

**No. 06**

# **MINUTES**

## **OF**

### **ETHEKWINI MUNICIPAL COUNCIL**

Meeting held on Monday, 2022-02-28T12:00, through MS Teams, streamed from  
Luthuli Hall, Durban.

**PRESENT :** Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), PG Mavundla (Deputy Mayor), A Abdul ; J Annipen, AD Beesley, A Beetge, S Bhanprakash, M Billy, T Biyela, JM Davies-Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, GD Clarivette, R Cloete, TP Collins, SV De Boer, Z Dzanibe, BA Fortein, SN Gabela, GM Gasa, DM Gcabashe, FO Gcabashe, NBC Godlwana; R Gokool, G Govender, S Govender, Y Govender, NL Graham; BR Gumede, NC Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa; NP Hlomuka, SD Hlongwa, F Ismail, MF Ismail, LBS Jali, DM James, M Johnson, MA Jokweni, K Khambule, MH Khan, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kisson, BG Kubheka, V Kunju, CJ Laing, CB Langa, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, MA Madlala, NI Madlala, SR Madlala; A Maharajh; 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, SW Mcineka; RL McKenzie, X Mdlazi, FW Mdletshe, SM Memela, SP Mfeka, K Mhlaba; GN Mhlongo, NM Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, KV Mkhize, MA Mkhize, ME Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, BR Mngadi, DF Mngadi, E Mngadi, S Mngadi, MR Mngonyama; TJ Mnguni, BV Mngwengwe, PB Mnikathi; ZO Mnomiya, S Mnyandu; MV Molife, SR Moodley, T Mohamed, 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, J Naidoo, M Nair, V Ncukana, WP Ndiweni, NB Ndlela, AB Ndlovu, MF Ndlovu, PB Ndlovu, NS Ndlovu, V Ndlovu, SG Nene, TH Nene, MM Ngiba; S Ngema, SP Ngcobo, SB Ngcobo, DB Ngubane, LE Nkomeni, MS Nkosi, DM Nsundwane, PC Ntshangase, SH Ntombela, BT Ntuli, N Ntuli, ZN Ntuli; PB Ntuli, MR Nxumalo; B Nxumalo, PH Nxumalo, NN Nyanisa, MV Nzimande-Madlala; AAK Paruk, BW Phewa, DT Pillay, DR Pillay, P Pillay, GDA Pullan, A Rampersad, VG Reddy, T Sabelo, S Sewshanker, BH Shange, LP Shange; MG Shange, TE Shezi, IM Shinga, HP Shozi; JN Sibisi, KS Sibisi, N Sibisi, LC Sikhakhane, BSB Sindane, EL Singh, S Singh, PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZR Sokhabase, I Syed, BB Thusi, ME Thusi, M Thusi, ZN Tshazela, NT Tyelinzima, JC Van den Berg, NB Vilakazi; HM Van Der Ryst, NI Webster, SM Windvogel, TV Xulu, T Xuma; NY Young; M Zondi; N Zondi, ON Zondi, TG Zungu, and there being (01) vacancy.

**ABSENT :** Councillors J Essop (Personal Commitments); MB Khoza, T Miya (Indisposed); SV Mngadi, BD Naidoo; DR Nowbuth, XM Nqweniso.

(Indisposed); ZA Solomon, J Singh (Personal Commitments) and A Shaheed (Indisposed).

AMAKHOSI

PRESENT : Inkosi S Mlaba and Inkosi JJ Shangase.

AMAKHOSI

ABSENT : Inkosi EB Shoji.

OFFICIALS

PRESENT : Messrs/Mesdames M Mbhele (Acting City Manager), M Mthiyane (Acting Head: Legal & Compliance Services), BM Mhlongo (Deputy Head: Office of the Speaker), T Ndlovu (Senior Manager: Secretariat) and SC Zondi (Chief Committee Officer).

(At the commencement of the meeting 200 Councillors were present, comprising ANC - 88, DA - 56, EFF - 20, IFP - 16, ASA - 03, ABC - 02, ACC - 02; ACDP - 01, AIC -01, DLC - 01, ADEC - 01, APF - 01, ATM - 00, AL JAMA-AH - 00, JEP - 01, KZNI - 01, MF - 01, MOSA - 01, NFP - 01, PFP - 01, PRM - 01, TA- 00, UIM - 00 and VF Plus - 01).

It was noted that while the meeting was on MS Teams, some Councillors were physically present in City Hall meeting venues.

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1. NOTICE CONVENING THE MEETING

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

2. OPENING

The Speaker declared the meeting open and thereafter extended a warm welcome to Councillors; Traditional Leaders; Acting City Manager; Deputy City Managers; Acting 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 all present stood to sing the African Union Anthem and the National Anthem of South Africa.

At this stage of the proceedings, Council noted submission by the IFP Councillor Nkosi that sound was not clear during the rendition of anthems and his request that this be addressed in future.

4. OPPORTUNITY FOR PRAYER/MEDITATION

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

5. OFFICIAL ANNOUNCEMENTS

Commencing with his announcements, the Speaker indicated that eThekweni Municipal Council mourns the unfortunate and tragic passing of two Municipal officials, Mr Shusha from the Health Unit and Mr Ngcobo from the Cleansing and Solid Waste Unit. On behalf of Council, the Speaker conveyed condolences to the families, friends, and colleagues of the deceased officials.

Still on condolences, the Speaker mentioned that the Country also mourns the untimely passing of the multi-award winning and talented Rapper, Ricky Rick, who died Wednesday, 23 February 2022.

On the governance matters, Council was advised of the reconvened SALGA Provincial Conference on 14 February 2022 at the Olive Convention Centre. Furthermore, Council also noted the upcoming election of SALGA National Leadership scheduled for 02 to 04 March 2022.

The women's Senior National Soccer Team, Banyana Banyana, were congratulated for qualifying for the Africa Women's Cup of Nations after defeating Algeria 3-1 on aggregate.

Regarding the prevalence of Covid-19, the latest approved several changes to the adjusted Alert Level 1 Covid-19 Regulations, as per the latest update, were noted. Councillors were then urged to continue observing the Covid-19 protocols, as part of the interventions to curb spread of the virus.

To achieve smooth proceedings, the Speaker advised that the microphones of Party Leaders and Support Committee Chairpersons will remain unmuted for the duration of the meeting. Other Councillors will remain muted and only unmuted should they wish to talk. He advised that, even though some microphones will remain unmuted, a principle of raising a hand and being recognized by the Speaker before talking will still be applicable. That, the Speaker reserves the right to revert to the muted status should any of the Party Leaders or Chairpersons misuse the opportunity of having their microphones on.

Thereafter, the attention was drawn to Rule of Order 16(1) (a)-(e) and (4), (5), (6), (7) and (9). As per these Rules, Councillors were requested to conduct themselves in a respectful manner, to refrain from interrupting the proceedings and were encouraged to conduct Council business with the highest decorum and integrity that the occasion and the residents of the Municipality deserve.

In conclusion, best wishes were extended to Councillors celebrating their birthdays in the month of February 2022.

6.

## SPEAKER'S REPORT

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

In this regard, the Speaker submitted the items below for the attention of the Municipal Council:

### **COMMUNITY ENGAGEMENTS/MEETINGS**

In compliance with the Councillors Code of Conduct, Council Members were to convene constituency meetings at least quarterly. However, the Back-to-Basics strategy encourages that community engagements be held monthly to keep members of the public updated of all community development initiatives.

During the month of February 2022, only seventeen (17) community meetings were held and reported to the Speaker of Council. Councillors were reminded of the above-mentioned compliance and encouraged to strive to convene community meetings to ensure by end March at least one (01) community engagement is held.

### **MUNICIPAL COUNCIL MEMBERSHIP**

With regard to filling of Councillor vacancy, it was reported that by-election was held in Ward 101 on 02 February 2022 and the existing vacancy was filled by Councillor MM Ngiba of the African National Congress (ANC).

Currently, the Municipal Council has one (01) vacancy in Ward 103 following the demise of Councillor MC Mkhize. Date of by-election in this regard is awaited from the Independent Electoral Commission (IEC).

### **ESTABLISHMENT OF WARD COMMITTEES**

With the eThekweni Municipality Council having been established in terms of Section 12 notice of the Local Government: Municipal Structures Act (as amended), and subscribing to as a collective executive system coupled with a ward participatory system, legislation dictates the establishment of Ward Committees within a period of one hundred and twenty (120) days after Council establishment.

It will be recalled that Municipal Council was established on 21 November 2021. Therefore, Council has until March 2022 to establish Ward Committees. Following approval granted by the MEC for COGTA to relax the period to give Council until end March to establish Ward Committees, the election meetings are therefore proposed for 13 and 20 March 2022. The dates are tabled for Council adoption in this meeting.

Consultation with Ward Councillors has been conducted to confirm identified election venues. These will be publicized accordingly in line with the Rules regulating the establishment and operation of Ward Committees.

Council Members were then urged to encourage community members to participate in the Ward Committee elections to ensure that public participation is enhanced.

### **COUNCILLOR TRAINING PROGRAMME**

As part of Councillor Capacity Development Programme, SALGA hosted an accredited Councillor Induction Programme (CIP) from 31 January to 04 February 2022, aimed at introducing to Councillors the Local Government in depth. However, it was noted that Councillors' attendance in this Induction was not as expected.

Councillors were then reminded of the importance of committing to such programmes as they are meant to empower them. Meanwhile, it was reported that an invitation has been received from the National Department of Cooperative Governance detailing a sector-based Councillor Orientation Workshop scheduled for 15 – 17 March 2022. A formal notification with all details will be circulated to all Councillors.

### **PERSONAL SECURITY FOR COUNCILLORS**

The Speaker circulated to Councillors Circulars Number 26 of 2021 and 33 of 2020 received from the Office of the MEC: COGTA, Hon. S.E Hlomuka, pertaining to the provision of personal security for Councillors, where compliance requirements was reiterated in terms of the provision of such a service.

The Circulars in question further outline that on a quarterly basis, a report must be submitted to COGTA detailing the number of Councillors receiving personal security coupled with the expenditure associated therewith. Such a report to be signed off by the City Manager and the Chief Financial Officer (CFO). These reports will be submitted as part of COGTA oversight over the personal security function.

The Circulars by the MEC for COGTA were brought to the attention of the Municipal Council, as per the request by the MEC and for Councillors to take note of the compliance requirements in this regard.

### **PROPOSED CHANGE IN EFF MEMBERSHIP: ETHICS AND MUNICIPAL PUBLIC ACCOUNTS COMMITTEES**

The Economic Freedom Fighters (EFF) submitted to the Speaker a request, through its Whip, to change membership in the abovementioned Committees. It will be recalled that membership in Committees is allocated based on Political Party proportional representation. Membership is approved by Municipal Council as per the statutory requirement.

The Municipal Council at its meeting of 27 January 2022 approved the EFF membership to the Ethics and MPAC as follows:

<b>Ethics Committee</b>	Councillor Themba Mvubu
<b>MPAC</b>	Councillor Vukani Ndlovu

Subsequently, the EFF requests amendments to the membership as follows:

<b>Ethics Committee</b>	Councillor Thabani Miya replacing Councillor Themba Mvubu
<b>MPAC</b>	Councillor Thamisanqa Xuma replacing Councillor Vukani Ndlovu

Accordingly, it was

**RESOLVED:**

That the Municipal Council approves changes in the EFF membership allocation to the Ethics and Municipal Public Accounts Committees as follows:

<b>Ethics Committee</b>	Councillor Thabani Miya
<b>MPAC</b>	Councillor Thamisanqa Xuma

7. APPLICATIONS FOR LEAVE OF ABSENCE

**RESOLVED:**

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

**COUNCILLORS**

Councillor J Essop	:	2022-02-08	(Personal Commitments)
Councillor T Miya	:	2022-02-28	(Indisposed)
Councillor J Singh	:	2022-02-28 to 2022-03-02	(Indisposed)
Councillor A Shaheed	:	2022-02-28	(Indisposed)
Councillor XM Nqweniso	:	2022-02-28	(Indisposed)

8. CONFIRMATION OF MINUTES: Meeting on 2022-01-27

The eThekweni Municipal Council Minutes of the meeting held 2022-01-27 having been tabled, moved by Councillor NI Madlala and seconded by Councillor PG Mavundla, it was

**RESOLVED:**

That the Minutes of the eThekweni Municipal Council meeting held 2022-01-27, as circulated and taken as read, be hereby confirmed.

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

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

9.1 Questions submitted by Councillor Y Govender: Issue of Defective Streetlights (27/2/7/1 & 3/4/5):

Despite tabling the issue of defective streetlights, remaining unrepaired, some for more than a year, the Unit has failed to act with any urgency, even in hazardous areas.

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

1. **What amount in the 2019/2020 and 2020/2021 budget was allocated for the Unit, that deals with repairing streetlights?**
2. **How much of the budget had been spent and in which areas? A comprehensive line item report is required.**
3. **How much of the budget has remained unspent for the periods indicated in question 1 above and why? Detailed reasons are required.**
4. **Does the Unit have sufficient budget to adequately attend all outstanding faults. If not, why not?**
5. **Has Supply Chain Management contributed to the delays herein? If yes, detail the challenges and explain what the turnaround strategy is?**
6. **When last was a comprehensive audit done of all defective streetlights in eThekweni?**
- 6.1 **What percentage of streetlights, remain defective across eThekweni Municipality and for how long per district?**
- 6.2 **Has the Municipality considered what alternatives can be used to avoid cable theft and what are the recommendations?**
- 6.3 **What is the turnaround strategy to repair all defective streetlights and what are the chronological timelines for each Ward?**
- 6.4 **How many (teams) technicians and support staff are currently in the field attending to defective streetlights, per region?**
- 6.5 **Is the Unit short of spares or fittings? If so, details are required.**
7. **Does the Unit have challenges with having a roadworthy and/or licensed fleet to carry out repairs? If so, details of the following are requested:**
  - (a) **How many vehicles does the streetlight unit require?**
  - (b) **How many do they actually have currently?**
  - (c) **How many vehicles remain unlicensed?**
  - (d) **How many are currently in the workshop?**
  - (e) **How many contractors has the unit employed currently?**
8. **How are certain areas being prioritized and what are the criteria? A list is required.**

9. **An organogram for officials in the streetlight Unit is required, which must include top level management and area management for escalation purposes?**
10. **What is the City's plan to deal with illegal connections, cable theft and vandalism?**
11. **How many cases are currently logged against the electricity unit with, City Integrity and Investigation Unit (CIU)?**
12. **What is the status of the contacts for:**
  - i) **streetlight repairs and maintenance**
  - ii) **medium and low voltage**
13. **Why are some streetlights left on for 24 hours?**
14. **Is there a shortage of daylight sensors?**
15. **If the answer to the above is yes, why has the City run out of spares?**
16. **What is the status of procurement for these and timelines?**

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

1. During 2019/2020 financial year, the Adjusted budget was R279 751 198.00  
In 2020/2021, there was no budget allocation.
2. The actual spend for 2019/2020 was R 280 893 835 and it covers all areas.
3. The budget was overspent by R 1 142 637.00
4. Yes, the budget for in-house services is adequate for the number of resources within the Branch.
5. There is a shortage of photocells, since the contract for the supply of photocells has not been awarded as yet. The contract for LED fitting was just awarded a few months ago.
6. Proactive patrols of major routes is on-going as part of the inspection plan.
- 6.1 It is not possible to quantify this figure, due to numerous repeat reports of failures reported by members of the public and as well as theft and vandalism.
- 6.2 Solar powered streetlights are in the process of being investigated by the Engineers. However, the securing of batteries from theft comes with its own challenges.
- 6.3 The lightning works branch prioritises repairs based on when it was reported. However, there is acknowledgement that there is a backlog.



- 6.4 The lightning works branch comprises of twenty-four (24) Artisans with each having Assistants.
- 6.5 There is currently no shortage of spares or fittings (only photocells)
7. (a) 24  
(b) Various based on repairs at the workshop, accidents and license delays  
(c) Nil  
(d) N/A  
(e) N/A
8. Teams are rotated between Regions.
9. In terms of the top-level Organogram for the Unit, there is Head: Electricity, Executive Secretary, three (03) Project Executive and five (05) Deputy Heads.
10. **Cable theft** – Hotspot areas are identified, teams are deployed to react to cable theft incidents and to proactively monitor the hotspots.  
**Illegal connections** – the City have dedicated contractors who are moving the illegal connections in the affected or identified areas on routine basis. The long term plan for the Unit is to electrify the informal settlements to ensure that all customers have access to the services and to prevent unplanned outages and loss of revenue.
11. City Integrity and Investigation Unit (CIU) to provide response on this matter. The unit only formally becomes aware of cases once CIU has completed their investigations and a finalised report has been made available.
12. (i) There is currently no streetlight maintenance contract since the previous contract had come to an end on value  
(ii) There are various contracts for MV/LV Faults, Maintenance and Construction. These are all at various stages in the supply chain management process.
13. These are left on due to there being no stock of photocells.
14. There are currently no contract for the supply of photocells.
15. There is currently no contract for the supply of photocells. A new contract is in the supply chain management process.
16. A new contract is in the supply chain management process.

9.2

Questions submitted by Councillor M Nair: Living Conditions in Council-Owned Flats in Mariannridge (28/8/2 & 3/4/5):

Mariannridge residents are becoming increasingly frustrated with the living conditions in Council-owned flats as well as the lack of housing. They feel that this Council has ignored their requests for answers and blatantly disrespected them. This same frustration led to a massive protest by them in 2016, which resulted in anarchy and large scale damage.

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

- 1. In September 2021 Full Council, we were assumed that work would be done by December 2021 on Flats 48, Mercury Crescent after the occupants had been residing there in dangerous inhabitable conditions for more than a year. Why has work not begun as yet?**
  - 1.1 When will work commence on this flat and the occupants be relocated?**
- 2. It has been approximately three (3) years since an explosion took place in Flat 202, Flat E and J has been inhabitable and in need of repair. Occupants, one of them being a pensioner has since been displaced. Why has nothing been done to help these residents?**
  - 2.1 When will someone attend to this matter and repair these flats?**
- 3. Will there be a budget set aside for the refurbishment/ upgrade of all Mariannridge Council-owned flats in the next budget cycle. If yes, how much will be allocated?**
- 4. Mariannridge residents are in desperate need housing. What is the progress on the building of houses which was promised in 2016 during the massive housing protest?**

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

1. The contractor that is to repair the block is ready to do the work. The major issue in this is the alternative accommodation to decant the occupants/ tenants to, for the repairs to be done. Alternative accommodation will be provided via a contractor, which SCM will appoint once all SCM processes have been effected. The report is at Bid Adjudication Committee (BAC), further information was requested on the December BAC meeting, which has been submitted, as an addendum for consideration by the BAC on the 31st January 2022. The rectification policy does not provide for decanting structures within its funding model. This has made it very difficult for the Department to provide due to the limited funding within its existing budget. Usually, for rectification to take place, tenants are encouraged to get their own alternative accommodation while repairs are underway.
2. It is not easy to give accurate timelines in this regard for the reasons as follows. When a flat gets burnt, the fire damage affects the structure of the entire block or building, in the case of flats, as in Mariannridge. The process of repairing includes assessment of the damage by professional structural engineers (which on its own costs a significant amount), to determine its structural integrity as well as replacement of all components to bring the unit to its original state, which is done from the maintenance budget. Thereafter an estimated amount gets issued to the insurance department so that an insurance claim will be made in that regard. In the case of Mariannridge, in 2020 when the insurance claim was lodged it was discovered that Mariannridge is not on Council's insurance

schedule. To insure the entire Mariannridge property, valuation has to be done to determine the insurance value of each unit. Valuation process was stopped by lockdown and is currently underway. Once the insurance value is issued, and the total costs of repairs are determined, those figures will be presented to insurance to resuscitate the insurance then only the claim will be lodged for repairs.

3. The following table shows an overview of income that is generated in Mariannridge by the Rental Housing section.

Item No.	Project Name	No of units	No of tenants up to date	No. of tenants in arrears	Amount in arrears	% of rental collection	% of non-collection
1	Mariannridge	391	22	369	R 4 841 991,29	6%	94%

4. Rectification of Council Owned flats in Mariannridge is part of the Ex Own Affairs Project. Due to limited funding it is estimated to rectify 24 units (3 x 8 Family flats) for financial year 2021/22, at an estimated budget of +/- R1.3 Million depending on the scope of work. Service Providers are already appointed. Priority is placed on structurally defected blocks which causes danger to tenants. Construction work is anticipated to commence Mid-February 2022. The financial commitment from KZN DHS for 2022/2023 is expected to be the same as that for 2021/2022 and therefore the non -financial target will also remain the same (24 units). New housing project in Mariannridge are planned and implemented by the KZN Department of Human Settlements.

### 9.3 Questions submitted by Councillor NL Graham: Malfunction of Pump Stations (23/2/1/3/3/1 & 3/4/5):

eThekweni is facing a serious sanitation crisis. Pump stations malfunction regularly, resulting in discharges to stormwater systems, watercourses, rivers and eventually the ocean. 110 sewerage pump stations across eThekweni are reportedly without a second pump. Generators are required to keep stable supply of electricity to pump stations during outages and loadshedding, but most pump stations do not have any. Infrastructure is seemingly old and break easily.

I therefore pose these questions:

1. **Is it correct that 110 pump stations do not have a second pump?**
2. **Are secondary pumps being procured?**
3. **Which pump stations have generators?**
- 3.1 **Are generators being procured for pump stations? If so, which pump stations?**
4. **What is the estimated cost of replacing pipes that need attention?**

- 5. What is the plan to cover the costs of the required acquisitions and upgrades?**
- 6. Has National or Provincial Government been approached to assist with the projected costs of this?**
- 7. Does the department have any other plans to address the issues listed above?**

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

1. Yes; there are 110 pump stations with only one pump. Some of the pump stations have had a pump removed due to vandalism and the pump is kept in the workshop as spare. This affects only a few pump stations.
2. A report has been submitted to the Acting City Manager and the Chief Financial Officer to secure R60 Million to source the pumps via four (4) emergency contracts.
3. The City has gensets installed at about twenty-seven (27) strategic pump stations currently.
4. A report has been done to secure three gensets for Quarry Road pump station, Kennedy Road pump station and Johana Road pump station. To put gensets in all pump stations would cost approx. R90 Million. We are working on putting together a three-year contract for the supply of gensets for the City but funding is a problem.
5. To approach government to assist with grant funding
6. Not yet.
7. The issue of vandalism and theft of municipal infrastructure is a City wide challenge and needs to be addressed holistically with all other departments playing their roles in dealing with the social issues that lead to this problem. The cost of securing these pump stations would be astronomical. Load shedding is also beyond the control of this department and some requests have been sent to electricity to exclude some key pump stations from their schedule as the City cannot afford to have gensets installed at all pump stations.

9.4 Questions submitted by Councillor M Billy: Delivery and Collection of Orange Recycling Bags (24/3 & 3/4/5):

There are city-wide concerns with regards to the delivery and collection of orange recycling bags. The recycling programme used to be an award-winning and successful programme that diverted many tons of waste from landfill but it has not operated fully for years.

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

- 1. Is there a current contract for the procurement of orange bags?**
- 2. If so, what is the duration of the contract?**
- 3. What system is used to distribute these bags to consumers?**
- 4. Are bags provided to all regions on a regular basis or do bags have to be requisitioned from a central facility?**
- 5. How are these bags distributed to individual households?**
- 6. How often are these bags distributed to households?**
- 7. How many these bags collected from consumers once filled?**
- 8. Is the collection of orange bags aligned with the collection of domestic refuse?**
- 9. Are there current contract/s for the collection of orange bags?**
- 10. If so, what is the duration of these contracts?**
- 11. What is the reasons for the failure to deliver orange bags?**
- 12. What is the reasons for the failure to collect orange bags?**
- 13. How many tons of waste were diverted from landfill between December 2020 and December 2021 due to this system?**
- 14. What is the total cost of the:**
  - 14.1 orange bag procurement contract?**
  - 14.2 orange bag collection contract:**

Councillor SM Mkhize provided the following respective responses:

1. There is a thirty-six (36) months contract in place that was awarded on 22 January 2021.
2. The contract is valid for 36 months and it will expire on 22 January 2024.
3. Bags are delivered to households by Durban Solid Waste Municipal staff.
4. Bags are provided to households every quarter.
5. Refer to point. 3
6. Every Quarter.

7. Contractors collect full bags on scheduled collection days eg. If your waste is scheduled for collection on a Monday, then orange bags will be collected on that day.
8. Yes
9. Yes
10. Generally, the period is for three (3) years.
11. Intermittent supply from Suppliers.
12. Breakdown of Contractors vehicles, Covid-19 pandemic
13. Approximately, 77,604 Tons.
- 14.1 The contract is rate based, the approved budget allocation for the current contract R80 Million.
- 14.2 Contractors are not paid; they derive their income from sale of recyclables.

9.5 Questions submitted by Councillor R Gokool Issues with the Supply of Asphalt, Bitumen and Crusher (25/4/R):

The engineering Department has over the years experienced issues with the supply of asphalt, bitumen, crusher and fuel for vehicles.

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

1. **What is the reason for the shortage of asphalt, bitumen and crusher?**
2. **Have all depots run short of asphalt, bitumen and crusher?**
3. **When was the last order made for asphalt, bitumen and crusher?**
4. **How long will this order last for and how many kilometers of road will the City be able to fix with this order?**
5. **Will staff be put on short-time?**
6. **Why were mechanisms not put in place to avoid this situation?**
7. **What plans does the City have to resolve this issue?**
8. **What is the reason for the vehicles not having fuel orders?**
9. **Which officials will be held accountable to the ratepayers of eThekweni for this situation?**
10. **Is the Engineering Department looking into alternate methods of carrying out their core mandate?**

**11. What method/methods of communication does the Municipality use to communicate to residents when these situations arise?**

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

1. The shortage was caused by the expiry of supply contracts for these materials. These contracts are administered by Supply Chain Management on behalf of the City. There is no shortage of asphalt as this is the material using bitumen. If there are internal challenges with the production of asphalt, it is sourced from external suppliers.
2. Roads Provision only has one depot and it has run short of bitumen which they use to manufacture asphalt. The contract for crusher is currently available.
3. The contract for asphalt is currently in place and is being used; bitumen was last ordered in November 2021 and the crusher dust is also available
4. The asphalt is being procured from external manufacturers and service delivery is not being compromised as roads are still being serviced.
5. No, the manufacturing staff is being utilised on sites assisting with asphalt paving on the roads.
6. The supply contracts are not from Roads Provision but SCM. SCM has been trying to put mechanisms in place but they may be in a better position to respond to this.
7. Supply Chain Management Unit may be in a better position to respond.
8. All Roads Provision vehicles have access to fuel and there is no shortage of this material.
9. Supply Chain Management Unit may be in a better position to respond.
10. Supply Chain Management Unit is responsible for the core mandate of procurement and are administering these supply contracts.
11. No communication has been made to the residents since service delivery has not been hampered on the ground.

**Note:** The Roads provision department has only one depot that produces asphalt and pave it on eThekweni's roads. This asphalt is produced using bitumen, crusher dust and other materials. Currently we are unable to produce our own asphalt due to challenges with the bitumen contract but we use asphalt supply contracts with the external manufacturers & we supply to our paving team to continue with service delivery. The current challenge is only affecting the manufacturing section and the few staff belonging to this section is deployed to the paving section.

Even though the bitumen contract has expired, we were advised by SCM to place bulk order before expiry of the contract and we are able to get bitumen from the bulk order placed. The only challenge is that the bitumen supply company is being liquidated and can only supply us with a load of bitumen as and when they have money to do so.

9.6 Questions submitted by Councillor J Annipen Update of the Indigent Household Count (22/7/1/1/5):

In view of Council's decisions to update Indigent Household Count within the Municipality and in the interest of public accountability.

I pose the following questions:

1. **Is there a verifiable indigent household register for the eThekweni Municipality? If so, where can this document be viewed? If not, why, in view of this current exercise, isn't there one?**
2. **As at the last financial year, how many indigent households are there within eThekweni Municipality?**
3. **How many social workers are available to attend to home visits and assist with the indigent application process?**
4. **What is the role of Operation Sukuma Sakhe (OSS) Officials in this application process and how many OSS Officials have been assigned to assist residents with this application?**
5. **Upon receipt of these applications by the City, what is the turn-around time to process and action these application?**
6. **Successful applicants will be issued with prepaid electricity meters, yet there have been enormous delays in sourcing same which impacts on services distributed to residents. What is the current status on procurement of these prepaid electricity meters?**
7. **Which department do these applications fall under and who are the managers responsible for monitoring and evaluating the application process?**

Councillor CN Sisoka provided the following respective responses:

1. The register is available at Revenue Management Unit for customers exempted from rates and approved for Indigent support. However, Units such as Electricity and Water might have another for their services to the indigent for their reporting and budget purposes. Currently, the City is working on having one register that reflect all services that are supplied to the indigents such as water, electricity etc.
2. The number of indigents in the register can be requested from our systems team, through Zanele Mkhize (Senior Manager – Systems).



3. The Municipality have social workers at Water and Sanitation, however applicants are also approaching social workers from Department of Social Development, which are allocated in their areas/wards.
4. Operation Sukuma Sakhe (OSS) Officials are the implementers of the Indigent Policy, the number of these officials can be confirmed by Mr Cele (Deputy Head)
5. The turnaround time in Revenue Management is approximately a week. That includes application assessment, exempting rates and writing off the debt. Water and Electricity will have its own turnaround time. Electricity Unit for prepaid meter installation can be contacted through (Selven Naicker – Manager) and Water Unit for water flow limiter (Stalyn Joseph).
6. Electricity Unit may be in a position to respond. Selven, a Manager from Electricity may be able to respond.
7. The implementation of the indigent policy falls within OSS programs. The applications are assessed at OSS and forwarded to other relevant Units for processing. For Electricity Applications received, it takes maximum period of two days to be captured, thereafter proceeding to other Departments such as the Planning and Works Departments.

9.7

Questions submitted by Councillor J Naidoo Challenges Experienced at Craigieburn Wastewater Treatment Works (23/1/11/2/1/2):

In view of the numerous experienced at Craigieburn Wastewater Treatment Works plant in Ward 99.

I pose the following questions:

1. **Is there a work plan, with targets and deadlines, in place to upgrade the Craigieburn Treatment Works Plant? If so, can these be made available to this Council? If not, what priority is being given for an upgrade?**
2. **The community of Roseneath, in particular, Louts Drive, Jacaranda, Protea Drive and Watsonia as well as many local business operators have raised numerous concerns in relation to the odour, stench, flies and unhygienic conditions emanating from this plant on an ongoing basis, and as a result, human dignity and clean living spaces are being compromised. What efforts are being made to attend to this?**
3. **What is the capacity of the existing plant in relation to the communities that are being serviced?**
4. **How many breakdowns/malfunctions have been reported or attended to at this plant in the last six (06) months?**
5. **Can an inspection be conducted at this site to determine the cost implications for an upgrade, bearing in mind the severity of the health threat and other hazards posed by the poor functionality of this plant,**

**further considering that the plant is located in the vicinity of a residential housing scheme, warranting emergency action and release of funds?**

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

1. The plan is to ultimately decommission the Craigieburn Wastewater Treatment Works (WWTW) and transfer all current and future flows to the proposed new Regional uMkhomazi WWTW. The feasibility of various options for the proposed new Regional uMkhomazi WWTW and associated infrastructure to facilitate the possible decommissioning of the existing Craigieburn WWTW, is currently being investigated through a Public Private Partnership (PPP) agreement between the eThekweni Municipality and the International Finance Cooperation's advisory services (IFC Advisory). However, as this project is only in the early feasibility stages of the project, no timelines are currently available.
2. Craigieburn Works has two plants (Plant 1 and 2). Plant 1 had a clarifier breakdown on 12 January 2022.  
Actions taken:
  - All flows were diverted to plant 2 to ensure all incoming sewerage was treated prior to being discharged in to the river.
  - Onsite drying beds were not utilized for sludge drying. All wet sludge was removed and tankered to Southern Works to minimize problems of flies and smell from the plant
  - A deodorizer was sprayed daily to minimize the smell, so as insecticide for flies.
  - Mechanical and Electrical Branch worked on repairs and the plant came back online on the 3<sup>rd</sup> of February 2022
  - We are currently working on purchasing spare equipment for the both Clarifiers in this Works to minimize downtime.
3. Craigieburn Works is designed to treat 1000KL/day. The flows received at this plant has reached and exceeded this design capacity
4. The Craigieburn Treatment Works has not had a major breakdown in the last six (06) months that resulted in the shutting down of a section of the plant, except for the one mentioned above. This shutdown results in the failure of the biological process leading to odours and the breeding of flies. The last shutdown which took long to repair, as we had to wait for the procurement of spares, was in February 2021.

One other problem that has been experienced in the plant within the past six months is the head of works screen, which trips from time to time and need complete replacement. Requests were made for a budget to be provided for this project.

5. It must be noted that there is no odour when the plant is fully operational. The odour emanates when critical equipment is off line which normally result in shutting down part of the plant as mentioned above.

9.8

Questions submitted by Councillor NJ Bollman Issuing of Contracts for Rent of Green Wheelie Bins (24/3):

eThekweni prides itself in being a prime tourist destination, not only to local travelers but international too. There are numerous hotels, bed & breakfast and similar establishments which cater for guests which by default increases the amount of refuse and waste produced.

To cater for the increased amounts of waste, eThekweni has, in the past, offered these entities the option to enter a contract with it for proprietors to rent green wheelie bins, such infrastructure holding up to 2 - 3 times the quantity of a normal black plastic refuse bag.

It appears that Durban Solid Waste (DSW) is currently experiencing difficulties with issuing of contracts on these bins as well as replacing damaged bins due to a lack of stock and that stock would only be available in the 2<sup>nd</sup> half of 2022.

Considering the above, I request that the following questions be answered:

- 1. Can it be confirmed that DSW is experiencing difficulties in securing stock of the “green wheelie bins”?**
- 2. What are difficulties being experienced?**
- 3. When can residents and business owners expect for this matter to be resolved?**
- 4. What contingencies does DSW have in place to counter this delay not only of stock but outstanding applications to enter a contract with the City?**

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

1. The unit does not have stock of 240L wheelie bins due to contractual challenges and also high demands of bins caused by the July 2021 riots.
2. Below is the summary of the challenges experienced with the wheelie bin contracts:
  - a. Contractual challenges  
The unit had advertised contract WS.7126 in November 2019 for the 24-month supply of wheelie bins, however this contract was declared a non-award by the Appeals authority in March 2020. Thereafter, a new report requesting authority to procure wheelie bins was written using section 36, however there was a challenge of obtaining signatures in time due to COVID'19 Level 5 lockdown that was declared in March 2020. When the country moved to alert level 4 the unit was advised that they can no longer utilize funding that was allocated for 2019/2020 financial year to procure wheelie through section 36. A new report was once again drafted and new FC was issue to utilize 2020/2021 funding. The 6month contract was eventually awarded in December 2020 and 8000 wheelie bins to the value of R4 048 000.00 were delivered early 2021 by the appointed

service provider. This stock was utilized to cover the backlog, supply bins for new contracts, replaced damaged and stolen.

b. July 2021 Riots

In July 2021 the whole country was affected by civil unrest and many of the businesses wheelie bins were looted and therefore had to be replaced. The balance of the stock from the section 36 contract was also utilized to replaced (looted) lost or damaged wheelie bins, which depleted the stock of bins.

c. New 36month contract

The process of securing a new contract for 36 months (WS.7446) began, the specification was approved at BSC on the 14 July 2021 and tender was advertised on the 16 July 2021 and closed on the 27 August 2021. The report was tabled and approved at BEC on the 15 Feb 2022. It will now be tabled at BAC.

3. Should there be no further delays in the SCM process, the contract is expected to be awarded in April 2022 and supply of bins to be received in May 2022.
4. Customers are issued with black refuse bags to utilize as a contingency whilst the SCM process is underway.

9.9

Questions submitted by Councillor ZW Khuzwayo Housing Allocation Policy that Recognises the Physically Challenged (22/4):

The Housing Act, No. 107 of 1997 and Section 26 of the South African Constitution speaks of the right to have access to adequate housing for every South African. The eThekweni Human Settlements is responsible for building and allocating Houses as per poor people. Allocation Policy allow the physical challenged to get the allocation in every project happening in eThekweni.

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

1. **Does the Housing Unit implemented the allocation Policy in all projects built since 2016/2017?**
  - 1.1 **If Yes, please furnish how many has been allocated?**
  - 1.2 **If No, why not?**
2. **We have a backlog of more than 10 000 physical challenged individuals on the waiting list of eThekweni.**
  - a) **Do we have a proper allocation list for those on the waiting list?**
  - b) **How long it will to eradicate this?**

Councillor CN Sisoka provided the following respective responses:

1. Human Settlements has always used allocation policy principles as guided by the Housing code of 2009. Various housing programs being implemented as determined by the sector with relevant allocations criteria applicable for each unique case
2. Insitu upgrade projects accommodates settlements dwellers and people with disability from those particular settlements. People with disability are registered and allocated houses that is suitable for their disability as determined by the housing policy.
  - (a). In any Greenfield projects such as Cornubia, a certain site that are easily accessible are set aside for the people living with disability. A guiding allocation principle of 5% per project is used to accommodate these special cases.
  - (b). The Social Workers database is used a waiting list. There are 64 disable people allocated so far from the Social Workers lists.

9.10

Questions submitted by Councillor S Singh Metro Police to Enforce By-laws (28/2/R):

Residents of Phoenix especially in Ward 52 have raised many complaints to Metro Police concerning Motorists that don't obey the rules of the Road. There are drivers that drive on the oncoming lane as there is no visibility of Metro Police to enforce the By-laws. There has been request from Rates association and Myself to request Metro to stand off by three (3) intersections in Ward 52 from Monday to Friday from 6am to 8am. The three Main Intersections are as follows in Ward 52.

1. Whetstone and Lenham Drive
2. Fernham and Redfern Drive
3. Northcroft and Lenham Drive

There are many other places in Phoenix intersections that need Metro Police visibility as well.

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

1. **In Phoenix how many Metro Police Officers are deployed at intersections during peak times from 6am to 8am?**
2. **What are the names of the intersections Metro Police are deployed?**
3. **Why are Metro Police plans to cover the other intersections that desperately need visibility as well during peak hours from 6am to 8am Monday to Friday?**
4. **What happens when residents forward picture evidence to Metro Police on motorist that are not obeying the rules of the road?**
5. **What is the fine amount for motorists that don't obey the rules of the road?**
6. **How many fines have been issued to motorists in Phoenix that don't follow the rules of the road from January 2021 to January 2022?**

Councillor ON Zondi-Mthembu provided the following respective responses:

1. Currently, there are fourteen (14) members deployed.
2. Woodview Drive and R102  
Stern Grove and Woodview Drive  
M41 AND JG Champion Drive

The following intersections are also covered but not on a daily basis due to logistical issues.

Whetstone and Lenham Drive  
Fernham and Redfern Drive  
Northcroft and Lenham Drive

As from Monday, 21 February 2022, the above-mentioned points will be covered.

3. Six (06) more members will be deployed to cover all points in Phoenix, shifts will be re-arranged such that there are more members during the day than at night, currently engaging labour.  
To avoid delays in getting to points, some members will be authorised to sign on at their respective points using radios and cellphones and checked by their supervisors.  
Some fully trained members deployed at the Airport will be replaced by TW's to enforce compliance in Phoenix.  
Motorcycles will be requested to assist with contraflow driving on certain occasions.
4. The witness is required to submit a detailed affidavit (sworn statement) in which he/she sets out the prima facie evidence.  
Images/ "picture evidences" are corroborating only.  
On receipt thereof this office will establish registered ownership of the motor vehicle allegedly involved, via eNatis, and formulate a corresponding charge.  
This could be i.t.o the NRTA, Act 93 of 1996 and the Regulations, 2000 as amended, or any of our many ETK by-laws.  
Should the description of the motor vehicle provided by the witness etc. match eNatis records, a full statement number will be allocated and a s54 Summons as a method to being the accused before Court, will be generated and issued by the City's Summons Section based at Metro Police headquarters.  
Only Summonses served by a uniformed member on the alleged offender in person, may be enrolled.  
A witness must avail himself to appear in Court if subpoenaed by the Public Prosecutor.  
The Division cannot act on anonymous complaints.
5. As mentioned above supra, charges are based on the prima facia submitted under oath by the witness.  
Admission of guilt fine amounts are determined by the Judicial Head: Administration Region 6 (KwaZulu Natal).  
The determined amount depends on the nature of the charge and ranges from R200.00 –R5000.00)

In the event the evidence prima facie supports a charge of inconsiderate or negligence or reckless driving, a docket must be opened by the complainant at South African Police Services. Durban Metro Police Service may not issue summons under circumstances.

6.

Year	Street Code	No Of Charges	Value
2021	Fernham	1; 472	1, 091,100.00
	Lenham Drive	915	668 750.00
	Northcroft Drive	17	19 700.00
	Redfern Cres	73	69,100.00
	Whetstone Drive	52	45 300.00
2022	Fernham Drive	5	2,900.00
	Lenham Drive	29	19 600.00
	Whetstone Drive	1	600.00
		2, 564	1,917, 050.00

Total fines issued to motorist in Phoenix

Charges	Value
15 733	R 12 330 800

At the conclusion of responses to questions, the DA Councillor Graham expressed concern that there were unanswered questions but instead citing that the Supply Chain Management Unit may be in the better position to respond. She then recommended that the Office of the Speaker should source responses from Line Departments and ensure these are fully available before submission to the Municipal Council.

The ABC Councillor Mavundla further recommended that unclear responses should be sent back to Line Departments for clarity. The Speaker then noted the submissions accordingly.

10.

## REPORTS:

### (i) Declaration of Interest

The Speaker made reference to Section 4 of the Rules of Order By-Law 2014, as amended, and emphasised the importance of disclosing in the event there is an item where a Councillor has an interest on to avoid potential conflict.

Thereafter, the ADEC Councillor Reddy advised of his status as Umgeni Water Board Member, thus declaring interest in the event there was an item relating to water and impacting Umgeni Water.

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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 2022-02-15)

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

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### **1. REPORT OF HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2022-02-01**

(Page R1)

1.1 Proposed Alienation of Portion 3 of Erf 4564 Reservoir Hills: Plan No: SJ 4740/10:  
Extent 8045m<sup>2</sup> (17/2/1/3) & (21/8/3):  
(Page 181 : Human Settlements and Infrastructure Committee - Agenda 2022-02-01)

#### **COMMITTEE RECOMMENDS:**

- 1.1.1 That the Municipal Council declares in terms of Regulation 5(1) (b), Regulation 7, 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 that:
  - 1.1.1.1 The proposed portion 3 described as Erf 4564 Reservoir Hill measuring in extent of 8045m<sup>2</sup> is not required to provide the minimum level of a basic municipal services and is surplus to the requirements of the Municipality; and
  - 1.1.1.2 The market value of the properties is currently assessed at a value of R644 000.00 (Six Hundred and Forty Four Thousand Rand), excluding VAT.
- 1.1.2 That Municipal Council approves that the proposed portion for exclusive affordable housing development will be discounted to 30% of the fair market value, having duly considered the principles as set out in Regulation 13(2) MATR, and Clause 5.4.1 (2) and (3) of the Municipal Land Disposal and Granting of Rights Policy, the discounted value is determined to be R193 200.00 (One Hundred and Ninety-Three Thousand Two Hundred Rand).
- 1.1.3 That, all costs incidental to the transaction shall be at the cost of the prospective buyer of the properties.
- 1.1.4 That all developmental plans and applications must be submitted and approved by the Municipality prior to any commencement of construction on the properties.
- 1.1.5 That it should be a condition of transfer that:
  - 1.1.5.1 The properties are alienated for the affordable housing and will be subject to a reversionary clause relative to the use which can be utilised for affordable housing and no other purpose whatsoever being registered against the title deed of the properties; and



- 1.1.5.2 A reversionary clause to be included in the sale agreement that in the event of the properties not being utilised by the prospective buyer for the purpose as indicated in this report then ownership of the 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. The prospective buyer to 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.

- 1.1.6 That authority be granted for the Acting City Manager to sign all the documents necessary to give effect to this transaction, subject to the provisions and compliance with the Delegations of Authority; any process provided for in the Supply Chain Management Policy; Land Disposal and Granting of Rights Policy of the Municipality; Municipal Asset Transfer Regulations 2008, Municipal Finance Management Act, No. 56 of 2003; and any other applicable legislation.

**ADOPTED.**

- 1.2 Public Participation Process in Respect of Social Housing on Erf 12373 of Durban (21/8/3) & (22/1):  
(Page 219 : Human Settlements and Infrastructure Committee - Agenda 2022-02-01)

Attention is drawn to the fact that the site for proposed social housing development is located within the Inner-City and part of zone restructuring, situated at 97 Ingcuze Road (former Albert Road), in Greyville. The proposed social housing development is facilitated by the Municipality working with social housing institutions and social housing regulatory authority, being responsible for project management. Mention was made that this is permanent rental stock targeting middle-income earners. With regard to housing allocation criteria, an allocation guideline is developed and submitted to the Committee to achieve transparency. The guideline mainly focuses on individuals with no property ownership; women-headed households etc.

COMMITTEE RECOMMENDS:

- 1.2.1 That authority be granted for the Acting City Manager to initiate a public participation process relating to the proposed granting of rights for social housing in terms of Regulations 34.1 (a) and (b) of the Municipal Asset Transfer Regulations of the Municipal Finance Management Act, 2003, for the granting of a long-term rights by way of a lease for Erf 12373 Durban measuring in extent approximately 1344m<sup>2</sup> which has a market value of R12 250 000.00 (Twelve Million Two Hundred and Fifty Thousand Rand).
- 1.2.2 That the public participation process relating to the proposed granting of rights for the long-term rights by way of a lease for Erf 12373 Durban measuring in extent approximately 1344m<sup>2</sup>, be concluded in accordance with Regulations 34.1 (a) and (b) of the Municipal Asset Transfer Regulations of the Municipal Finance Management Act, 2003 including:
- 1.2.2.1 Inviting the local community and other interested parties to submit comments or representation;
- 1.2.2.2 Soliciting views and recommendation of the National Treasury and the Provincial Treasury on the matter; and

- 1.2.2.3 The Municipal Council to comply with Section 21 of the Local Government: Municipal Systems Act No. 32 of 2000, by publishing the notification through the media in a local newspaper published in the area of jurisdiction of the Municipality, in a newspaper(s) circulating in its area of jurisdiction and determined by the Municipality as a newspaper record, or by means of radio broadcasts covering the area of jurisdiction of the Municipality.
- 1.2.3 That Municipal Council approves that the proposed granting of rights for Social Housing Development will be discounted by an amount of 90% of the fair market rental value subject to a rental deferment during construction phase of the proposed development, having duly considered the principles as set out in Regulation 13(2) of the Municipal Asset Transfer Regulations.

**Prior to adoption of the recommendations, a submission was made that provision of the social housing was ranked amongst the lowest deliverables of government. Further, that backlog in housing provision was a result of growing informal settlements on unoccupied, private and vacant Municipal land. Whilst the initiative to address the matter was noted, concerns were expressed that housing allocation should be transparent, fair and be in line with the City's demographics.**

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

2. REPORT OF GOVERNANCE AND HUMAN RESOURCES COMMITTEE  
MEETING HELD ON 2022-02-09

(Page R10)

2.1 EThekweni Youth Employability Indaba and Careers EXPO (6/3/1):  
(Page 144: Governance and Human Resources Committee - Agenda 2022-02-09)

During consideration at the Executive Committee, there was a unanimous view that an urgent need exists to address unemployment challenges. However, some Members felt that the approach being followed is not geared to providing solutions. Further, that this is a costly exercise whilst there are other Municipal priorities requiring funding, citing the instability as well in the Municipality's cash on-hand.

Responding to concerns raised, the attention of the Committee was drawn to the plight of the Youth of eThekweni in that they lag behind in terms of access to opportunities and empowerment on technological resources. A platform of this nature was considered useful and the Youth will interact with prospective employers as prominent companies in eThekweni will be invited to be part of the event. Further, it was submitted that the event in question is of a compliance matter in view of this being a prior commitment made by the Cluster in terms of the Service Delivery and Budget Implementation Plan.

In noting that the funds to be spent have already been reduced at the Support Committee level, it was requested that consideration be given to effect further budget cut where practical. Meanwhile, it was learnt that hosting the event at Inkosi Albert Luthuli International Convention Centre is also in support of the Municipal entity which is still recovering from financial setback as a result of the Covid-19 pandemic.

On the basis that costs be further reduced where practical, the DA (03) was not in support of the matter in its current format. Thereafter, the ANC (04); ABC (01); (EFF (01); and IFP (01) voted in support of the matter.

Accordingly, by the majority vote

**COMMITTEE RECOMMENDS:**

- 2.1.1 That authority be granted for the Head: Human Capital to incur expenditure in the amount of R1 707 530.50 (One Million Seven Hundred and Seven Thousand Five Hundred and Thirty Rand Fifty Cent) to host the eThekweni Youth Employability Indaba to be held 26 – 28 May 2022 in partnership with the interested Units within eThekweni Municipality at the Inkosi Albert Luthuli International Convention Centre and the Maritime Cluster.
- 2.1.2 That it be noted that the eThekweni Youth Employability Indaba is budgeted for through Plan 5 of the Service Delivery and Budget Implementation Plan under Youth Development, for a three (3) days event, and the above-mentioned funds will cover venue, technical, catering, advertising and promotion costs.

**Vote Number: 33002.10950.12120.0000.39720-12.0010; R1 707 530.50; FC 222/14/11**

**Speaking on the matter, the DLC supported the above matter, and emphasised that the Youth Employability Indaba was a significant programme as there was high unemployment rate, therefore the event would enable youth to be exposed to various opportunities available. Mention being made that other avenues be explored, including unlocking Municipal bottleneck processes to create conducive environment for the private sector to create employment opportunities. They then requested that costs be further curtailed where possible.**

**Subsequently, the IFP also acknowledged the high unemployment rate and mentioned that not much has been done by government to stimulate the economy and to generate employment. However, they mentioned that their Political Party would support any intervention aimed at youth development. They proposed that eThekweni Municipal Academy should develop a youth unemployment database which would be transparent to ensure equal access to all. Also, for the Municipality to eradicate red tape in order for youth to access tender opportunities; and that government should commence to address shortage of scarce skills from the grass root levels.**

**Meanwhile, the EFF opposed approval of the matter and mentioned that statistics have not been provided on the number of job opportunities that were created in the past as a result of implementation of the youth employability indaba.**

**Thereafter, the ANC mentioned that the career expo was a flagship intervention programme that was created by the Municipality in partnership with the Inkosi Albert Luthuli International Convention Centre (ICC), Independent Media and Durban Maritime Cluster, aimed at addressing high youth unemployment rate. Clarity was given that the key cost driver of the programme was related to the ICC venue hire, which was considered not a waste as this was also in support of the Municipal entity. They further clarified that the career expo was amongst other Municipality initiatives, reference being made to the Human Resources Centres of Excellence, which enables the youth to have internet access in order to obtain necessary information and available employment**

opportunities. A commitment was then made that a detailed report relative to the achievements made thus far as a result of the previous hosted events would be submitted to Council.

With consensus not being reached; the matter was put to the vote. With 201 Councillors present, 123 Councillors (ANC - 88, IFP – 16; ASA – 03; ABC - 02, ACC – 02; ACDP - 01, AIC -01, DLC - 01, ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 01, JEP - 01, MF - 01, MOSA - 00, NFP – 01; PFP - 01, TA- 00, UIM -00 and VF Plus - 01) voted in favour and 76 Councillors (DA – 56 and EFF – 20) voted against and 2 Councillors (PRM - 01 and KZNI – 01) abstained on the matter.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

2.2 Findings and Recommendations by Director-General of the Department of Employment and Labour on Employment Equity of eThekweni Municipality (4/3/3/2):  
(Page 434: Governance and Human Resources Committee - Agenda 2022-02-09)

At the Executive Committee level, the DA (03); EFF (01); and IFP (01) abstained on the matter. With the ANC (04); ABC (01); and the casting vote of the Chairperson, the matter was approved.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.2.1 That the findings and recommendations by the Director-General: Department of Employment and Labour following a review of employment equity of eThekweni Municipality in compliance with the provisions of Employment Equity Act No. 55 of 1998, be noted.
- 2.2.2 That authority be granted for the Head: Human Capital to conduct an analysis of the workforce profile and its environment in order to implement measures to address the following identified barriers, the outcome of which will be used to inform the content of the Employment Equity Plan:
- That the Employment of persons from designated groups were inadequately identified and unclear affirmative action as to how it will eliminate the barrier which will adversely affects the employment of persons from designated group and person with disabilities; and
  - That the numerical goals formulated by the designated employer are not informed by the Economic Active Population (EAP) and the analysis conducted by the Director-General of the Department of Employment and Labour on Employment Equity of eThekweni Municipality. Numerical goals do not show the commitment of the designated employer to transform its workforce in all occupational levels.
- 2.2.3 That authority be granted to the Head : Human Capital to submit a consolidated report in the form of Employment Equity Act 12 (EEA12) as proof of the employment equity analysis to develop and implement Employment Equity Plan in terms of Section 20 of

the Employment Equity Act and the duration of the plan may not be shorter than one year or longer than five years and must have a specific start and end date.

- 2.2.4 That the Head: Human Capital be tasked to submit an Employment Equity Plan in a form EEA 13 by 2022-01-27.

**Commenting on the matter, the IFP noted the findings and recommendations from the Department of Labour. Reservations were expressed on the findings relative to people with disability, emphasis being put on fair and equitable access to employment opportunities by all, irrespective of gender; race; disability etc. They mentioned that the development and implementation of the Employment Equity Plan would be closely monitored to ensure it is all-inclusive.**

**Thereafter, the ANC welcomed the report from the Department of Labour as well as the recommendations and findings contained therein. An undertaking was made to ensure compliance where recommended.**

**Confirmation was then given that the Municipality employs in line with the Employment Equity Plan (EEP), reference being made to the achievement made to absorb women in different positions. That the Human Capital Cluster would have to conduct an investigation on the overall number of employees within the Municipality, since it appears some are not disclosing their disability status. Meanwhile, that interventions would also be made to attract people with disability to apply for advertised posts when meeting the job criteria.**

**As some members were not in support of the recommendations; the matter was put to the vote. With 206 Councillors present, 127 Councillors (ANC - 93, IFP - 16; ASA - 03; ABC - 02, ACC - 02; ACDP - 01, AIC -01, ADEC - 01; APF - 01, ATM - 01, AL JAMA-AH - 01, JEP - 01, KZNI - 01; MF - 01, MOSA - 00, NFP - 01 and PFP - 01). voted in favour and 1 VF Plus Councillor voted against and 78 Councillors (DA - 56; EFF - 20; DLC - 01 and PRM - 01) abstained on the matter.**

**Accordingly, the recommendations were, by the majority vote, **ADOPTED.****

3. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD 2022-02-10

(Page R12)

- 3.1 Draft 2022-2023 Municipal Spatial Development Framework (21/5/1):  
(Page 1: Economic Development and Planning Committee - Agenda 2022-02-10)

The Spatial Development Framework is the primary spatial response to the development context, needs and development vision of the Municipality, and is a key land use management tool which informs strategic choices and interventions regarding the future growth and development of the Municipality.

The Spatial Development Framework is a legislative requirement which should resonate with the National and Provincial development plans and priorities.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 3.1.1 That the Draft Municipal Spatial Development Framework (SDF) 2022/2023, be advertised for public comment.
- 3.1.2 That the Draft Municipal SDF 2022/2023 be referred to the respective Portfolio Committees for presentation to understand all implications associated therewith prior to approving the SDF document in May 2022.
- 3.1.3 That comments received during the public process be considered and the amended Final Draft Municipal SDF 2022/2023 be prepared.
- 3.1.4 That the Final Draft Municipal SDF 2022/2023 be tabled at Council meeting in May 2022 for final adoption.

**ADOPTED.**

- 3.2 EThekweni Municipality Policy and Process for Appointment of Directors of the Boards of Municipal Entities (4/3/1/P):  
(Page 7: Economic Development and Planning Committee - Agenda 2022-02-10)

Authority is being sought for approval of the Policy relative to the appointment of the Board of Directors of Municipal Entities in accordance with Section 93E of the Municipal Systems Act 32 of 2000 in order to promote the strategic objective of sound governance of the City's Municipal entities.

Consultation was held with the Legal and Compliance Unit, who vetted the Policy, the Economic Development Unit, as well as the management teams and their Board of Directors for input.

Accordingly,

COMMITTEE RECOMMENDS:

That the eThekweni Municipality Policy and Process for the appointment of Board of Directors for the Municipal Entities, as attached to the Report by the Acting City Manager dated 2021-12-08, be approved, it being recorded that the Policy and Process document is aimed at prescribing compliance requirements relating to the appointment of the Board of Directors with a key focus on issues including (i) fiduciary responsibilities; (ii) appointment Committee / Selection Panel; Terms of Reference for the Appointment Committee / Selection Panel; and Qualities of Members.

**ADOPTED.**

- 3.3 Planning Sector Tariffs (2022/2023):  
(Page 10: Economic Development & Planning Committee - Supplementary Agenda 2022-02-10)

Authority is being sought for approval of the planning sector tariffs (2022/2023) in terms of Section 75(A)(1)(a) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000). The Economic Development and Planning Unit have received a number of development applications in the recent past and have made every effort to sustain investment.

The Development Planning, Environment and Management Unit implemented a total waiver of the application fees/tariffs for the 2020/2021 financial year in order to help facilitate economic recovery. As a result, there was no contribution to the Rates and General Account by the Planning sector, and the tariffs for the 2021/2022 financial year increased by 5% for the Unit.

In view of the foregoing, the Development, Planning, Environment and Management Unit is proposing a 0% increase across the board with effect from 1 July 2022. This will be reviewed for the 2023/2024 MTREF as the economy and affordability improves. Therefore, the existing 5% tariff will remain effective until review is implemented at the appropriate time.

During discussion at the Executive Committee level, it was clarified that a “0” percent increase is proposed for the 2022-23 financial year. This means the 5% increase applicable in the 2021-22 financial year will still be levied in the 2022-23 financial year, thus representing a “0” increase.

Accordingly,

**COMMITTEE RECOMMENDS:**

- 3.3.1 That Council resolves in terms of Section 75A of Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 01 July 2022 the tariffs set out in “Annexure “Ä” of the report of the Head: Development Planning, Environment and Management dated 2022-02-10 be levied in respect of the Planning sector, it being recorded that a 0% increase is proposed in the 2022-23 financial year, as part of the Unit’s contribution to the Economic Recovery Plan.
- 3.3.2 That subject to the adoption of .1 above the Acting City Manager be mandated to comply with the provisions of Section 75A(3) and (4) of the said Act regarding the display of notices for such.

**ADOPTED.**

4. REPORT OF COMMUNITY SERVICES COMMITTEE: MEETING HELD 2022-02-10

(Page R28)

4.1 Request for Approval for Parks, Leisure and Cemeteries Department to Engage with Prospective Partners in the United States of America on Proposed Roadside Ecology Programme (31/4/1):

(Page 38: Community Services Committee - Agenda 2022-02-10)

The Committee noted Parks, Leisure and Cemeteries department’s intention to engage with prospective partners in the State of Georgia and Florida (Maine Dade) in the United States of America with respect to roadside ecology programme to secure biodiversity assets along key verge and road reserve areas throughout the eThekweni Municipality area. It was noted that there were no financial implications to the Municipality City at this stage.

**COMMITTEE RECOMMENDS:**

That authority be granted for the Head: Parks, Recreation and Culture to engage and collaborate with prospective partners in the State of Georgia and Florida (Maine Dade) in the United States of America with respect to a roadside ecology programme to secure biodiversity assets along key verge and road reserve areas throughout the eThekweni Municipal area.

**ADOPTED.**

- 4.2 Request for Approval: International Association of Horticultural Producers' World Green City Awards 2022 (31/7/1/2):  
(Page 41: Community Services Committee - Agenda 2022-02-10)

Authority is sought for eThekweni Municipality to enter for the 2022 International Association of Horticultural Producers' World Green City Awards. The Awards served to champion ambitious nature-orientated approaches to the City design and operation and is a focal point for Green City best practice and expertise. The application process closes on 14 March 2022 with award winners to be announced by mid-September/October 2022.

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Parks, Recreation and Culture to proceed and enter for the eThekweni Municipality to participate in the International Association of Horticultural Producers' World Green City Awards 2022, aimed at championing ambitious nature-orientated approaches to City design and operation and is a focal point for Green City best practice and expertise.

**ADOPTED.**

- 4.3 EThekweni Municipality Staff Sport Team Participation in the 2022 Provincial Department of Sports and Recreation Games to be Held in eThekweni from 18-19 February 2022 (13/7):  
(Page L132: Community Services Committee - Agenda 2022-02-10)

The Committee noted approval granted by the Acting City Manager for the eThekweni Municipality staff sport team to participate in the Provincial Department of Sports and Recreation Games scheduled for 18-19 February 2022 in eThekweni. The Committee noted that the estimated number of delegation of staff to attend the Games was 131 in the codes of soccer; volleyball; and netball. That Covid-19 practices would be adhered to in terms of the screening of participants and facilities.

Councillors serving on the Community Services Committee are invited to accompany participating staff members to attend the Games. Specific venues are to be confirmed in due course.

At the Executive Committee level, the financial implications surrounding the games were discussed. The intention was to determine costs breakdown to prevent wasteful expenditure. Reference having been made to the costs breakdown discussed at the Support Committee level, clarity was given that there will be no additional costs for Councillors to accompany the Team. That the total expenditure sits at R56 650.00 (Fifty Six Thousand Six Hundred and Fifty Rand) and there will be no accommodation or any other costs to be included in this figure.

COMMITTEE RECOMMENDS:



- 4.3.1 That the Executive Committee notes authority granted to the Head: Parks, Recreation and Culture to lead the coordination of the eThekweni Municipality staff to participate in the Provincial Department of Sports and Recreation Tournament to be held from 18-19 February 2022 within the area of eThekweni at a total costs of R56 650.00 (Fifty Six Thousand Six Hundred and Fifty Rand) to cover refreshments; transport; and sports clothing.
- 4.3.2 That approval be granted for a delegation of Councillors serving on the Community Services Committee to accompany the staff delegation to the Department of Sports and Recreation Tournament Games referred to in .1 above.

**Vote: 15009 Various; R56 650.00; FC 32-253**

**ADOPTED.**

- 4.4 Request for Approval: Provincialisation of Cato Manor Community Health Centre (30/1/1/1):  
(Page L133: Community Services Committee - Agenda 2022-02-10)

The intention to recommence processes to provincialise the Cato Manor Community Health Centre (CHC) which is currently jointly operated by the eThekweni Municipality and the Provincial Department of Health, was noted. The Committee was informed that currently, communities that require general emergency services from the Cato Manor clinic cannot access such services after 16h00 and on weekends due to the clinic operating under general Municipal office hours. Furthermore, it was noted that the City had massive funding and expenditure shortfalls for capital project costs and overhead costs.

During discussion at the Executive Committee level, some Members felt that the transfer of the Clinic in question to the Province will not solve the problem since the local communities still require service. A recommendation was made to consider a 24-hr service for Clinics given the significance for sustainable health care services.

Mention was then made that there is a Municipal clinic operating in the area but that the Provincial one was supposed to provide a 24-hr service but this is not happening, leaving the community feeling aggrieved. The transfer of the Clinic was considered in line with the position taken by the Municipality to prevent unfunded mandate.

The recommendation was then amended to task the Deputy City Manager: Community and Emergency Services to facilitate the transfer process.

As such,

**COMMITTEE RECOMMENDS:**

That authority be granted for the Deputy City Manager: Community and Emergency Services to recommence processes to provincialise and transfer the Cato Manor Community Health Centre to the KwaZulu-Natal Department of Health to ensure improved general emergency services and reduced financial implications to the Municipality.

**ADOPTED.**

5. APPROVAL FOR THE TRANSFER OF FUNDS TO PAY FOR ASSESSMENT AND CERTIFICATION OF THE REFURBISHMENT OF COMMUNAL ABLUTION BLOCKS DONE UNDER PROJECT: Y6525: PROVISION OF WATER AND SANITATION SERVICES TO HUMAN SETTLEMENTS AND SCHOOLS WITHIN ETHEKWINI REGION, REPORT NO: WS 2021/192 (23/2/2)

(Page 87)

In discussing the matter at the Executive Committee level, concerns were expressed in that the Municipality is setting an undesirable precedent if granting approval to pay for unauthorised work. Detailed explanation was then given by Management highlighting that the refurbishment work in question was undertaken by a valid contractor who has been appointed following a competitive bidding process. That the only aspect rendering the work to be categorised as unauthorised is that work was undertaken without the involvement of the Water and Sanitation Unit.

At the time of effecting payments for refurbishment work, payment for two (02) contractors then became outstanding for the work not certified by the design consultants or verified by the forensic auditors. Authority is then requested to transfer funds to cater for the assessment and certification of outstanding refurbishment work.

A total amount of R7.3 Million is required for the assessment; certification; and verification work. The Water and Sanitation Unit currently has R400 000.00 (Four Hundred Thousand) to cover for this expenditure, thus a shortfall of R6.9 Million. It is against this backdrop that authority is required to transfer the shortfall from the project management services. The attention of the Committee was drawn to far-reaching implications if payment in this regard is not made. It was confirmed that value for money has since been determined for the refurbishment work under discussion.

The DA (03) voted against the transfer of funds while the EFF (01) and IFP (01) abstained on the matter.

The ANC (04); and the ABC (01) supported the funds transfer, and the matter was approved with a casting vote of the Chairperson.

Accordingly,

**COMMITTEE RECOMMENDS:**

That authority be granted for the Head: Water and Sanitation to transfer funds from the project management services vote, in the total amount of R6.9 Million to fund the outstanding assessment and verification of the refurbishment work done on the communal ablution blocks under Contract Y6525: provision of water and sanitation services to human settlements and schools within eThekweni Municipality as follows:

Item No.	% Outstanding Payment	Main Contractor	Work Assessment/Certification/ Verification			Amount Claimed	Estimated Budget Required (Professional Fees)	Budget Available	Budget Shortfall
			Check by Main Contractor	Certified by Consultant	Verified by the Auditor				

1.	100%	Mandlethu Projects	Yes	No	No	R72 499 712.00 excluding VAT	R1, 7 Million excluding VAT	R400 000.00	R6,9 Million
2.	100%	Kulu Civils	Yes	No	No	R155 390 619 excluding VAT	R5, 6 Million excluding VAT		
Total estimated amount required for certification of the work done by Mandlethu Projects and Kulu Civils excluding verification fees by auditor amount to:							R7, 3 Million excluding VAT		

Speaking on the matter, the DA strongly disagreed with the allocation of Municipal funds in the amount of R7.3 Million to assess work undertaken by contractors without prior authority. They were of the view that this was creating a dangerous precedent, also noting the funds were just for assessment before even paying the contractors concerned.

Meanwhile, the IFP mentioned that the image of the Municipality has been tarnished as a result of this matter. They reiterated that no work should be undertaken without prior authorization. They requested that a report be submitted to Council, after the assessment and verification of the work undertaken by the contractors has been concluded.

On the other hand, the EFF mentioned that there was a need for refurbishment of communal ablution blocks as it affects human dignity. However, they were also concerned about contractors that undertook work without approval. In this regard, they objected the approval of the recommendations and emphasised strict adherence to all procurement processes. That contracts in question should not be paid and Municipal officials concerned should face consequence management.

Thereafter, the ANC acknowledged circumstances and focused on the manner in which to address the matter as the Municipality was tasked with a responsibility to ensure citizens are provided with access to sanitation as part of their Constitutional right. The attention was drawn to lack of ablution facilities in most of the informal settlements, hence, the significance to provide and refurbish these facilities for human dignity.

Some members were not in support of the above-mentioned recommendations; the matter was put to the vote. With 205 Councillors present, 126 Councillors (ANC - 93, IFP - 16; ASA - 03; ABC - 01, ACC - 02; ACDP - 01, AIC -01, DLC - 01; ADEC - 00; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI - 01; MF - 00, MOSA - 01, NFP - 01; PFP - 01 and PRM -01). voted in favour and 79 Councillors (DA - 56; EFF - 22; and VF Plus - 01) voted against the matter. There were no abstentions recorded.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

6. SMART CITY PARTNERSHIP BETWEEN ETHEKWINI MUNICIPALITY AND DEVELOPMENT BANK OF SOUTH AFRICA (10/2/1)

(Page 94)

COMMITTEE RECOMMENDS:

- 6.1 That authority be granted for the eThekweni Municipality to participate in the Development Bank of South Africa (DBSA) Smart Cities Pilot Programme intended to assist in addressing challenges facing the Municipality in terms of basic service backlogs; aging infrastructure; capacity shortfalls; prevailing pandemic; public resources shortages; population migration; environmental issues; growing inequality; rising unemployment; and stagnant economy.
- 6.2 That subject to the approval of .1 above, authority be granted for the Acting City Manager to conclude a Memorandum of Agreement to give effect to the above.

**ADOPTED.**

7. LAUNCH OF THE FOURTH GENERAL EVALUATION ROLL (GV2022) IN TERMS OF THE MUNICIPAL PROPERTY RATES ACT, NO.6 OF 2004, AS AMENDED

(Page 111)

COMMITTEE RECOMMENDS:

That Council notes the completion and launch of the fourth general property valuation roll (GV 2022) in terms of the Municipal Property Rates Act, No. 6 of 2004, as amended, and that the valuation roll has been advertised for public consultation which will close on 31 March 2022, in preparation for certified property valuation roll to be implemented by 01 July 2022.

**NOTED.**

8. REQUEST FOR PERMISSION TO ADVERTISE THE REVIEW OF ETHEKWINI LAND USE SCHEME (EMLUS) COMPRISING OF SUB-SCHEME AREAS: CENTRAL; NORTH, SOUTH, INNER –WEST AND OUTER-WEST

(Page 139)

COMMITTEE RECOMMENDS:

- 8.1 That the Land Use Management Branch proceed to advertise the review of the eThekweni Municipal Land Use Scheme and Sub-Schemes: Central, North, South, Inner West and Outer West for public participation in terms of Section 14 of the eThekweni Municipality Planning and Land Use Management Second Amendment By-law, 2021.
- 8.2 That on conclusion of the public participation process, the review of the eThekweni Municipal Land Use Scheme be further refined in response to comments received during the public participation process.
- 8.3 That the reviewed eThekweni Municipal Land Use Scheme and proposed amendments will be submitted to Council for adoption.

**ADOPTED.**

9. APPROVAL OF APPLICATIONS IN TERMS OF THE ECONOMIC  
DEVELOPMENT INCENTIVES POLICY (20/1/P)

(Page 143)

The Municipality offer incentives to attract investments and promote the development of spatially targeted economic zones; inner city regeneration; increase target densification; enhance export activities through increased manufacturing and investment in local industries. Increased commercial and industrial activity will provide opportunities for much needed job creation. It is envisaged that the offer of incentives will attract new investments into the Municipality and thereby contributing to increased revenue through property rates.

The Policy offers incentives in the form of a rebate on property rates. New investment must satisfy one or more of the qualifying criteria, including (i) investment value; (ii) jobs created; (iii) targeted sector; and (iv) spatial priority.

The applications for incentives have been received from the following companies:

**(A) Natpro Spicenet (Pty) Ltd**

- 65% rebate approval for factory development on 962 Kingsburgh
- R66 Million project in investment targeted sector
- 50 permanent jobs created
- Sector targeted for incentive

**(B) Price City Investment (Pty) Ltd**

- Approximately R4 Million investment on 350 Umgeni Road, Stamford Hill for property refurbishment
- Property to accommodate small business tenants
- 35% rebate approval
- Approximately 50 permanent jobs to be created
- Sector targeted for incentive

**(C) Growthpoint Properties Ltd**

- R449 Million investment for small industrial and warehousing facilities on 52 Siphosethu Rd, Mount Edgecombe
- 50% rebate approval
- 874 permanent jobs created
- Sector targeted for investment

**(D) Midway Crossing Mall Development**

- R400 Million investment for Midway Crossing Mall located close to township
- 50% rebate approval
- 850 permanent jobs created
- To withdraw in-principle approval previously granted by Council. Did not materialize due to delays as a result of various factors including land dispute and Covid-19 pandemic
- To grant incentive post construction which is applicable in terms of the Policy

Accordingly,

COMMITTEE RECOMMENDS:

- 9.1 That Council approves the following recommendations:
- 9.1.1 The award of a property rates rebate of 65% to Natpro Spicenet (Pty) (Ltd) for a fixed period of three (3) years commencing from date of a Memorandum of Agreement.
- 9.1.2 The award of a property rates rebate of 35% to Price City Investments (Pty) Ltd situated at 350 Umgeni Road, Stamford Hill, Durban, for a fixed period of three (3) years commencing from date of Memorandum of Agreement.
- 9.1.3 The award of a property rates rebate of 50% to Growthpoint (Pty) Ltd situated at 52 Siphosethu Road, Mount Edgecombe Business Park, for a fixed period of three (3) years commencing from date of Memorandum of Agreement.
- 9.1.4 The withdrawal of the 'in principle' approval obtained for Midway Crossing Mall - Siveni Investments (Pty) Ltd (Section 1.2, Council Minutes, 2019-03-28)
- 9.1.5 The award of a property rates rebate of 50% to Midway Crossing Mall – Siveni Investments (Pty) Ltd, for a fixed period of three (3) years commencing from date of Memorandum of Agreement.
- 9.2 That subject to the approval of incentives, authority be granted for the Acting City Manager to enter into a Memorandum of Agreement with the successful applicants listed above.
- 9.3 That authority be granted to the Head: Economic Development and Head: Revenue Management to implement the rates rebate in accordance with the Economic Development Incentive Policy

**Prior to the adoption of the above recommendations, the development of the Economic Development Incentive Policy was welcomed. A submission was made that the policy would offer incentives to attract investments particularly following the July civil unrest which had caused havoc to the City's economic activities.**

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

10. SALGA NATIONAL CONFERENCE: 22-24 FEBRUARY 2022 (14/2/1/1)

(Page L134)

EThekweni Municipality is a Member of the South African Local Government Association (SALGA). As per the guiding constitution, SALGA has planned to convene its national conference to resolve on its institutional arrangement and operational plan, amongst other matters. Member Municipalities are required to send three (03) delegates to the conference and to elect a candidate to vote on behalf of the Municipality.

Accordingly,

COMMITTEE RECOMMENDS:

- 10.1 That Council notes the SALGA National Members Assembly scheduled for 22-24 February 2022 at the Cape Town International Convention Centre, Cape Town.
- 10.2 That Council approves attendance and participation to the conference referred to in 10.1 above by the three (03) member delegation comprising His Worship the Mayor, Councillor TM Kaunda; Deputy Mayor, Councillor PG Mavundla; and the Speaker, Councillor TE Nyawose.
- 10.3 That His Worship the Mayor be mandated to become eThekweni Municipality's designated voting delegate at the SALGA National Members Assembly.

*(The conference has since been postponed to 02-04 March 2022. Above recommendations to be amended to reflect new dates).*

**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 2022-02-22)

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

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1. REPORT OF FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE: MEETING HELD 2022-02-16

(Page R1)

- 1.1 EThekweni Municipality Monthly Public Tender Awards: 30 November 2021 (9/1/3): (Page 221: Finance, Security & Emergency Services Committee - Agenda 2022-02-16)

In scrutinizing the tender awards, the Committee noted with concern the delays in the implementation of certain projects, as a result of under-performance by some contractors. It being noted that there is a separate process followed to monitor

the performance of contractors, and that Legal and Compliance Unit is engaged in the terminations thereof, where required. Mention being also made that quarterly reports relative to the costs associated with termination of contracts due to various reasons together with responses from responsible Project Managers were being submitted to the Audit Committee and the Municipal Public Accounts Committee for oversight purposes.

A proposal was then made to consider utilising internal resources, which, in the long-run, will be in preparation to suspend outsourcing of other services but to be undertaken in-house. That a comprehensive cost analysis assessment be undertaken, thereby ensuring a smooth transition from an outsourcing to an insourcing model.

Thereafter, the Committee noted the tender awards in the month of November 2021, and accordingly,

**COMMITTEE RECOMMENDS:**

- 1.1.1 That the public tender awards by the City for the month of November 2021, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Acting City Manager dated 2021-12-23, be noted.
- 1.1.2 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.
- 1.1.3 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.
- 1.1.4 That the Acting City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where wilful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.
- 1.1.5 That the Acting City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the Acting City Manager can only respond when the reports are available.

**NOTED.**

- 1.2 EThekweni Municipality Monthly Public Tender Awards: 31 December 2021 (9/1/3):  
(Page 273: Finance, Security and Emergency Services Committee - Agenda 2022-02-16)

Accordingly,

**COMMITTEE RECOMMENDS:**

- 1.2.1 That the public tender awards by the City for the month of December 2021, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Acting City Manager dated 2022-02-04, be noted.
- 1.2.2 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.



- 1.2.3 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.
- 1.2.4 That the Acting City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where wilful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.
- 1.2.5 That the Acting City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the Acting City Manager can only respond when the reports are available.

**NOTED.**

- 1.3 Report on Investments for the Month Ended 30 September 2021 (7/1/4):  
(Page 335: Finance, Security and Emergency Services Committee - Agenda 2022-02-16)

In noting the report, reservations were expressed with regards to the Municipality's liquidity management particularly, the sharp decline in the day's cash on hand. It being noted that the City had faced challenges that were mainly associated with the Covid-19 pandemic, during which funding had not been received by the Municipality and thereby affecting the bank balance. However, that a positive turnaround in investments will be noticeable from March 2022.

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

**COMMITTEE RECOMMENDS:**

That the report on investments for the eThekweni Municipality as at 2021-09-30, which records the total funds invested at financial institutions as R4 194 000 000.00 (Four Billion One Hundred and Ninety Four Million Rand), at an average rate of return on investment of 4,33%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

**NOTED.**

- 1.4 Report on Investments for the Month Ended 31 October 2021 (7/1/4):  
(Page 341: Finance, Security and Emergency Services Committee - Agenda 2022-02-16)

In noting the report,

**COMMITTEE RECOMMENDS:**

That the report on investments for eThekweni Municipality as at 2021-10-31, which records the total funds invested at financial institutions as R2 908 000 000.00 (Two Billion Nine Hundred and Eight Million Rand), at an average rate of return on investment of 4,26%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

**NOTED.**

- 1.5 Report on Investments for the Month Ended 30 November 2021 (7/1/4):  
(Page 347: Finance, Security and Emergency Services Committee - Agenda 2022-02-16)

In noting the report,

**COMMITTEE RECOMMENDS:**

That the report on investments for eThekweni Municipality as at 2021-11-30, which records the total funds invested at financial institutions as R2 566 000 000.00 (Two Billion Five Hundred and Sixty Six Million Rand), at an average rate of return on investment of 4,10%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

**NOTED.**

- 1.6 Report on Investments for the Month Ended 31 December 2021 (7/1/4):  
(Page 359: Finance, Security and Emergency Services Committee - Agenda 2022-02-16)

At the Executive Committee level clarity was sought on what informs the difference seen in the rates of return on investments, where a big investment attracted nearly the same rate of return as the small investment.

In response, it was advised that withdrawals were also made from investments made and that the size of the investment does not influence return on investment but that this was purely based on the market rate offered by different financial institutions in a particular period.

In noting the report,

**COMMITTEE RECOMMENDS:**

That the report on investments for eThekweni Municipality as at 2022-01-11, which records the total funds invested at financial institutions as R3 224 000 000.00 (Three Billion Two Hundred and Twenty Four Million Rand), at an average rate of return on investment of 4,66%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

**Speaking on the matter, the DA submitted that Municipal funds had gradually decreased between August and November 2021. They were of the view that the City was in a precarious financial position. They mentioned that in order for the residents to be encouraged to make payments for rates and other related municipal services, the Municipality also needed to play its part, and maintain a healthy financial status. They proposed that cash flow statements from March 2022 till end of the financial year (30 June 2022), to indicate Municipal expectations in terms of income and expenditure, be submitted and discussed at the Support Committee level.**

**Thereafter, the ANC noted the report and mentioned that the fluctuation in the cash flow figures had been occasioned by the economic crisis, including the Covid-19 pandemic, which was beyond the City's control. However, they mentioned that the Municipality has been able to manage its operations despite the challenges. Further, that it would be unfortunate that others would utilise the setback to hold back from making necessary payments for Municipal services.**

Thereafter the above recommendations were **NOTED.**

- 1.7 Quarterly Report on Withdrawals from Municipality Bank Account in terms of the Municipal Finance Management Act 2003 (11/1/2):  
(Page 365: Finance, Security and Emergency Services Committee - Agenda 2022-02-16)

In noting the report,

COMMITTEE RECOMMENDS:

- 1.7.1 That the report on withdrawals from the Municipal bank account as at 30 September 2021, submitted in terms of Section 11(4) of the Municipal Finance Management Act, be noted, it being recorded that the withdrawals relate to the following:
- Section 11(f): To refund money incorrectly paid into a bank account.
  - Section 11(g): To refund guarantees, sureties and security deposits.
  - Section 11(h): Investment of money not immediately required.

- 1.7.2 That Council notes that the report on withdrawals will also be submitted to the Provincial and the National Treasury as well as the Auditor-General, in line with the statutory requirement.

**NOTED.**

- 1.8 Quarterly Report on Withdrawals from Municipal Bank Accounts in terms of the Municipal Finance Management Act 2003 (7/8/6):  
(Page 368: Finance, Security and Emergency Services Committee - Agenda 2022-02-16)

In noting the report,

COMMITTEE RECOMMENDS:

- 1.8.1 That the report on withdrawals from the Municipal bank account as at 31 December 2021, submitted in terms of Section 11(4) of the Municipal Finance Management Act, be noted, it being recorded that the withdrawals relate to the following:
- Section 11(f): To refund money incorrectly paid into a bank account.
  - Section 11(g): To refund guarantees, sureties and security deposits.
  - Section 11(h): Investment of money not immediately required.

- 1.8.2 That Council notes that the report on withdrawals will also be submitted to the Provincial and the National Treasury as well as the Auditor-General, in line with the statutory requirement.

**NOTED.**

2. AUDIT COMMITTEE REPORT FOR THE FIRST QUARTER ENDED  
30 SEPTEMBER 2021 (11/1/3)

(Page 1)

The Chairperson of the Audit Committee, Mr Shabalala, presented detailed audit findings arising from the Audit Committee Report for the first quarter ended 30 September 2021. The synopsis of the significant matters he highlighted as having potential to adversely impact seamless running of the City are recorded as follows:

- (i) **Factors Negatively Contributing to Internal Financial Controls: Employee Related Costs**
  - Employees with active suspension status remain on the payroll system for more than six (06) months after suspension, with no reasons being given for keeping these employees.
- (ii) **Internal and External Network Vulnerability Assessment Corporate, Including Core Firewall Review for the Corporate and Electricity Unit**
  - Whilst controls to manage and monitor the City's infrastructure environment have been designed, improvement is required to ensure that the ICT assets of the City are protected. Also, concern was raised on the use of outdated software. The Audit Committee noted that the Chief Information Officer is working on addressing these issues.
- (iii) **Payspace Post Implementation Review**
  - Expected benefits, objectives and business requirement initially envisaged for the system implementation have not been fully met, resulting in manual workarounds being implemented for previously automated processes and procedures.
  - High volumes of manual processing increase the risk of error and fraud, and compromise quality, consistency and integrity in data processing and reporting, which impacts negatively on compliance, efficiency, employee sentiment and ultimately business operations.
- (iv) **Project Assurance Review (Microsoft Electricity Migration Project)**
  - Microsoft migration project timelines were not delivered timeously, as a result of dependencies between the Information Management Unit, Electricity and the Vendor. The response time for requests made was found to be poor.
- (v) **Legal Process Review Out of Court-Settlements**
  - Standard Operating Procedure being used is outdated. Not all information requested at the time of the audit was available timeously thus the Internal Audit Unit was unable to confirm whether tracking of non-insurance related matters does take place. The Auditors were also unable to conclude on the efficiency of the settlements process since the information provided was incomplete.
- (vi) **Special Requests – Salaries Increase and Performance Rewards**
  - The weaknesses identified relate to inaccuracies on payroll transactions as some records were found with incorrect annual increase amounts; no evidence that salary increase calculation is reviewed; and performance bonus backpay lacks controls that can assist in identifying anomalies which can compromise accuracy. It is recommended to automate the process to access automatic audit tracking function.

**(vii) Productivity Analysis Review**

- The existing procedure and process manual does not address the planning activities of the Management Services Branch nor have dates indicating when they were approved. The Organisational Development Change Management (ODCM) Unit is unable to assess the productivity level for the entire City due to limited resources, scale, scope of work and complexity.

**(viii) Capital Program: Review of eThekweni Municipality Water Infrastructure Sustainability**

- Concerns over ageing infrastructure being reflected in all infrastructure risk registers. Lack of planning and thinking of the future may result in shortage of the most basic right of eThekweni residents. Growing list of unmetered properties mainly from RDP housing implementation programs. Non-revenue water is also on the rise.

**(ix) Management of Municipal-Owned Buildings**

- Major challenge with the management of Municipal-owned buildings, which includes budget allocations for maintenance thereof. No progress in compiling a register of Municipal bad buildings. No clear responsibility assignment chart for role clarification and accountability to improve chances of project success.

**(x) Planning Alignment to Spatial Development Framework**

- Some programs that are part of the Special Development Framework have not been implemented by the Business Units with no monitoring mechanisms to ensure that there is implementation. The Development Planning Unit Standard Operating Procedures remained unapproved since 2018.

**(xii) Recoveries and Revenue Collection**

- There is no formal Standard Operating Procedure that exists to monitor the process of recoveries and revenue collections from the respective Unit Heads to the Revenue Unit. No Policy in place to adequately secure revenue collections from Operational and Supporting Units. There was expectation for the Legal & Compliance Services and the City Integrity and Investigations Units to submit all revenue and/or potential revenue for their finalised matters and cases, however, no structured process exists in this regard.

**(xiii) Business Continuity Management**

- Lack of and integrated City-wide approach for Business Continuity Management (BCM). No co-ordinated governance structure in place, and Disaster Management is not integrated into the BCM as it is an integral leg of BCM.

**(xiv) Key Business Issues: Review of Section 36 Awards**

- Excessive use of Section 36 due to inadequate procurement planning and delays in SCM in-house processes. It is recommended to implement and monitor procurement plans and contracts across the Municipal Units.

**(xv) Productivity Analysis: Master Plan Strategy**

- The Master Plan Strategy 2016-2021 has expired and the ODCM is required to start with preparations to review this Strategy to ensure it is complete and relevant.

The findings above were responded to by the Executive Management, as per detailed Report submitted to the Executive Committee comprising plans and timelines within which to clear the findings.

Thereafter, the Executive Committee appreciated comprehensive audit findings and responses thereto by Management. The following input was then contributed with a view to strengthening the Municipality's internal control environment:

- The finding relating to employee-related costs in terms of increments and bonuses was concerning, it being mentioned that this poses both financial and productivity risk. Also, prolonged disciplinary cases while staff members concerned are still active on payroll was concerning. Regular update was then recommended regarding progress on implementation of consequence management in relation to prolonged disciplinary cases and inaccurate salary payments.
- That the Executive Committee and the Support Committees should take responsibility to monitor progress on the implementation of the mitigating strategies as part of playing an oversight role over issues. That audit matters should be interrogated on an ongoing basis not only when the Audit Committee Report is presented.

#### COMMITTEE RECOMMENDS:

That the Audit Committee Report for the first quarter ended 30 September 2021, submitted in terms of Section 166 (1) of the Municipal Finance Management Act No. 56 of 2003, to advise Council on the activities of the Audit Committee and the results of its quarterly reviews of the systems of internal financial control, internal audit; risk management processes; financial reporting; performance management; governance; compliance with laws and regulations as well as any other issues referred by the Municipality or its Entities; be noted, as per the detailed findings contained in the Report presented by the Audit Committee Chairperson.

**Commenting on the matter, the IFP noted the Audit Committee Report. However, they were concerned about the overall performance of certain Units within the Municipality. They were also concerned about the finding on employees with active suspension status remaining on the payroll system for more than six (06) months after suspension. They were of the opinion that continuous utilization of Section 36 of the MFMA, was as a result of poor planning and much improvement was required in this regard. Mention being made that revenue collection had to be intensified, including installation of water meters with appropriate maintenance plan.**

**Meanwhile, ADEC was of the view that unless the Municipality improves on its performance, the City was running a risk of ratepayers declining to make necessary payments for Municipal services. They proposed that a collective effort was required in order for the Municipality to address and reduce the findings in the Audit Committee Report.**

Thereafter, the ANC welcomed the Audit Committee Report and stated that the aforesaid report was a critical diagnostics tool to identify shortcomings within the Municipality processes and also assist Council in playing its oversight role. They mentioned that each finding would be categorized and allocated to the relevant Support Committee, so that the progress thereof will be monitored continuously and culprits reprimanded. That this would ensure that findings do not re-occur in the Audit Committee Report.

Subsequently, the Audit Committee Report for the first quarter ended 30 September 2021 was; **NOTED.**

3. RESPONSES TO ASSESSMENT OF ETHEKWINI MUNICIPALITY: 2021/2022 INTEGRATED DEVELOPMENT PLAN AND NATIONAL TREASURY ASSESSMENT OF LONG-TERM PLANNING INSTRUMENTS (2/1/6/1)

(Page 55)

The Integrated Development Plan (IDP) is a principal strategic planning instrument, which guides and informs the ongoing planning, management and development actions of the Municipality. It is the requirement of the Municipal Systems Act No. 32 of 2000 and drives the budget and performance management system to ensure service delivery to communities. The Act requires that each Municipality must, within a prescribed period adopts the IDP. EThekweni Municipality adopted its 2021/2022 IDP during a Council Meeting of 27 May 2021.

The MEC for Cooperative Governance and Traditional Affairs and the National Treasury have since submitted an assessment and scoring of the IDP and Long-Term Planning Instruments respectively.

Assessment of eThekweni IDP:

The Municipal IDP is assessed as per the six (6) Provincial Key Performance Areas. The purpose of the MEC's evaluation is to determine the credibility of each of the fifty four (54) Municipal IDPs. These scores would be included in the Back-to-Basics Reporting for the financial year. The results of the assessment as per the Key Performance Areas (KPA's) are as follows.

Table 1:

Service Delivery (out of 5)	Municipal Transformation (out of 5)	Cross Cutting (out of 5)	LED (out of 5)	Financial Management (out of 5)	Good Governance (out of 5)	Overall Credibility in %
<b>eThekweni Municipality Scores for 2021</b>						
3.1	5	3.8	4.1	3.45	4.85	82.67
<b>eThekweni Municipality Scores for 2020</b>						
2.75	5	4.40	4.30	3.35	4.80	82
<b>eThekweni Municipality Scores for 2019</b>						
3.8	5	3.8	4.0	3.65	5	84.17
<b>eThekweni Municipality Scores for 2018</b>						
5.0	4.4	3.6	2.0	3.9	4.45	77.83

Each of the National KPA listed above is assessed by various sector departments and the scores are based on information contained in the adopted IDP. A standardised template is used to assess the content and a credibility score is determined thereafter.

Key Points for Consideration Arising from KZN COGTA Assessment:

- The assessment criteria and scoring methodology is consistently changing and is heavily bias towards information relating to the situational analysis. Very little of the assessment criteria focuses on the implementation plans for the Municipalities.
- The current assessment criterion does not lend itself to simplified IDPs. The continued insistence by KZN COGTA for Municipalities to comply with the guidelines stifles creativity and innovation in IDP and results in sterile, voluminous documents that are not user-friendly. Any attempts to deviate from the guidelines or format are seen to be non-compliant.
- The compilation of the IDP is very dependent on Line Departments providing the necessary information timeously so as to meet the required statutory timeframes.
- Where policies and plans are required to be developed, Line Departments would need to ensure that these are done timeously to inform the IDP review. As highlighted in the comments above, the lack of or outdated policy negatively affects the credibility of the information contained in the IDP.

National Treasury Assessment of Long Term Planning Instruments:

In the 2011/2012 financial year National Treasury introduced Built Environment Plan as an eligibility requirement in respect of the Urban Settlements Development Grant (USDG). These Built Environment Plans are independently assessed by National Treasury. The Built Environment Plan is a five (05) year programme that concluded in the 2020/2021 financial year. For the 2020/2021 financial year based on the scoring system of tin, copper, gold and platinum, where tin is the lowest and platinum is the highest, eThekweni Municipality achieved Platinum which was an improvement on the gold status achieved the previous 2019/2020 financial year.

With the conclusion of the Built Environment Plan requirement, National Treasury has decided to continue with the independent assessment of the key strategic planning tools in the Municipality such as the IDP, Budget, SDF and PME measures. The outcome of the assessment in comparison to the other Metros are as follows:

Criteria	Criteria Score	Maximum Criteria Score Possible	eThekweni Municipality Criteria Classification: Tin/Silver/Gold/Platinum	All Metropolitan Municipality Performance			
				Tin	Silver	Gold	Platinum
Theory of Change (TOC) for City Transformation	4	6	Silver	0	4	1	3
Outcomes-Led Planning and Spatial targeting	9	9	Platinum	0	0	0	8
Strategy-Led Budgeting	7	9	Gold	0	2	6	0
Alignment of Public Infrastructure Investment	6	9	Gold	0	4	4	0



Criteria	Criteria Score	Maximum Criteria Score Possible	eThekweni Municipality Criteria Classification: Tin/Silver/Gold/Platinum	All Metropolitan Municipality Performance			
				Tin	Silver	Gold	Platinum
in spatially targeted areas in metros - process and output							
Adopted of Spatial Planning, prioritization and budgeting tools	12	12	Platinum	1	0	5	2
Whether the City has longer term frameworks and strategies in comparison to the Term of Office plan (IDP) or 5-year plans.	6	6	Platinum	0	2	2	4
Other Questions – Non-Grant Purposes	12	12	Platinum	0	0	6	2
<b>Total Score</b>	<b>56</b>	<b>63</b>	<b>Platinum</b>				

The area of work that would require attention is the development and articulation of a Theory of Change for City Transformation. The District Development Model (DDM) One-Plan adopted by Council provides a basis for the Theory of Change. It is further noted that the DDM One-Plan was adopted post the submission of the IDP, SDF and Budget for assessment and therefore did not include the Theory of Change. The 2022/2023 IDP will include the Theory of Change.

The tools and criteria used in assessments differ from that of KZN COGTA and National Treasury. Therefore, there are two different scores presented in the report. Through various engagements, a request has been made that the National and Provincial Assessment Teams develop a single assessment tool. Unfortunately, this has not materialized. It is further noted that the areas of focus for National Assessment is the Municipal Strategy that supports transformation and the associated budgets. Whereas the KZN COGTA assessment lends itself more towards the content of the IDP and compliance with the IDP guidelines.

Accordingly,

#### COMMITTEE RECOMMENDS:

- 3.1 That Council notes the comments associated with rankings for the 2021/2022 Integrated Development Plan, as carried out by the MEC KZN COGTA and the National Treasury, as outlined in item 3.2 in the report of the Acting City Manager dated 2022-02-02, with key observations as follows:

- (i) Service Delivery:  
The overall performance for this KPA declined from 5.0 in 2018 to 2.7 in 2020. In the current assessment year of 2021 there has been a slight improvement to 3.1. The remedial measures indicated in the tables below address the shortcomings with regard to this KPA.
- (ii) Municipal Transformation:  
The Municipality achieved full scores for this KPA. There is an improvement from 4.4 in 2018 to 5.0 in 2021. Whilst the Municipality has achieved full

marks for this KPA. Areas for improvements have been identified and would be addressed accordingly.

(iii) Cross Cutting:

The Cross Cutting KPA showed steady improvement from 3.6 in 2018 to 4.40 in 2020. This however declined to 3.8 for 2021. Review of the Municipal Disaster Management Plan is one of the actions required to improve the scoring in this KPA.

(iv) Local Economic Development:

The KPA has shown steady growth from 2.0 in 2018 to 4.1 in 2021. Review and adoption of key LED strategies would assist in improving the scores for this KPA. It is noted that with the adoption of the Economic Recovery Plan and the Shape Durban Strategy, the majority of the concerns in this KPA would be covered.

(v) Financial Management:

The assessment scores for this KPA showed a steady decline from 3.9 in 2018 to 3.35 in 2020. There has been a slight increase to 3.45 in 2021.

(vi) Good Governance:

Overall, there has been an increase to 4.85 in 2021 from 4.45 in 2018, with the in-between characterised by increases and decreases.

The Municipal credibility has improved from 77.83% in 2018 to 82.67% in 2021 a slight improvement on the 2020-year score. It is noted that in 2019 the Municipality did have a higher score of 84.17%. The actions required to address the shortcomings in the assessment process have been compiled and included in the report of the Acting City Manager dated 2022-02-02.

Table 2: IDP Assessment for the previous years:

Financial Year	Position Ranked in the Province	Credibility Score as percentage in %	Provincial Average in %
2008/2009	5	85	66
2009/2010	8	83	67
2010/2011	2	90	74
2011/2012	2	91	75
2012/2013	1	91	64
2013/2014	N/A	83	N/A
2014/2015	N/A	76	N/A
2015/2016	2	75	62
2016/2017	N/A	79	66
2017/2018	3	73	61
2018/2019	N/A	77.83	66.5
2019/2020	N/A	84.17	68.5
2020/2021	6	82	72.27
2021/2022	9	82.67	73.71

Our overall ranking within the Province shows a decline though the Municipality has remained one of the Top 10 IDP achievers in the Province for fourteen (14) consecutive years. This has not been achieved by any Municipality in the Province.

- 3.2 That Council notes that a document comprising remedial actions, responsible persons and associated timeframes to address areas requiring improvements, as identified in the assessments, has been prepared, as outlined in item 3.4 Table 3 in the report of the Acting City Manager dated 2022-02-02.

**A comment was submitted that projects had to be expedited and not be delayed by prolonged procurement process.**

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

4. ESTABLISHMENT OF WARD COMMITTEES 2021-2026 (3/6/1)

(Page 100)

The Committee received a Report on activities to be undertaken to establish Ward Committees as part of the eThekweni Municipality governance structure. During consideration of the matter at the Executive Committee level, the Democratic Alliance emphasised the importance of enforcing compliance in relation to establishment and functioning of Ward Committees.

Mention being made that Ward Committees become a political terrain and that there is no fair representation of interests groups available in the Wards. Meanwhile, the Inkatha Freedom Party stressed the importance of ensuring maximum presence of the law enforcement agencies, including SAPS and Metro Police during the election of Ward Committees given a volatile situation at the Ward level.

Thereafter, the African National Congress shared similar sentiments on the aspect of strengthening safety measures and thereafter welcomed the report, pleading with all political parties to work together and assist to enable eThekweni Municipality to successfully undertake the election process for the 2021-2026 Ward Committees.

In order to give effect to the Ward Committee establishment,

**COMMITTEE RECOMMENDS:**

- 4.1 That Council notes a legislative requirement to establish Ward Committee within a period of one hundred and twenty (120) days following the gazetted of the Local Government Elections results.
- 4.2 That Council approves the proposed Ward Committee election dates, namely, Sunday, 13 and 20 March 2022, it being recorded that Wards have been split into two groups, with the first 56 Wards to elect Ward Committees on 13 March, and the second group of 55 Wards on 20 March 2022, subject to concurrence of the MEC: Cooperative Governance and Traditional Affairs.
- 4.3 That Council notes a requirement for the composition of the Ward Committees to reflect the following interest groups, where possible:

- 4.3.1 Gender equity – at least five (5) members must be women;
- 4.3.2 Geographic representations;
- 4.3.3 Representations of people with disabilities;
- 4.3.4 Population diversity and interest; and
- 4.3.5 Representation from traditional councils
- 4.4. That Council approves the 2021-2026 Ward Committee election process, that will be undertaken as follows:
  - 4.4.1 Notice of election meetings to be issued at least fourteen (14) days before the election dates, through any of the following methods: Metro Ezasegagasini; local newspapers; posters; pamphlets and loud hailing.
  - 4.4.2 On the election meeting day, community members will be verified against the Ward's voter's roll; prior to being admitted into the meeting venue.
  - 4.4.3 Once verified, community members register on the attendance register provided.
  - 4.4.4 Presiding Officer officially opens an election meeting when there's a quorum, which is a minimum of one hundred (100) people and thereafter explanation of the election process is done.
  - 4.4.5 Nominations to be open for a minimum of ten (10) people present at the meeting, but not to exceed twenty (20) nominees.
  - 4.4.6 If nominations exceed ten (10) people, then voting through a secret ballot shall take place. The ballot paper shall be prepared, and copies thereof made on site. Voting will then follow.
  - 4.4.7 Once all community members have cast their votes; counting will commence. The ten (10) members with majority votes shall be declared the elected Ward Committee Members, subject to a verification process post the elections. The Presiding Officer announces the results and then declares the election meeting closed.
  - 4.4.8 Objection forms are made available to community members that might be aggrieved about the election process.
  - 4.4.9 In the event that the initial election meeting fails to proceed, it shall be reconvened within fourteen (14) days, and if it failed to proceed due to the lack of quorum, the reconvened meeting shall proceed provided that there's a minimum of fifteen (15) people present.
- 4.5 That Council approves the payment of a monthly R1000.00 (One Thousand Rand) stipend to all elected Ward Committee Members to cover out of pocket expenses that they will incur in the execution of their responsibilities; this being the maximum rate in terms of the current existing national framework gazetted by the Minister of Cooperative Governance and Traditional Affairs.

4.6 That Council approves that payment of the election allowance for Speaker's Representatives and Secretariat personnel be processed through pay roll as a non-taxable subsistence allowance and that payment of Presiding Officers and Voting Officers be processed through Internal Control using the Nedbank online system.

4.7 That, in line with the statutory requirement, the proposed Portfolio Committees be established to support the Ward Committee operations during the 2021-2026 Council term of office, it being recorded that the proposed Portfolio Committees respond to key basic service delivery matters impacting local communities and their operations are aligned to the core functions of the eThekweni Municipal Clusters:

No.	Portfolio Committee	Responsible Cluster
1.	Cleansing and Solid Waste	Trading Services
2.	Electricity, Water and Sanitation	Trading Services
3.	Entrepreneurship and Small Business	Economic Development and Planning
4.	Health, Safety and Security	Community and Emergency Services
5.	Human Settlements	Human Settlements, Engineering and Transport
6.	Skills Development and Job Creation	Human Capital
7.	Sports, Recreation and Culture	Community and Emergency Services
8.	Transport, Roads and Stormwater	Human Settlements, Engineering and Transport
9.	Youth, Gender and Vulnerable Groups	Governance and International Relations

4.8 That, it be noted that each Member of the Ward Committee will serve as Chairperson of one of the Portfolio Committees following the election process to be undertaken by the Ward Committee, it being recorded that one of the Members will be elected to serve as a Secretary of the Ward Committee to attend to the secretariat and administrative duties of the Committee.

4.9 That, it be noted that the City Administration Unit will service the Inaugural Ward Committee meetings where Portfolio Committees will be formally presented, outlining the role of each Portfolio Committee, and facilitating a process to elect Members to different Portfolios in preparation for the Ward Committee to commence with its operations, with regular empowerment programmes being conducted to support Ward Committees to fulfil their advisory role to Council effectively.

**Financial Implications:**

Vote Number:

Item	Vote	Amount	FC No.
Recruitment of election officials	32123-10510-12120-0000-87200-0010	R1 336 200.00	2022/08/19
Stipends for new committee 2021/22	32123-20500-12120-0000-87200-0010	R3 330 000.00	

**N.B:** The budget for Ward Committee stipends will be provided on the MTREF for 2022/23 to 2025/26

**Speaking on the matter, the DA submitted that verification process for voters during the elections had to be clearly defined, that is in terms of green-bar coded identity document (ID) and/or smart card ID. They were concerned about**

**nominations being opened to a minimum of ten (10) people present at the meeting, but not exceeding twenty (20) nominees. They highlighted that this would lead to Presiding Officers to only select certain group of people. They emphasized that the Municipality had to learn from its past experiences in order establish Ward Committees which are fully functional. On this basis they abstained on the matter.**

**The IFP welcomed the report and noted legislative requirement to establish Ward Committees within a certain period. They proposed that stipend for Ward Committees be re-considered and emphasised the importance of ensuring safety and protection of the elected Ward Committee members.**

**Thereafter, the ANC also welcomed the report, and briefly outlined the legislative process surrounding the establishment of Ward Committees. They commended the Speaker for ensuring that the entire process becomes transparent. It being emphasized that Council had developed guidelines and requirements for the composition of the Ward Committees to reflect interest groups, including, where possible, gender equity of at least five (5) members must be women, geographic representations, representations of people with disability etc.**

**As some members were not in support of the above-mentioned recommendations; the matter was put to the vote. With 208 Councillors present, 152 Councillors (ANC - 93, EFF – 22; IFP – 16; ASA – 03; ABC - 01, ACC – 02; ACDP - 01, AIC -02, DLC – 01; ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI – 01; MF - 01, MOSA - 00, NFP – 01; PFP – 01; PRM -01 and VF Plus - 01). voted in favour and 56 DA Councillors abstained on the matter.**

**Accordingly, the recommendations were, by the majority vote, **ADOPTED.****

5. PROGRESS REPORT ON BORROWINGS TO FUND CAPITAL PROJECTS  
(7/3/1/1/2)

(Page 117)

Progress report was presented regarding the sourcing of borrowings to fund capital projects through bond issuance under the Domestic Medium-Term Note Programme, as previously approved in the medium-term budget. That Section 46 of the Local Government: Municipal Finance Management Act No. 56 of 2003, read together with the Municipal Regulations of Debt Disclosures, issued under Notice GNR dated 05 June 2007, has been followed in preparation for the Municipality to secure R1 billion for capital projects.

During consideration of the matter at the Executive Committee level, the Democratic Alliance expressed reservations on the state of the Municipality's borrowings versus its precarious financial position. The view being that the Municipality should curb its spending to focus on priority needs and also recover monies owed to it by the other organisations.

To also manage revenue loss incurred for instance through water loss. Meanwhile, a need to grow the economy was acknowledged therefore the importance of strengthening revenue collection strategies was cited.

Generally, the meeting acknowledged turnaround plans to be implemented to improve service delivery, as agreed to during the recent Mayoral Lekgotla and that funds will be required for this process. Therefore, the borrowing was supported taking into account as well that Council approval has already been granted in this regard.

The DA and the IFP abstained on this matter until discussion at their respective Caucuses. The ANC and the ABC then supported the matter. Thereafter, the Democratic Alliance drew attention to a need for borrowing to be approved by the majority of the Executive Committee Members, pointing out as well that a matter of this nature cannot be approved through a casting vote of the Chairperson. Subsequent to debate, a legal opinion was provided where the Head: Legal & Compliance advised that a principle of the majority of Councillors' approval was applicable only at the Municipal Council meetings.

Therefore, the R1 billion borrowing was approved by the majority vote of ANC (3); ABC (01); and the casting vote of the Chairperson. The DA (03) and the IFP (01) abstained on the matter.

Accordingly,

#### COMMITTEE RECOMMENDS:

- 5.1 That Council having resolved as part of budget approval process that a borrowing of R1 Billion be secured to fund capital expenditure in the 2021/2022 financial year and, in accordance with Section 46(3) of the Local Government: Municipal Finance Management Act No. 56 of 2003, made public the information statement and invite, received and considered the written comments/representation from National and Provincial Treasury, it is recommended that.
  - 5.1.1 The Municipality issues a bond in the Debt Capital Market through its Domestic Medium Term Note Programme with an amount of up to R1 Billion and a term of up to fifteen (15) years.
  - 5.1.2 The interest rate of the bond is determined through the relevant Reference Rate with a credit margin of up to 3.50%.
- 5.2 That subject to the adoption of .1 above, authority be granted to the Acting City Manager and the Deputy City Manager: Finance to sign all documents in relation to the bond issuance.

#### **Financial Implications:**

The proposed new loan in the form of a bond of up R1 Billion will not negatively impact the sustainability of the Municipality as indicated in Table 8 below:

Table 8 Gearing and Debt Service Cost Ratio:

	FY 2021/2022	FY 2022/2023	FY 2023/2024
Gearing Ratio (National Treasury Benchmark of max 45%)	21.2%	20.3%	19.4%
Debt Service Cost (National Treasury Benchmark of between 6% - 8%)	3.9%	3.7%	3.8%

Commenting on the matter, the DA opposed the approval of the One Billion Rand borrowing. They mentioned that the Municipality had to strengthen revenue collection strategies and to target Government and Parastatals that owed the Municipality close to R17 Million Rand. They were of the opinion that the Municipality had not done enough to curb expenditure, citing amongst other things, water and electricity losses; undeserved overtime and performance bonuses, and that there was a lack of accountability. They mentioned that there were funds invested on the Go Durban project whereas the project had not been commissioned to date.

The DLC also objected the loan borrowing, citing that markets were not certain and it was a period during which the Country was in a volatile recovery period following the Covid-19 pandemic. They were of the opinion that capital projects could be funded from the uncollected Municipal debt.

Meanwhile, the IFP mentioned that the Municipal finances had not been managed effectively and borrowings will put more pressure on ratepayers. They also stressed the need to collect monies owed by government and parastatals. Mention being made that not much has been done to implement capital projects. and they emphasized that the borrowing should be utilised exclusively for capital projects.

The Deputy Mayor mentioned that there was a need for borrowing in order to fund capital projects. However, he also highlighted that the Municipality had to collect monies from debtors and to disconnect services as a result of non-payment.

With agreement not being reached, the matter was put to the vote. With 206 Councillors present, 119 Councillors (ANC - 93, IFP – 16; ABC - 01, AIC -02, ADEC – 00; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI – 01; MF - 01, MOSA - 00, NFP – 01 and PRM -01). voted in favour and 87 Councillors ( DA – 56; EFF -22; ASA – 3; ACC – 02; ACDP - 01, DLC – 01; PFP – 01 and VF Plus – 01) voted against the matter. There were no abstentions.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

6. ETHEKWINI MUNICIPALITY ADJUSTMENT BUDGET 2021/2022 (7/1/2/2)

(Page 133)

The Municipality has satisfied the requirements by the National Treasury in undertaking the adjustments budget and is also in compliance with the requirements of Section 28 of the Municipal Finance Management Act 56 of 2003 as well as the Municipal Budget and Reporting Regulations (Regulation 23).

With the Committee being in agreement;

COMMITTEE RECOMMENDS:

- 6.1 That in accordance with the provisions of Section 28 of the Municipal Finance Management Act and in compliance with the Municipal Budget and Reporting Regulations, the Additional Adjustments to the 2021/2022 Budget of eThekweni



Municipality (Parent Municipality), as reflected in Annexure “A” & “B” of the report of the City Manager dated 2022-02-16, be approved, it being recorded that the approval of the Capital Adjustment Budget constitutes project approval of the specific projects.

- 6.2 That the Adjustment Budgets of the eThekweni Municipal Entities, as approved by the respective Board of Directors, be noted, in compliance with Section 87 of the Municipal Finance Management Act.
- 6.3 That subject to the adoption of .1 and .2 above, Council notes the Budget has now been revised as follows:

**Consolidated Budget (including entities):**

Details	Original Budget 2021/2022	September Adjustment Budget 2021/2022	Adjustment Budget 2021/2022
	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>
Operating Budget	47 029 535	46 981 803	46 737 017
Capital Budget	5 321 542	5 321 542	5 328 607
<b>Total Budget</b>	<b>52 351 077</b>	<b>52 303 345</b>	<b>52 065 624</b>

**Parent Municipality (excluding entities):**

Details	Original Budget 2021/2022	September Adjustment Budget 2021/2022	Adjustment Budget 2021/2022
	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>
Operating Budget	46 698 295	46 650 561	46 410 099
Capital Budget	5 293 630	5 293 630	5 307 230
<b>Total Budget</b>	<b>51 999 925</b>	<b>51 944 191</b>	<b>51 717 329</b>

- 6.4 That in light of the depleting cash reserves and reducing income from trading services, the City Manager implements austerity measures in order to ensure compliance with the approved budget.

**As some members were not in agreement, the matter was put to the vote. With 207 Councillors present, 125 Councillors (ANC - 93, IFP – 16; ABC - 02, ACC – 02; ACDP - 01, AIC -02, DLC – 01; ADEC – 00; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, KZNI – 01; MF - 01, MOSA - 00, NFP – 01 PFP – 01 and PRM -01). voted in favour and 56 DA Councillors voted against and 26 Councillors (EFF -22; ASA – 3; and VF Plus – 01) abstained on the matter.**

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

7. PROGRESS REPORT ON RECRUITMENT OF NEW ETHEKWINI MUNICIPALITY CITY MANAGER

(Page 01: Second Supplementary Agenda)

The Executive Committee received progress Report on the process to recruit new eThekweni Municipality City Manager. The Report was submitted in compliance with a statutory requirement that progress report be submitted in this regard. Given the strategic nature of the position of City Manager the DA recommended an amendment to the panel for the entire Executive Committee to form part of the interviewing panel. In response, the attention was drawn to a Council approval where the selection panel was already appointed.

Accordingly,

**COMMITTEE RECOMMENDS:**

- 7.1 That Council notes the following in respect of City Manager's post:
  - 7.1.1 The advertisement of City Manager's post as well as the appointment of the selection panel was approved by Council on 2021-12-13.
  - 7.1.2 The advertisement was published on 2021-12-19, as per Regulation 10(1) which stipulates that advert be issued within fourteen (14) days of the Council approval, and such had a closing date of 2022-01-14, and shortlisting was finalised on 2022-02-04, as per Regulation 13(2) which requires shortlisting to be finalised within thirty (30) days of the closing date of the advertisement, and 294 applications have been received.
  - 7.1.3 In terms of Regulation 14(1), the screening of the shortlisted candidates takes place within twenty one (21) days of the finalisation of the shortlisting and, as such, the screening process has been finalised and the following processes have been conducted, in respect of the shortlisted candidates:
    - 7.1.3.1 the necessary reference checks;
    - 7.1.3.2 contacting the candidates' current or previous employers;
    - 7.1.3.3 determining the validity of candidates' qualifications; and
    - 7.1.3.4 verifying whether any of the candidates has been dismissed previously for misconduct or poor work performance by another employer.
  - 7.1.4 In terms of Regulation 15(1) the selection panel to conduct interviews within twenty one (21) days of screening of candidates, and the interviews are therefore scheduled for 05, 06 and 07 March 2022.

**MOTION TO AMEND**

**In terms of Rule of Order Bylaw 20(4), Councillor TM Mthethwa, seconded by Councillor NL Graham, moved as a procedural motion to amend the above recommendations as follows:**

**"7.1.5 That all Executive Committee members form part of the interviewing panel"**

**NOT CARRIED**

As some Councillors were not in support of the Motion to Amend, the matter was put to the vote. With 207 Councillors present, 101 Councillors (DA – 56; EFF – 22; IFP – 16; ASA - 03, ACC – 02; ACDP – 01 AND VF Plus -01) voted in favour and 106 Councillors (ANC – 93; ABC – 02; AIC – 02; DLC – 01; ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, MF - 01, MOSA - 00, NFP – 01 PFP – 01 and PRM -01). voted against and 1 KZNI Councillor abstained on the matter.

The abovementioned Motion to Amend was, by the majority voted, **NOT CARRIED**

Discussion thereafter reverted to the substantive matter where the Democratic Alliance maintained that the post of the City Manager being the highest administration position, there was a need for the entire Executive Committee to have a buy-in for process to be transparent and inclusive and also to achieve investor confidence.

Meanwhile, some members drew the attention of Council and emphasised that the selection panel was already appointed. That the progress report on recruitment of new eThekweni Municipality City Manager was submitted in compliance with a statutory requirement.

In view of diverse views, the matter was put to the vote. With 207 Councillors present, 106 Councillors (ANC – 93; ABC – 02; AIC – 02; DLC – 01; ADEC – 01; APF - 01, ATM - 01, AL JAMA-AH - 00, JEP - 01, MF - 01, MOSA - 00, NFP – 01 PFP – 01 and PRM -01) voted in favour and 101 Councillors (DA – 56; EFF – 22; IFP – 16; ASA - 03, ACC – 02; ACDP – 01 AND VF Plus -01) voted against and 1 KZNI Councillor abstained on the matter.

Accordingly, the recommendations were, by the majority vote, **ADOPTED.**

8. REQUEST FOR AUTHORITY TO ENTER INTO MEMORANDUM OF AGREEMENT BETWEEN ETHEKWINI MUNICIPALITY AND TONGAAT HULETT FOR UMHLANGA ROCKS, RIDGESIDE AND CORNUBIA DEVELOPMENT

(L 135)

Authority is sought to negotiate and draft a Memorandum of Agreement with Tongaat Hulett Properties on behalf of the eThekweni Municipality for the purpose of jointly funding and constructing the required transport infrastructure which supports the developments in uMhlanga Rocks, Ridgeside and Cornubia areas within the eThekweni Municipal area. That this exercise is aligned to the objective of the Integrated Development Plan, which endorses a need to provide citizens with world-class transport system supporting high levels of mobility and accessibility.

Accordingly,

**COMMITTEE RECOMMENDS:**

- 8.1 That Council grants authority for the EThekweni Transport Authority to negotiate and draft a Memorandum of Agreements (MOA) with Tongaat Hulett Properties on behalf of eThekweni Municipality with respect to Umhlanga Rocks, Ridgeside and

Cornubia developments, on a project-by-project basis, in order to bring into effect a joint implementation contribution for each respective project.

- 8.2 That Council reaffirms its decision taken on 29 October 2009 with regard to entering into an MOA with the Tongaat Hulett for transport infrastructural development and approves the apportionment of contribution based on Table 1, 2 and 3 reflected below.
- 8.3 That subject to the approval of .1 above, authority be granted for the City Manager to sign the MOA on behalf of the Municipality.

**Table 1: Apportionment of Contribution Based on Council Resolution Ref 11/2/2/3: 28 Oct 2009**

Proposed Upgrade	Total Estimated Value	% Contribution – Council	Estimated Cost to Council	% Contribution THP	Estimated Cost to THP
Upgrade of Umhlanga Rocks Drive (URD) (Douglas Saunders to Seaview Interchange)	15 000 000	16,5	2 475 000	83,5	12 525 000
Upgrade URD (Somerset Drive – Falbaire)	12 000 000	15	1 800 000	85	10 200 000
Upgrade Armstrong Drive	11 000 000	15	1 650 000	85	9 350 000
New Interchange (M41 and Armstrong Link Road) including widening on M41	12 500 000	20	2 500 000	80	10 000 000
Upgrade of URD (Douglas Saunders to Seaview Interchange) Phase 2	14 500 000	16,5	2 393 000	83,5	12 108 000
<b>ESTIMATED TOTAL</b>	<b>65 000 000</b>		<b>10 817 500</b>		<b>54 182 500</b>

**Table 2: Proposed Cost Apportionment for Ridgeside Development Transport Infrastructure:**

Proposed Upgrade	Total Estimated Value	% Contribution – Council	Estimated Cost to Council	% Contribution THP	Estimated Cost to THP
Upgrade of Ridgeside Drive (between URD and Southdale Road)	158 000 000	23	36 340 000	77	121 660 000
Upgrade of URD (between Herwood Circle and M4 Interchange)	54 100 000	55	29 755 000	45	24 345 000
Upgrade of Herwood Drive (between Herwood Circle and Mahogany Rd)	120 000 000	23	27 600 000	77	92 400 000
<b>TOTAL ESTIMATED COST</b>	<b>332 100 000</b>		<b>93 695 000</b>		<b>238 405 000</b>

**Table 3: Proposed Cost Apportionment for Cornubia Boulevard and Bridge:**

Proposed Upgrade	Total Estimated Value	% Contribution – Council	Estimated Cost to Council	% Contribution THP	Estimated Cost to THP
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Cornubia Boulevard Road and Bridge	194 000 000	61	118 340 000	39	75 660 000
<b>TOTAL ESTIMATED COST</b>	<b>194 000 000</b>		<b>118 340 000</b>		<b>75 660 000</b>

**ADOPTED.**

9. NOTING OF ROAD REHABILITATION PROJECT LIST FOR 2021/2022 FINANCIAL YEAR

(L 136)

The Road Rehabilitation Branch of the Roads Provision Department is responsible for the preventative maintenance of the paved road network. As the condition of the roads deteriorates over time due to various reasons, preventative maintenance is required to extend their service life. Therefore, the road rehabilitation implementation list for 2021/2022 attached herein is submitted for information purposes. It was reported that some of the roads upgrade projects have already been undertaken to completion while some are under construction with others yet to be implemented.

During discussion, some of the Executive Committee Members noted with concern the selection of roads due for upgrade, pointing out that roads which are in a bad condition have been omitted. It was noted though that while there is some dissatisfaction in this regard, there is nothing much which could be done since the projects in question are already in the pipeline. It was then agreed that in the next roads maintenance cycle budget should be more bias towards upgrading roads which are considered to be in a worse condition.

**COMMITTEE RECOMMENDS:**

9.1 That Council notes the road rehabilitation implementation list for 2021/2022 financial year, attached herein, and notes budget allocation in this regard as follows:

(i)	Strategic Routes (M4; N3):	R70 000 000.00
(ii)	Former Disadvantaged/ Township Areas:	R55 215 333.77
(iii)	Non-Township Areas:	R51 574 366.23

9.2 That the progress to date in terms of road rehabilitation works for the 2021/2022 financial year is summarised as follows:

(i)	Projects in the Construction Phase:	197 roads:	R 50 840 524.67
(ii)	Projects in the Planned Phase:	103 roads:	R125 949 175.33

**Financial Implications:**

Vote	Project Number	Financial Year	Amount Excluding VAT	Remarks
P3965.44725.91100.0000.P3965.0010	P3965	2021/2022	R176 789 700.00	Provided

**In noting the report, the IFP submitted that they were not against development of urban areas, however they were concerned that a huge slice of the road rehabilitation budget had been directed to urban areas, while roads which are in a bad condition have been omitted.**

The Chairperson of the Human Settlements and Infrastructure Committee mentioned that some of the roads in question are already in the construction phase. Therefore, at this stage Council had to support the programme in order not to hinder the development thereof. It being mentioned that in future, the budget has to be balanced in terms of the City's demographics.

Thereafter, the ANC welcomed the report and acknowledged the inequalities regarding the roads rehabilitation programme. They also emphasised that in future the budget for the programme has to be well-adjusted and allocated to achieve a balance in that focus is on roads in bad condition while at the same time not neglecting suburb areas. That implementation needs to be monitored accordingly to ensure provision of service in this regard according to the needs of the community.

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

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## **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. **EXECUTIVE COMMITTEE**

Meetings held on : 2021-09-21  
: 2021-09-28  
: 2021-12-13  
: 2022-01-18  
: 2022-01-25  
: 2022-01-27

2. **GOVERNANCE AND HUMAN RESOURCES COMMITTEE**

Meeting held on : 2021-09-15  
: 2022-02-09

3. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**

Meeting held on : 2021-09-03  
: 2021-09-22  
: 2022-02-01

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**ITEMS FOR NOTING**

The Items for Noting, reflected on Pages 31 to 36 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of January 2022 were, **NOTED.**

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The meeting terminated at 17h15.

NOTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2022-03-31.

SPEAKER