for the Deputy City Manager: Human Settlements, Engineering and Transport to reprioritize savings in the amount of R3 250 000.00 (Three Million Two Hundred and Fifty Thousand Rand), excluding VAT, identified from P13219 - Lunguza Road project to be utilised to fund the shortfall on P13220:

Upgrading of Roads during the 2022-23 financial year, namely, Mgogeni; Mayhiya; Cishamlilo; and Velani, situated in Ward 95 Folweni Township.

- 1.1.2 That subject the approval of .1 above, the savings in the amount of R3 250 000.00 (Three Million Two Hundred and Fifty Thousand Rand), excluding VAT, be regularized during the 2022-23 Adjustment Budget.

**ADOPTED.**

- 1.2 Public Participation Process for Draft eThekweni Municipality Wayleave and Excavation By-Law 2022 (1/1/3/1/4/1):  
(Page 22 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

In providing background on the matter, it was advised that the purpose of the report was to seek approval to commence with the public participation process for the newly developed eThekweni Municipality Wayleave and Excavation By-Law 2022. That, with the current wayleave process implemented by the Engineering Unit not being legislated, it was obligatory to develop legislation to regulate works to be executed.

During deliberation at the Executive Committee level, this initiative received a positive reaction. It being mentioned that the development of this By-Law will provide protection to the Municipality and the citizens who are subjected to a great inconvenience when unknown and unauthorized parties just excavate the Municipal or private property.

In response to a query pertaining to participation by the Councillors in the stakeholder consultation process, confirmation was given that the final decision-making rested with Councillors who will deliberate on the By-Law upon submission at the conclusion of the stakeholder consultation process.

With Members being in support,

**COMMITTEE RECOMMENDS:**

- 1.2.1 That authority be granted to conduct the public participation process for the draft eThekweni Municipality: Wayleave and Excavation By-Law, 2022, with the notice to be published for comment in the Ezasegagasini Metro and a copy of the By-law to be placed on the City Hall Notice Board, at Sizakala Centers and on the eThekweni Municipality Website ([www.durban.gov.za](http://www.durban.gov.za)), for a period of not less than thirty (30) days, to allow the public an opportunity to make representations with regard to the proposed By-law and, it being recorded that this By-Law provides for:
- (a) regulation of all works to be executed in any public road reserve and Municipal servitudes;
  - (b) to provide for wayleave procedure;
  - (c) to provide for the regulation of protected precincts;
  - (d) to provide for matters relating to costs;
  - (e) to provide for existing and planned services; and
  - (e) to provide for matters incidental thereto.
- 1.2.2 That if required, the eThekweni Municipality: Wayleave and Excavation By-Law, 2022 be workshopped with the Human Settlements and Infrastructure Committee, on a date to be agreed upon by the Committee.

**Speaking on the matter, the DLC welcomed the development of the Wayleave and Excavation By-Law, pointing out the citizens have been subjected to a great inconvenience when unknown and unauthorized parties just excavate the Municipal or private property and thereby causing damage to infrastructure.**

**In support, the DA submitted that this was a motion which had been submitted to Council back in June 2021 and they were pleased that the draft By-Law has since been developed. They reiterated that fibre contractors have caused disruption and inconveniences to the public, it being cited that poor quality material was being utilised by contractors to repair damages to the water and electricity infrastructure caused by unauthorised excavations. On this basis, the DA supported the public participation process in a bid to subsequently approve the By-Law.**

**The IFP was also in support of the matter, pointing out the current lack of accountability for damages caused during excavations. They emphasised that residents have to be informed before any future excavations are undertaken.**

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

1.3

Public Participation Process for Draft eThekweni Municipality Roads Policy 2022 (25/4/P):

(Page 56 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

Authority is sought to commence with the public participation process for the draft eThekweni Municipality Roads Policy, 2022 attached as Annexure 'A' to the report by the Acting Head: Engineering dated 2022-07-11. It was advised that an audit of road infrastructure by the Auditor-General during the 2015/2016 financial year revealed that the Municipality did not have an approved policy encompassing the following aspects:

- Strategic planning
- Routine and preventive maintenance planning
- Funding for constructing new road infrastructure
- Funding for maintaining existing road infrastructure
- Information Management system
- Addressing backlogs
- Roles and responsibilities

The policy relates specifically to roads and parking areas under the jurisdiction and ownership of the Municipality. It is therefore applicable to both the Roads Provision Department and the Roads and Stormwater Maintenance Department responsible for managing the eThekweni's roads network respectively. The policy provides for a framework to achieve the strategic objectives of the IDP by focusing on deliverables such as access, levels of service and reducing life-cycle costs. The following key aspects are outlined in detail in the policy:

- The provision of new infrastructure, including strategic capital projects, new access roads, sidewalks and the upgrading of gravel roads to a surfaced standard.
- The routine and preventive maintenance of existing infrastructure, including rehabilitation;
- Working in the public road reserve;
- Maintaining a road asset register;
- Developing Roads Asset Management Plan;

- Backlogs; and
- Funding.

The publication notice will be published in the Ezasegagasini Metro as well as the Municipality's website for public comment. Apart from the costs associated with the publication of the public participation notice in the Ezasegagasini Metro there are no further financial implications.

Accordingly, the approval of the Policy is required to ensure that the Municipality properly regulates the processes pertaining to the development of road infrastructure within the Municipality. On that basis,

**COMMITTEE RECOMMENDS:**

1.3.1 That authority be granted to commence with the public participation process for the draft eThekweni Municipality Roads Policy, 2022, with the notice to be published for comment in the Ezasegagasini Metro and a copy of the Road Policy, 2022 to be placed on the City Hall Notice Board, at Sizakala Centers and on the eThekweni Municipality Website ([www.durban.gov.za](http://www.durban.gov.za)), for a period of not less than thirty (30) days, to allow the public an opportunity to make representations with regard to the proposed Policy, and it being recorded that the purpose of this Policy is to:

- (a) Direct the strategic planning of roads and associated stormwater infrastructure at a network level;
- (b) Ensure that repairs and maintenance plans are designed to enhance the value of the roads infrastructure assets for the benefit of present and future communities and customers;
- (c) Outline the funding strategy for the construction of new road infrastructure;
- (d) Outline the funding strategy for the maintenance and repairs to the existing roads and associated stormwater infrastructure;
- (e) Define the concept of a backlog and outline mechanisms for addressing the same; and
- (f) Outline the roles and responsibilities of all relevant stakeholders involved in the provision and management of roads infrastructure.

1.3.2 That if required, the eThekweni Municipality: Roads Policy, 2022, be workshopped with the Human Settlements and Infrastructure Committee, on a date agreed upon by the Committee.

**ADOPTED.**

1.4 Proposed Alienation of Erven 3186 and 3189 of Isipingo Ext 22, Plan No.: SJ 4502/5: Extent 2535m<sup>2</sup> (17/2/1/2/P):

(Page 103 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

With the Members having requested that an in-loco inspection of the property in question be undertaken,

**COMMITTEE RECOMMENDS:**

1.4.1 That in terms of Section 211 of Regulation 5(1) (b), Regulation 7 and Regulation 12 of the Municipal Asset Transfer Regulations, 2008, read with Section 14(2) (a) and (b) of the Municipal Finance Management Act No. 56 of 2003, Council notes that:

- 1.4.1.1 The proposed properties described as Erven 3186 and 3189 Isipingo, measuring in extent of 2535m<sup>2</sup> are not required to provide the minimum level of basic Municipal services; and are a surplus to the requirement of the Municipality.
- 1.4.1.2 The market value of the properties is currently assessed at a value of R575 000.00 (Five Hundred and Seventy-Five Thousand Rand), excluding VAT, as per Annexure C contained in the report of the Head: Real Estate dated 2022-07-13.
- 1.4.2 That Council approves that the proposed alienation for exclusive Affordable Housing Development be discounted to thirty percent (30%) of the fair market value, having duly considered the principles as set out in Regulation 13(2) of the Municipal Asset Transfer Regulations, and Clause 5.4.1 (2) and (3) of the eThekweni Municipality Land Disposal and Granting of Rights Policy, the discounted valued being determined to be R172 500.00 (One Hundred and Seventy-Two Thousand Five Hundred Rand).
- 1.4.3 That, all cost incidental to the transaction shall be at the cost of prospective buyer of the properties.
- 1.4.4 That all development plans and applications must be submitted and approved by the Municipality prior to any commencement of construction on the properties.
- 1.4.5 That it should state conditions of transfer as follows:
- 1.4.5.1 The properties are alienated for the Affordable Housing and will be subject to a reversionary clause relative to the use which can only be utilized for Affordable Housing and no other purpose whatsoever being against the title deed of the properties.
- 1.4.5.2 A reversionary clause to be included in the sale agreement that in the event of properties not utilised by the prospective buyer for the purpose indicated in this report, then ownership of properties will revert to the Municipality, in such event, the properties will be transferred by the prospective buyer at no cost to the Municipality, free of any encumbrances, liens, hypothec and mortgage bonds, it being recorded that the prospective buyer will sign all documents necessary to give effect to such transfer of the properties to the Municipality, this provision to be included in the sale agreement between the prospective buyer and the Municipality.
- 1.4.6 That Council delegates the City Manager to sign all necessary documents to give effect to this transaction, subject to the provisions and compliance with the Delegations of Authority, any processes provided for in the Supply Chain Management Policy, the Land Disposal and Granting of Rights Policy of the Municipality, the Municipal Asset Transfer Regulations 2008, the Municipal Finance Management Act, No. 56 of 2003 and any other applicable legislation.

**ADOPTED.**

- 1.5 Reallocation of Funds for Tools and Equipment in the Electricity Unit (7/1/3/2):  
(Page 146 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

Authority is sought to reallocate funds in the amount of R100 000.00 (One Hundred Thousand Rand) from the existing budget of Furniture and Office Equipment (Block Sum) to the Sundry Tools and Equipment (Block Sum) budget for the procurement of tools and equipment within the Electricity Unit. The funds in the Sundry Tools Equipment budget have been depleted and therefore the procurement of the mentioned items cannot be concluded. However, the lack of these critical items will significantly hamper the operation of the branch. Therefore, the transfer of funds

is necessary to enable Network Control to continue operational in a safe and effective manner. Some of the items to be procured include binoculars, servicing of the electronic engraver, GPS units, amongst the other tools that are used for the implementation of remote monitoring schemes.

With the Committee being agreement,

**COMMITTEE RECOMMENDS:**

- 1.5.1 That authority be granted to the Deputy City Manager: Trading Services to reallocate and transfer funds in the amount of R100 000.00 (One Hundred Thousand Rand) from the existing budget of Furniture and Office Equipment (Block Sum) to the Sundry Tools and Equipment (Block Sum) budget to enable Network Control to continue operation in a safe and effective manner.
- 1.5.2 That subject to the adoption of .1 above, authority be granted for the Deputy City Manager: Finance to include in his Adjustment Budget Report, the transfer of funds from Budget Number PMZ001820 (Furniture and Office Equipment - Block Sum) to PMZ001819 (Sundry Tools and Equipment - Block Sum), as detailed in the report of the Head: Electricity dated 2022-03-22.

**Financial Implication:**

The cost is estimated to be R100 000.00 (One Hundred Thousand Rand) for the procurement of tools and equipment. Funds are requested to be:

**Transfer From:**

Budget Number: PMZ001820  
MSCOA Code: 37501.44520.30015.1111.PC8400.0010  
Project Description: Furniture and Office Equipment (Block Sum)

**Transfer To:**

Budget Number: PMZ001819  
MSCOA Code: 37501.44350.30015.0000.PC8800.0010  
Project Description: Furniture and Office Equipment (Block Sum)

**FC No.: 361/CA0241**

**A submission was made that such budget reallocations would be supported given the persistent electricity challenges, reference being made to load shedding.**

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

- 1.6 Capital Budget Adjustment to Allow for Emergency Floods Damages Repair Work and Contractual Commitments: 2022-2023 (7/1/2/2):  
(Page 159 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

Authority is sought to revise the approved Cleansing and Solid Waste (CSW) Unit 2022/2023 financial year capital budget through an adjustment to cater for the April 2022 storm emergency works that could not be completed in the 2021/2022 financial year. There are no additional implications as all transfers will be funded from savings identified within the CSW Unit and are re-distributed towards the internal CSW Unit capital projects in the 2022/2023 fiscal and have no impact on the overall allocated total provision for the Unit. This adjustment would allow for the Unit to reasonably deal with the emergency storm damage works and aligned to achieve minimum service delivery. Failure to secure will result in waste management crisis across various regions within the eThekweni Municipality.



The unforeseen delays in obtaining necessary approvals on the emergency work packages after the April 2022 floods disaster has necessitated the need to reprioritise the 2022/2023 capital budget and allow for the contractual commitments and compliance directive to be satisfied. Therefore, this report seeks to revise the approved 2022/2023 capital budget through the adjustments budget to enable projects to be undertaken for full and complete implementation.

During consideration at the Executive Committee level, the importance of prioritizing the floods disaster projects was acknowledged, but concern expressed with the level of funds movements from the other projects. It being cited that there is a possibility of future motivations to beef up the very same projects where funds are currently being transferred from. This was noted, but an indication given that most of the infrastructural projects were not fully funded at the budget approval stage. Hence, a decision was taken that funds will be reprioritized as circumstances permit during the financial year. However, the concern raised was noted, which was basically an indication to exercise caution and manage the transfer of funds in a reasonable manner.

With the Committee being in agreement,

**COMMITTEE RECOMMENDS:**

- 1.6.1 That authority be granted for the Head: Cleansing and Solid Waste to transfer funds in the amount of R18 634 676.00 (Eighteen Million Six Hundred and Thirty-Four Thousand Six Hundred and Seventy-Six Rand) to various internal projects within the Unit as per Table 1 below:

**TABLE 1: ADJUSTMENT BUDGET – CAPITAL – TRANSFERS – CLEANSING & SOLID WASTE 2022/2023:**

No.	PROJECTS REQUESTED			FUNDED FROM (LIST THE PROJECTS		
	DESCRIPTION	VOTE	AMOUNT R'S	DESCRIPTION	VOTE	AMOUNT R'S
1.	Buffelsdraai Landfill: Closure Preparation	WB133	2 375 853	Shongweni Landfill Leachate Treatment Plant	WSH03	16 434 676
2.	Buffelsdraai Landfill Cell	WBU14	6 140 182	Shallcrosss Landfill Rehabilitation	WSHL03	1 100 000
3.	Lovu Landfill Cell PH & Infrass	WLO03	4 921 846	Wyebank Landfill Rehabilitation	WWYL02	1 100 000
4.	REH Leachate Treatment Plant	WLT01	246 936			
5.	Marianhill: Stormwater & Environment Protection PR	WMA18	2 749 859			
6.	Transportation Assets	PMZ001422	2 200 000			
<b>SAVINGS DECLARED</b>			<b>18 634 676</b>			<b>18 634 676</b>

- 1.6.2 That subject to the approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in his Adjustment Budget Report the transfer of funds as reported in the report SW2022/049.

FC No.: 366/C108

**ADOPTED.**

- 1.7 Request for Authority to Transfer Funds to Project X8552, Contract WQ 64/11824: Mountview Reservoir to Trenance Park 3 Reservoir Pump System Rehabilitation (7/1/2/2) & 23/1/11/3/1):  
(Page 255 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

The Committee received the report for the transfer of funds in the amount of R5 000 000.00 (Five Million Rand) required from the re-prioritization of capital budget in the 2022/2023 to complete Project No.: X8552 – Mountview Reservoir to Trenance Park 3 Reservoir Pump Station Rehabilitation. The transfer will be derived from the savings identified on Project No.: X8584 – Ntuzuma Reservoir 2 WPS Functional Upgrade, in the amount of R3 000 000.00 (Three Million Rand), and on Project No.: X8582 – Grange Reservoir WPS Functional Upgrade, in the amount R2 000 000.00 (Two Million Rand).

Authority is therefore sought to re-prioritize the savings identified to then beef up the costs to complete the project No.: X8552 in the 2022/2023 financial year.

At the Executive Committee level, the DA abstained on this matter as they were not in support of the transfer of funds from the critical project to fund non-critical project. Also citing that a legitimate expectation for infrastructural repairs has already been created yet funds are now being transferred. The Committee was then informed that the budget transfer was informed by technicalities relating to the delays in the delivery of the equipment required for the upgrade. However, that the project has not been cancelled but it is just a case of utilising funds which would not be spent immediately to then be utilised to the other projects already underway.

With the DA (02) abstaining, and the other Parties being in support,

**COMMITTEE RECOMMENDS:**

- 1.7.1 That authority be granted for the Head: Water and Sanitation to transfer funds in the amount of R5 000 000.00 (Five Million Rand), excluding VAT, to Project X8552 for the Mountview Reservoir to Trenance Park 3 Reservoir Pump Station Rehabilitation, from savings identified on Projects X8584 in the amount of R3 000 000.00 (Three Million Rand) and X8582 - R2 000 000.00 (Two Million Rand).
- 1.7.2 That subject to the approval of .1 above, authority be granted for the Deputy City Manager: Finance to include in his Adjustment Budget Report the transfer of funds as reported in report WS2022/149 of the Head: Water and Sanitation dated 2022-07-07.

**Financial Implications:**

Funds are to be transferred to Project X8552 as per the table below; from projects X8584 and X8582, as per table below:

Financial Year	BU	Item. Sub	Fund	Cost	Project	Region	Provided (excl. VAT) R	Additional Required (excl. VAT) R

2022/23	X8552	55100.1300	30015	0000	X8552	W059	5,000,000.00	5,000,000.00
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Savings have been identified to cater for the additional R5 Million required as per the table below:

Financial Year	Project	Provided (excl. VAT) R	Savings Identified (excl. VAT) R
2022/23	X8584: Ntuzuma Reservoir 2 WPS Functional Upgrade	3,000,000.00	3,000,000.00
2022/23	X8582: Grange Reservoir WPS Functional Upgrade	3,000,000.00	2,000,000.00

**Commenting on the matter, the DA were not convinced that it was prudent to transfer funds from a critical water project to fund other critical projects. They were of the view that the Municipality had to intensify revenue collection strategies to recover monies owed by Government Departments and Parastatals to enable the Municipality to implement critical water and sanitation projects. They mentioned that transfer of funds from Project X8552, Mountview Reservoir would disadvantage the communities that were meant to benefit from that project.**

**Thereafter the ANC and IFP were in support of the recommendations, and it being emphasised that the budget transfer was informed by technicalities relating to the delays in the delivery of the equipment required for the upgrade. Therefore, it became imperative that the funding be utilised for other critical projects which were already underway and thus aiding communities to receive water.**

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

1.8

Request for Authority to Transfer Funds from Projects Y8767D and Y8944 to Project X8019:

(Page 259 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

Authority is sought to transfer funds in the amount of R14 000 000.00 (Fourteen Million Rand), excluding VAT, from savings identified on Project No.: Y8767D and Project No.: Y8944, respectively, in the approved 2022/2023 financial year to supplement Project No.: X8019 – Installation and Commissioning of Critical Water Telemetry and SCADA Upgrade which will only receive adequate funding during the mid-term budget review. This transfer of funds is a result of funding reprioritization was caused by the April 2022 floods. The implementation of this project will allow the Water and Sanitation Control Operators to have ability for a complete insight into the Water and Sanitation Network, take preventive actions to avoid unwanted occurrences, better control the infrastructure, and make informed decisions based on the data at hand.

The Executive Committee commended this progressive action to upgrade telemetry and SCADA. There being concerns though on the state of security measures to safeguard this costly equipment. The Committee was then informed that plans are now in place to prioritise protection of Municipal equipment.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.8.1 That authority be granted for the Head: Water and Sanitation to transfer funds in the amount of R14 000 000.00 (Fourteen Million Rand), excluding VAT, from Projects (Y8767 and Y8944) to Supplement Project X8019 - Installation and Commissioning of Critical Water Telemetry and SCADA Upgrade, identified in the approved 2022-23 Capital Budget of the Water and Sanitation Unit, as detailed in report WS 2022/154 of the Head: Water and Sanitation dated 2022-07-14, and reflected as follows:

No.	Project No.	Description	Funding Required in 2022/23 R	Project No. to Provide Funds	Funding Provided from Project R	Surplus Funding 2022/23 R
1	X8019	Installation and Commissioning of critical Water Telemetry and SCADA Upgrade	7 000 000	Y8767	7 000 000	0.00
2	X8019	Installation and Commissioning of critical Water Telemetry and SCADA Upgrade	7 000 000	Y8944	7 000 000	0.00

- 1.8.2 That subject to the approval of .1 above, authority be granted for the Deputy City Manager: Finance to include in his Adjustment Budget Report the budget transfer as reported and also reflected in report WS 2022/154 of the Head: Water and Sanitation dated 2022-07-14.

**ADOPTED.**

- 1.9 Approval of Block Sum Reallocation Within the Water Capital Budget (23/1/11/3/1):  
(Page 265 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

COMMITTEE RECOMMENDS:

- 1.9.1 That approval be granted for the reallocation of funds in the amount of R28 000 000.00 (Twenty-Eight Million Rand) from Project No. X4217 - Relay and Extension to various Projects listed in Table 2 below and as contained in the report of the Head: Water and Sanitation, Report WS2022/029, dated 2022-07-24 to be met in the approved Water and Sanitation Unit Capital Budget for the 2022/2023 financial year.

**Table 2** below highlights the Project allocation to the value of R28 000 000.00 (Twenty Eight Million Rand) that have been prioritised for the Water & Sanitation Unit's Capital Projects for the 2022/2023 financial year.

Project No.	Description	Ward	Reason	Value R
X7992	Duffs Road	39	Frequent Bursts	2 500 000.00
X8218	Bowker Road	63	Frequent Bursts	600 000.00
X8008	Waterkant Road	12	Frequent Bursts	2 000 000.00
X8475	Kenneth Kaunda Road	12	Frequent Bursts	1 700 000.00
X8443	Charnwood Road	106	Frequent Bursts	800 000.00
X7879	Sparks and Clare Hill Road	31	Frequent Bursts	500 000.00

Project No.	Description	Ward	Reason	Value R
X8316	Hartley Road	31	Frequent Bursts	1 200 000.00
X8249	Riley Road	31	Frequent Bursts	500 000.00
X8317	Umgeni South Randles Road	31	Frequent Bursts	500 000.00
X8545	54 Siphosethu Road Mt Edgecombe	102	Frequent Bursts	300 000.00
X8109	Umbilo Road trunk Main	65	Extension	1 200 000.00
X8247	Surprise Road	15	Frequent Bursts	800 000.00
X6600	Lower Molweni Rezoning	9	Extension	2 000 000.00
X8576	Cowies Hill	18	Frequent Bursts	2 600 000.00
X8265	Cato Manor Elgie Road	33	Frequent Bursts	1 400 000.00
X7968	Fairways RCH	102	Frequent Bursts	170 000.00
X8559	175 Redberry Road	48	Frequent Bursts	408 000.00
X8554	21 Lineside Place	51	Frequent Bursts	222 000.00
X8569	Frasers to Greylands	62	Extension	1 000 000.00
X8599	Bellgate Tongaat	61	Extension	1 300 000.00
X5288	Nyokeni Booster Main	60	Extension	3 000 000.00
X8442	Iphala Road	93	Frequent Bursts	900 000.00
X8385	Mamba Ridge	58	Extension	2 200 000.00
X8630	Umhlanga Mini Hydro Works	35	Hydro Chamber	200 000.00
X8572	Road P725	100	Frequent Bursts	685 000.00
<b>TOTAL</b>				<b>28 000 000.00</b>

1.9.2

That subject to the approval of .1 above, authority be granted for the Deputy City Manager: Finance to include in his Adjustment Budget Report the transfer from the Capital Block Sums Projects to individual Projects as reflected in report WS2022/029 of the Head: Water and Sanitation dated 2022-07-24.

Relay and Extensions	R28 000 000.00	To be met by Vote Transfer 2022/2023 (Project X4217)
<b>TOTAL</b>	<b>R28 000 000.00</b>	

Cost Centre:69100 and 69200

**Financial Implications:**

The financial implication is that projects totaling R28 000 000.00 (Twenty-Eight Million Rand) as per Table 2 are proposed for implementation utilizing the Relay & Extensions Block Sum that has been approved in the Water and Sanitation Unit Capital Budget for the 2022/2023 financial year.

**FC No.: 364/C308**

**ADOPTED.**

1.10

Request for Authority to Transfer Funds to Various Critical Wastewater Projects (23/1/11/2/1/2):

(Page 272 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

The Committee received the report seeking approval for the transfer of funds from block sums to various projects within the Water and Sanitation Unit in the 2022/2023, 2023/2024 and 2024/2025 financial years. The Water and Sanitation Unit has experienced multiple equipment failures predominantly due to ageing infrastructure

and the recent floods in the KZN region. This transfer aims to transfer funds to projects that require funds to facilitate the much-needed rehabilitation and upgrade of the wastewater infrastructure. The funds are to be used within the 2022/2023, 2023/2024, 2024/2025 financial years respectively and sourced from Y9063 (WWTW Functional Upgrades), Y9064B (WWPS Functional Upgrades).

The project block sums were created for the Wastewater Infrastructure Rehabilitation and Functional Upgrades as per the scope of work of the intended projects. The project Y8901 (KwaMashu WWTW Head of Works Upgrade) is an existing project and due to budget cuts in previous years the project could not be awarded. Funds were approved and are now insufficient due to the rise in steel prices, hence additional funds are now required to complete the work in the 2022/23 financial year. The projects Y9154 (Northern WWTW Functional Upgrade) and Y9147 (KwaMashu WWTW Functional Upgrade) are specific upgrade projects and necessary to restore functional capacity at the treatment works.

With the Committee being in agreement,

**COMMITTEE RECOMMENDS:**

- 1.10.1 That approval be granted for the transfer of funds from Block Sum Y9063 (WWTW Functional Upgrades) and Block Sum Y9064B (WWPS Functional Upgrade) to the Projects as described in the financial implications and in Table 1 in respect of 2022/2023, 2023/2024 and 2024/2025 financial years, as detailed in report WS2022/158 of the Head: Water and Sanitation dated 2022-07-22.
- 1.10.2 That subject to the approval of .1 above, authority be granted for the Deputy City Manager: Finance to include in his Adjustment Budget Report the transfer of funds from Block Sum Y9063 (WWTW Functional Upgrades) and Block Sum Y9064B (WWPS Functional Upgrade) to the Projects as described in the financial implications and in Table 1, for the respective financial years as outlined in the WS2022/158 of the Head: Water and Sanitation dated 2022-07-22.

**Financial Implications:**

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

1. Y8901 (KwaMashu WWTW Head of works Upgrade) R3 000 000.00 (Three Million Rand) excluding VAT available in the 2022/2023 financial year and requires an additional of R2 000 000.00 (Two Million Rand), it being recorded that the R2 000 000.00 (Two Million Rand) will be sourced from the Block Sum Y9063 (WWTW Functional Upgrades) which has R5 000 000.00 (Five Million Rand) excluding VAT available in the 2022/2023 financial year, if Council approve the transfer of funds, the new amount in Y8901 (KwaMashu WWTW Head of works Upgrade) will be R5 000 000.00 (Five Million Rand) excluding VAT available in the 2022/2023 financial year.
2. Y9154 (Northern WWTW Functional Upgrade) requires R1 200 000.00 (One Million Two Hundred Thousand Rand) excluding VAT in the 2022/2023 financial year, R21 000 000.00 (Twenty-One Million Rand) excluding VAT in the 2023/2024 financial year and R14 000 500 000.00 (Fourteen Million Five Hundred Thousand Rand) excluding VAT in the 2024/2025 financial year. A total amount of R36 700 000.00 (Thirty-Six Million Seven Hundred Thousand Rand) excluding VAT is required over the three (03) financial years. Funds are to be sourced from available funds in Block Sum Y9063 (WWTW Functional Upgrade) in respective financial years as shown in Table 1 below.

3. Y9147 (KwaMashu WWTW Functional Upgrade) requires R1 000 000.00 (One Million Rand) excluding VAT in the 2022/2023 financial year, R14 000 000.00 (Fourteen Million Rand) excluding VAT in the 2023/2024 financial year and R10 000 000 000.00 (Ten Million Rand) excluding VAT in the 2024/2025 financial year. A total amount of R25 000 000.00 (Twenty-Five Million Rand) excluding VAT is required over the three (03) financial years. Funds are to be sourced from available funds in Block Sum Y9063 (WWTW Functional Upgrade) in respective financial years as shown in Table 1 below.
4. Y9155 (Wastewater Pump Stations Functional Upgrade) requires R1 400 000.00 (One Million Four Hundred Thousand Rand) excluding VAT in the 2022/2023 financial year and R10 500 000.00 (Ten Million Five Hundred Thousand Rand) excluding VAT in the 2023/2024 financial year. A total amount of R12 000 000.00 (Twelve Million Rand) excluding VAT is required over the two (02) financial years. Funds are to be sourced from available funds in Block Sum Y9064B (WWPS Functional Upgrade) is a block sum and Y9155 (Wastewater Pump Stations Functional Upgrade) is a specific project for upgrade work in certain areas.

Funds Source (Available) (Excluding VAT)					Funds require (Excluding VAT)				
Project No.	Description	FY 2022/23 R	FY 2023/24 R	FY 2024/25 R	Project No.	Description	FY 2022/23 R	FY 2023/24 R	FY 2024/25 R
Y9063	WWTW Functional Upgrade	5 000 000.00	69 001 000.00	55 000 000.00	Y9154	Northern Functional Upgrade	1 200 000.00	21 000 000.00	14 500 000.00
					Y9147	KwaMashu WWTW Functional Upgrade	1 000 000.00	14 000 000.00	10 000 000.00
					Y8901	KwaMashu WWTW Head of Works Upgrade	2 000 000.00	0.00	0.00
Y9064B	WWPS Functional Upgrade	5 000 000.00	20 001 000.00	9 000 000.00	Y9155	Wastewater Pump Stations Functional Upgrade	1 400 000.00	10 500 000.00	Not required

**Table 1: Fund Source and Fund Requirements**

FC No.: 365/334

**Commenting on the matter; the IFP mentioned that the approval of this budget transfer will enable the Municipality to better manage wastewater treatment and nature preservation. They highlighted that this will also ensure cleanliness of the City particularly over the upcoming festive season.**

**In support, the ANC indicated that the intended purpose was also to rehabilitate and upgrade the wastewater infrastructure specifically where there were water bursts and to minimise leaks thereof.**

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

#### 1.11 Request for Authority to Transfer Funds Within the Water and Sanitation Capital Budget in 2022/2023 Financial Year (7/1/2/2):

(Page 277 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

Authority is sought for the reallocation of funds in the approved 2022/2023 Water and Sanitation Unit capital budget through an adjustment budget. The Unit has allocated a

preliminary budget of R5 800 000.00 (Five Million Eight Hundred Thousand Rand) (Excl. VAT) for the provision and upgrade of sanitation services to the eMaqadini Informal Settlements (known as eBuhleni) but due to the delay in the Supply Chain Management processes, the budget could not be utilized. The Unit is therefore again to allocate a preliminary budget of this amount in the 2022/2023 financial year to Project No.: Y9148.

Accordingly, this report seek authority to revise the approved 2022/2023 Water and Sanitation capital budget in order to accommodate this expenditure.

#### COMMITTEE RECOMMENDS:

- 1.11.1 That authority be granted for the transfer of savings in the amount of R5 800 000.00 (Five Million Eight Hundred Thousand Rand), excluding VAT, from the Water and Sanitation Project Y9400 - Community Ablution Blocks to Project Y9148 - The Provision and Upgrade of Sanitation Services to the eMaqadini Informal Settlement (known as eBuhleni), as detailed in report WS2022/168 of the Head: Water and Sanitation dated 2022-08-01.
- 1.11.2 That subject to the approval of .1 above, authority be granted to the Deputy City Manager: Finance to include the budget transfer in his Adjustment Budget Report for the 2022/2023 financial year.

#### **Financial Implications:**

Estimated urgent total of R50 Million is required to construct and upgrade sanitation facilities that are full and unusable in the eMaqadini Informal Settlement (known as eBuhleni) area Hence only R5.8 Million was made available for the current 2022/2023 financial year and an additional budget will be made available should savings identified during the cause of other financial years.

The construction and upgrade of the delapidated sanitation facilities will provide cleaner and safer environment and further address current health and safety challenges.

The Committee is requested to support the transfer of funds from the Projects below to Project Y9148 (The Provision and Upgrade of Sanitation Services to the eMaqadini Informal Settlement - known as eBuhleni).

Project No.	Project	Amount To Be Transferred
Y9400B	Community Ablution Blocks	R5 800 000.00
	<b>Total</b>	<b>R5 800 000.00</b>

FC No.: 365/C338

#### **ADOPTED.**

- 1.12 Request for Budget Re-Allocation for the Construction of Mlomo and Sigodo Roads in Ntuzuma, Ward 38: (25/4/7/1/1):  
(Page 382 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

The Committee received the report for the approval to utilize savings identified from Mkhuhlu Road, Ward 38, to be allocated for the construction of Mlomo and Sigodo Roads located within the same Ward. It was highlighted that Mkhuhlu Road has already been upgraded by the Roads and Stormwater Maintenance Department through the Low Volume Roads Upgrade Programme. Therefore, it is proposed to utilize the budget allocated for Mkhuhlu Road to other higher roads within the Ward.



COMMITTEE RECOMMENDS:

- 1.12.1 That approval be granted to the Head: Engineering to utilise savings in the amount of R3 000 000.00 (Three Million Rand), excluding VAT, identified on P14266 in the 2023-24 financial year, for the construction of Mlomo and Sigodo Roads in Ntuzuma, Ward 38.
- 1.12.2 That, it being recorded that the savings of R3 000 000.00 (Three Million Rand) will be regularised via the Revised Budget submission (Medium Term Revenue and Expenditure Framework April 2023).

**ADOPTED.**

- 1.13 Reallocation of Funds Across Capital Projects in the Electricity Unit (7/1/2/2):  
(Page 384 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

The Committee received the report requesting approval to reallocate savings identified in the approved capital budget of the Electricity Unit for the 2022/2023 financial year. It has been identified that expenditure on certain capital projects may not reach its planned spend within this financial year due to budget constraints following the budget cuts. Certain critical projects could not be completed before the end of the 2021/2022 financial year. The projects have been identified and funds reprioritized to execute these projects. It was highlighted that to ensure the efficient and prudent capital expenditure for the Unit, the reallocation of funds to other projects is necessary.

The 2022/2023 financial year budget is to be reviewed to ensure compliance with the Unit's budget allocation. Four projects, viz. Kingsburgh SS, Mahogany Ridge Substation, Refurbishment of Quarry Switch and Underwood S/S Buildings have been identified for savings to complete the required projects. The 132 kV switchgear that was budgeted for the Mahogany Ridge Substation and Refurbishment of Quarry Switch substation in the 2022-2023 financial year has been reprioritized to the following financial year due to anticipated contract award date.

The second transformer required for the Kingsburgh SS has been postponed due to insufficient funding. The 11 kV switchgear that was budgeted for Underwood S/S Buildings in the 2022-2023 financial year has been reprioritized to the following financial year due to budget cuts. This results in a total saving of R 15 409 366.00 (Fifteen Million Four Hundred and Nine Thousand Three Hundred and Sixty-Six Rand), excl. VAT, to be used for the fifteen projects that have been identified and reflected in Annexure "A" of the report by the Head: Electricity dated 202-08-24.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.13.1 That approval be granted for the Head: Electricity to reallocate and transfer funds in the amount of R15 409 366.00 (Fifteen Million Four Hundred and Nine Thousand Three Hundred and Sixty Six Rand), excluding VAT, from the project where savings have been identified to the list of fifteen (15) projects where funding is required in the approved Capital Budget of the Electricity Unit for the 2022/2023 financial year, as detailed in Annexure attached to the report of the Head: Electricity dated 2022-08-24.

List of Projects for reallocation of funds: Electricity Budget Reprioritization 08/200

Savings Identified:

Bu	Item	Fund	Cost	Project	Region	Project Description	Approved Budget R	Expenditure Forecast R	Savings R
37401	42940	51080	0000	HV022Z1	W015	Mahogany Ridge Substation	22,424,000	14,779,000	7,645,000
37401	42945	51080	0000	HV0508	W109	Kingsburgh SS	14,510,000	10,270,634	4,239,366
37401	42945	51253	0000	HV113	W029	Refurbishment of Quarry Swit	3,400,000	200,000	3,200,000
37401	42946	51253	0000	HV037	W018	Underwood S/S Buildings	24,000,000	23,675,000	325,000
<b>TOTAL</b>							<b>64,334,000</b>	<b>48,924,634</b>	<b>15,409,366</b>

Additional Funding Requirements:

Bu	Item	Fund	Cost	Project	Region	Project Description	Approved Budget R	Expenditure Forecast R	Additional Required Amount per this Report R
37401	42940	51080	0000	HV108	W028	Alice Street Substation	0	14,414	14,414
37401	42940	51080	0000	HV091Z1	W028	Cathedral Rd Substation	0	150,000	150,000
37401	42940	51080	0000	HV062	W032	Dalton Rd Substation	0	550,000	550,000
37401	42945	51080	0000	HV122CAZ1	W026	Dalton-Cathedral Cable	0	4,000,000	4,000,000
37401	42945	51080	0000	HV058	W058	Greenbury Substation	0	100,000	100,000
37401	42945	51080	0000	HV016Z1	W026	KE Masinga Substation	7,544,000	10,600,000	136,000
37401	42945	51080	0000	HV018BZ1	W063	Klaarwater Substation	960,000	2,200,000	1,240,000
37401	43080	51080	0000	HV045Z1	W060	La Mercy	0	300,000	300,000
37401	42945	51080	0000	HV090	W026	Old Fort-Addington Cable	0	4,200,000	4,200,000
37401	42945	51080	0000	HV088MV	W089	Prospecton	0	1,000,000	1,000,000
37401	42945	51080	0000	HV030Z1	W025	Springfield Substation	0	6,630	6,630
37401	42945	51080	0000	HV100	W058	uMdloti Beach Substation	0	180,000	180,000
37401	42945	51253	0000	HV041Z1	W064	Woodlands Substation	0	7,322	7,322
37401	42945	51253	0000	HV057TR	W038	Ntuzuma Substation	0	525,000	525,000
37401	42945	51253	0000	HV064EQ	W1018	Pinetown	0	3,000,000	3,000,000
<b>TOTAL</b>							<b>8,504,000</b>	<b>26,833,366</b>	<b>15,409,366</b>

- 1.13.2 That authority be granted for the Deputy City Manager: Finance to include in his Adjustment Budget Report, the transfer of funds from the project where savings have been identified to the list of fifteen (15) projects where funding is required, as detailed in Annexure attached to the report of the Head: Electricity dated 2022-08-24.

**Financial Implication:**

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

FC No.: 361/CA0253

**ADOPTED.**

- 1.14 Request for Budget Reprioritisation in the Human Settlements Unit for the 2022/2023 Financial Year (22/1/2/2):  
(Page 389 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

The Committee received the report to reprioritise the Human Settlements Unit capital budget whilst maintaining the currently approved budget quantum. Such budget reprioritisation to be ratified in the pending adjustment budget process. The motivation for budget reprioritisation for the Human Settlements Unit is highlighted as follows:

- The 2022/23 FY Council approved Capital Budget took into consideration the limited funding being made available to the eThekweni Municipality from the National Treasury and this was not aligned with projects in various stages of progress, from Planning, Design and Construction, in various Municipal Wards.
- The impact of budget cuts imposed on Units during the March 2022 draft budget submission for the 2022/23 FY, combined with the procurement delays, including contractors not complying with the Supply Chain Management requirements). The 2022 April floods also had an impact on construction progress. In addition, work stoppages due to social issues also resulted in a number of projects having commenced later than anticipated in the 2021/22 FY period. These projects consequentially could not be completed within the 2021/22 FY period. This resulted in the Unit not achieving its planned targets as per the SDBIP and this necessitate financial provisions from the 2022/23 FY period in order to honour contractual commitments.
- Whilst necessary information was submitted during the draft budget stage, to address and reprioritize such projects in order to meet contractual obligations, the proposed changes were not fully included in the final approved 2022/23 FY budget. Such resulted in projects being unfunded and under-funded, thus necessitating a budget reprioritization.
- The ongoing budget constraints facing the Municipality at this stage have subsequently resulted in further budget cuts being imposed on Units during the June 2022 Approval Budget Process; such have resulted in previously funded projects with contractual obligations now being unfunded or under-funded and creating contractual and legal risk exposure for the Municipality.
- In reviewing the allocation of the approved Capital Budget, it has been noted that there are on-going projects which are carry overs to the 2022/23 FY. These were due for implementation in the 2021/22 FY, as indicated above, have not

been fully accommodated and require to be addressed via budget reprioritization processes.

- The Human Settlements Unit identified potential legal risks associated with limited funding for:
  - (a) Multi-year contractual appointments made prior to the commencement of the 2022/2023 financial year (01 July 2022), in particular, those in mid-execution in the construction and delivery of incremental services (Roads, Footpaths & Stormwater control) to the various communities, where funding is not sufficient to conclude the works required for the 2022/2023 financial year.
  - (b) Projects that were due to be completed in the 2021/2022 financial year but have been delayed for reasons indicated above. Such projects have continued with works, in order to ensure ongoing service delivery and honour contractual obligations and submissions were made for inclusion and prioritization of such in the 2022/23 budget, however, such were not fully accommodated in the approved budget and require funding allocation through the reprioritization processes.
- Projects with contractual obligations, which were initially funded in the 2021/2022 financial year but due to budget cuts, are now unfunded or underfunded, necessitating budget reprioritization in order to ensure completion of works in progress and delivery of services to the communities affected.
- The City Manager's Circular, 36/2020, dated 29 July 2020 and issued on 30 July 2020, requires that all unfunded works be stopped, so as to avoid irregular expenditure, as these works will not be paid for. Arising from our implementation of such Circular, the above categories of projects will be impacted.

Therefore, the Human Settlements Unit is requesting that reprioritisation be made to the Human Settlements Capital Budget, to ensure that projects that are currently under construction are fully funded. As mentioned, the proposed reprioritisation is in line with the Informal Settlements Upgrading Partnership Grant (ISUPG) Business Plan and within the Informal Settlement Programme (ISP).

It has become necessary to urgently reprioritize available capital budget, in order to ensure the successful completion of current projects and avoid irregular expenditure and for the previously approved projects which will be underfunded through the above reprioritization process, the available budget will be utilised to complete the services designs and the projects will be reapplied for as additional budget provision, in the next adjustment budget, subject to budget availability, or in the 2023/2024 FY budget.

The Human Settlements Unit is at an advanced stage of procurement planning and the contractual commitments to date, there is opportunity to reprioritise or reallocate budget from the 2022/2023 financial year projects to meet the 2021/2022 financial year contractual commitments. Failure to adhere to the approved ISUPG Business Plan and Cash Flows submitted to the National Department of Human Settlements (NDHS) which reflect the reprioritised budget, will not be tolerated by the NDHS, who have recently criticised the Municipality for not allocating sufficient funding towards addressing informal settlements.

Accordingly, the reprioritised budget will result in more improved expenditure which in turn will reflect positively in terms of the NDHS expectations and will not jeopardise future allocations of the ISUPG funding to the Municipality.

**COMMITTEE RECOMMENDS:**

- 1.14.1 That Council approves the reprioritization of the Human Settlements Unit Capital Budget as set out in Annexure A in the report of the Head: Human Settlements dated 2022-07-22 and as per the table below:

Capital Budget	Capital Budget Description	Project Number	Ward Number	Contract Number	Approved Budget  R	Revised Budget requirement for reprioritization  R
P5374A	Umlazi EX9/ E16 (Thandanani)	P5374A	W080	2V-48549	621,000.00	1,471,130.00
P5426A	PARKINGTON	P5426	W034	4V-46620	14,200,000.00	7,050,000.00
P5444A	U9 (Zamani)	P5444A	W089	3V-48604	465,000.00	1,300,000.00
P5455A	HAVELOCK ROAD	P5455	W034	4V-46618	8,814,000.00	5,501,236.00
P5477A	K7 Project	P5477A	W078	2V-47368	1,915,000.00	1,915,200.00
P5513B	Blackburn Ph2	P5513B	W102	2V-47368	2,000,000.00	4,500,000.00
P5531A	M X 2	P5531A	W083	3V-48506	895,000.00	2,800,000.00
P5544A	SIYANDA	P5544A	W041	2V-45591	1,426,000.00	2,266,000.00
P5556A	EMAPHELENI EZIMBALINI	P5556	W022	2V-18421	8,390,000.00	8,491,642.00
P5596A	Bhambayi phase 3	P5596	W061	2V-47368	4,000,000.00	4,000,000.00
P5597A	Dakota beach	P5597	W090	2V-47368	1,467,000.00	1,466,710.00
P5598A	Ntuzuma C phase 2 part 2	P5598	W038	2V-47368	1,249,000.00	1,248,800.00
P5599A	Progress place (3 of 3)	P5599	W072	2V-47368	963,000.00	1,301,291.00
P5600A	Quarry Road West	P5600	W023	2V-47368	1,307,000.00	200,000.00
P5601A	Umlazi T – Uganda	P5601	W089	2V-47368	2,261,000.00	1,385,776.00
P5602A	Zone 1 Palmiet	P5602	W025	2V-47368	180,000.00	845,000.00
P5603A	Umlazi J2	P5603	W083	2V-47368	314,000.00	1,053,655.00
P5604A	Umlazi L4	P5604	W078	2V-47368	833,000.00	2,300,000.00
P5606A	AMAOTANA ZWELISHA PHASE 1	P5606A	W051	2V-47368	2,503,000.00	3,000,000.00
P5608A	HARARE PHASE 1	P5608A	W007	2V-47368	741,000.00	1,979,000.00
P5609A	EMMAUS	P5609A	W015	2V-47368	1,332,000.00	2,500,000.00
P6510A	ENSIMBINI OVERSPIL	P5610A	W029	3V-48504	277,000.00	1,021,860.00
P5611A	GUMTREE ROAD KENVILLE	P5611A	W034	2V-47368	1,013,000.00	1,012,900.00
P5612A	HARARE PHASE 2	P5612A	W001	2V-47368	1,500,000.00	1,500,000.00

Capital Budget	Capital Budget Description	Project Number	Ward Number	Contract Number	Approved Budget R	Revised Budget requirement for reprioritization R
P5614A	MALUKAZI UPPER	P5614A	W086	2V-47368	1,567,000.00	1,567,100.00
P5615A	QHAKAZA 1,2 & SOKWALISA (DUFFS RD)	P5615A	W039	2V-47368	1,500,000.00	1,500,000.00
P5616A	QHIPH'KHOWE PH1	P5516A	W093	2V-47368	3,417,000.00	2,298,000.00
P5617A	UMLAZI Q - Q3 -PH1	P5617A	W087	2V-47368	592,000.00	1,093,000.00
P5618A	UMLAZI J-J2	P5618A	W083	2V-47368	290,000.00	100,000.00
P5619A	UMLAZI E-EX1	P5619A	W082	2V-47368	926,000.00	1,669,000.00
P5620A	SOWETO	P5620A	W092	2V-47368	460,000.00	1,140,000.00
P5621A	UMLAZI T1/T2	P5621A	W089	2V-47368	1,000,000.00	1,000,000.00
P5622A	EKUTHULENI	P5622A	W019	2V-47368	1,500,000.00	1,500,000.00
P5623A	OLD & NEW DUNBAR (WIGGINS) OVERSPILL	P5623A	W001	2V-47368	1,600,000.00	100,000.00
P5624A	CATO CREST GREENFIELD	P5624A	W030	2V-47368	3,647,000.00	100,000.00
P5625A	INDUS LANE	P5625	W025	2V-47368	300,000.00	100,000.00
P5626A	EMGODINI	P5626A	W036	2V-47368	200,000.00	100,000.00
P5627A	UMLAZI - Q - Q4 /Q5	P5627A	W087	2V-47368	200,000.00	100,000.00
P5628A	UMLAZI - BB - BB 868	P5628A	W084	2V-47368	290,000.00	100,000.00
P5629A	UMLAZI - V - V1	P5629A	W076	2V-47368	150,000.00	100,000.00
P5630A	UMLAZI - T - T5	P5630A	W089	2V-47368	150,000.00	100,000.00
P5631A	UMLAZI - H - H7	P5631A	W076	2V-47368	150,000.00	100,000.00
P5632A	UMLAZI - E - EX4 (THOKOZA)	P5632A	W080	2V-47368	150,000.00	100,000.00
P5633A	UMLAZI - P5/PX3	P5633A	W087	2V-47368	300,000.00	100,000.00
P5634A	UMLAZI J - J4	P5634A	W077	2V-47368	200,000.00	100,000.00
P5635A	UMLAZI - V - V9/V6	P5635A	W076	2V-47368	2,350,000.00	150,000.00
P5636A	UMLAZI V - PEACE VALLEY (V7)	P5636A	W076	2V-47368	350,000.00	150,000.00
P5268B	KENNEDY ROAD	P5268B	W025	2V-47368	100,000.00	100,000.00
P5430A	Umlazi - V-V9	P5430A	W076	To be issued	0.00	3,930,700.00
P5607A	Cato Crest	P5607A	W030	To be issued	0.00	2,547,000.00
					<b>80,055,000.00</b>	<b>80,055,000.00</b>

1.14.2

That it should be noted that the reprioritization budget submission does not result in a request for any additional funding and that this will be incorporated in the Council's next 2022/2023 financial year Adjustment Budget.

**Financial Implications:**

1. The Human Settlements Unit has advanced stages of procurement planning and the contractual commitments to date, here is opportunity to reprioritize or reallocate budget from the 2022/2023 financial year projects to meet the 2021/2022 financial year contractual commitments.
2. Failure to adhere to the approved Informal Settlements Partnership Grant (ISUPG) Business Plan and Cash Flows submitted to the National Department of Human Settlements (NDHS) which reflect the reprioritised budget, will not be tolerated by NDHS, who have recently criticised the Municipality for not allocating sufficient funding towards addressing informal settlements.
3. The reprioritised budget will in more improved expenditure which in turn will reflect positively in terms of NDHS expectations and will not jeopardise future allocations of ISUPG funding to the Municipality.

**ADOPTED.**

- 1.15 Closure of Road Reserve Over a Portion of the Remainder of Erf 1258 KwaMashu E, Remainder of Erf 1628 KwaMashu F (17/2/1/2/5):  
(Page 404 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

COMMITTEE RECOMMENDS:

- 1.15.1 That in terms of Section 211 of Ordinance 25 of 1974 a Portion of the Remainder of Erf 1258 KwaMashu E and a Portion of the Remainder of Erf 1628 KwaMashu F, in an approximate total extent of 1,9612 hectares, designated as road reserve as depicted on Hand Plan Number SJ 4722/3, be permanently closed.
- 1.15.2 That the closure of road reserve over a Portion of Erf 1258 KwaMashu E and a Portion of the Remainder of Erf 1628 KwaMashu F will be advertised via the Land Use Management application process and is to be read in terms of Section 211 of Ordinance 25 of 1974, together with Section 28(2) (e) of the eThekweni Municipality Planning and Land Use Management By-Law 2016.
- 1.15.3 That in the event of objections being lodged to the proposed closure of the road reserve over Portion of the Remainder of Erf 1258 KwaMashu E and a Portion of the Remainder of Erf 1628 KwaMashu F, in an approximate total extent of 1,9612 hectares when it is advertised, the Planning and Land Use Management By-Law process be followed to attend to these objections.
- 1.15.4 That authority be granted for the Head: Real Estate to sign all necessary documents to give effect to this decision.

**ADOPTED.**

- 1.16 Proposed Lease on Remainder of Erf 301 Springfield: Adjoining 121 Intersite Avenue, Springfield, for Parking Purposes, as Depicted on SJ Plan No. 4780/1 (17/2/1/2/5):  
(Page 411 : Human Settlements and Infrastructure Committee - Agenda 2022-09-06)

COMMITTEE RECOMMENDS:

- 1.16.1 That the Municipal Council approves in principle the granting of rights to use, control or manage the capital asset described as Proposed Lease on the Remainder of Erf 301 Springfield, Durban, Province of KwaZulu-Natal, in extent of approximately 5199m<sup>2</sup> as depicted on SJ Plan No. 4780/01, in terms of Regulation 34 (1)(b) read with Regulations 36 and 40 of the Municipal Asset Transfer Regulations (MATR), 2008.
- 1.16.2 That Council approves .1 above, subject to the condition that the appointment of the lessee shall be by direct negotiation and in full compliance with the prevailing

Municipal Legislative Framework, including the Municipal Supply Chain Management Policy.

- 1.16.3 That the current market rental value of the land is assessed at R25 777.50 (Twenty Five Thousand Seven Hundred and Seventy Seven Rand Fifty Cents), per month and excluding VAT, escalating by nine percent (9%) compound increase in the remaining years of the lease.
- 1.16.4 That the Property described in .1 above, is not required to provide minimum level of basic Municipal services for a period of nine (9) years and eleven (11) months and is not required for the Municipality's own use for the period for which the right is to be granted.
- 1.16.5 That all costs incidental to the transaction shall be at the cost of the lessee to whom the right to use, control or manage the capital asset is to be granted.
- 1.16.6 That all developmental plans must be submitted to the Local Authority for approval prior to any construction on the Property.
- 1.16.7 That all conditions by the Municipality's Service Delivery Units as detailed in point 5 of the report of the Head: Real Estate dated 2022-08-02, including the provisions detailed in Annexure C of the same report, will form part of the lease agreement.
- 1.16.8 That subject to the approval of .1 - .7 above and the approval of the Bid Adjudication Committee, authority be granted to the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the Municipality, the Municipal Asset Transfer Regulation 2008, the Land Disposal and Granting of Rights Policy of the Municipality and any other applicable legislation, and that it shall be further subject to conditions as the Head: Real Estate considers necessary to protect the Municipality's interest.

**ADOPTED.**

2. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD 2022-09-08

(Page R19)

2.1 Request for Approval of eThekweni Informal Economy Policy: 2022-2028 (20/1/P):  
(Page 1 : Economic Development and Planning Committee - Agenda 2022-09-08)

Authority is sought for the approval of the 2022 – 2028 eThekweni Informal Economy Policy. The legal requirements for the Informal Economy Policy are derived from the South African Constitution and also monitored in the Integrated Development Plan process which is a Local Government: Municipal Systems Act 2000 requirements and is audited by the KZN Province and by the Auditor-General.

The Head; Business Support, Markets and Tourism commissioned the Policy, Strategy, Information and Research Department at the Economic Development Unit to conduct a review of the current policy. The Task Team included officials from the Economic Development Unit and the Business Support, Markets and Tourism Unit. The current Informal Economy Policy was last reviewed in 2016. Since the last review, there were several gaps identified, and these were corrected by developing "sub-policies" along the way. This however resulted in a fragmented Informal Economy Policy for the eThekweni Municipal area.



The consolidated Informal Economy Policy will assist the City in one of the Integrated Development Plan mandates, i.e. Plan 2: Developing a Prosperous, Diverse Economy and Employment Creation. The review of the current eThekweni Municipality Informal Economy Policy is aimed at addressing issues through undertaking extensive research and consultation and in order to assist the Business Support, Markets and Tourism Unit to achieve its objectives and to improve informal workers' livelihoods.

The purpose of the Informal Economy Policy is to provide an enabling business environment to improve livelihoods by the eThekweni Municipality for its informal sector business customers. The desired goal of this policy is the creation of an environment that supports sustainable economic growth in the informal economy wherein all laws that are not in line with this vision have been repealed or amended. This policy hopes to bring the informal economy into the economic and social mainstream, thereby reducing the vulnerability of those working in this sector.

With the Committee being in concurrence,

**COMMITTEE RECOMMENDS:**

That the eThekweni Municipality Informal Economy Policy: 2022-2028, be approved, it being recorded that the public and stakeholder comments have been taken into account when finalising the policy, and it being noted the policy is aimed at integrating the informal business into the economic and social mainstream with clear regulatory process governing this sector.

**Speaking on the matter, Action SA was in support of the Informal Sector Policy and emphasised that the informal sector plays a major role in terms of job creation and economic growth.**

**ADEC also shared similar sentiments and highlighted that the informal sector had to be organised and effective. They added that Informal Sector Traders Izimbizo had to be convened so that the Policy could be cascaded to all relevant stakeholders. It being further mentioned that the sector contributes 8% to 20% of the GDP, therefore the Municipality had to ensure that the Policy is communicated and actioned accordingly.**

**Meanwhile, the ANC valued the significance role played by the informal sector particularly in the City's economic growth. They reported that prior to the final submission of this Policy, consultation processes were undertaken with relevant stakeholders including the eThekweni Municipal Informal Economic Forum (EMIEF). It being also reported that EMIEF had committed to take a lead and control to mitigate the gaps that had been identified which included amongst others; safety issues, ensuring cleanliness of their place of employment etc.**

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

2.2

Memoranda of Understanding Between the Durban Film Office and the Following Stakeholders: Film Publication Board, Companies Intellectual Property Commission and University of KwaZulu-Natal Centre for Creative Arts (20/2/2):

(Page 84 : Economic Development and Planning Committee - Agenda 2022-09-08)

Authority is sought for the Durban Film Office to enter into a Memorandum of Understanding with the Following Film Industry Stakeholders:

- a) Film and Publication Board (FPB)
- b) Companies Intellectual Property Commission (CIPC)
- c) University of KwaZulu Natal Centre for Creatives Arts (UKZN CCA)

The Durban Film Office (DFO) is the television and film industry development arm of the eThekweni Municipality, mandated to position Durban as a world-class film and television production destination, and a facilitator for the development of the local film industry. The DFO also houses a Film Services Section that aims to promote eThekweni as an attractive film destination, assist visiting production houses with film permits, and provide an information service to the industry in general as one-stop shop.

His Excellency President Ramaphosa initiated the District Development Model (DDM) in 2019 after it was identified that there is a “pattern of operating in silos as a challenge which led to lack of coherence in planning and implementation and has made monitoring and oversight over the government’s programmes difficult. An integrated district-based approach to addressing service delivery challenges that promotes and supports local business and involves communities was then developed. The model consists of a process by which joint and collaborative planning is undertaken at local, district and metropolitan by all three spheres of government, resulting in a single strategically focused One Plan that will align plans and resources. Therefore, the DFO has since established stakeholder relations with different National, Provincial and Local organisations that have similar mandate as the DFO.

The purpose of these stakeholder relations is to assist the DFO expand on its Development Programmes and collaborates on different initiatives to develop the local film and television industry and increase the visibility of the office. In the formation of the collaborations the industry will benefit immensely as the communities and all other role-players will have access to a more coordinated approach in the development of the film and television industry.

Accordingly,

**COMMITTEE RECOMMENDS:**

- 2.2.1 That Council approves collaboration between the following stakeholders:
  - a. Durban Film Office and Film and Publication Board
  - b. Durban Film Office and Companies Intellectual Property Commission
  - c. Durban Film Office and University of KwaZulu Natal Centre for Creatives Arts
- 2.2.2 That subject to the adoption of .1 above, Council approves the conclusion of a Memorandum of Understanding with the following stakeholders:
  - a. Durban Film Office and Film and Publication Board
  - b. Durban Film Office and Companies Intellectual Property Commission
  - c. Durban Film Office and University of KwaZulu-Natal Centre for Creatives Arts
- 2.2.3 That subject to .1 and .2 above, authority be granted for the City Manager to conclude the MOU with the following stakeholders:
  - a. Durban Film Office and Film and Publication Board
  - b. Durban Film Office and Companies Intellectual Property Commission

- c. Durban Film Office and University of KwaZulu Natal Centre for Creatives Arts

**Commenting on the matter, Action SA acknowledged the importance of the Film Industry and further submitted that the industry has a critical role to play in terms of job creation etc. They mentioned that this Memorandum of Understanding will also assist to promote the City as a film attraction destination.**

**Then the ANC mentioned that the film and television industry had to be developed and emphasised that this will result in creation of employment opportunities and economic growth.**

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

2.3

Request for Approval of Funding Support for the eThekweni Filmmakers' Association (20/1/6/3 & 20/2/2):

(Page 141 : Economic Development and Planning Committee - Supplementary Agenda 2022-09-08)

Authority is sought to continue supporting the eThekweni Filmmakers Association programmes through the disbursement of funding for the financial years 2022/2023, 2023/2024, and 2024/2025.

The EThekweni Filmmakers Association (EFA) is a Non-Profit Organisation established to unite the Emerging Filmmakers in eThekweni and in the KwaZulu-Natal province to speak in one voice. Since its launch in 2011, the EFA has taken an initiative to provide free training that is open to the public. The training is aimed at developing the local film industry by providing practical skills to aspiring and emerging filmmakers to meet the growing market demand and of independent film-makers workshop in eThekweni and KwaZulu-Natal at large. The EFA works with the best independent established film makers, screenplay writers/editors, directors, producers, actors and technicians, as facilitators to impart skills to the youth through workshops and practical training in all filmmaking career disciplines. The increased visibility of the EFA to communities will benefit the aspiring filmmakers, including high school learners in the creative sector to nature their talents at the early stages.

The objectives of the programme are to pioneer a generation of young filmmakers, literature and films that will form the foundation of the KZN film industry development; to pave the way for the telling of authentic, un-adulterated South African stories in the film medium; to discover and nurture untapped film making talent of the youth in the Province through the research and workshop process; to widen the scope for economic participation in the film industry by ensuring that filmmaking skills become available to young aspirant filmmakers in their own language; to reclaim the identity of South Africa as an African country with a broad culture, which is reflected in its diverse culture languages, especially in the rural settings of KwaZulu Natal; to provide the pool of human resources and talent necessary for the accurate reflection of our glorious and turbulent history and the recording of our daily experiences for posterity through the powerful and everlasting medium of film; and to establish a truly south African cinema for both local and international audience.

With the Committee being in concurrence,

COMMITTEE RECOMMENDS:

- 2.3.1 That Council approves continued funding support of the eThekweni Filmmakers Association and the disbursement of funds in the sum of R600 000.00 (Six Hundred Thousand Rand), excluding VAT, in 2022/23, and R700 000 00 (Seven Hundred Thousand Rand), excluding VAT, in 2023/24 and R700 000.00 (Seven Hundred Thousand Rand), excluding VAT, in the 2024/25 financial years, and as per the programme outlined in the table below:

**SKILLS DEVELOPMENT TRAINING IMPLEMENTATION PLAN 2022/2023 to 2024/2025**

Project Milestones	Year 1 Deliverables	Year 2 Deliverables	Year 3 Deliverables
Auditions and interviews	50 Qualified candidates selected	50 Qualified candidates selected	50 Qualified candidates selected
1 <sup>st</sup> Phase – Scriptwriting	60 minutes Script Draft	60 minutes Script Draft	60 minutes Script Draft
2 <sup>nd</sup> Phase Technical Training Workshops	Cast and Crew Selected	Cast and Crew Selected	Cast and Crew Selected
Pre-Production	Shooting schedules, Registers, Cast & Crew Contracts, Release Forms (Appearance, Locations)	Shooting schedules, Registers, Cast & Crew Contracts, Release Forms (Appearance, Locations)	Shooting schedules, Registers, Cast & Crew Contracts, Release Forms (Appearance, Locations)
3 <sup>rd</sup> Phase Production	Report of Film Shoot	Report of Film Shoot	Report of Film Shoot
Post-Production	Offline copy of the film	Offline copy of the film	Offline copy of the film
Delivery of a finished product	A 15-minutes film pilot	A 15-minutes film pilot	A 15-minutes film pilot

**AWARD MILESTONES 2022/2023 – 2024/2025**

Year 1 Milestones	Year 2 Milestones	Year 3 Milestones
Call outs and selection process	Call outs and selections	Call outs and selections
Adjudication Process	Adjudication Process	Adjudication Process
Nominees Announcements	Nominees Announcements	Nominees Announcements
eThekweni Film Market (EFM) for audience Development	eThekweni Film Market (EFM) for audience Development	eThekweni Film Market (EFM) for audience Development
Awards Ceremony	Awards Ceremony	Awards Ceremony

- 2.3.2 That subject to the approval of .1 above, authority be granted for the City Manager to conclude a Memorandum of Agreement (MOA) with the eThekweni Filmmakers Association to give effect to the above.
- 2.3.3 That Council notes the eThekweni Filmmakers Association performance is and has been satisfactory, and that the annual financial statements for the year ended 28 February 2022 are still in the process of being audited, with the expected completion date of October 2022, therefore the MOA in terms of .2 above will be concluded only when the set of audited annual financial statements is confirmed by the Legal Department and with a financial certificate thereof having been issued.
- 2.3.4 That subject to .1, .2 and .3 above, and in line with the requirements of Section 67 of the Local Government: Municipal Finance Management Act 2003, as well as the terms and conditions of the MOA, authority be granted for the Head: Economic Development to disburse funds to the eThekweni Filmmakers Association in the sum of R600 000.00 (Six Hundred Thousand Rand), excluding VAT, for the 2022/23, and R700 000 00 (Seven Hundred Thousand Rand), excluding VAT, for 2023/24 and

R700 000.00 (Seven Hundred Thousand Rand), excluding VAT, for the 2024/25 financial years.

2.3.5

That the Head: Economic Development will report progress of this Programme to the Economic Development and Planning Committee on an annual basis.

**Financial Implications**

**Vote No:**

Business Unit	Item	Fund	Costing	Project	Region	Expenditure Proposed	Financial Year(s)
26106	25030.17	12120	0000	63330	0010	R600 000	2022/23
26106	25030.17	12120	0000	63330	0010	R700 000	2023/24
26106	25030.17	12120	0000	63330	0010	R700 000	2024/25

**FC NO.: 2023/18/19**

**Total Budget Breakdown for 2022/2023 to 2024/2025**

DESCRIPTION	YEAR 1	YEAR 2	YEAR 3	OVERALL TOTAL for 3 years
Mzansi reel Film Festival 2022/2023 – 2024/2025	R66 000.00	R66 000.00	R66 000.00	R198 000.00
DFO African Emerging Filmmakers Awards Budget (Programme Management, Coordination and Administration)	R200 000.00	R233 000.00	R233 000.00	R666 000.00
Skills Development Programme Participants Selection Process	R10 000.00	R10 000.00	R10 000.00	R30 000.00
Ethekewini Municipality Regional Outreach Training Programme	R100 000.00	1000 000.00	R100 000.000	R300 000.00
Programme Costs & Professionals	R124 000.00	R160 000.00	R160 000.00	R444 000.00
Film Pilot Production & Editing	R100 000.00	R131 000.00	R131 000.00	R362 000.00
TOTAL BUDGET PER YEAR	R600 000.00	R700 000.00	R700 000.00	R2 000 000.00
TOTAL BUDGET REQUESTED FROM DFO	<b>R600 000.00</b>	<b>R700 000.00</b>	<b>R700 000.00</b>	<b>R2 000 000.00</b>

**ADOPTED.**

3.

**REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD 2022-09-12**  
(Page R24)

3.1

**Request for Approval to Enter into Memorandum of Agreement with Life Nursing College for Clinical Placement of Nursing Students (4/3/5/2 & 30/1/6/R):**  
(Page 31: Community Services Committee - Agenda 2022-09-08)

The Health Unit has a Quality Assurance and Training Section that seeks to improve quality of services provided to the community and citizens of the eThekweni Municipality through capacity building for clinical and non-clinical staff and improved service standards, as Aligned with the National Department of Health and the National Health Insurance (NHI) prescripts.

In view of the foregoing, a request made to place forty (40) students for the Diploma of General Nursing and forty (40) students for the Higher Certificate in Auxiliary

Nursing in the eThekweni Municipal facilities was noted. It was highlighted that the nursing students will also be placed at Life Chatsmed Garden Hospital, Life Entabeni Hospital, Life Empangeni Private Hospital, Life Hilton Private Hospital, Life Westville Hospital and Life Mount Edgecombe Hospital. It was expressed that experiential learning would focus on health screening and assessment, reproductive health, family planning and mother and childcare, communicable diseases and health education.

With the initiative being regarded beneficial,

**COMMITTEE RECOMMENDS:**

- 3.1.1 That authority be granted for the City Manager, on behalf of the Health Unit, to enter into a Memorandum of Agreement with the Life Nursing College to place batches of newly designated cadre of students, as per the South African Nursing Council accreditation requirements, for the courses which are expected to commence in January 2023, and as part of implementing experiential learning to focus on health screening and assessment, reproductive health, family planning and mother and childcare, communicable diseases and health education.
- 3.1.2 That the Head: Health in consultation with the Head: Legal and Compliance Services should provide relevant input that outlines terms and conditions of the Memorandum of Agreement with the Life Nursing College, it being noted that there shall be no financial implications for the Municipality and no financial gains for the Life Nursing College as a result of this initiative.

**Speaking on the matter, ATM supported the memorandum of agreement with Life Nursing College for clinical placement of nursing students. They mentioned that this would encourage health living in general.**

**The ANC also applauded the Municipality for this initiative and further extended words of gratitude to the Life Nursing College for the progressive partnership.**

**Subsequently, the above-mentioned recommendations were; ADOPTED.**

- 3.2 Request for Approval: Implementation of Programmes for the Durban Art Gallery and INK Creative Centre for the 2022/2023, 2023/2024 and the 2024/2025 Financial Years (2/3/2/1/1 & 35/1/1/4):  
(Page 60: Community Services Committee - Agenda 2022-09-08)

With the Committee having noted the programmes to be implemented,

**COMMITTEE RECOMMENDS:**

- 3.2.1 That authority be granted for the Head: Parks, Recreation and Culture to coordinate and implement various programmes, including arts skill development workshops and exhibitions through the Durban Art Gallery and the INK Creative Centre during the 2022/2023, 2023/2024 and the 2024/2025 financial years.
- 3.2.2 That subject to the approval of .1 above, authority be granted for the Head: Parks, Recreation and Culture to incur expenditure in the amount of R1 762 570.00 (One Million Seven Hundred and Sixty Two Thousand Five Hundred and Seventy Rand) to coordinate and implement various programmes through the Durban Art Gallery and the INK Creative Centre during the 2022/2023 financial year only, as detailed in Annexure A in the report by the Head: Parks, Recreation and Culture dated 2022-07-22.

3.2.3 That subject to the approval of .1 and .2 above, all procurement of goods and services be undertaken strictly in accordance with the Supply Chain Management Act, 2003, Circular 82 regarding Cost Containment Measures.

3.2.4 That subject to the approval of .1, .2 and .3 above, a close-out report be submitted to the Community Services Committee on programmes implemented by the Durban Art Gallery and the INK Creative Centre during the 2022/2023 financial year.

**Financial Implications:**

FC Number: 34/417

Vote Number: various.12120.0000.53500-12.various

**Schedule of programmes**

**Durban Art Gallery (City Hall Site), 2022/2023**

Name of Event	Provisional Date	Location And Targeted Wards	Targeted Audience	Partnership (co-organizers)	Budget Allocation/ Co-Funders/ Sponsorship
ART FOR ALL outreach programme & Public Discussions	July 2022 to June 2023	All wards as the program progresses  Currently active in:  -Marianridge, -Puntas Community Centre Springfield, -Ohlange Library  Proposed new sites: -Hammersdale -Umlazi Section & -Wiggins Library	Visual artists and the general public	Local partners and ward Councillors	<b>R450 000.00</b>  Artists & performers  Exhibition installers  Hire charges  Printing  Catering services  Art material
ARTREACH Economic Development & : Marketing  ▪ Art Bar Festival,  ▪ Art In The Park  ▪ Articulate Africa,  ▪ Durban Business Fair,  ▪ Decorx Durban	July 2022 to June 2023	All wards as the program progresses	Established and none established visual artists	eThekweni Municipality Business Support Department, Dept of Arts, Culture and Heritage, Dept Trade Investment & Competition	<b>R222 000.00</b>  Artists & performers  Exhibition installers  Hire charges  Printing & bookbinding  Security  Gift  Courier services  Audio visual services  Signs
International Museums Day and other days of commemoration	18 May 2023	Select wards based on budget availability	Predominantly high school and/or primary schools from across the City	Durban Art Gallery, Durban Natural Science Museum and Local History Museums	<b>R50 000.00</b>  Catering services  Printing of posters and t/shirts  Transportation of learners

Name of Event	Provisional Date	Location And Targeted Wards	Targeted Audience	Partnership (co-organizers)	Budget Allocation/ Co-Funders/ Sponsorship
Online catalogue for the <i>Breaking the Rules: SA artists ask questions...old rules?...new rules?... The IEB &amp; FET Schools curriculum exhibition</i>	July 2022 to May 2023	Across all wards	- Learners; - Teachers; - Curators; - Visual artists; - Public/tourists; - Academic institutions - Researchers	DAG and Schools and academic institutions (post-graduate programmers) and creative industries (NGOs & commercial)	<b>R70 000</b> -Editing; -layout & design; for online edition
New Acquisitions exhibition	July 2022 to Dec 2022	Across all wards	Public/tourists; - Academic institutions - Researchers - Learners; - Teachers; - Curators; - Visual artists;	DAG and Schools and academic institutions (post-graduate programmes) and creative industries (NGOs & commercial)	<b>R50 000</b> Hire charges Design of poster and outside banner Printing of labels & vinyl title Courier services Photographic material
Contemporary Art Exhibitions <ul style="list-style-type: none"><li>Amasosha Art Exhibition</li><li>Pitika Ntuli</li><li>Emma Smith</li><li>Gerald Bhengu</li><li>Clive Sithole</li><li>Development Exhibiton X 2</li><li>Hlengiwe Dube Exhibit</li></ul>	July 2022 – June 2023	Across all City wards	Visual artists and general public	Private sector, financial and educational institutions	<b>R250 000.00</b>  Exhibition installers  Artists & performers  Hire charges  Printing
				<b>Total</b>	<b>R 1 092 000.00</b>

**INK Creative Arts Centre, Ntuzuma Township 2022/2023**

Name of Event	Provisional Date	Location And Targeted Wards	Targeted Audience	Partnership (co-organizers)	Budget Allocation/ Co-Funders/ Sponsorship
Special Skills development program	July 2022 to June 2023	Ward 83 And all wards within Ink arear	INK area visual artists, schools, general public	Professional artists and visual art centres (BAT Centre and African Art Centre)	<b>R120 000.00</b>  Artists & performers  Art material  Catering services  Hire charges
Sand sculpting Contest	July 2022 to June 2023	Ward 28	Sand sculptors and Tourists who visit eThekweni beaches	DAG and Economic Development Department	<b>R100 000.00</b>  Artists and performers  Catering services



Name of Event	Provisional Date	Location And Targeted Wards	Targeted Audience	Partnership (co-organizers)	Budget Allocation/ Co-Funders/ Sponsorship
Digital marketing: Web site boot camp	July 2022 to June 2023	All wards	Professional artists, entrepreneurial artists and crafters	DAG and NAC (National Arts Council), Ethekeeni Municipality Public Libraries	R100 000.00 Hire charges Photographic material
Adopt a school Program	July 2022 to June 2023	Ward 38, 83 and 45	Professional artists, entrepreneurial artists and crafters	Schools and local artists	R 100 000.00 Art material Artists and performers Catering services
Street photography	July 2022 to June 2023	Ward 28	Street photographers and eThekweni community	Street photographers	R150 000.00 Photographic material Hire charges Artists and performers
	Exhibitions	September -2022 June 2023	All wards	All participating	R100 570.00 Exhibition installers Catering services
				Total	R670 570.00
GRAND TOTAL					R1 762 570.00

### **ADOPTED.**

#### 3.3 Request for Approval for the Implementation of Masakhane Outreach Programmes for the 2022/2023 Financial Year: (Page 74: Community Services Committee - Supplementary Agenda 2022-09-12)

It having been noted that Wards would be clustered to deliver the Masakhane Outreach Programme, it was explained that the approach of clustering Wards was due to the fact that some were experiencing similar service delivery challenges and that it was to assist in ensuring that all Wards across the City were included in the Masakhane Outreach Programmes for the 2022/2023 financial year. It was mentioned that most of the outreach events may vary from one event to another depending on the duration of the event, activities set for the day, the number of people involved and resources required. It was noted that transport will be provided for the community members.

The overall costs implications associated with the Masakhane Outreach Programme was discussed in detail at the Executive Committee level. Responding to the concerns of exorbitant costs per items, explanation was given that these were overall costs for a 12-month period which will then be broken down as per the activities of each Ward during the Masakhane Programme. Mention was made that measures are taken to reduce costs such as opting using Municipal-owned venues and only opt for venue hire where there is no Municipal-owned venue in the area. That the expected number of people ranges from 250-500.

The Masakhane Programme involves different Units and is aimed at inculcating to the citizens the culture of paying for the Municipal services and to protect Municipal infrastructure, in addition to other socio-economic challenges being tackled with the respective communities to promote responsible behaviour.

Notwithstanding the explanation, the IFP (01) abstained for further deliberation at the Party Caucus level. With the majority being in support,

**COMMITTEE RECOMMENDS:**

- 3.3.1 That authority be granted for the Head: Community Participation and Action Support to incur expenditure in the amount of R2 403 940.00 (Two Million Four Hundred and Three Thousand Nine Hundred and Forty Rand) to implement and coordinate the Masakhane Outreach Programme during the 2022/2023 financial year.
- 3.3.2 That subject to the approval of .1 above, all procurement of goods and services be undertaken strictly in accordance with the Supply Chain Management Act, 2003 and in line with the requirements of Circular 82 regarding the Cost Containment Measures.
- 3.3.3 That subject to the approval of .1 and .2 above, a close-out report be submitted to the Community Services Committee after the implementation of the Masakhane Outreach Programmes during the 2022/2023 financial year, as per the details contained in Annexure A of the Report by the City Manager dated 2022-07-08.

**Financial Implications:**

ITEM	VOTE NUMBER/S	AMOUNT
Venue Hire	32306.18950-10.12120.0000.35000-4.0010	R330 750.00
Hire of Marquee / Tents	32306.18950-10.12120.0000.38300.0010	R661 500.00
Transport / Vehicle Hire	32306.218.5.12120.0000.35000-4.0010	R100 000.00
	32306.218.5.12120.0000.38300.0010	R249 300.00
	32306.27999.12120.0000.38300.0010	R114 370.00
Hire of Sound	32306.11760.12120.0000.38300.0010	R340 350.00
Hire of Ablution Facilities	32306.10670-11.12120.0000.38300.0010	R93 940.00
Catering Services	32306.11400.12120.0000.37410.0010	R10 500.00
	32306.11400.12120.0000.37410.0010	R170 400.00
	32306.11400.12120.0000.38264.0010	R141 120.00
	32306.11400.12120.0000.38300.0010	R206 510.00
	32306.11400.12120.0000.38711.0010	R10 500.00
	32306.11400.12120.0000.38712.0010	R10 500.00
	32306.11400.12120.0000.81400-24.0010	R10 500.00
	<b>GRAND TOTAL</b>	<b>R2 403 940.00</b>

**FC Number: 2023/06/13**

**Speaking on the matter, the DA whilst noting the intention of the Masakhane Programme, they dissented on the matter, as they were of the view that there was no transparency during the planning and implementation of the Programme. They mentioned that all community members and structures, including Councillors and Ward Committees ought to be informed and consulted prior**

to the implementation of the Programme. They added that the disregard of certain community members does not serve the purpose of the programme, it being cited that this limits public participation. On this basis, the DA voted against the matter.

The IFP was also not in support of the Programme, citing that Municipal standards have to be met in terms of service delivery.

Thereafter, the ANC reported that the Community Participation and Action Support Unit also assist with loud hailing to notify the local communities about the Programme, over and above the dissemination of information by the respective community structures. They reiterated that Masakhane Programme involves different Units and is aimed at inculcating to the citizens the culture of paying for the Municipal services and to protect the Municipal infrastructure.

As some members were not in support, the matter was put to the vote; With 203 Councillors present; 98 Councillors (ANC – 89, ABC – 2; ATM- 01, JEP -01; MOSA – 01; NFP -01; PFP – 01; TA – 01 and VF Plus- 01) were in support of the recommendations; 77 Councillors (DA - 57; IFP – 15; Action SA – 03 and ACDP – 2) voted against the matter and 28 Councillors (EFF -21, ACC – 02; DLC – 01; ADEC – 01; ALJAMAH – 01, MF – 01 and UIM- 01) abstained on the matter).

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

#### 4. DIRECT EXCO REPORTS

##### 4.1 REQUEST FOR AUTHORITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE PROVINCIAL DEPARTMENT OF HUMAN SETTLEMENTS FOR THE PHASE 3 RECTIFICATION OF PRE-1994 RESIDENTIAL PROPERTIES IN EX-R293 TOWNS (22/7/1/1/3)

(Page 1)

Authority is sought for the eThekweni Municipality to renew and enter into a 5-year Memorandum of Agreement (MOA) with the Provincial Department of Human Settlements for the Phase 3 rectification of Pre-1994 residential properties.

The former R293 towns are situated in close proximity to the eThekweni City Centre. There are approximately twenty-three thousand five hundred (23 500) housing units that require renovations. The Provincial Department of Human Settlements has transferred the management and control of the Pre-1994 housing stock to the eThekweni Municipality. The original appointment/contract between the eThekweni Municipality and the Province expired in February 2022, hence, new contract is required. The MEC for Human Settlements has approved the extension of the contract period.

The objectives of the Rehabilitation and Refurbishment Programme are as follows:

- a) To address the inhumane and unsafe conditions endured by the occupants;
- b) To demolish and rebuild the houses that are structurally unstable;
- c) To rectify the existing deteriorated superstructure components for each house;

- d) To ensure works carried out are satisfactory and in accordance with the building regulations;
- e) To ensure tenants have access to home ownership;
- f) To improve social conditions in the area;
- h) To create employment opportunities within the community; and
- i) To prevent illegal connections of electricity and water.

It should be noted that service providers have already been appointed to undertake the rectification work. With these structures posing danger to occupants, the signing of the MOA will enable completion of the rehabilitation and refurbishment work.

Accordingly,

**COMMITTEE RECOMMENDS:**

That authority be granted for the City Manager to, on behalf of the eThekweni Municipality, renew and enter into a 5-year Memorandum of Agreement with the Provincial Department of Human Settlements for the rectification of the Pre-1994 residential properties in the former R293 towns, Phase 3 - K13050013.

**Cost Implications & Progress:**

<b>Programme Approval</b>	<b>Expenditure to Date</b>	<b>Balance</b>
R2 571 302 216.34	R146 611 000.00	R2 424 691 216.34

  

<b>Approved Units</b>	<b>Delivered to Date</b>	<b>Balance</b>
23 517	2 639	20 878

**ADOPTED.**

4.2

**PROGRESS REPORT AND PROPOSED INTERVENTIONS FOR THE RESETTLEMENT OF THE APRIL-MAY 2022 DISASTER VICTIMS FROM THE MASS CARE CENTRES (22/5)**

(Page 8)

The eThekweni Municipality together with the KZN Provincial Department of Human Settlements (PDoHS), and the other stakeholders through donations, have been working jointly to reallocate the floods victims from the mass care centres following the disaster as a result of the April-May 2022 floods. The interventions made thus far include the following:

- a) Over three hundred and sixty (360) families have been provided with material to rebuild their informal structures, but not in areas prone to flooding;
- b) Over twenty (20) houses have been built through donations by service providers;
- c) Eight (08) parcels of land have been identified and cleared as suitable to build at least one thousand and seventy-six (1 076) houses. The land has been handed over to the KZN PDoHS and is also suitable for conventional housing, hence will be converted into permanent housing once funding has been approved and made available;
- d) Contractors have been appointed by the KZN PDoHS to start working on the five (05) of the eight (08) sites identified. The three (03) remaining sites are still at a tender stage;
- e) The twenty-three (23) other parcels of land are still subjected to the feasibility study and other regulatory processes; and

- f) To date, forty-three (43) mass care centres have been cleared, leaving a balance of seventy-one (71) still to be eradicated.

With the leadership approach and objective being the eradication of all mass care centres by December 2022, urgent multi-faceted interventions are required. The following is the proposed initial list of the building and projects identified:

- i) Public Works Palm Beach Hotel: Still being assessed;
- ii) Sports Park Projects: 250 Units: Repackaging underway;
- iii) Ntuzuma E302 Flats: Discussion on the purchase price model is underway with the Flats owner;
- iv) Montclair Lodge: 200 Units: Acquisition process underway as per the Council decision. Also, negotiation underway for a 6-month lease to facilitate immediate occupation pending the finalisation of the acquisition process;
- v) 170 Varsity Drive: 21 Double Rooms: Lease negotiations underway with the owner. Minimal refurbishment required in certain parts;
- vi) 19 Cedarville Road: 09 Double Rooms, zoned residential property;
- vii) 120 Munro Drive: 06 Double Rooms, zoned residential property;
- viii) 25 Manton Crescent: 50 Double Rooms, lease negotiations underway
- ix) WestPoint Lodge in Victoria Mncadi Street – Still being assessed;
- x) Marianwood 7 & 9 Mariannridge: 262 Single Beds, readily available if the Municipality enters into lease agreement with the owner;
- xi) Council-owned Property: Three (03) properties being rehabilitated for immediate use;
- xii) Ongoing discussion with the KZN Departments of Health and Education, through Public Works, to use other identified buildings under their ownership in the South area; including the request to use the nursing home building that is not in full use now; and
- xiii) Rental Assistance Scheme to be offered to the total value of R105 760 680.00 (One Hundred and Five Million Seven Hundred and Sixty Thousand Six Hundred and Eighty Rand). Discussions underway to enter into a Memorandum of Agreement with Ithala Bank to manage the distribution of the Rental Assistance Scheme to the approved beneficiaries.

Funding for the resettlement of the floods victims will be borne by the government through grant funding. An application for an amount of R121 Million has since been submitted to the National Department of Human Settlements. In the meantime, it is proposed to identify savings under the Human Settlements Grant for projects delayed by bulk infrastructure. An amount of R40 Million can be made available in this regard.

Also, funding is available in the Provincial Emergency Housing Grant 2022-23 for the rental options proposed. The intention is to release to Ithala Bank an amount of R70 666.12 (Seventy Thousand Six Hundred and Sixty-Six Rand Twelve Cents), per family, once the beneficiary/family has been approved and has signed the necessary agreements with the Department.

Given the progress report outlined above and the urgent need to reallocate the floods victims by December 2022,

**COMMITTEE RECOMMENDS:**

**4.2.1**

That authority be granted for the acquisition of any other privately owned land, buildings or projects that are privately owned for various housing purposes that could be immediately utilized to accommodate people/ families affected by natural and/or human made disasters currently placed in mass care centres.

- 4.2.2 That authority be granted for the utilisation of all Council-owned properties by the Real Estates for the immediate utilisation to accommodate people / families affected by natural and/or human made disasters currently placed in mass care centres.
- 4.2.3 That authority be granted to lease / rent privately owned buildings for a period of at least twelve (12) months whilst other options are still being explored to accommodate these families.

**Financial Implications:**

Human Settlements Development Grant:	R40 Million savings identified
Provincial Department of Human Settlements:	R121 Million funding application made
Provincial Emergency Housing Grant:	R325 764 000.00 available to draw R105 760 680.00 Required to fund the rental scheme assistance

**Speaking on the matter, the NFP welcomed the report and commended the contribution made by the private sector, also citing the significant role of the Public-Private Partnerships. Further, requesting that the relocation of displaced communities be addressed with speed and also cater for their basic necessities.**

**Thereafter, the IFP emphasised that it was the poorest communities that are mostly affected by the floods. They mentioned that people deserve better, therefore, the process to relocate displaced families should be accelerated. Further, that arrangements should be made for people to undergo counselling and rehabilitation following the trauma of living under inhumane conditions. The delays in relocating the floods victims were considered unacceptable and contrary to the vision of the Municipality.**

**Commenting on the matter, the ANC applauded the initiatives by the Municipal leadership to relocate the floods victims to dignified accommodation establishments. The involvement of private sector was also appreciated as the partnerships will assist the Municipality to realise its goal of relocating all floods victims by the end of the year. Cognisance was taken of the fact that floods represent a natural disaster and that nobody foresaw that the City will be subjected to a disaster of this magnitude. The Municipal leadership was commended for acting with speed to reprioritize projects and funding to focus on floods disaster recovery plans. With regards to relocating the floods victims, it was noted that land and building matters had to follow certain formalities, but that the Municipality is working tirelessly to resolve these matters, hence, the submission under discussions of which the ANC supports with great excitement.**

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

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*(At this stage of the proceedings, time being, 14h30, Council adjourned for a comfort break and resumed at 15h05.)*

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4.3 REQUEST FOR AUTHORITY TO UNDERTAKE SECTION 33 FOR CONTRACT  
PSC 2022/005: PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN,  
CONTRACT SUPERVISION AND CONSTRUCTION OF THE NTSHONGWENI  
TO DASSENHOEK WASTEWATER TREATMENT WORKS TRUNK SEWER IN  
WARD 7, 12, 13 AND 14 (23/1/11/2/1/2)

(Page 18)

Authority is sought to commence with the Section 33 process derived from the Local Government: Municipal Finance Management Act 2003 for the design, contract supervision and construction of the Ntshongweni Development to Dassenhoek Wastewater Treatment Works Trunk Sewer under contract PSC 2022/005. The Ntshongweni Development is classified as a catalytic project and the Municipality has entered into a Memorandum of Agreement with the Tongaat Hullet Development in this regard. The Ntshongweni Development to Dassenhoek Wastewater Treatment Works Trunk Sewer is required to provide a permanent service for this new development. There is an urgent need for the bulk sewer as currently there is no waterborne sewer servicing the area and thus constraining the proposed development.

Due to the size and nature of the scope of works envisaged, it is estimated that the implementation of the trunk sewer will take approximately six (06) years to complete from inception. The costs of implementing the project from the inception to the commissioning of the trunk sewer is estimated at R251 000 000.00 (Two Hundred and Fifty-One Million Rand) over a 6-year period. The Ntshongweni Development is aimed at boosting the economic activity in the area, hence, the requirement for the infrastructural upgrade.

Given the significance of the Ntshongweni Development in boosting the economic growth and therefore an urgent need to support the related infrastructural upgrade,

**COMMITTEE RECOMMENDS:**

4.3.1 That Council grants authority for the commencement of the Section 33 process derived from the Local Government: Municipal Finance Management Act 2003 for Contract PSC 2022/005: Professional Services Contract, for the design, contract supervision and construction of the Ntshongweni Development to Dassenhoek Wastewater Treatment Works Trunk Sewer, it being recorded that due to the size and nature of the scope of work envisaged, it is estimated that the implementation of the trunk sewer will take approximately six (06) years to complete from inception.

4.3.2 That Council notes the costs of implementing the project from the inception to the commissioning of the trunk sewer is estimated at R251 000 000.00 (Two Hundred and Fifty-One Million Rand), it being recorded that the Ntshongweni Development is aimed at boosting the economic activity in the area, hence, the requirement for the infrastructural upgrade, and with the financial commitments being made for the three (03) financial years, in line with the Medium Term Revenue Expenditure Framework, and funding for the additional years to be discussed at the appropriate stage.

**Financial Implications:**

Project No.: Y8918	R 800 000.00	Provided in the 2022/2023 Sanitation Capital Budget
	R14 200 000.00	Provided in the 2023/2024 Sanitation Capital Budget
	R 8 800 000.00	Provided in the 2024/2025 Sanitation Capital Budget

FC No.: 365/339

**ADOPTED.**

4.4

REQUEST FOR AUTHORITY TO UNDERTAKE SECTION 33 PROCESS FOR CONTRACT PSC 2017/012: PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN AND CONSTRUCTION SUPERVISION TO UPGRADE THE MANGOSUTHU UNIVERSITY OF TECHNOLOGY TRUNK SEWER. (23/2/1/3/3/1)

(Page 22)

Authority is sought for the eThekweni Municipality to commit to a contract duration longer than three (03) years in terms of Section 33 of the Local Government: Municipal Finance Management Act 2003 for the provision of consulting services for the upgrade of the Mangosuthu University of Technology Trunk Sewer.

The Mangosuthu University of Technology (MUT) intends developing additional student residence to accommodate approximately seven thousand (7 000) students. An urgent need exists to upgrade the MUT Trunk Sewer since its capacity is no longer adequate to accommodate the existing flows and also the expected flows from the proposed MUT development. The proposed upgrade will alleviate the surcharging sewer manholes on the existing infrastructure which has already reached capacity, and allow additional flows from the proposed residence.

The Water and Sanitation Unit seeks authority to engage the Professional Service Provider through the Supply Chain Management process for the required professional service for the design and construction supervision of the MUT Trunk Sewer upgrade. It will take approximately six (06) years to complete the project.

The scope of work for the contract will include, but not limited to the following:

- a) Conduct a preliminary environmental, engineering, social and land ownership assessments of the proposed infrastructure before work on the full feasibility starts;
- b) Acquire Environmental Authorization and Water Use License required for the contract;
- c) Prepare and evaluate tender quotation in line with the eThekweni Municipal Standards for the appointment of sub-consultants and main contractor;
- d) Undertake full-time construction monitoring; and
- e) Prepare project close out report, including all quality control, assessment, As-built drawings and capitalization process.

With the Committee being in support of the recommendations,

**COMMITTEE RECOMMENDS:**

4.4.1

That Council grants authority for the commencement of the Section 33 process derived from the Local Government: Municipal Finance Management Act 2003 for the eThekweni Municipality to commit to a contract duration longer than three (03) years for Contract No. PSC.2017/012 relating to engaging professional services for the design, supervision and construction monitoring of the Mangosuthu University of Technology Trunk Sewer Upgrade to provide capacity for the existing and additional flows with the MUT intending constructing new student residence to accommodate a number of seven thousand (7 000) students, with the project to take approximately six (06) years due to the size and the nature of the scope of work envisaged.



- 4.4.2 That Council notes the budget for the MUT Trunk Sewer upgrade is estimated at R68 640 000.00 (Sixty Eight Million Six Hundred and Forty Thousand Rand) under a six (06) year contract, commencing 2022 and ending 2028, and funding commitments being for the three (03) financial years at this stage.

**Financial Implications:**

Vote No.: Y8147

Financial Year	Provision R	Commitment to Date R	Amount Available R
2022/2023	240 000.00	0.00	240 000.00
2023/2024	2 000 000.00	0.00	2 000 000.00
2024/2025	10 000 000.00	0.00	10 000 000.00

FC No.: 365/C345

**ADOPTED.**

- 4.5 REQUEST FOR AUTHORITY TO UNDERTAKE SECTION 33 PROCESS FOR CONTRACT PSC 2015/019 – PROVISION OF CONSULTING SERVICES FOR THE DESIGN AND CONSTRUCTION SUPERVISION OF THE CATO RIDGE TRUNK SEWER PROJECT (WARD 1, 4 AND 5) (23/2/1/3/3/1)

(Page 26)

Authority is sought for the eThekweni Municipality to commit to a contract duration longer than three (03) years, in terms of Section 33 of the Local Government: Municipal Finance Management Act 2003, for the provision of consulting services for the design and construction of the Cato Ridge Trunk Sewer.

The area of Cato Ridge is strategically located along the N3 logistics corridor and is zoned industrial land. The area is earmarked for development to provide job opportunities for the growing formal and informal residential suburbs of the Outer West Region of the eThekweni Municipality. Due to proposed future development in the Cato Ridge area, the existing sewer infrastructure is insufficient to cater for this development.

The Water and Sanitation Unit is therefore proposing to provide bulk sewer infrastructure that will cater for the effluent from the proposed developments catchment. It will take approximately eight (08) years to complete the overall process for the design, environmental approval, construction and commissioning of the sewer scheme.

The scope of work for the contract will include, but not limited to the following:

- a) Conduct a preliminary environmental, engineering, social and land ownership starts;
- b) Conduct and produce a feasibility study report to produce a detailed costs and feasibility comparisons;
- c) Acquire Environmental Authorization and Water Use License required for the contract;
- d) Provide detailed design of all associated Civil, Mechanical and Electrical work required for the trunk sewer and pump stations along the trunk;

- e) Prepare and evaluate tender quotation in line with the eThekweni Municipal Standards for the appointment of sub-consultants and main contractor;
- f) Undertake full-time construction monitoring; and
- g) Preparing project close out report, including all quality control, assessment, As-Builts and Operation & Maintenance manuals.

With the Committee being in support of the recommendations,

**COMMITTEE RECOMMENDS:**

- 4.5.1 That Council grants authority for the commencement of the Section 33 process derived from the Local Government: Municipal Finance Management 2003 for the eThekweni Municipality to commit to a contract duration longer than three (03) years for Contract PCS.2015/012: Provision of Consulting Services for the design and construction supervision of the Cato Ridge Trunk Sewer project.
- 4.5.2 That Council notes the budget for the Cato Ridge Trunk Sewer project is estimate for at R150 000 000.00 (One Hundred and Fifty Million Rand) for eight (08) years, it recorded that commitment has for now been made for a 3-year period in line with Medium Term Revenue Expenditure Framework.

**Financial Implications:**

Financial Year	Provision R	Commitment to Date R	Amount Available R
2022/2023	800 000.00	0.00	800 000.00
2023/2024	999 000.00	0.00	999 000.00
2024/2025	20 000 000.00	0.00	20 000 000.00

FC No.: 365/C341

**ADOPTED.**

- 4.6 NOTING OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS AMENDMENT ACT 2022 (ACT NO 3 OF 2022)

(Page 31)

Attached herein is the Circular No. 18 of 2022 by the Provincial Department of Cooperative Governance (COGTA) on the Local Government: Municipal Systems Amendment Act 2022. The Report on the Amendment Act as deliberated by the Executive Committee is also attached herein as per the directive by COGTA that the Amendment Act be tabled before Council.

Basically, the Amendment Act 2022 provides for the Minister of COGTA to make regulations relating to the duties, remuneration, benefits and other terms and conditions of employment of Municipal Managers and Managers directly accountable to Municipal Managers. The Amendment Act 2022 will come into effect upon publication in the Government Gazette by His Excellency the President.

The Municipalities are being encouraged by COGTA to conclude the recruitment and selection process that might be underway, before the proclamation by the President, since appointments not concluded at the time of proclamation would have to be started afresh and follow the provisions of the Amendment Act 2022.

Some of the key changes on the Act include the following:

- a) The employment contract of the Municipal Manager must be for a non-renewable fixed-term of employment of 5 years, not exceeding a period one year after the election of the next Council of the Municipality.
- b) The employment contract of Managers directly accountable to the Municipal Manager must be on a permanent basis. However, there is no provision for the conversion of an existing employment contract of a Manager directly accountable to the Municipal Manager
- c) Introduction of Section 71B in Act 32 of 2000 relating to limitations of political rights. With Section 71B (1) stating that a staff member may not hold political office in a particular party, whether in a permanent, temporary or acting capacity. Section 71B (2) states that a person who has been appointed as a staff member before subsection (1) takes effect must comply with subsection (1) within one year of the commencement of subsection (1)

Overall, the Amendment Act 2022 has provisions which relate to the following:

- (a) Appointment of Municipal Manager and Acting Municipal Managers;
- (b) Appointment of Managers directly accountable to Municipal Managers;
- (c) Employment of dismissed staff and record of disciplinary proceedings;
- (d) Amendment of Section 66 (staff establishments) and Section 67 (systems and procedures) of Act 32 of 2000;
- (e) Substitution of Section 71 of the Act 32 of 2000 (Bargaining Council Agreements);
- (f) Insertion of Section 71B in Act 32 of 2000 (Limitation of political rights);
- (g) Amendment of Section 72 of Act 32 of 2000;
- (h) Amendment of Section 106 of Act 32 of 2000;
- (i) Amendment of Section 120 of Act 32 of 2000; and
- (j) Amendment of Schedule 1 to Act 32 of 2000;

Accordingly, as per the directive by the Provincial Department of Cooperative Governance,

#### COMMITTEE RECOMMENDS:

- 4.6.1 That Council notes the contents of the Local Government: Municipal Systems Amendment Act, 2022 (Act No.3 of 2022), which was assented to by His Excellency President Cyril Ramaphosa on 17 August 2022, and also note the Provincial Department of Cooperative Governance: Municipal Governance and Administration Circular 18 of 2022, advising the Municipalities of the content of the Amendment Act 2022.
- 4.6.2 That Council notes the Amendment Act 2022 provides for the Minister of Cooperative Governance and Traditional Affairs to make regulations relating to the duties; remuneration; benefits and other terms and conditions of employment of Municipal Managers and Managers directly accountable to Municipal Managers.
- 4.6.3 That Council notes the Amendment Act 2022 will only come into operation on a date determined by the President by proclamation in the Government Gazette.

- 4.6.4 That Council notes the National Department of Cooperative Governance will issue a comprehensive Circular to provide guidance and advice to the Municipalities on the implementation of the Amendment Act 2022.

**NOTED.**

- 4.7 DEVELOPMENT BANK OF SOUTHERN AFRICA HUMANITARIAN RELIEF AND STABILISATION SUPPORT FOR FLOODS VICTIMS WITHIN THE ETHEKWINI MUNICIPAL AREA (29/2/2/3)

(Page 40)

In an effort to provide relief to the families displaced by the floods within the eThekweni Municipal area, the Development Bank of Southern Africa (DBSA) is proposing to offer assistance for the recovery and building process to the displaced families. This is aimed at enabling access to basic services including housing; water; and electricity to the older indigent; child-headed; disabled persons households through a humanitarian grant support.

In this regard, the DBSA has approved the humanitarian support to the total value of R14 Million for the benefit of the displaced families within the eThekweni Municipality. The support is subject to the following conditions:

- a) The qualifying beneficiaries to be prioritized should include vulnerable or elderly headed households; child-headed households; households of persons who are differently abled or a combination thereof, excluding those that have already benefitted from the Temporal Units or any other support related to housing.
- b) The DBSA to enter into a Grant Agreement regarding the above indicated support with the Municipality and that the procurement and implementation of the project will be carried out by the DBSA following its own policies and procedures,

The Municipality together with the KZN Provincial Department of Human Settlements (PDoHS) has identified sites to rebuild houses for the displaced families. It is intended to build seventy (70) houses in the Reservoir Hills site owned by the KZN PDoHS). With the Municipality to also secure thirty (30) sites in the Mpumalanga C area.

The support being offered by the DBSA will go an extra mile to assist with the provision of decent housing and restoring the dignity of the families affected. A Council resolution is therefore required to acknowledge grant support offered by the DBSA.

The Executive Committee then requested a fair and transparent process in terms of identifying beneficiaries of the DBSA grant. Upon enquiry on the criteria used to profile families accommodated in the mass care centres, it was advised that the Municipality is using the database of the Provincial Department of Social Development as well as the eThekweni Municipality Disaster Management Unit. It being noted that the eThekweni Municipality has also indicated that priority be given to women and children accommodated in mass care centres.

It being acknowledged that the Municipality has set a deadline of eradicating the mass care centres by December 2022, the DBSA grant was embraced with great appreciation.

Accordingly,

**COMMITTEE RECOMMENDS:**

- 4.7.1 That Council acknowledges with great appreciation the humanitarian support offered by the Development Bank of Southern Africa (DBSA) to the total value of R14 Million for the benefit of the families displaced as a result of the April-May 2022 floods and currently accommodated in mass care centres within the eThekweni Municipality, thereby enabling them access to basic services in the form of housing; water; and electricity provided they meet the qualifying criteria set by the DBSA.
- 4.7.2 That authority be granted for the City Manager to accept the grant support in the amount of R14 000 000.00 (Fourteen Million Rand) for the rebuilding of replacement houses for the qualifying beneficiaries in terms of the criteria set by DBSA, it being recorded that the support will be subject to the following conditions:
  - 4.7.2.1 Qualifying beneficiaries to be prioritized include either the vulnerable or indigent elderly headed households / child headed households / households of persons who are differently abled or a combination thereof, excluding those that have already benefited from the Temporary Units or other forms of support related to housing, and
  - 4.7.2.2 That Council notes the DBSA will enter into a Grant Agreement with the eThekweni Municipality regarding the humanitarian support being offered, and the procurement and implementation of the projects will be carried out by the DBSA following its own policies and procedures.
- 4.7.3 That subject to the approval of .2 above, authority be granted for the City Manager to conclude a Grant Agreement with the Development Bank of Southern Africa and sign all necessary documents.

**ADOPTED.**

- 4.8 REQUEST FOR FUNDING TO ADDRESS THE SOUTH DURBAN BASIN FLOODS RISKS THREATENING THE ECONOMIC STABILITY OF THE ETHEKWINI MUNICIPALITY AND SOUTH AFRICA (29/2/2/3)

(Page 48)

The companies situated in the South Durban Basin (SDB) are located in the floods prone area. This is threatening the economic stability of the eThekweni Municipality and South Africa. The companies involved include the multi-national companies, namely, Toyota; Mondi; SAPREF; SAB; Defy; Croxley Carpets, amongst the others.

The companies have been affected since the 2017 floods and with the recent April-May 2022 floods leaving the insurance companies to declare that the companies' insurability is questionable. The damages and loss of productivity as a result of floods experienced in this area is estimated at more than R10 billion. This is posing risk in terms of loss of investment; loss of jobs; Municipal revenue loss; increase in poverty, in the event the companies relocate to outside the eThekweni Municipal area. To ensure the ongoing investments for the companies to remain in eThekweni a decision is required to reduce the risk sufficiently for the companies to be insurable again.

Collaborative efforts are then being made by the spheres of government as well as private sector companies, including Toyota; SANRAL; Transnet to reduce the floods risk in the SDB area. Toyota has already carried out work for the improvements to their internal drainage, with the eThekweni Municipality to effect improvements to the City's drainage system. The other projects to be carried out by different parties, including the eThekweni Municipality are categorised as follows:

- a) An estimated R90 Million project to provide additional stormwater outfall to the SDB area through the Clark Road Sea Outfall;
- b) An estimated R130 Million project to provide additional stormwater drainage capacity to the Isipingo estuary through Prospecton Road Canal and Road Upgrade;
- c) An estimated R15 Million project to reduce localized flood peaks within the SDB through Upstream Attenuation Measures;
- d) An estimated R200 Million project by SANRAL to provide additional stormwater drainage capacity to the Isipingo estuary through improvements to the N2 drainage;
- e) An estimated R200 000.00 project for the maintenance of the Mbokodweni and the Isipingo River Diversion Berms;
- f) An estimated R80 Million project by Transnet Properties to repair the existing Umlaas Canal;
- g) An estimated R32 Million project by the Provincial Department of Transport, supported by the eThekweni Municipality, to repair the existing Umlaas Canal Diversion Berm;
- h) An estimated R1.4 Billion by Transnet Properties and the Department of Transport to upgrade the Umlaas Canal and Diversion Berm; and
- i) Management of Shongweni Dam the eThekweni Municipality, as a mitigation measures, and with Toyota to contribute funding to partner with the Municipality in this regard.

The Executive Committee noted the interventions with appreciation and acknowledging the significance to protect the SDB companies to maintain positive economic growth within the eThekweni Municipal area. On explanation given, it was noted that the interventions are the outcomes of robust engagements held at the established Floods Technical Workgroup where all relevant role-players are represented. Meanwhile, the significant role played by the Minister of Water and Sanitation to address floods challenges within the eThekweni Municipal area was greatly appreciated.

With there being a unanimous support to protect the business interest in the South Durban Basin area,

#### COMMITTEE RECOMMENDS:

##### 4.8.1

That Council supports the proposed interventions aimed at mitigating the floods risks in the South Durban Basin area, which largely relate to addressing the drainage system and floods prone matters, thereby guaranteeing the insurability of the companies located thereat, including Toyota; Mondi, SAPREF, SAB, Defy, Croxley Carpets, in order to retain these companies in the eThekweni Region to protect investment; job sustainability; and the revenue base of the Municipality.

- 4.8.2 That Council approves the funding commitments for the proposed interventions to be undertaken by the eThekweni Municipality and to prioritize the allocation of such funding going forward, to reassure the insurance industry of the threatened companies that the eThekweni Municipality is serious about addressing the floods risks to these companies, protecting the thousands of employees and subsidiary (value chain) companies reliant on these companies and the ultimate threat to the economy of South Africa.
- 4.8.3 That authority be granted for the Chief Financial Officer and the Head: Economic Development to source funding for the eThekweni Municipality's projects i.e. R92 Million in 2023/2024; R118 Million in 2024/2025 and R25 Million in 2025/2026.

**Financial Implications:**

PROJECT	BUDGET REQUIREMENTS (R Mill)			TOTAL
	2023/2024	2024/2025	2025/2026	
<b>Clark Road Sea Outfall and Culvert</b>	R45 Million	R45 Million		R90 Million
<b>Prospecton Road Canal/Road Upgrade</b>				R130 Million
- Canal Upgrade	R40 Million	R40 Million		
- Road Improvements		R25 Million	R25 Million	
<b>Attenuation Dams</b>	R7 Million	R8 Million		R15 Million
<b>TOTAL</b>	<b>R92 Million</b>	<b>R118 Million</b>	<b>R25 Million</b>	<b>R225 Million</b>

These amounts are not funded at present and require a strategic decision by Council on the allocation of funding in order that eThekweni Municipality can play its role in ensuring that these threatened businesses remain within the South Durban Basin thereby ensuring the economic stability in the region and the country.

**ADOPTED.**

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

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## **SECOND REPORT OF THE EXECUTIVE COMMITTEE**

(Meeting held 2022-09-27)

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

**ABSENT :** Executive Committee Members NI Madlala (Municipal Business) and T Miya.

(Due to connectivity challenges, Councillor Nkosi had intermittent connections)

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**1. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE:**  
**MEETING HELD 2022-09-20**  
(Page R1)

**1.1 Consultation Process for the Implementation of Shift Systems Developed by the Organisational Development and Change Management Unit:**  
(Page 15: Governance and Human Resources Committee - Agenda 2022-09-20)

Authority is sought to institute a formal process and parameters for the consultation process with Labour and staff for the proposed implementation of the shift systems developed by the Organisational Development and Change Management (ODCM).

The ODCM's core functions include improving labour productivity; operational efficiency; and organizational effectiveness within all Municipal operations. To this end, concentrated improvement programmes are instituted within the prioritized Municipal Units, which are in an "unsustainable" operational state and with exorbitant expenditure levels exceeding the budgeted provision. These interventions are executed to identify the most efficient and cost-effective mechanism for service delivery, resulting in the elimination of waste and the optimization of operational resource deployment.

The eThekweni Municipality is also exploring options available to manage overtime but without compromising service delivery. Hence, the ODCM has developed the shift system to manage overtime where applicable. This then needs to be consulted with the relevant parties prior to adoption.

During consideration of the matter at the Executive Committee, the Democratic Alliance felt that some of the labour challenges could be resolved at the Local Labour Forum (LLF) level. However, cited that some of the LLFs are not effective as the Forum meetings are not convening as scheduled, due to postponements.

In view of the foregoing, an undertaking was made to strengthen the LLFs engagements for the Forum to be proactive in handling labour matters before they escalate into a worst-case scenario.



With the Committee being in agreement,

**COMMITTEE RECOMMENDS:**

- 1.1.1 That Council notes that the Acting Head: Organisational Development and Change Management will facilitate the commencement of a formal process and parameters for the consultation process with Labour and staff, necessary to implement the Shift Systems developed by the Unit, and aimed at improving labour productivity, operational efficiency and organisational effectiveness within all Municipal operations.
- 1.1.2 That, it be noted that these interventions will be executed to identify the most efficient and cost-effective mechanism for service delivery, resulting in elimination of waste and optimization of operational resources deployment.

**Assurance was given that the above entailed a roadmap on how matters would be handled going forward to ensure productivity and also to limit excessive overtime.**

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

- 1.2 Request for Approval to Implement District HIV/AIDS Programmes (30/1/10/4):  
(Page 29: Governance and Human Resources Committee - Agenda 2022-09-20)

Authority is sought to implement the District HIV/AIDS Programmes during the 2022/2023 financial year. It was advised that in March 2020, the Country experienced its first ever National Lockdown due to the COVID-19 pandemic. This led to various backlogs which affected the Health Sector, where most people defaulted in receiving their chronic medication, especially the HIV and the TB treatment. The pandemic created a lot of fear which resulted in people being afraid to go collect their medication. This contributed to several negative factors including an increase in fatalities as a result of the pandemic.

To address challenges posed by the pandemic, the Office of the Mayor has identified the intervention model to deal with a number of the issues at hand by engaging field workers, who will be working as social mobilisers reaching out to all corners where young people are located. The statistics reveals grey areas under the youth when it comes to service uptake. The targeted areas for this project would be schools, hotspots, and hangout areas where young people congregate.

The other groups of people that have been identified include the taxi industry, sports associations and religious sector at the community level, as there are number of issues regarding bio-medical uptake because of the stigma and discrimination. This has led to the Department of Health to come up with “Mina Campaign”, which involves the development and launch of a specifically targeted, insights based and researched brand that speaks directly to men on health and wellbeing generally and on HIV care and treatment specifically. The focus is on new HIV infection trends in key populations and their sexual partners which account for 54% of new HIV infections globally. The risk of acquiring HIV is: 22 times higher among men who have sex with men, 22 times higher among people who inject drugs, 21 times higher for sex workers and 12 times higher for transgender people.

In response to the fight against the HIV/AIDS, STIs and the TB, eThekweni Municipality has heeded a call made by the National Government to embark on programs that will be responding to the issues facing communities on the ground when it comes to the pandemics. The programmes to be used to respond to the HIV/AIDS and the TB during the financial year 2022-23 are categorised as follows:

**a) DREAMS/She Conquers Project:**

Determined, Resilient, Empowered, AIDS-free, Mentored and Safe, this program is to empower Adolescent Girls and Young Women (AGYW) and reduce risk interventions with an aim to educate the AGYW and develop essential skills and resources to prevent and coercion, delay sexual debut, reduce sexual risks, make healthy choices and access to Sexual and Reproductive Health and Sexual Protection Services.

**b) Ward AIDS Councils & Zonal AIDS Councils:**

These structures aimed at implementing the National HIV and AIDS and STI Strategic Plan and other related matters, facilitate, monitor, and evaluate the protection, promotion and fulfilment of the rights of the affected and infected persons living with the HIV and AIDS in the Municipality; promote HIV and AIDS awareness in the Municipality and promote uniform approach and cooperation by all organs of state.

**c) Fast-Track Cities:**

End the AIDS epidemic in cities by 2030, Put people at the centre of everything we do, Address the causes of risk, vulnerability, and transmission; Use our AIDS response for positive social transformation; Build and accelerate an appropriate response to local needs; Mobilize resources for integrated public health and development; Unite as leaders, support each other, share experiences and knowledge, and report annually on progress.

**d) eThekweni Health Promotion Strategy:**

The goal is to reduce the quadruple burden of disease (Communicable and Non-Communicable) through a responsive Population based Health Promotion approach based on a strong Community Based Model, using the Health Promoters who are at the fore front of this project together with other cadres. The objectives of this strategy is to integrate mitigation and containment strategies into health promotion and behaviour change activities through the strategic use of data, utilise routinely collected data to inform a real-time, locally responsive evolution of the health promotion approach; mobilise for social responsibility to prevent infection and to protect the vulnerable and build capacity at individual, household, and community level to enable personal and local ownership of behaviour change.

**e) Civic Society Forum Izimbizo/Workshops:**

To hold civic society elections and inductions

**f) MINA Campaign:**

The campaign involves the development and launch of a specifically targeted, insights based and researched brand that based and researched brand that speaks directly to men on health and wellbeing generally and on HIV care and treatment specifically. In-clinic activation: targeting linkage of new male patients and loss to follow up men back to care.

**g) World AIDS Day:**

World AIDS Day (WAD) was first observed as a commemorative event on 01 December 1988 when Health Ministers from around the world met under the auspices of the World Health Organization and agreed on the concept of the day as creating an opportunity to pay special attention to, as well as show solidarity for the global fight against the HIV and AIDS. Every year, UNAIDS communicates the proposed theme that guides the design and implementation of various commemorations. However, it should be noted that countries have the autonomy to develop their own customised themes for the WAD commemorative campaigns.

**h) Welcome Back Campaign:**

This campaign aims at welcoming back HIV patients who were diagnosed but did not start treatment as well as to welcome back into care, patients who started treatment but stopped due to various reasons. To also raise awareness on HIV and AIDS, TB and STIs and promote prevention.

**i) Behavioural Change Campaign:**

Multi-sectoral approach to address social issues because of HIV/AIDS to mitigate stigma and discrimination. To focus the spotlight on social and structural drivers such as gender base violence, sexual assaults, femicide.

**j) PrEP Indaba:**

PrEP is a medical HIV prevention method where people who are HIV negative take medication to reduce their risk of contracting HIV. With several clinical trials, it has shown that PrEP is extremely effective in preventing new HIV infection, more especially among adolescent girls and young women and that is the reason to conclude to host Indaba, aimed to promote and upscaling the intake in order to be able to reach zero HIV infections as the city in order to realise vision 2030.

During deliberations at the Executive Committee level, the importance of the implementation of the District HIV/AIDS Programmes was acknowledged. Appreciation being extended to the eThekweni Municipal Councillors serving on the Aids Committee for their involvement in such programmes which was viewed as progressive in the fight against the disease. Thereafter, some Members requested measures to be implemented to reduce expenditure of certain line items which appears not to represent the core activities as the Municipality was still not in a viable economic status.

Thereafter, the report was unanimously supported, and accordingly,

**COMMITTEE RECOMMENDS:**

That, in a bid to reach zero HIV infections within the City of eThekweni and to promote healthy lifestyle for individuals infected and affected, authority be granted for the Head: Mayoral Parlour to incur expenditure in the amount of R1 200 000.00 (One Million Two Hundred Thousand Rand) for the implementation of the HIV/AIDS Programmes in the 2022/2023 financial year

**Financial Implications:**

No	Project Name	Estimated Cost (R)
1	DREAMS/ She Conquers Programme	Hygiene packs for AGYW R80 000
		Catering R40 000
		Hire Charges R20 000
		Artist & Performance R40 000
2	Ward Aids Councils& Zonal AIDS Councils	Catering R50 000 Hire of Equipment R30 000
3	eThekweni Health Promotion Strategy	IEC Material R20 000 Venue Hire R50 000 Catering R30 000 Artists & Performers R20 000
4	Civic Society forum Izimbizo/Workshops	Catering R40 000 Hire Charges R80 000 Artists & Performers R30 000
5	MINA Campaign	Catering R30 000 Hire of Equipment R50 000 Promotional Packs R40 000 Artists & Performers R40 000
6	World Aids Day	Catering R30 000 Hire of Equipment R50 000 Artists & Performers R50 000
7	Welcome Back Campaign	Catering R20 000 Hire of Equipment R50 000 Artists & Performers R30 000
8	Behavioural Change Campaign	Catering R30 000 Hygiene packs for AGYW & ABYM R30 000 Hire Charger R70 000 Transport R30 000
9	PrEP Indaba	Catering R30 000 Hygiene packs for AGYW R30 000 Stage & Sound Crew R60 000
	<b>TOTAL</b>	<b>R1 200 000.00</b>

No	Item	Expenditure	Vote
1	Artists & Performers	R210 000	32601.11330Z.12120.0000.32100-2.0010
2	Catering	R300 000	32601.11400.12120.0000.32100-2.0010
3	Stage & Sound Crew	R60 000	32601.11760.12120.0000.32100-2.0010
4	Gifts & promotional	R200 000	32601.16325.12120.0000.32100-2.0010
5	Hire Charges	R400 000	32601.18950.10.12120.0000.32100-2.0010
6	Transport	R30 000	32601.12805.12120.0000.32100-2.0010
	<b>TOTAL</b>	<b>R1 200 000</b>	

**A submission was made that such HIV/AIDS Programmes are crucial to raise awareness about this disease and other related illnesses, including TB, with a view to reducing the infection rate. Mention was made that the introduction of ARVs has also yielded positive results. Thereafter, parties who have been instrumental in dealing with the HIV/AIDS matters were commended.**

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

1.3

Naming of Streets in Ward 49 Covering Phoenix (25/4/5/1):

(Page 36: Governance and Human Resources Committee - Agenda 2022-09-20)

The naming of street is in line with the basic service delivery obligations in relation to the requirement for the eThekweni Municipality to respond to the public needs. A unique or specific name of a street allows for ease of identification of the street as well as addressing identification of properties, thus aiding efficient service delivery and speedy response to urgent needs of the citizens. It was advised that there were no objections received to this process and all processes for naming of streets have been satisfied, including consultation with the communities affected. Accordingly, authority is sought to approve the naming of streets in Ward 49, covering Phoenix.

With Members being in agreement,

**COMMITTEE RECOMMENDS:**

That the following proposed and reviewed name for the unnamed Street in Ward 49, covering Phoenix, as contained in the report of the Head: Corporate Geographic Information Systems dated 2022-06-20 as indicated on Plan STN 20/06/2022, Council approves the name of **APOLLO STREET, STARWOOD CRESCENT and NORTHLEN PLACE.**

**ADOPTED.**

1.4

Request for Authority to Extend Agreement with the National Treasury to Participate in the Graduate Internship Program Via the Infrastructure Skills Development Grant and to Enter into a Service Level Agreement with Umgeni Water (6/1):

(Page 53: Governance and Human Resources Committee - Agenda 2022-09-20)

Authority is sought for the eThekweni Municipality to renew the agreement with the National Treasury to participate in the Graduate Internship Programme via the infrastructure Skills Development Grant (ISDG) as per the Business Plan and authorise a service level agreement between the Municipality and Umgeni Water. In July 2019 authority was granted for the eThekweni Municipality to enter into a Memorandum of Agreement with the National Treasury to participate in the Graduate Internship Programme through the ISDG with a view to developing the engineering and related technology graduates and equipping them to achieve professional registration on engineering related skills and form part of a pool of such skills within the eThekweni Municipality.

The Municipality was also granted authority, based on the approved Memorandum of Agreement, to also enter into a Service Level Agreement with Umgeni Water which is also part of the Graduate Programme and will share with the ISDG funds from the National Treasury.

The Committee supported the Programme and then requested a breakdown of costs in terms of activities to be undertaken with the amount of R35 000 000.00 (Thirty-Five

Million Rand) and also to outline benefits to be achieved by the eThekweni Municipality under this Programme. That a report in this regard be submitted at the next Support Committee meeting for information purposes.

The Executive Committee appreciated this existing Programme as having been approved by the Municipal Council in 2018. In response to a query pertaining to the breakdown of activities and grant funding allocation, confirmation was given that a detailed Report in this regard will be submitted at the Support Committee level. However, brief explanation was given on some of the costs associated with this Programme and with the Municipality currently engaging the twenty (23) Graduates under the Programme. It was submitted that the costs per Graduate covers the following:

- Stipend payment according to the Graduate level of qualification
- Acquisition of Tools of Trade
- Profession Registration Fee
- Mentees Fee
- Umgeni Water Administration Fee

That the signing of the Memorandum of Agreement is a requirement by National Treasury in relation to releasing grant funding. On the basis that a detailed Report would be submitted on progress made under this Programme,

**COMMITTEE RECOMMENDS:**

- 1.4.1 That authority be granted for the City Manager to renew and enter into an agreement with the National Treasury to continue participating in the Graduate Internship Programme via Infrastructure Skills Development Grant (ISDG), it being noted that previous authority in this regard was granted by the Municipal Council in July 2019.
- 1.4.2 That subject to approval of .1 above, authority be granted for the City Manager to enter into a Service level Agreement between the eThekweni Municipality and the Umgeni Water.
- 1.4.3 That it be noted that an amount of R35 000 000.00 (Thirsty Five Million Rand) has been approved and gazetted in the 2022/2023 financial and the amount will be transferred into the Municipality's primary account in two tranches. The first amount of R20 000 000.00 (Twenty Million Rand) transferred on 22 July 2022 and the second transfer scheduled for 27 January 2023, subject to the Municipality complying with the set conditions of the ISGD as set out in the Grant Framework.

**Speaking on the matter, the IFP recorded its support of the Programme and recommended proper monitoring and closer supervision to avoid exploitation of Graduates and the resultant drop outs. Further, that the Municipality should pay reasonable stipend timeously, whilst also endeavouring to secure placement of Graduates at the completion of the Programme.**

**The ANC welcomed the report, and it was reiterated that the costs per Graduate would cover profession registration fee with respective Councils, payment of stipends etc and that the Programme would enable those learners who were previously disadvantaged to obtain such opportunities.**

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

1.5 Diversity and Inclusion Day 2022 Webinar:  
(L38: Governance and Human Resources Committee - Agenda 2022-09-20)

The Committee received the report for approval to host the Diversity and Inclusion Day Webinar on 23 September 2022 through Microsoft Teams. That the Webinar is aimed at encouraging everyone to read up on different cultures, visit local preserved sites, parks and reserved. The younger generation, to take initiative in understanding their shared value in our history and their responsibility in upholding and preserving our legacy.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.5.1 That authority be granted for the Deputy City Manager: Corporate and Human Capital to host the Diversity and Inclusion Day Webinar on 23 September 2022 through Microsoft Teams, aimed to encourage everyone to read up on different cultures, visit local preserved sites, parks and reserved, and with the younger generation being encouraged to take initiative in understanding their shared value in our history and their responsibility in upholding and preserving our legacy.
- 1.5.2 That it be noted that this Programme will help integrate employees within the Clusters and honor Diversity and Inclusion in the workplace.
- 1.5.3 That it be noted that there are no financial implications associated therewith as all Speakers and Programme Directors will render service at no cost to the Municipality.

**ADOPTED.**

2. REPORT OF THE FINANCE, SECURITY AND EMERGENCY SERVICES  
COMMITTEE MEETING HELD 2022-09-21  
(Page R6)

2.1 Progress Report on Minimum Competency Levels - July and August 2022  
(6/2/3/1/2/R):  
(Page 44: Finance, Security & Emergency Services Committee - Agenda 2022-09-21)

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

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

Therefore,

COMMITTEE RECOMMENDS:

- 2.1.1 That the progress relating to the status of compliance on Municipal Minimum Competencies levels, as per the Regulations set in terms of Section 168 of the Local Government: Municipal Finance Management Act No. 56 of 2003, as contained in the report of the City Manager dated 2022-09-13, and reflected in the table below, be noted.

**Progress:**

Category	Summary Report
Accounting Officer	Compliant as per regulation
Chief Financial Officer	85% modules completed 15% modules in progress
6 Senior Managers (MSA S56)	6 Compliant as per MFMP Unit Standards Regulation of which 3 are awaiting SETA Certificate
3 Supply Chain Management	2 Compliant as per regulation 1 completed 81% of modules; and 19% of modules in progress
2 Middle Manager: Finance	1 new employee has joined the Minimum Competence Programme 1 Compliant

**NOTED.**

2.2

**Implementation of the Fourth General Valuation Roll (GV2022) in Terms of the Municipal Property Rates Act No. 6 of 2004 (MPRA):**

(Page 46: Finance, Security & Emergency Services Committee - Agenda 2022-09-21)

As per the requirements of Section 30 of the Local Government: Municipal Property Rates Act (MPRA) No.6 of 2004), as amended, the Municipality must undertake a general valuation of all the properties situated within the eThekweni Municipal area. This project was undertaken by the Valuation & Acquisitions Department of the Real Estate Unit.

It being noted that part of the process is the inspection of, and objections to, valuation rolls as per Section 50 of the MPRA. Consequently, this report seeks to apprise Council on the implementation of the Valuation Roll (GV 2022) for the eThekweni Municipality.

During deliberation of the matter at the Executive Committee level, the DA enquired about the timeframe for the finalisation of objections lodged against the Valuation Roll. It being highlighted that in some areas property value has been severely affected by the April-May 2022 floods.

An indication was given that Real Estate Unit is currently processing all objections that were received before the deadline. That the Municipality anticipates completing the process and to inform communities affected towards the end of the year; and outcomes thereof would then determine property rates to be raised against a particular property going forward. Assurance being given that a report in this regard will be submitted to the Support Committee.

Accordingly,

**COMMITTEE RECOMMENDS:**

That Council notes the implementation of the New General Valuation Roll (GVR 2022), in line with Section 30 of the Local Government: Municipal Property Rates Act (MPRA) No. 6 of 2004), also that the New GVR 2022 has fully complied with all relevant Sections of the MPRA, additionally the New GVR 2022 attained quality assurance both internally and externally, it being also noted that the progress on dealing with objections arising from the implementation of New GVR 2022 will be reported monthly to the Finance, Security & Emergency Services Committee and the Municipal Public Accounts Committee through the Section 71 Report.

**NOTED.**



- 2.3 Investments Report for the Month Ended 31 August 2022 (7/11/4):  
(Page 65: Finance, Security & Emergency Services Committee - Agenda 2022-09-21)

The Committee noted the Municipal funds invested at different financial institutions had amounted to R5 937 Million, at an average rate of return on investments of 6.08%. Also, that the Municipality had an overdraft facility of R682 Million and the unutilized Capital and Operational Grants as at the end of August 2022 was reported to be R765 Million. It being noted that there was 46 days cash on hand excluding grants. The Municipality was commended for building up on its cash reserves. In this regard, emphasis was made that Council had to accelerate the total repairs and maintenance expenditure and prioritize other urgent critical matters.

Accordingly,

COMMITTEE RECOMMENDS:

That the report on investments for eThekweni Municipality as at 2022-08-31, which records the total funds invested at financial institutions as R5 937 000 000.00 (Five Billion Nine Hundred and Thirty-Seven Million Rand), at an average rate of return on investment of 6,08%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Local Government: Municipal Finance Management Act, 2003, be noted.

**NOTED.**

- 2.4 EThekweni Municipality Monthly Public Tender Awards: 31 August 2022 (9/1/3):  
(Page 71: Finance, Security & Emergency Services Committee - Agenda 2022-09-21)

COMMITTEE RECOMMENDS:

- 2.4.1 That the public tender awards by the City for the month of August 2022, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Head: Supply Chain Management dated 2022-09-06, be noted.
- 2.4.2 That it be noted that where information is available for Wards and registration numbers, it is included in the report, as information used to compile the report is taken from submissions made by the Units.
- 2.4.3 That the Finance, Security and Emergency Services Committee calls for additional information on individual awards, where it deems appropriate and necessary to play its oversight role.
- 2.4.4 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.
- 2.4.5 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the City Manager can only respond when the reports are available.

**NOTED.**

2.5

Budget Statement Report for the Month Ended 31 August 2022 (7/1/4):  
(Page 132: Finance, Security & Emergency Services Committee - Agenda 2022-09-21)

In giving an overview, the Head: Expenditure took the meeting through the salient features of the report relative to the actual operating revenue of 95% of the year-to-date budget, with a variance of -5%, and revenue generated to date is 21.2%.

The actual operating expenditure reported as a percentage of year-to-date budget figure is 94% with a variance of -6% and Operating Expenditure spent to date is 16.4%. A cash collection of 93.21% as at the end of August 2022 was reported, and slightly lower when compared to the same period in the previous year (94%).

Thereafter, reservations were expressed over unread meters; uncollected historical debts, ineffective overtime management, water distribution losses as well as non-payment of creditors within the prescribed thirty (30) days period. It being emphasised that the Municipality should make efforts and develop strategic plans to recover monies owed by the Government Departments and the Parastatals in order to improve service delivery and, also to attend to infrastructural challenges, such as timeous repairs to electricity faults and burst water pipes to prevent further revenue losses.

Information was given that there were improvements in the collection of debts from the Government Departments, it being cited that the Department of Education had honoured the conditions of the payment arrangements with the Municipality. It being mentioned that there were ongoing engagements to resolve dispute with the Parastatals. Also, that interventions were being made to address challenges impacting revenue collection and service delivery. Mention being made that an amount of R184 Million Disaster Management Grant has been received by the Municipality in the month of September 2022 to accelerate repairs to the roads, water and sanitation infrastructure after the severe impact caused by the April-May 2022 floods.

Upon consideration at the Executive Committee level, the DA queried the status, purpose as well as the relevant Government sphere which has transferred the amount of R184 Million Disaster Management Grant to the Municipality.

Explanation was then given that the grant was a first batch received from the National Treasury as a result of the application submitted which encompassed a detailed lists of projects to be undertaken, inclusive of water and sanitation projects and rehabilitation of roads damaged during the April-May 2022 floods. Further, that a grant of R34 Million was also received from the Provincial Department of Human Settlements to enable the procurement of building materials which were handed over to displaced communities. It being indicated that the National Treasury was still in the process of finalising the other applications made by the Municipality and feedback in this regard was expected by the end October 2022.

Given the explanation, a recommendation was then made that Management should submit a detailed report to the Executive Committee on the total grants received and the utilization thereof, as well as the grants still expected by the Municipality.

In view of the foregoing,

**COMMITTEE RECOMMENDS:**

- 2.5.1 That the Budget Statement report for the month ended 2022-08-31 and the supporting documents, submitted by the City Manager as per his report dated 2022-09-14, in compliance with Section 71 of the Local Government: Municipal Finance Management Act No. 56 of 2003 and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, be noted.
- 2.5.2 That in compliance with Section 32(2) of the Local Government: Municipal Finance Management Act 2003, Council notes that there was no Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) incurred for the month of August 2022, as per the report by the line departments on Section 10 of the Budget Statement Report.

**Commenting on the Budget Statement Report, the DA pointed out that they will remain consistent in terms of raising alarming issues in the Budget Statement Report. In this regard, the issue of spiraling uncollected debt now ranging in the region of over R20 Million was raised. That collecting monies owed to the Municipality will make funds available to upgrade and maintain critical infrastructure. It being cited that the current situation signals that ratepayers cross subsidize non-payers. Therefore, emphasis was put on implementing measures to collect collectable debts. Further, that the collections will assist the Municipality’s repairs and maintenance programme. Referencing being made that lack of maintenance exacerbated infrastructure damages during the recent floods disaster.**

**Speaking on the matter, His Worship the Mayor who is also the Chairperson of the Finance, Security & Emergency Services Committee reported that the Municipality was sitting at 62 days cash on hand as at 28 September 2022, and with this being 55 days if excluding grants. That this represents that the Municipality is in a stable financial position to service its obligations.**

**With regard to the uncollected debt, His Worship advised that there has been noticeable progress in this regard due to initiatives by the Municipal leadership to engage debtors. Confirmation was made that most Provincial Government Departments opt to make annual payments, therefore, payment is still forthcoming from the Department of Public Works. That the Department of Education has already made payment arrangements, but that an indication has been given that Section 21 Schools should also make their own payment arrangements as they were being allocated operating budget by the Department. Therefore, disconnections will be implemented in the event Section 21 Schools are not coming forward to make payment arrangements. Discussions also underway with Tansnat and payment notice issued accordingly. In a nutshell, the Municipality is making interventions to collect debt and this is yielding positive results.**

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

### **3. DIRECT EXCO REPORTS**

- 3.1 PROPOSED GRANTING OF RIGHTS TO USE, CONTROL OR MANAGE EXISTING LEASES ERF 11414, ERF 11415, ERF 11416, SITUATED ON A PORTION OF THE REMAINDER OF ERF 1 DURBAN (PROPOSED ERF A DURBAN) AND EXISTING LEASES ERF 11418 AND ERF 11419, SITUATED

ON A PORTION OF THE REMAINDER OF ERF 1 DURBAN (PROPOSED  
ERF B DURBAN), BY WAY OF A LONG-TERM LEASE (17/2/1/2/5)

(Page 1)

The lease for the Southern Sun Hotel Corp (Pty) Ltd, now known as Tsogo Sun, expires on 31 December 2025 with no right of renewal. The Municipal Council then resolved that a public participation and a competitive bidding process be followed with regard to the property. Also, to solicit the views of the Provincial and National Treasury as the value of the property is over R10 Million.

The public participation process has been concluded and there were no comments received in this regard. Also, no comments were received from the Provincial Treasury. Meanwhile, the National Treasury noted the process and submitted the following:

- That the Municipality should ensure compliance with the provisions as stipulated in Section 14 of the Local Government: Municipal Finance Management Act (MFMA) 2003 read together with Chapter 4 of the Local Government: Municipal Assets Transfer Regulations (MATR) 2008; as well as Section 14(2)(a) of the MFMA, and obtain a Council resolution, hence, the submission of the matter;
- That the Municipality should engage local business chamber for comment, of which this has been done by the Municipality;
- That the Municipality should include a Clause in the lease addressing conditions relating to the use, maintenance of the assets and the surrounding area, security and job creation; and
- That the transaction should be concluded in a transparent process, bringing the best value to the Municipality and fully compliant with the MFMA; MATR; and the Municipal Supply Chain Management Regulations.

Accordingly, the matter is submitted for Council approval, as per the statutory requirement. The DA abstained on this matter at the Executive Committee level. With the other Parties being in support,

COMMITTEE RECOMMENDS:

- 3.1.1 That the Municipal Council notes the outcome of the Public Participation Process, which records no comment received and with the National Treasury having raised aspects relating mainly to the importance to achieve the necessary compliance requirements.
- 3.1.2 That the Municipal Council declares in terms of Section 14 of the Municipal Finance Management Act (MFMA) No 56, 2003, that:
  - 3.1.2.1 The existing leases Erf 11414, Erf 11415, Erf 11416 situated on a portion of the Remainder of Erf 1 Durban (Proposed Erf [A] Durban and Existing leases Erf 11418 and Erf 11419 situated on a Portion of the Remainder of Erf 1 Durban (Proposed Erf [B] Durban) in extent 4400m<sup>2</sup> and 2783m<sup>2</sup>, are not required to provide a minimum level of basic Municipal services and are considered to be surplus to the requirements of the Municipality for the period that the proposed granting of rights to use, control or manage the said properties.

- 3.1.2.2 The Municipality has considered fair market value of the assets, the economic and community value to be received in exchange for the assets and the current market value of the properties being R430 000 000.00 (Four Hundred and Thirty Million Rand) and an assessed market rental of R3 403 158.75 (Three Million Four Hundred and Three Thousand One Hundred and Fifty-Eight Rand Seventy-Five Cent) per month has been considered.
- 3.1.3 That the Municipal Council approves in-principle the granting of right to use, control or manage the capital assets described as existing leases Erf 11414, 11415 and Erf 11416, situated on a Portion of Remainder of Erf 1 Durban (proposed Erf [A] Durban) and existing leases Erf 11418 and 11419 situated on a Portion of the Remainder of Erf 1 Durban (proposed Erf [B] Durban) in extent 4400m<sup>2</sup> and 2783m<sup>2</sup>, as depicted on SJ Plan 4655/9 and SJ 4655/10 in terms of Regulation 34(1)(b) read with Regulation 36 and 41 of the Municipal Assets Transfer Regulation 2008, and the approval to consider the following:
- 3.1.3.1 That a long-term lease is proposed to be granted in respect of the capital assets;
- 3.1.3.2 That the properties described as existing leases Erf 11414, 11415 and 11416, situated on a Portion of the Remainder of Erf 1 Durban (proposed [A] Durban) and existing leases Erf 11418 and Erf 11419, situated on a Portion of Erf 1 Durban (proposed [B] Durban) in extent 4400m<sup>2</sup> and 2783m<sup>2</sup>, be leased by way of public tender taking into account the provisions of the SCM Policy with respect to the participation process, at a basic rental of R3 403 158.75 (Three Million Four Hundred and Three Thousand One Hundred and Fifty Eight Rand Seventy Five Cent) per month, escalating by 7% per annum and, reviewable every five (05) years for a period of fifty (50) years with no rights of renewal.
- 3.1.3.3 That all costs incidental to the transaction shall be borne by the lessee and all the developmental plans must be submitted to the Local Authority.
- 3.1.3.4 That the rental be suspended for up to three (03) years from the date of registration of the lease to allow for the renovations and upgrade of the subject properties provided that the capital investment is above R250 Million, and should the developer not complete the development within a 3-year period, an application can be made to the Head: Real Estate to submit a request to full Council to consider an extension of time to complete the development in accordance with suitable terms and conditions as recommended by the Head: Real Estate.
- 3.1.4 That subject to the adoption of .1 to .3 above and the approval by the Bid Adjudication Committee, authority be granted to the City Manager to sign all documents necessary to conclude the required lease agreement.

**During discussion, the IFP abstained on the matter and mentioned that the Municipality needs to be vigilant when such recommendations are to be considered, especially on the issue of employment guarantee, in view of the potential change of ownership. Reference was made to the closure of the Hilton Hotel and a number of jobs lost as a result thereof. The IFP indicated they need to satisfy themselves that this process is transparent and objective.**

**The DA mentioned that the first right of refusal to occupy the properties should be given to the current business operators. They indicated that all the assets, furniture, equipment, the brand etc belong to the current operators and they were**

of the view that it would be difficult for new operators to raise funding to re-establish these properties. They also added that the City cannot afford to jeopardize the tourism investment properties. On this basis, the DA dissented on the matter.

However, the ANC was in support of the recommendations, pointing out the importance to exercise transparency in transactions of this nature as per the statutory requirements. That the ANC acknowledges the role played by the Elangeni Hotel in the tourism realm, but that this process is necessary as the Regulations stipulate that a competitive bidding process should be followed at the expiry of the lease period. Therefore, a decision of this nature is in the public interest. Therefore, it is incumbent upon the Municipality to achieve the necessary compliance requirements in this regard.

Confirmation was given that the process being followed is in the best interest of the Municipality as the fair competitive bidding process would attract broader participation and attract prospective investors at a market-related value, thereby ensuring that the Municipality obtain its fair share in terms of return on investment.

Thereafter, as some members were not in support, the matter was put to the vote; With 196 Councillors present; 119 Councillors (ANC – 82, EFF – 21; ABC – 2; ACC – 02; DLC – 01; ADEC – 01; ATM - 01, ALJAMAH – 01, JEP -01; KZNI - 01; MF – 01 MOSA – 01; NFP -01; PRM – 01; TA – 01 and UIM- 01) were in support of the recommendations; 57 Councillors (DA – 56 and VF Plus- 01) voted against the matter and 20 Councillors (IFP – 15; Action SA – 03 and ACDP – 2) abstained on the matter).

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

### 3.2 REPRIORITISATION OF 2022-23 WATER & SANITATION UNIT CAPITAL BUDGET WS 2022/189 (7/1/2/2)

(Page 33)

Authority is sought to adjust the capital budget for the Water and Sanitation Unit to assist with the storm damages and related projects. Various sanitation pump stations and treatment works are in a very poor state due to storm damages and are non-functional which leads to polluting the environment. Repairs to various water infrastructure is undertaken by the in-house construction team and funding is required to expedite the repairs. To repair, replace and maintain existing infrastructure, a need exists to reprioritize capital budget. Approval of the capital budget reprioritization will assist in fastracking projects and improve service delivery which is the prime objective of the Unit.

The DA abstained on the matter, and with the other Parties being in support,

#### COMMITTEE RECOMMENDS:

- 3.2.1 That Council approves the transfer of funds as detailed in report WS2022/189 in the Water and Sanitation Unit Capital Budget and reflected in the table below to assist

with storm damage related projects and the projects affected due to budget cut, it being recorded that the budget reprioritization aligns with bottom line for the 2022/2023 financial year.

**2022/23 FY Capital Funding Adjustments:**

DESCRIPTION	PROJECT	AMOUNT R	DESCRIPTION	PROJECT	AMOUNT R	
Storm damage Sanitation infrastructure	Y9163	40,525,000	WATER INFRASTRUCTURE DUE TO STORM DAMAGE	X8616	20,000,000	X8616 has R33m but R5m given to Sid for PSC and R8m for internal construction team to work on trunk mains
KwaNyuswa water main	X8346	15,000,000	HOUSING PROJECTS	X8595	4,500,000	Savings declared to support storm damage projects
MAHATMA GANDHI EMERGENCY WORK	Y8725	10,000,000	MV SWITCHGEAR AT SWWTW	Y8763	9,000,000	
TONGAAT WTW REMEDIATION OF DAMAGED INFRASTRUCTURE	X8609	15,200,000	Automation and Pipeline Integrity Project	Y8767	3,000,000	FC364/C338
RIET RIVER AREA SEWER RETICULA	Y8139B	1,400,000	SCADA upgrade in various WWTW	Y8944	3,000,000	FC364/C339
Northern WWTW Capital Equipment Replacement	Y8786	5,000,000	KWAMASHU L TOILETS & SEWER UPGRADE	Y7247	8,000,000	
NORTHERN WWTW FUNCTIONAL UPGARDE DAF	Y8870	800,000	KWADABEKA SEWER RETICULATION	Y9157	5,500,000	
Non-infrastructure   New   Machinery and Equipment	PMZ000526	2,000,000	Community Ablution Blocks	Y9400	12,000,000	FC365/C338
Amagcino Reservoir E/T	X6919	700,000	NORTHERN WWTW HYDRAULIC UPGRADE	Y9151	2,000,000	
Emaqadini	X8400	2,000,000	DASSENHOEK WWTW UPGRADE TO 35ML/DAY	Y8942	200,000	FC364/307
IP Phones	PMZ001779	300,000	KWAMASHU WWTW UPGRADE TO 80ML/DAY	Y8939	200,000	FC364/307
Computer equipment	PMZ000584	700,000	PUMP AND VALVE REPLACEMENT	Y8911	10,000,000	
			GRANGE RESERVOIR WPS-FUNCTIONAL UPGRADE	X8582	1,000,000	
			Umgodi upgrade	X8535	2,000,000	FC364/307
			WATER PLANT DEPOT ACQUISITION	X8593	3,000,000	FC364/307

DESCRIPTION	PROJECT	AMOUNT R	DESCRIPTION	PROJECT	AMOUNT R	
			Mobeni Ablution Depot	X8423	75,000	FC364/307
			RESERVOIR PROTECTION	X8589B	4,000,000	
			UMLAZI 2 RESERVOIR WPS - FUNC UPGRADE	X8587B	2,000,000	
			ST THOMAS RESERVOIR WPS FUNC UPGRADE	X8586B	1,000,000	
			RIDGE END RESERVOIR WPS	X8585A	750,000	
			SITHUNDU HILLS RELAY OF NEW 400MM DIAMETER HDPE TR	Y9152C	1,400,000	
			New Intangible Assets   Computer Software and Applications	PMZ000638	1,000,000	FC364/307
		<b>93,625,000</b>			<b>93,625,000</b>	

3.2.2

That subject to the approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in his Adjustment Budget Report the transfer of funds from the projects where savings have been identified to the project where additional budget is required, as listed in the table above.

**Speaking on the matter, the EFF submitted that water is a basic need and has to be accessible to all. They mentioned that all Wards have to benefit equally on the water tanker distribution programme.**

**Whereas the IFP mentioned that water was also a Constitutional right and all citizens needed to have access to water. They indicated that continuous reprioritization of water and sanitation budgets had to be avoided and that a more sustainable plan is required.**

**The Action SA mentioned that the recent beach closures as a result of wastewater spillages had severely affected the City and the tourism industry as a whole. They also mentioned that Action SA would support any measures aimed to solve such challenges.**

**Thereafter, the ADEC also shared similar sentiments and further extended gratitude to the City Leadership for their urgent intervention to resolve wastewater spillages. Adding that the results of weekly water quality test needs to be published, and Council has a responsibility to take actions and to preserve nature.**

**Meanwhile, the DA abstained on the matter and indicated that there was no clear motivation on how the requested funds would be unpacked and spent. Also, highlighted that funds would be taken from reservoirs protection; in this regard a concern was raised that there was high vandalism of reservoir.**



The ANC emphasised that the recent April floods were not anticipated and therefore, the Municipality could not plan for such unforeseen circumstances. They reported that the proposed reprioritization of the budget was aimed to repair some of the infrastructure that was damaged as a result of the floods. It was also mentioned that in-house budget prioritization would be effected, while the Municipality still awaits grant allocation from the National Government. It was anticipated that water pumps would be fixed by November 2022 so that beaches would be fully opened during the festive season. It was also reported that there would an introduction of infrastructure levy which would assist for the maintenance of water and sanitation infrastructure in the future.

Thereafter, as some members were not in support, the matter was put to the vote; With 196 Councillors present; 140 Councillors (ANC – 82, EFF – 21; IFP – 15; Action SA – 03; ABC – 2; ACC – 02; ACDP – 2; DLC – 01; ADEC – 01; ATM - 01, ALJAMAH – 01, JEP -01; KZNI - 01; MF – 01; MOSA – 01; NFP -01; PRM – 01; TA – 01; UIM- 01 and VF Plus- 01) were in support of the recommendations and 56 DA Councillors abstained on the matter.

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

### 3.3

#### REVIEW OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE MUNICIPALITY AND THE UN HABITAT (2/3/2/1/2) & (12/8/1)

(Page 37)

To build efficiency in delivering services to the citizens and to achieve integrated; coordinated planning and budgeting processes, the District Development Model (DDM) was introduced at the National Government level. DDM is a service delivery approach enjoining the three spheres of Government for improved service delivery.

The National Department of Cooperative Governance and Traditional Affairs has engaged the UN Habitat to provide technical support to the DDM National Pilot Municipalities on the implementation of the Integrated Urban Development Framework. The current Memorandum of Understanding between the eThekweni Municipality and the UN Habitat will be reviewed to expand the scope from Safety Planning and Governance to include supporting the implementation of the eThekweni One Plan, as anchored in the DDM.

The new areas of collaborations to be incorporated in the revised MOU and which are no longer limited to the Safer Cities Projects are as follows:

- Collaboration on the implementation of the eThekweni One Plan, guided by the District Development Model (DDM) and the Integrated Urban Development Framework.
- Collaborate on the implementation of the Long-Term Development Plan (LTDP), including promoting the Municipality Crime Prevention and Urban Safety Policies and other thematic areas.

It being mentioned that the UN Habitat Executive Director is scheduled to visit the eThekweni Municipality on 2022-10-13 and the MOU is expected to be signed during

this visit. That based on the opportunities that the City could leverage on and the urgency, it is important for Council to support the reviewal of the MOU.

Accordingly,

COMMITTEE RECOMMENDS:

- 3.3.1 That Council approves the review of the existing Memorandum of Understanding between the eThekweni Municipality and the UN Habitat to broaden the areas of collaboration in line with the District Development Model and One Plan, with the following highlighting the new areas of collaborations, which are no longer limited to the Safer Cities Projects:
- a) Collaboration on the implementation of the eThekweni One Plan, guided by the District Development Model (DDM) and the Integrated Urban Development Framework; and
  - b) Collaboration on the implementation of the Long-term Development Plan (LTDP) including promoting the Municipality crime prevention and urban safety policies and other thematic areas.
- 3.3.2 That authority be granted for the City Manager to sign the Memorandum of Understanding once its reviewal process has been completed, it being recorded that there will be no financial implications for this process.

**ADOPTED.**

3.4 DISTRICT DEVELOPMENT MODEL-ONE PLAN REVIEW (2/3/2/1/2)

(Page 97)

EThekweni Municipality is one of the three (03) Municipalities where a new modality of service delivery, the District Development Model (DDM) is being piloted. This new model for planning and delivery is seen to be an all of Government approach to delivering effective and efficient services to citizens. As part of the DDM, the One Plan was developed and adopted by Council at its June 2021 meeting.

The National Department of Cooperative Governance and Traditional Affairs together with the Development Bank of Southern Africa commissioned a quality assurance of all One Plans submitted. The eThekweni Municipality District Development Model One Plan has also undergone the quality assurance assessment. In terms of the assessment outcome, this can be summarised as follows, as per the observation by the Panel Members:

- a) EThekweni One Plan is well thought with clear strategies and goals. It has milestones and targets to be achieved.
- b) The plan followed guidelines of the District Development Model in full.
- c) Most of the areas have been covered except few issues raised.
- d) Some parts of the eThekweni One Plan should be reviewed to ensure it is compliant with the requirement.
- e) Population analysis of respective Municipalities should be included in all One Plans.

- f) Social and demographic issues should be connected across plans and interventions.
- g) The plan generally meets the requirements, although there are gaps under people development and demographics.
- h) EThekweni has articulated the vision and desired outcomes as well as required actions and indicators for measuring relatively well throughout the six (06) focal areas. The table of interventions will need review as sector partners revise their inputs (the Environment Sector Interventions need reworking as there are many gaps currently).
- i) The One Plan should be reviewed to include all the requirements such as budgets and reflect long term plans and Catalytic Projects.
- j) Overall, all three (03) spheres of government working together in the development of eThekweni One Plan reflecting stakeholders and communities targeting development impact measures in the region.

The Municipality is due to review its One Plan in line with Circular 10 of 2022 issued by the Department of Cooperative Governance and Traditional Affairs dated 2022-08-20. The review will then incorporate the assessment outcome to achieve the necessary compliance requirements. The National Department of Cooperative Governance and Traditional Affairs has set a submission date of 2022-12-15 for all revised One Plans.

In view of the foregoing,

#### COMMITTEE RECOMMENDS:

- 3.4.1 That Council notes the process to review the eThekweni Municipality One Plan, in compliance with Circular 10 of 2022 issued by the National Department of Cooperative Governance and Traditional Affairs.
- 3.4.2 That Council notes the review will incorporate the One Plan assessment outcome as reported in (a)-(j) above and also detailed in Annexure 1 in the Report by the City Manager dated 2022-09-20.
- 3.4.3 That Council notes the process to be followed to review One Plan, as detailed in the table below, it being recorded that the revised Plan is due for submission to the National Department of Cooperative Governance and Traditional Affairs by 15 December 2022:

Milestones	Key activities	Expected output	Responsibility
Development of provincial process for updating the District/Metro One Plans	Provinces develop their process for updating the District/Metro One Plans in line with the national programme on reviewing and updating the One Plans.		Provinces DDM/ IGR Technical Committees
	District/Metro DDM/ IGR Technical Committees endorse the process for updating the One Plans.	Process for updating the one Plans endorsed by relevant District/Metro DDM/ IGR Technical Committees	
Consideration of the outcomes of the assessment of the One Plans for the District/Metro spaces	Consideration of the outcomes of the assessment of the One Plans for the District/Metro spaces through relevant DDM/IGR Technical Committee	Recommendations by the National One Plan Quality Assurance Panel considered by all stakeholders.	DDM/IGR Technical Committees

Milestones	Key activities	Expected output	Responsibility
Updating of the District/Metro One Plans (in line with the One Plan content and process guidelines)	Review and updating of the One Plan through intergovernmental sessions guided by the provincial process	Draft updated One Plans	DDM/IGR Technical Committees
	Submit monthly progress to National Department of Cooperative Governance (DCOG)	Monthly progress reports	Provincial COGTA DDM National COGTA Team
Approval of the final updated One Plans	Endorsement of the updated One Plan by the relevant DDM/IGR Technical Committee.	Final updated One Plan endorsed by the Technical Committee	DDM/IGR Technical Committees
	Endorsement of the updated One Plan by the relevant Political Committee	Final updated One Plan endorsed by the relevant Political Committee	DDM/IGR Technical Committees
Submission of approved updated One Plan by <b><u>15 December 2022.</u></b>	Submission of final updated One Plan to Provincial COGTA	Final updated One Plan submitted to Provincial COGTA	DDM/IGR Technical Committees
	Submission of final updated One Plan to National Department of Cooperative Governance (DCOG)	Final updated One Plan submitted to National Department of Cooperative Governance (DCOG)	Provincial COGTA

## NOTED.

### 3.5

#### ADOPTION OF INTEGRATED DEVELOPMENT PLAN PROCESS PLAN FOR THE 2023/24 FINANCIAL YEAR (2/1/6/1)

(Page 118)

In terms of Chapter 5, Section 34 of the Local Government: Municipal Systems Act, 2000 requires that all Municipalities annually review and amend their Integrated Development Plan (IDP) in accordance with an assessment of its performance measurements. Section 28 further stipulates that the Municipal Council must adopt a process to guide the planning, drafting, adoption, and review of its IDP. As such, the IDP Office had prepared the draft 2023/2024 IDP Process Plan which has been advertised for public comments. Based on comments received the Draft Process Plan is now tabled for adoption as per the statutory requirements.

In this regard,

#### COMMITTEE RECOMMENDS:

### 3.5.1

That the final 2023/24 Integrated Development Plan (IDP) Process Plan, as contained in the report of the City Manager dated 2022-09-19, developed in line with the requirements of the Local Government: Municipal Systems Act No. 32 of 2000, to guide the planning, drafting, adoption and the review of the Integrated Development Plan of the eThekweni Municipality, be adopted, it being recorded that the Process Plan outlines the following:

- (i) Defines steps for the process of the review;
- (ii) Outlines the roles and responsibilities;
- (iii) Outlines the broad public participation process; and
- (iv) Provides an integrated action plan.

- 3.5.2 That upon obtaining Council approval, a copy of the Process Plan be submitted to the Honourable MEC for Co-operative Governance and Traditional Affairs, as per the statutory requirement.

**ADOPTED.**

- 3.6 AMENDMENT PERTAINING TO THE PROVISION OF DATA BUNDLES TO COUNCILLORS AS CONTAINED IN THE CURRENT GOVERNMENT GAZETTE FOR DETERMINATION OF UPPER LIMITS OF THE SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS (3/5/4)

(Page 145)

The Municipal Council at its meeting held on 2022-06-30 approved Notice No R. 2126 as per the Government Gazette No. 46470 dated 2022-06-02. The Notice contained new limits for salaries, allowances and benefits to be implemented. It will be recalled that Councillors were currently receiving monthly data worth 20gigabyte through a contract between the Office of the Speaker and VODACOM which is due to expire at the end of September 2022.

That Council notes that the current Government Gazette approved by Municipal Council on 2022-06-30, contained slight changes in terms of data provision. That Section 11 of Government Gazette No. 46470 indicates that “A Councillor may, in addition to the annual total remuneration package provided in terms of 5 and 8 respectively, be paid a cellphone allowance not exceeding R3 400.00 (Three Thousand Four Hundred Rand) per month, inclusive of mobile data.

With the Council and the Committee meetings convening virtually at times, it is important for the Councillors to maintain connectivity. The Office of the Speaker is therefore making arrangements for the Councillors to continue receiving monthly data bundles but with the data bundles fee to be deducted from the overall cellphone allowance given to the Councillors. The amount to be deducted shall be communicated with Councillors at the confirmation of the contractual value of the data bundles. Councillors will also be given an option to make own arrangements for better data bundles.

It should be noted that the Municipality is prohibited from adding benefits that are not part of the Government Gazette, hence the importance to approve the new arrangement as submitted.

Therefore,

**COMMITTEE RECOMMENDS:**

- 3.6.1 That Council notes the amendment contained on Government Gazette No. 46470 pertaining to Determination of Upper Limits of salaries, allowances and benefits of different members of Municipal Councils, as approved by the Municipal Council on 30 June 2022 pertaining to payment of cellphone allowance not exceeding R3 400.00 (Three Thousand Four Hundred Rand), per month, inclusive of mobile data to Councillors.
- 3.6.2 That Council notes that the Municipality is prohibited from paying an additional allowance to Councillors on the use of data bundles, in line with the provision of .1 above.

- 3.6.3 That in noting the provision of .1 above, it is recommended that the Councillor's monthly data bundles be continuously provided by the Municipality, by deducting the monthly contractual value directly from the Councillor's monthly cell phone allowance.
- 3.6.4 That subject to the approval of .3 above, authority be granted to the Office of the Speaker to finalise a data bundle contract for Councillors through the Supply Chain Management (SCM) procurement processes.
- 3.6.5 That subject to the approval of .4 above, authority be granted to the Payroll Department to effect monthly data bundle costs as per contract from Councillor's cellphone allowances.
- 3.6.6 That subject to the approval of .5 above, all Councillors be advised of the monthly contractual value for data bundles that will be deducted monthly from their respective cellphone allowances.

**Speaking on the matter, the IFP objected to the proposed approach for the provision of data bundles for Councillors. They were of the view that this was a blanket approach and that Councillors should be given an option to source their cellphone data contracts. The DA shared similar views that Councillors be given an option to source their own data bundles.**

**In response, the ANC advised that the Office of the Speaker has a responsibility to ensure that Council meetings were convened successfully. Also, that Council and Committee meetings convene virtually at times, therefore it was important for Councillors to maintain connectivity. It was noted that Councillors experience connectivity issues sometimes due network challenges in some areas. Therefore, it would be beneficial and cheaper for Council to negotiate with credible network providers on behalf of all Councillors.**

**As some members were not in support, the matter was put to the vote; With 194 Councillors present; 93 Councillors (ANC – 82, Action SA – 03; ABC – 2; DLC – 00; ADEC – 00; ATM - 01, JEP -01; NFP -01; PRM – 01; UIM- 01 and VF Plus- 01) were in support of the recommendations and 40 Councillors (EFF – 21; IFP – 15; ALJAMAH – 01, MF – 01; MOSA – 01 and TA – 01) voted against the recommendations and 61 Councillors (DA – 56; ACC – 02; ACDP – 2 and KZNI – 01) abstained on the matter.**

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

3.7 REQUEST FOR AUTHORITY TO IMPLEMENT THE 2022 NATIONAL TRANSPORT MONTH ACTIVITIES.

(Page 149)

The National Department of Transport declared October as a Transport Month. The Month is used to raise awareness on the important role of transport economy and to encourage participation from the Civil Society and Business, including the provision of a safe and more affordable, accessible and reliable transport system. Also, showcasing transport infrastructure, services and flagship programmes that are being

delivered across all modes, including, aviation, maritime, roads, rails and public transport, by different Transport Departments, Authorities and Entities.

In this regard, the eThekweni Transport Authority has several Programmes to celebrate and showcase local milestones and developments in the transport sector that are ultimately designed to improve the lives of the citizens of eThekweni through connectivity and access to opportunities. In addition, the Municipality has collaborated with the National and Provincial Governments on projects with an impact on the City's economy and overall society. The Month's activities include Transport Month Launch; Moja-Cruise Phase 2 Re-Launch; Taxi Launch Activations; eThekweni Transport Authority Conference; Road Safety Awareness Campaign; Public Transport Driver Road Safety Awareness; Road Safety Walk and Prayer; and Transport Conference.

Thereafter, the DA expressed reservations on the Moja-Cruise Programme, as they were of the view that it does not seem the Programme has yielded positive results after its initial launch. They further queried the monitoring mechanisms being utilised to track the success of the Programme and it being enquired whether the value for money has been realised under this Programme.

Clarity was then given that five hundred (500) vehicles have been piloted during the initial launch of the Programme, with more than 500 drivers benefitting from the Programme. That other positive outcomes from the Programme included the IT systems installed on the vehicles, including cash-less payment method, processing of vehicle permits to ensure that taxi drivers adhere to their appropriate taxi routes thereby minimizing the risk of taxi carnage. Also, that the Programme has instilled discipline; empowerment and capacitation of drivers, including facilitation of employment of drivers through their respective Taxi Associations.

Subsequently, the Members of the DA (02) voted against the matter, with the Members of the ANC (03) and the ABC (01) being in support,

#### COMMITTEE RECOMMENDS:

That Council approves the implementation of the 2022 Transport Month Programme in the amount of R1 850 000.00 (One Million Eight Hundred and Fifty Thousand Rand) and the proposed budget for each activity within the programme as reflected in the report of the Head: EThekweni Transport Authority dated 2022-08-31 and in the table below:

#### Annexure A - October 2022 Summary of Transport Month Activities:

ACTIVITY	DESCRIPTION	DATE	VENUE	PARTICIPANTS
Transport Month Launch	Launch of the infrastructure delivery EXPO	29 September 2022	International Convention Centre	Mayor, Deputy Mayor, Contractors, Developers, Investors & Realtors
Moja Cruise Phase 2 re-launch	Introduction of additional 500 vehicles to the existing Moja Cruise fleet	14 October 2022	International Convention Centre	SANTACO, EMTC, Taxi Associations
Taxi Rank Activations	Visits to Taxi ranks in the five (05) eThekweni Metro Taxi Council regions	19 October 2022: Central Region (incorporating walk and a prayer) 20 October 2022: Durban West Region	Soldier's Way Taxi Rank Hill Street Taxi Rank	City Officials, EMTC SANTACO, Department of Transport, Department of Health, Metro Police, RTI, Interfaith Organizations, ETA Road

		<p>21 October: Greater North Region</p> <p>24 October 2022: Ningizimu 1 Region</p> <p>27 October 2022: Ningizimu 2 Region</p>	<p>KwaMashu Taxi Rank</p> <p>Mega City Taxi Rank</p> <p>Isipingo Taxi Rank</p>	<p>Safety, Taxi Associations, Drivers, Commuters</p>
EThekweni Transport Authority Conference	Presentations and discussions on various transport and infrastructure related topics	21 October 2022	Moses Mabhida	EThekweni Transport Authority Management and Staff, DCM HSET, Chairperson of the Human Settlement & Infrastructure Committee, Other departments within the City
Road Safety Awareness Campaign	Conducting Road Safety awareness talks at schools and at pedestrians crossings	<p>03 October 2022: Mandlakayise/ Hillgrove Primary</p> <p>07 October 2022: Wili Wili/ Durban South Primary</p> <p>10 October 2022: Mawelewele/ South Coast Mandressa</p> <p>10 October 2022: Warwick Avenue pedestrians awareness campaign</p> <p>13 October 2022: Soldier's Way and Denis Hurley Street – pedestrians Awareness campaign</p>	Various Schools within eThekweni	Learners from Primary Schools and pedestrians
Public Transport Driver Road Safety Awareness	Conducting road safety talks at various minibus taxi and bus facilities	<p>12 October 2022: Central Region</p> <p>17 October 2022: North Region</p> <p>18 October 2022: West Region</p> <p>24 October 2022: Ningizimu 1</p> <p>28 October 2022: Ningizimu 2</p>	Various Taxi Holding areas and Rank Facilities	Minibus Taxi and Bus Operators and Drivers, ETA Staff
Road Safety walk & Prayer	Walk from King Dinizulu Park, along Julius Nyerere, into Johannes Nkosi, into Soldier's Way and	04 October 2022 (incorporating rank activation)	Soldier's Way Taxi Rank	Office of the Mayor, Public transport operators, members from different faith-based Organisations (Interfaith), law enforcement agencies,



	terminate at Soldier's Way Taxi Rank			Municipal Departments and other stakeholders
Transport Conference	The Conference will be focusing on the future of public transport in eThekweni	02 November 2022	International Convention Centre	Public transport operators, Economic Development, Commuter representatives, Professionals, Academics, Developers and People with disabilities

**Financial implications:**

The estimated costs for the planned activities detailed below, totaling R1 850 000.00 (One Million Eight Hundred and Fifty Thousand Rand) will be charged from Vote Number 50110631661.15C/99000/0000/PD001/0010

PROGRAMME	ITEMS	COST R
Transport Month launch 2022	Venue, sound, stage and refreshments.	250 000.00
Moja Cruise re-launch	Venue, sound, stage and refreshments.	450 000.00
Taxi Rank Activations	Marquee, Programme Director, entertainment, refreshments for each of the five (05) eThekweni Metro Tax Council region	750 000.00
EThekweni Transport Authority Conference	Venue, sound, and refreshments.	150 000.00
Road Safety Initiatives	Departmental Annual Budget	0.00
Public transport Driver Awareness Training	Departmental Annual Budget	0.00
Road Safety walk and prayer	Sound, stage, decorations, entertainment, Master of Ceremonies, and refreshments	150 000.00
Transport Conference	Venue, sound, stage and refreshments.	250 000.00
<b>TOTAL</b>		<b>1 850 000.00</b>

Speaking on the matter, the IFP mentioned that October being a transport month, the Municipality should raise awareness on road safety, ensuring that roads in bad conditions are repaired, including fixing potholes. Emphasis being made that resources be made available to promote roads safety, including ensuring public transport is roadworthy.

Thereafter, the DA noted the intention of the programme, however they expressed reservations on the Moja cruise re-launch. They indicated that the programme had not yielded the expected outcomes. In this regard, they objected to the approval of the recommendations.

The ANC was in support of the implementation of the 2022 National Transport Month activities. They cited some of the interventions made to improve roads and the transport industry in general, including the Mount Edgecombe Intersection Project. On the issue of the Moja Cruise Programme, it was reiterated that this was a Pilot Programme which was aimed to empower and capacitate drivers. That the benefits of the Programme would be realised over the period of time.

As some members were not in support, the matter was put to the vote; With 194 Councillors present; 138 Councillors (ANC – 82, EFF – 21; IFP – 15; Action SA – 03; ABC – 2; ACC – 02; ACDP – 2; DLC – 00; ADEC – 00; ATM - 01, ALJAMAH – 01, JEP -01; KZNI – 01; MF – 01; MOSA – 01; NFP -01; PRM – 01; TA – 01; UIM- 01 and VF Plus- 01) were in support of the recommendations and 56 DA Councillors voted against the recommendations.

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

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

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### **THIRD REPORT OF THE EXECUTIVE COMMITTEE**

(Special Meeting held 2022-09-29)

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

ABSENT : Executive Committee Member T Miya (Gadgets challenges)

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#### **1. DIRECT EXCO REPORTS**

##### **1.1 REQUEST FOR AUTHORITY TO EXTEND THE EXPANDED PUBLIC WORKS PROGRAMME AND FOR AUTHORITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE FOR THE 2022-23 INCENTIVE GRANT (4/3/5/3)**

(Page 2)

Authority is sought to extend the Expanded Public Works Programme (EPWP) for a period of three (03) months while preparations are also underway to receive grant funding during the 2022/2023 financial year. Further, authority is sought for the City Manager to enter and sign a new Memorandum of agreement with the Department of Public Works and Infrastructure (DPWI) to receive the Incentive Grant (IG) for the EPWP.

The EPWP is a poverty alleviation programme to reduce unemployment, also providing short-term income relief; as well as providing and facilitating access to training of the previously disadvantaged and the unemployed. This is intended

to empowering them to stand a good chance to secure permanent employment when opportunities arise.

The eThekweni Municipality's EPWP is divided into various IG funded projects, namely, EPWP Administration; Safer Cities Volunteers Programme; Urban Management Zone; ITRUMP; Durban Solid Waste City-wide Cleaning Programme; Community-Based Water Agents; the Social Sector; as well as the Cornubia Cleaning Services.

EThekweni Municipality is one of the biggest contributors to the EPWP and has been given a target to create eighty-three thousand eight hundred and ninety-three (83 893) work opportunities during the 2019-2024 period. The EPWP currently has four thousand five hundred and thirty-eight (4 538) participants under the IG funded projects. The EPWP contract has and needs to be extended while also preparing to sign a new contract for the 2022-23 grant funding. Hence, a new Memorandum of Agreement will be entered into with the DPWI to receive the IG in the amount of R61 257 000.00 (Sixty-One Million Two Hundred and Fifty-Seven Thousand Rand) during the 2022/23 financial year.

With the broad scope of the eThekweni Municipal area, the EPWP ended up being extended to include more beneficiaries. As such, the Municipality is then requested to cover the shortfall, in the amount of R202 277 746.00 (Two Hundred and Two Million Two Hundred and Seventy-Seven Thousand Seven Hundred and Forty-Six Rand), to ensure the projects undertaken are sufficiently funded. The total funding required for the EPWP number of beneficiaries in the 2022-23 financial year is R262 534 746.00 (Two Hundred and Sixty-Two Million Five Hundred and Thirty-Four Thousand Seven Hundred and Forty-Six Rand). It being noted that opting for additional beneficiaries is in the best interest of the Municipality given the significant role played by the EPWP, particularly, in so far as achieving cleanliness in the City; crime prevention; as well as the Youth Programmes.

It should be noted that the Administration is also dealing with the audit findings pertaining to the EPWP and some of the issues already addressed include the elimination of ghost beneficiaries, with the incentives now being loaded onto the eThekweni Municipality's payroll system for effective accountability. Also, measures are being explored to absorb some of the beneficiaries within the Municipal Units where service delivery needs exist. The intention is to also create other opportunities for the beneficiaries to be self-sufficient.

The Executive Committee critically analyzed the EPWP from the additional funding perspective as well as the significant role the Programme plays to supplement resources within the Municipality to provide the much-needed services. The Democratic Alliance voted against this Programme pointing out the ratepayers could not continue funding the EPWP which is subjected to continued extension, whereas the engagement was supposed to align with the IG funding from the DPWI. They were of the view that a need exists to address political matters surrounding this Programme thereby providing political solutions. That overall, currently, the EPWP is not being managed effectively, yet there is also no consequence management being implemented.

The IFP supported the EPWP pointing out that its role is critical, in particular with regard to the cleaning programme. That while the intention is to reduce the EPWP beneficiaries, but endeavours should be made to place them appropriately thereby

continuing putting bread on the table. The late submission of the Report was not condoned though and that this be rectified in future.

The ANC acknowledged the challenges, whilst also acknowledging these are being attended to as part of achieving effective management of the Programme. The attention was drawn to a proactive approach adopted by the Municipality to take responsibility to deal with the EPWP in the manner that augment the service delivery needs of the Municipality. Attention being also drawn to a similar scenario with regard to the human settlements which is the competency of the other spheres of Government but that the Municipality being close to the people is also taking proactive approach to bridge funding at times to immediately respond to the pressing needs by the members of the community. That the EPWP is effective since beneficiaries are rendering the much-needed service prior to being incentivized.

The Deputy Mayor supported the EPWP, but cautioned that the Municipality should rather create a conducive environment for the creation of employment opportunities, with the Municipality to focus on its core service delivery mandate.

To continue addressing the EPWP-related challenges, the Executive Committee, on a recommendation by the ANC, agreed to urgently convene a dedicated session to unpack overall the EPWP looking at progress made thus far and associated benefits; prevailing challenges; and proposed turnaround plan to address challenges identified.

On this basis, it was then agreed to support the matter to achieve business continuity and to commence with the process of receiving the IG funding from the DPWI. The DA (02) maintained their dissenting vote. With the ANC (04); ABC (01) and the IFP (01) voting in support,

#### COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the Deputy City Manager: Governance & International Relations to extend the Expanded Public Works Programmes and projects for a period of three (03) months, commencing 01 October and terminating 31 December 2022, and to be funded through savings to be identified thereby sustaining the stability of the EPWP, while preparations are underway to sign a Memorandum of Agreement with the Department of Public Works and Infrastructure to receive grant funding for the EPWP operations in the 2022/2023 financial year.
- 1.1.2 That authority be granted for the City Manager, on behalf of the eThekweni Municipality, to enter into and sign a Memorandum of Agreement with the Department of Public Works and Infrastructure to receive the Incentive Grant in the amount of R61 257 000.00 (Sixty-One Million Two Hundred and Fifty-Seven Thousand Rand) for the EPWP operations during the 2022-23 financial year.
- 1.1.3 That, subject to the adoption of .1 and .2 above, authority be granted for the Deputy City Manager: Finance to identify savings during the Budget Adjustment period for the additional EPWP funding to cover the shortfall in the amount of R201 277 746. 00 (Two Hundred and One Million Two Hundred and Seventy-Seven Thousand Seven Hundred and Forty-Six Rand) required to sustain stability of the Expanded Public Works Programme until the end of the 2022/2023 financial year.

**Financial Implications:**

EThekweni Municipality will receive R61,257,000.00 grant from DPWI to fund below listed projects during the 2022/23 financial year. The estimated expenditure for the 2022/23 financial year is R262 534 746 hence the Council funding in the amount of R201 277 746 is required.

<b>FORECAST OPERATING EXPENSE COMPARATIVES STATEMENT FOR THE PERIOD ENDING 30 June 2023</b>					
<b>DEPT</b>	<b>PROJECT</b>	<b>Vote No.</b>	<b>Grant BUDGET FORECAST R</b>	<b>TOTAL R</b>	<b>Council Funded R</b>
<b>1</b>	Cleaning Service Cornubia Project	32604.10510.12120.0000.36145.0010	291 419	1 020 156	728 737
<b>2</b>	DSW City Wide Cleaning Programme	32604.10510.12120.0000.36110.0010	8 300 946	56 232 974	47 932 029
<b>3</b>	EPWP Community Water Agents	32604.10510.12120.0000.51110.0010	3 261 983	11 183 238	7 921 255
<b>4</b>	Safety Volunteer Project - Mayoral	32604.10510.12120.0000.37120.0010	42 821 246	165 390 306	122 569 060
<b>5</b>	Urban Management Zone (UMZ)	32604.10510.12120.0000.36130.0010	1 755 683	7 088 798	5 333 115
<b>6</b>	eThekweni Social Sector Support	32604.10510.12120.0000.51115.0010	4 209 007	17 283 646	13 074 639
<b>7</b>	EPWP Administration	32604.10510.12120.0000.51100.0010	616 717	4 335 628	3 718 911
	<b>Total Current Operations</b>		<b>61 257 000</b>	<b>262 534 746</b>	<b>201 277 746</b>

Commenting on the matter, the DA acknowledged the importance of the Programme. However, they were of the view that the custodian, which is the Department of Public Works and Infrastructure should invest additional funding to cover the entire financial needs of the Programme. They mentioned that savings being identified by the Municipality should be directed towards water and electricity infrastructure rehabilitation, it being cited that the recent wastewater spillages had a negative effect on the tourism industry as some beaches are closed. On this basis, they dissented on the matter.

The IFP submitted the importance of exercising accountability and transparency in implementing a Programme of this nature.

The EFF supported the Programme, but also emphasised the importance of exercising transparency and refrain from entangling the Programme with political issues.

The Action SA was in support of the Programme and highlighted that the majority of deserving communities should benefit therefrom.

Thereafter, the ANC provided a brief background and indicated that this is a Poverty Alleviation Programme launched in 2003. This was due to high unemployment rate and due to inequalities, which excluded most people from various economic activities. Therefore, the Programme intended providing relief, and has since been improved to include social useful activities to enable participants to obtain skills an experience.

As some members were not in support, the matter was put to the vote; With 192 Councillors present; 131 Councillors (ANC – 79, EFF – 21; IFP – 15; Action SA – 03; ACC – 2; DLC – 01; APF – 01; ADEC – 00; ATM - 01, ALJAMAH – 01, JEP - 00; KZNI – 01; MF – 00; MOSA – 01; NFP - 01; PFP – 01; PRM – 01; TA – 01 and UIM- 01) were in support of the recommendations and 61 Councillors (DA – 56; ABC – 2; ACDP – 02 and VF Plus - 01) voted against the recommendations. There were no abstentions recorded.

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

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

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### **REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

The recommendations of the Municipal Public Accounts Committee (Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) Investigated for the Quarter Ended 31 March 2022), as contained in the Council Agenda (2022-09-29), were **NOTED**.

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#### **REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

**TO: COUNCIL**

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

#### **BACKGROUND**

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

The section reads as follows:

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

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

- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.”

## ANALYSIS OF UIFW CASES FINALISED

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

- Reports were prepared by the departments that incurred irregular expenditure after investigations by the said departments. The reports disclosed the deviation from Supply Chain Management Policy, the reasons for the deviation and the value of the expenditure.
- The reports together with the supporting documents were submitted to the Internal Control Unit for review and thereafter were submitted to the Bid Adjudication Committee for noting purposes.
- The Internal Control Unit reviewed and applied its mind on each report and considered whether there was any value for money obtained by the municipality or any losses suffered by the municipality due to non-compliance detected using the following questions:
  - a) The nature of the irregularity
  - b) Whether or not the contracts followed the SCM public tender process
  - c) Whether or not the Unit Head had certified that value for money was received
  - d) Whether or not the Unit Head has confirmed that goods or services were delivered as per contract specifications and initial contract rates
  - e) Whether corrective action needed to be undertaken
  - f) Whether preventative measures were required to be implemented and the status of such actions; where deemed necessary
- Other irregularities were identified during the audit by the Auditor-General and others through investigations by the City Integrity & Investigation Unit.

Cumulative UIFW expenditure totaling **R151 679 907.52** (one hundred and fifty-one million six hundred and seventy-nine thousand, nine hundred and seven rands and fifty-two cents) was identified as at 31<sup>st</sup> March 2022 by the following sources:

Source	Annexure	Amount
Transgressions reported by Auditor General South Africa	A	R126 279 935.86
Internally identified by Internal Control Processes	B	R25 399 971.66
<b>TOTAL</b>		<b>R151 679 907.52</b>

We interviewed each Unit Head and relevant Officials to establish the root causes of the UIFW expenditure. We further established the mitigating measures that had been implemented to prevent a

recurrence of the expenditure and confirmed that disciplinary action had been taken or would be taken against the officials that had caused the expenditure to be incurred. In some instances, we noted that matters had been referred for criminal investigation.

Having duly considered and deliberated on the UIFW expenditure concerned,

**COMMITTEE RECOMMENDS:**

- 1.1 That in compliance with Section 32(2) of the Municipal Finance Management Act (MFMA), irregular, fruitless and wasteful expenditure totaling **R151 679 907.52** (one hundred and fifty-one million six hundred and seventy-nine thousand, nine hundred and seven rands and fifty-two cents) as detailed in “**Annexures A & B**” of this report be certified as irrecoverable and written-off by Council based on the outcomes of the investigations of such expenditure.
- 1.2 That it be noted that any consequence management recommendations will be dealt with in accordance with the council policy regarding financial misconduct and oversight by the Disciplinary Board for Financial Misconduct.

**ADOPTED**

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(At this stage of the proceedings Councillor NP Sibiyi, in her capacity as Chairperson of the Ethics Committee, presented the following Report of the Committee).

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**FIRST REPORT OF THE ETHICS COMMITTEE**

The recommendation of the Ethics Committee arising from the Hearing held on 2022-08-30 in respect of the alleged misconduct by the Ward Councillor, as laid on table on Council meeting held on (2022-09-29).

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**FIRST REPORT OF THE ETHICS COMMITTEE**

(Meeting held on Tuesday, 2022-08-30)

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**PRESENT** : Councillors N Sibiyi (Chairperson), S Ngcongco (Deputy Chairperson), PS Sishange, V Mngadi, N Bollman, S Chebure, R Mbonambi and HP Shoji.

**ABSENT** : Councillor T Miya (on leave – Indisposed).

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<b>FINDINGS AND RECOMMENDATIONS IN RESPECT OF THE ALLEGED MISCONDUCT BY WARD COUNCILLOR T MKHIZE (WARD 25) (3/4/6)</b>
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**Hearing in respect of the Alleged Misconduct by Ward Councillor T Mkhize (Ward 25).**



## 1. INTRODUCTION

Councillors are elected to represent Local Communities on Municipal Councils to ensure that Municipalities have structured mechanisms of accountability to Local Communities and to meet the priority needs of Communities. Councillors must fulfill their obligations to the Community, to support the achievement by the Municipality of its objectives, must adhere to the Code of Conduct for Councillors, to comply with the Rules of Order and By-Laws of the Municipality and at all times respect the Rule of Law.

## 2. BACKGROUND

On 2022-07-12, the Ethics Committee received a Report from the Speaker dated 2022-07-11 relative to the Alleged Misconduct by Ward Councillor T Mkhize from the Clare Estate Ratepayers Association (CERA). Concerns raised pertained to Councillor Mkhize's conduct on the usage of vulgar language which was found to be not acceptable in addressing a Community Member during the recent floods which took place in April 2022. The said matter received Public attention after which was thereafter reported on the different media platforms.

## 3. HEARINGS

The Hearings were held pursuant to Section 16(1)(b) (i) and (ii) of Schedule 7 of the Municipal Structures Amendment Act 3 of 2021. The Ethics Committee wishes to record that at the outset, it applied the principles of natural justice that *espouses* the values that:-

- (a) There is a formal procedure;
- (b) There is a just and fair procedure;
- (c) The presumption of innocent until proven guilty; and
- (d) The principle of *audi alteram partem* rule.

## 4. COUNCILLOR T MKHIZE

### 4.1 Breach One

It is alleged that on or about 18 April 2022, Councillor T Mkhize used an inappropriate; vulgar and/or obscene language when he responded to “*Fuck You*” to a Whatsapp message sent to him by a Ward 25 Resident who was seeking his assistance in Springtown during the Floods in Durban in April 2022, as set out in the Charge Sheet, which is in contravention of Sections 2(a) and (b) of Schedule 7 of Local Government: Municipal Structures Amended Act 3 of 2022.

### 4.2 Plea on the breach by Councillor T Mkhize

In pleading to the allegation that Councillor T Mkhize used an inappropriate; vulgar and/or obscene language as indicated in Breach One above, which is in contravention of Sections 2(a) and (b) of Schedule 7 of Local Government : Municipal Structures Amended Act 3 of 2022, Councillor Mkhize pleaded **GUILTY**.

4.3 Legislation

4.3.1 Municipal Structures Amended Act 3 of 2022

Sections 2(a) and (b) of Schedule 7 of Local Government : Municipal Structures Amended Act 3 of 2022 states that:

- (a) *“A Councillor must perform the functions of Office in good faith, honestly and in a transparent manner; and*
- (b) *“A Councillor must at all times act in the best interest of the Municipality and in such a way that the credibility and integrity of the Municipality are not compromised.”*

4.4 Evidence in support of Plea by Councillor T Mkhize

Prior to entering into a plea of guilty/not guilty, Councillor Mkhize admitted that he did use a vulgar language and did write a message to say *“Fuck You”*. He indicated that what confused him was the statement which read *“the citizen was asking for help”* which was not true. However, he stated that what was clear, was that the citizen in question had insulted him. The Evidence Leader then objected and submitted that should Councillor Mkhize plead guilty, it has to be an unconditional plea of guilty. Councillor Mkhize thereafter changed his plea to guilty unconditionally.

Having noted Councillor Mkhize’s change of plea to guilty, there was no evidence led.

4.5 Presence of Aggravating Factors by Evidence Leader

The Evidence Leader made the following submissions:-

- 4.5.1 The offence with which Councillor Mkhize is charged, is serious and to be treated as such.
- 4.5.2 Councillor Mkhize was elected as a Councillor to not only represent the Constituency that voted him into Office but the general Communities at large and was accountable to such Local Community.
- 4.5.3 Councillor Mkhize is expected to be exemplary, to conduct himself with honesty, integrity and was required at all times to act and conduct himself in such a way that the credibility and integrity of the Municipality was not compromised.
- 4.5.4 That Councillor Mkhize’s conduct was unbecoming as a Councillor and had put the name of the Municipality into disrepute.
- 4.5.5 Having referred to Annexures 2 and 3 as contained in the Charge Sheet, he pointed out that Councillor Mkhize’s incident had been published in the social media network and on National Radio Stations. He, however commended Councillor Mkhize for having shown remorse, in that he did not waste the Committee’s time by pleading guilty to the allegations levelled against him.
- 4.5.6 The Evidence Leader noted there is no previous transgressions levelled against Councillor Mkhize. However, in light of the seriousness of the offence within which Councillor Mkhize was charged, he recommended that a sanction of a fine to be meted out and for such fine to be determined by the Committee under the circumstances.

4.6 Presence of Mitigating Factors by Councillor T Mkhize

Under the presence of mitigating circumstances, Councillor Mkhize acknowledged that he did not apologize to the Municipality for his behavior. He admitted that during the floods, situations were tense, he did not think clearly and noted that it was improper to have used vulgar language.

He informed the Committee that he approached the person who he had sent a Whatsapp message to and apologized for his behavior. In closing, Councillor Mkhize acknowledged his mistake committed and apologized to the Municipality for having acted in a bad manner.

4.7 Factors taken into consideration in deciding an appropriate Sanction

In deciding an appropriate sanction, the Ethics Committee took into consideration the following factors:-

- a) The Committee noted that from an Affidavit submitted by Councillor Mkhize, he was under extreme pressure during the recent floods, was not fully focused in order to respond in a good way and was rather unfortunate for him to be placed under such circumstances.

The Committee further noted that given the circumstances the Councillor was placed under during the recent floods and given his disability, similar situations could have happened to other Councillors.

- b) The Committee noted that from submissions made by the Complainant of Clare Estate Ratepayers Association (CERA), there was a lack of understanding by the Community in terms of powers of Councillors, roles, and responsibilities. Hence, the suggestion was raised for the Public to be capacitated on the powers, roles, and responsibilities of Councillors. The Committee as part of its deliberations, acknowledged that the media in question was biased, in that, they did not refer to the fact that Councillor Mkhize was mocked about his disability and indeed, this was insulting to the Councillor concerned.
- c) Having recalled the recent storms encountered earlier in the year, the Committee noted that Officials usually aided the Public in the first instance and not Councillors. The Committee considered the fact that given the actions committed by Councillor Mkhize, was indeed wrong and he should be fined for such. Also, to note that the situation Councillor Mkhize was placed under at that point in time, was uncontrollable.
- d) The Committee took into consideration that given the actions by Councillor Mkhize for having used an obscene language, was against the Code of Conduct and the Councillor had brought the Municipality into disrepute. Hence, a course of action was indeed required and for situations not to be repeated.
- e) Attention having been drawn to Clause 1.3.2.6 of the Terms of Reference of the Ethics Committee which states "*The Committee may implement Programmes that develop or uphold standards of Ethical Conduct for Councillors*", the point was raised that some Councillors lacked understanding of the Code of Conduct and the need to be capacitated. As some Councillors were still new to the Municipality, the

Committee acknowledged the need to conduct Roadshows through Portfolio Committees for Councillors to have a good understanding of the Code of Conduct and the repercussions thereof, should they breach the Code of Conduct.

- f) The Committee further took into consideration that for persons to be ridiculed and insulted by the Community bearing in mind that Councillor Mkhize has a disability challenge, there was a need to also capacitate the Councillor via courses in dealing with Disputes and/or Anger Management to avoid a recurrence of situations.
- g) During its deliberations, the Committee also noted the need to commend Councillor Mkhize for his honesty by pleading guilty to the charge in question, for admitting his wrongdoing and having apologized to both the person in question and media platforms. Furthermore, the Committee noted that Councillor Mkhize did not waste it's time from proceeding with the said Inquiry.
- h) The Committee noted that this was the first offence committed by Councillor Mkhize, there were no previous transgressions and no outstanding cases against the Councillor.

On that basis,

COMMITTEE RECOMMENDS:

- 4.7.1 That in respect of breach one relative to the Alleged Misconduct by Ward Councillor T Mkhize (Ward 25) for having used an inappropriate; vulgar and/or language to a Whatsapp message sent to him by a Ward 25 Resident who was seeking his assistance in Springtown during the Floods in Durban in April 2022, **is in** breach of Sections 2(a) and (b) of Schedule 7 of Local Government : Municipal Structures Amended Act 3 of 2022.
- 4.7.2 That in terms of the Local Government : Municipal Structures Amended Act 3 of 2022, Schedule 7, Sections 2(a) and (b), Councillor T Mkhize **be issued with a fine of R1 500,00 (One Thousand Five Hundred Rand)** for having breached the provisions of the Code of Conduct for Councillors.

**ADOPTED**

<b>5. APPROVAL OF THE ETHICS COMMITTEE REPORT : MEETING HELD 2022-08-30</b>
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COMMITTEE RECOMMENDS:

That the Report of the Ethics Committee relative to the Alleged Misconduct by Ward Councillor T Mkhize (Ward 25) for having used an inappropriate; vulgar and/or language to a Whatsapp message sent to him by a Ward 25 Resident who was seeking his assistance in Springtown during the Floods in Durban in April 2022, be **ADOPTED** and a copy thereof, be submitted to the MEC for Co-operative Governance and Traditional Affairs for information.

**ADOPTED.**

(At this stage of the proceedings Councillor NP Sibiya, in her capacity as Chairperson of the Ethics Committee, presented the following Report of the Committee).

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## **SECOND REPORT OF THE ETHICS COMMITTEE**

The recommendation of the Ethics Committee to conduct awareness campaigns on Councillors Code of Conduct to the Council's Portfolio Committees during the period of August to October 2022, as laid on table - Council meeting held on (2022-09-29).

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## **SECOND REPORT OF THE ETHICS COMMITTEE**

(Meeting held on Tuesday, 2022-08-30)

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**PRESENT** : Councillors N Sibiya (Chairperson), S Ngcongo (Deputy Chairperson), PS Sishange, V Mngadi, N Bollman, S Chebure, R Mbonambi and HP Shozi.

**ABSENT** : Councillors T Miya (on leave – Indisposed).

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<b>1. COUNCILLORS CODE OF CONDUCT AWARENESS : PRESENTATIONS TO PORTFOLIO COMMITTEES</b>
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On 2022-07-12, the Ethics Committee resolved to assume Councillor's Code of Conduct awareness presentations through Portfolio Committees over the period August to October 2022. The Committee noted that by the creation of Awareness Campaigns through Portfolio Committees, would assist Councillors to have a good understanding of the Code of Conduct and in ensuring compliance.

Accordingly,

### **COMMITTEE RECOMMENDS:**

That Council notes the initiative by the Ethics Committee by assuming Councillors Code of Conduct Awareness Campaigns through Portfolio Committees for period August 2022 to October 2022.

**NOTED.**

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

1. NOTICE OF MOTION: PROPOSED BY COUNCILLOR CJ LAING AND SECONDED BY COUNCILLOR S MNGADI: DISCRIMINATION AGAINST THE LGBTIQ+ (19/1/1/4)

This Council Noting that:

While our laws protect the rights of all citizens, hate crimes against the Lesbian, Gay, Bisexual, Trans and Gender diverse, Intersex, Queer and Questioning (LGBTIQ+) community have increased, including assault of all forms and murders. Most victims youth under the age of 30. Many experience hostile treatment by Health or policing services following crimes or seeking assistance following trauma

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

1. Denouncing of (LGBTIQ+) hate crimes in this City.
2. Sensitivity training for staff working in our Clinics and Security services.
3. Holding inclusive community engagements focusing on sensitization, especially in areas with higher incidences GBV and hate crimes.

**CARRIED.**

2. NOTICE OF MOTION: PROPOSED BY COUNCILLOR RD MACPHERSON AND SECONDED BY COUNCILLOR NJ BOLLMAN: REFUND RATEPAYERS FOR SERVICES WHICH HAVE NOT BEEN RENDERED (24/2/1)

This Council noting that:

While it is an obligation for eThekweni to provide services to those residents who are able to pay and those who are not., it is similarly unjust, wrong and unfair to bill residents for services that have not been provided.

Residents, business, retail and hospitality are reeling with declining service delivery levels, political instability and ongoing strikes yet pay their inflated utility and rates bills on time with the express understanding that this Municipality provides world class service delivery to all.

### Proposed Motion

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

1. Refund Ratepayers for the Non removal of Refuse resulting from the ongoing DSW strike.
2. Refund Ratepayers for Refuse Bags being charged for but not delivered.

**CARRIED.**

## **REPORT OF COMMITTEE DECISIONS**

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

1. **COMMUNITY SERVICES COMMITTEE**

Meeting held on : 2022-08-18

2. **ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE**

Meetings held on : 2022-08-18  
: 2022-09-08

3. **EXECUTIVE COMMITTEE**

Meetings held on : 2022-08-16  
: 2022-08-23  
: 2022-08-26  
: 2022-09-06

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

Meeting held on : 2022-08-18

5. **GOVERNANCE AND HUMAN RESOURCES COMMITTEE**

Meeting held on : 2022-08-17

6. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**

Meeting held on : 2022-08-02

7. **SPEAKER'S COMMITTEE**

Meetings held on : 2022-07-25  
: 2022-08-11  
: 2022-08-22

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### **ITEMS FOR NOTING**

**The Items for Noting, reflected on Pages 63 to 81 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the months of August and September 2022 were, **NOTED.****

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The meeting terminated at 17h45.

NOTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2022-10-27

SPEAKER