

No. 43

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Tuesday, 2018-10-30T13:00,
City Hall Main Auditorium, Church Walk, Durban

PRESENT : Councillors WL Mapena (Speaker), ZRT Gumede (Mayor), F Peer (Deputy Mayor), MA Ally, J Annipen, A Beetge, S Bhanprakash, MPN Bhengu, MC Bhengu, NC Biyela, T Biyela, M Brauteseth, S Brijmohan, WJD Burne, SS Butelezi, VP Caluza, H Cele, NT Cele, J Chetty, BA Chili, TJT Cibane, R Cloete, TP Collins, M David, HU De Boer, SV De Boer, GT De Lange, MAK Dladla, CB Dlamini, JA Dlamini, SB Dlamini, SR Dlamini, MP Dlomo, BA Fortein, VE Gebashe, HD Goge, G Govender, S Govender, Y Govender, NL Graham, PJC Graham, BR Gumede, NC Gumede, NP Gumede, TR Gumede, ZD Gushu, GJ Hegter, NP Hlomuka, RC Hlophe, NB Hoosman, NB Iyir, M Johnson, KNN Khubone, JS Khuboni, PZ Khumalo, HL Khubisa, NL Khuzwayo, S Khuzwayo, ZW Khuzwayo, SNC Khwela, CJ Laing, CB Langa, P Luthuli, TJ Luthuli, MT Mabaso, NI Madlala, A Maharajh, B Majola, TG Makhanya, NZ Maluleka, MW Manqele, PM Mbambo, V Mbanjwa, AM Mbele, RD Macpherson, FW Mdletshe, LM Meyer, P Mfeka, K Mhlaba, GN Mhlongo, SE Mhlongo, MB Mjadu, HGB Mkhize, KV Mkhize, MM Mkhize, MP Mkhize, S Mkhize, SM Mkhize, SM Mkhwanazi, PS Mncube, E Mngadi, SB Mngadi, SV Mngadi, NE Mnguni, BV Mngwengwe, LN Mngwengwe, SR Moodley, S Moonsamy, B Mpanza, SB Mpanza, SNL Mshengu, NP Msomi, LG Mthembu, M Mthembu, MGF Mthembu, MM Mthembu, TM Mthethwa, N Munien, AB Mvubu, RM Mzobe, BD Naidoo, J Naidoo, M Nair, X Nala, PL Ncayiyana, BP Ndlela, AB Ndlovu, PB Ndlovu, MK Ndzimbomvu, S Ngema, MM Ngiba, TT Ngubane, SJM Nhlapho, MS Nkosi, M Nojiyeza, DR Nowbuth, GM Noyce, B Ntshangase, PC Ntshangase, SC Ntshangase, BT Ntuli, PB Ntuli, PH Nxumalo, NP Nxumalo, W Nyaba, NN Nyanisa, MS Nyawose, TT Nzuzza, CJ Pappas, BW Phewa, JP Phewa, TK Phohlo, BP Phungula, D Pillay, KR Pillay, P Pillay, JP Prinsloo, GDA Pullan, BR Qhantsi, A Ramkissoon, A Rampersad, S Ryley, S Sewshankar, B Shabane, MG Shange, SG Shange-Dlamini, MT Shelembe, MC Shezi, VH Shezi, DM Shozi, HP Shozi, KS Sibisi, M Sibisi, N Sibiya, PN Sikhosana, B Singh, EL Singh, Sagar Singh, Samier Singh, PS Sishange, NI Sithole, AD Snyman, ZR Sokhabase, M Tembe, JB Thabethe, S Thango, WM Thring, JC Van den Berg, SM Windvogel, MC Xulu, TV Xulu, BM Zulu, GB Zulu, TM Zuma, TG Zungu, MH Zwane and there being three (03) vacancies.

ABSENT : Councillors S Aslam (On leave), R Gokool (On leave), MS Gwala (On leave – Indisposed), MH Haniff (On leave – Indisposed), JA Johnson (On leave – Indisposed), SA Kaunda (On leave – Municipal Business), DM Khanyile (On leave – Indisposed), ES Khanyile (On leave – Indisposed), TN Mabanga (On leave), ZP Makhanya, SM Mdlalose (On leave – Indisposed), TP Mfusi (On leave – Indisposed), AZ Mkhize

(On leave – Indisposed), BA Mkhize (On leave – Indisposed), LC Mnguni (On leave – Indisposed), B Msomi (On leave), NE Mthembu, ON Mthembu, TT Mthiyane (On leave), ZS Ndzoyiya, AS Ngcobo, BS Ngiba (On leave – Indisposed), DR Pillay (On leave – Indisposed), MD Qwabe (On leave – Indisposed), AN Shabalala (On leave), ES Shezi, BP Shozi (On leave – Indisposed), C Xesibe (On leave – Indisposed), NY Young (On leave – Indisposed) and MBR Zuma.

AMAKHOSI

PRESENT : Inkosi NC Maphumulo, Inkosi DZ Mkhize, Inkosi TW Mkhwanazi and Inkosi EB Shozi.

AMAKHOSI

ABSENT : Inkosi BF Bhengu (On leave), Inkosi VR Cele (On leave – Indisposed), Inkosi TF Gwala, Inkosi NM Hlengwa, Inkosi PP Luthuli (On leave), Inkosi KS Makhanya, Inkosi LD Mkhize (On leave), Inkosi KT Mkhize (On leave), Inkosi TBE Mkhize, Inkosi S Mlaba (On leave), Inkosi RF Mthembu (On leave), Inkosi MB Ngcobo and Inkosi JP Shangase.

OFFICIALS

PRESENT : Messrs/Mesdames SC Nzuzwa (City Manager), M Mthiyane (Acting Head: Legal Services and Compliance), M Mhlongo (Deputy Head : Legal Services and Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), KR Ramsunder (Chief Committee Officer) and J Sigamoney (Principal Committee Officer).

(At the commencement of the meeting 180 Councillors were present, comprising ANC – 109, DA - 54, IFP - 9, EFF - 0, INDEPENDENT - 2, AIC - 1, ACDP – 1, MF - 1, DLC - 1, TA- 0, MOSA – 1, APC - 0 and AL JAMA-AH - 1).

1. NOTICE CONVENING THE MEETING

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

2. OPENING

The Speaker declared the meeting open and extended a warm welcome to Her Worship the Mayor; Chief Whip, Members of the Executive Committee; Honourable Councillors and Traditional Leaders present; City Manager; Deputy City Managers and Heads present; Head : Legal Services and Compliance; Media; Members of the Public and Members of the Administration. He apologised for the change of date of the meeting and the change of commencement time of the meeting and provided reasons therefor.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested Council to observe a moment's silence for all those who had passed on.

5. OFFICIAL ANNOUNCEMENTS

In initiating his announcements, the Speaker, on behalf of the Council expressed his sadness on the passing away of Councillors Allan Nkosiphendule Dlamini and Sibusiso David Maphumulo. In extending his condolences to their families he advised that these two Councillors had served their communities with dedication and diligence and prayed that their families find peace during this difficult time.

He thereafter extended a warm welcome to newly elected Ward 71 Councillor, Councillor P Vedan. Councillor Vedan was introduced to the Council.

Continuing, the Speaker advised that the newly constructed Umhlanga Interchange had officially been opened this morning by MEC Sihle Zikalala and Her Worship the Mayor, Councillor ZRT Gumede. He mentioned that this interchange would make travelling easier within the City and thanked all stakeholders who contributed to the development of this project. The Speaker also mentioned that British Airways first flight from London's Heathrow Airport, direct to King Shaka International Airport landed this morning. This new route had been announced in May during the Tourism Indaba and the Council looked forward to welcoming more guests from the United Kingdom.

The Speaker congratulated the Sharks Rugby Club for winning the Currie Cup last week and wished all Matriculants well in their examinations which had commenced this Month.

The Council noted that the Taxi "Moja Cruise" had been launched yesterday. In that regard the Speaker extended his thanks and appreciation to Her Worship the Mayor and Councillor MM Mthembu, Chairperson of the Human Settlements and Infrastructure Committee, in their endeavour to improve the Taxi industry and the City's transport system.

He advised that the SALGA Integrated Councillor Induction Phase 2 training scheduled for 2 November 2018 has been postponed due to some unforeseen circumstances. Further, the MEC for Cooperative Governance and Traditional Affairs was hosting a 2 day "Women in Leadership Dialogue" with all women Councillors at the Inkosi Albert Luthuli International Convention Centre (ICC) on 8 and 9 November 2018. He encouraged all Women Councillors to partake in such dialogue.

The Speaker extended his congratulations to all Councillors celebrating their birthdays in the month of October.

The Speaker reminded Councillors of Rule of Order By-law (16) and as per these Rule, Councillors were requested to conduct themselves in a respectful manner, to refrain from interrupting the proceedings and were encouraged to conduct business with the highest decorum and integrity that the occasion and the residents of the Municipality deserved.

6. SPEAKER'S REPORT

The Speaker reported on the following for the month of October:

- 32 Community meetings had been held with 20 Portfolio of Evidence (PoE) having been submitted from the said meetings. 12 PoEs were still outstanding.
- In the last quarter (July-September 2018), there were still Ward Councillors that had never called nor reported on Community meetings. The said Councillors were from Wards: 1; 4; 6; 7; 10; 11; 12; 13; 15; 18; 19; 21; 23; 25; 26; 27; 30; 31; 32; 36; 38; 39; 48; 49; 50; 51; 60; 61; 64; 68; 69; 70; 71; 72; 73; 76; 77; 80; 85; 87; 89; 90; 91; 92; 97; 100 and 102.
- Councillors have also had engagements with different stakeholders within their constituencies and such engagements included, inter-alia, Religious Representatives, Business, etc. The total number of Sectoral meetings held was 37 and the total number Councillor consultations was 19 150 (Nineteen Thousand One Hundred and Fifty).
- 78 Ward Committee meetings had been held of which 45 Ward Committees had submitted their compliance documents (evidence). 29 Ward Committees had not submitted their evidence and was still outstanding. Also 29 Wards had not had their meetings as yet with three meetings still to held on 2018-10-30 and 31.
- On 2018-10-22, COGTA had conducted the quarterly Ward Committee Functionality Assessment (for the quarter July to September 2018). The functionality outcome was still awaited, however it was noted with concern that a large number of Wards had not been holding and reporting on Community Meetings which adversely affected the functionality of the Ward Committees.
- 22 Council Committee meetings had been convened for the month of October. The meetings comprised, inter-alia, Council, Executive Committee, Support Committees, Local Labour Forums, Ethics Committee and Executive Committee Appeals Authority.

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor S Aslam	:	2018-10-30 (Personal Commitments)
Councillor F Peer	:	2018-10-30 (Municipal Business)
Councillor R Gokool	:	2018-10-30 (Personal Commitments)
Councillor MS Gwala	:	2018-10-29 to 30 (Indisposed)
Councillor J Johnson	:	2018-10-30 to 31 (Indisposed)
Councillor MH Haniff	:	2018-10-29 to 30 (Indisposed)
Councillor SA Kaunda	:	2018-10-22 to 30 (Municipal Business)
Councillor DM Khanyile	:	2018-10-25 to 11-15 (Indisposed)
Councillor ES Khanyile	:	2018-10-19 to 11-02 (Indisposed)
Councillor TN Mabanga	:	2018-10-30 (Personal Commitments)
Councillor SM Mdlalose	:	2018-10-30 to 31 (Indisposed)
Councillor TP Mfusi	:	2018-10-30 to 11-02 (Indisposed)
Councillor K Mhlaba	:	Request to leave at 15:30
Councillor AZ Mkhize	:	2018-10-30 to 11-01 (Indisposed)
Councillor BA Mkhize	:	2018-10-30 to 31 (Indisposed)
Councillor B Msomi	:	2018-10-25 to 11-05 (Personal Commitments)
Councillor TT Mthiyane	:	2018-10-30 (Personal Commitments)
Councillor LC Mnguni	:	2018-10-30 to 11-02 (Indisposed)
Councillor BS Ngiba	:	2018-10-29 to 31 (Indisposed)
Councillor TT Ngubane	:	Request to leave at 15:00
Councillor F Peer	:	2018-10-30 (Municipal Business)
Councillor DR Pillay	:	2018-10-29 to 31 (Indisposed)
Councillor MD Qwabe	:	2018-10-30 (Indisposed)
Councillor BP Shozi	:	2018-10-29 to 31 (Indisposed)
Councillor AN Shabalala	:	2018-10-30 (Personal Commitments)
Councillor M Sibisi	:	Request to leave at 16:00
Councillor C Xesibe	:	2018-10-30 to 31 (Indisposed)
Councillor Y Young	:	2018-10-30 (Indisposed)

AMAKHOSI

Inkosi V Cele	:	2018-10-30 (Indisposed)
Inkosi BF Bhengu	:	2018-10-30 (Personal Commitments)
Inkosi PP Luthuli	:	2018-10-30 (Personal Commitments)
Inkosi KT Mkhize	:	2018-10-30 (Personal Commitments)
Inkosi LD Mkhize	:	2018-10-30 (Personal Commitments)
Inkosi S Mlaba	:	2018-10-30 (Personal Commitments)
Inkosi RF Mthembu	:	2018-10-30 (Personal Commitments)

(It was noted that although Councillor F Peer (Deputy Mayor) had applied for leave of absence from this Council meeting due to municipal business, she was in attendance at a later stage of the proceedings).

8. CONFIRMATION OF MINUTES: Meetings held on 2018-09-27 and In-Committee Meeting held on 2018-09-27

RESOLVED:

That the minutes of the meeting of the eThekweni Municipal Council held on 2018-09-27 and the minutes of the In-Committee meeting held on 2018-09-27, as circulated and taken as read, be and they are 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 A Maharajh: Crime Prevention at Prince Mhlangana Road in Avoca, Ward 34 (28/1/1/1):

I wish to make reference to the public meeting held on 1 June 2018 at the Effingham Secondary School Hall to address the concerns of the Ward 34 community with regards to crime in general and specifically the murder of a 40 year old father in the presence of his two young children on Prince Mhlangana Road in Avoca a day prior to the meeting. At this meeting the Deputy Mayor committed to having Metro Police fulfil their obligation in terms of crime prevention in the area. It is well known that crime prevention is one of the three core mandates of Metro Police.

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

1. **Has Metro Police devised a plan of action to fulfil their crime prevention obligations in Ward 34?**
2. **If yes to question 1 above, what is this plan?**
3. **If no, why not?**
4. **How does Metro Police make use of SAPS crime statistics and CAS numbers to assist in curbing crime?**
5. **Does Metro Police have a crime prevention strategy?**
6. **How recent are the statistics that Metro Police uses to determine their crime prevention strategy?**
7. **How often is the crime prevention strategy updated?**
8. **How does Metro Police determine “hot-spot” areas which require increased visible policing?**

The Speaker advised that in view of investigations being undertaken at Metro Police by the South African Police Services, the above-mentioned questions submitted by Councillor A Maharajh would not be answered.

9.2

Questions submitted by Councillor JP Prinsloo : Grass Cutting and Bush Clearing Across the City (31/4/1):

During the Council sitting that took place in the month of September 2017, Council approved the following items related to grass cutting across the City.

1. Grass cutting and bush clearing of Phase 1 priority M Roads (M1, M4, M5, M7, M13, M19, M21, M25, M27, M34 & M41).
2. Increase of grass cutting cycles of unmaintained roads reserves from seven to twelve cuts a year on a cut, rake and remove and edge basis to improve the standard of service delivery and aesthetics of the municipality.

It is on this background, that I pose the following question:

1. **Has the takeover of M Roads that fall within the Municipal boundary (Phase 1), been implemented?**
 - 1.1 **If yes, which roads are currently being maintained by the City?**
 - 1.2 **If no, how many roads are still to be involved in the cutting cycle?**
2. **Was the approved amount of R6 273 534.99 successfully funded through the Adjustment Budget process, to top-up the approved verge maintenance vote?**
 - 2.1 **If so, in which financial year was the adjustment implemented?**
 - 2.2 **If not, why not?**
3. **Has the amount of R9 546 800 been allocated to PRC to enable the Department to fill unfunded critical posts required to do additional work?**
 - 3.1 **If not, why not?**
4. **Has an MOA been signed between the Head: PRC and the Provincial Department of Transport Authorities for the takeover of the above-mentioned Roads?**
 - 4.1 **If so, when was the MOA signed?**
 - 2.2 **If not, why has the MOA not been signed yet?**
5. **Has an MOA been signed between the Municipality and the Kloof Conservancy as agreed?**
6. **Is the Head of PRC still negotiating with the Department of Transport to takeover other M Roads within the Municipality?**
7. **Has the grass cutting cycle been increased from 7 to 12 cuts?**
 - 7.1 **If so, on what date did implementation of the new cycle commence?**
 - 7.2 **If not, why not?**

- 8. Has the scope of grass cutting been increased to include raking, edging, trimming and removal of grass-cut rubbish?**
- 8.1 If so, when was this implemented?**
- 8.2 If not, why not?**
- 8.3 Have all Co-operatives contracts been updated to include the increased scope of work?**

The following respective responses were provided:-

1. The Parks, Recreation & Culture Unit is still in the process of negotiating with the Provincial Authorities on the takeover of their function. It should be mentioned that the Provincial function is supposed to come across with the relevant budget to undertake the function on behalf of Province. Currently the Department of Transport (DOT) utilises its same budget for both grass cutting as well as other road maintenance, making it difficult to separate the two functions. However, the Unit is in contact with the DOT as and when the Provincial Roads maintenance is required. If the DOT cannot undertake the function, then the City uses its Co-operatives where safety of the Public and Driver visibility is impeded.
 - 1.1 On an ad-hoc basis, the M19 and M4 are cleared when the above safety issues arise.
 - 1.2 As indicated above, the M19 and M4 mostly, and if any others require urgent attention, these are undertaken on an ad-hoc basis. The City does not want to utilise its resources in undertaking the Provincial function as there then would be no incentive for the Province to sign the MOA.
2. The proposed top-up of the grass cutting/unmaintained verge maintenance budget was adopted by Council, there were financial constraints linked to the Budget and MTREF planning. The report under the takeover process states that this will be undertaken in a phased approach, over the years 2017/18/19 Financial Year.
 - 2.1 The top-up of an additional approximately R20million was only sourced from within the PRC Units Operational Budget in the current 2018/19 Financial Year. These funds were adjusted and taken from the Living Legends budget, in the main. So no additional or adjustment budget was required. This allowed for an increase to eight (8) cuts for the current financial year.
 - 2.2 The Executive Committee did support the increased budgeting requirements, as per the Council resolution dated 2017-09-27, however the required increase would have had a knock-on impact on the rate base, thus the Unit was requested to source funding internally for the additional grass cuts.
3. No additional positions have been funded to undertake these functions. Such funding will be requested in its 2019/2020 staff estimates budget, commencing in November this year.
 - 3.1 It should be noted that the City already has reached its National threshold of staffing levels. Any additional staffing numbers is not financially sustainable in terms of the Circular 88 austerity measures.

4. The Head of the Unit has held two (2) meetings to date with the relevant department. However, the MOA has not been concluded.
 - 4.1 The MOA has not yet been signed.
 - 4.2 As indicated above, the DOT is having internal difficulty within its ranks to separate the two functions in order to transfer approximately R39million to the City.
5. The existing MOA (dated 2002) is still in operation as per 2.1.5 of the existing Council, pending any new MOA being concluded. This covers the areas of M13 from 45th Cutting to the Hillcrest off-ramp (both directions)
6. Yes the Head of PRC is trying to negotiate this takeover. As an interim measure, essential service delivery maintenance is undertaken by the City as and when required.
7. The Unit implemented an increase 8 cut style in this current financial year, commencing the processing of orders in July 2018, with the 1st cut commencing on 6 August 2018 as per the schedule. To date, it is already completed its 3rd cut for the year.
 - 7.1 The implementation started on 6 August 2018.
 - 7.2 The 8 cuts per year have commenced. This has been made available at the various Unit Councillor meetings as well as distributed to the Communication's Department to publish in the eZasegagasini.
8. No, the scope of work has not yet been amended. This is because this can only be implemented in the new Expression of Interest, when the existing contract IS16256 is terminated. The Unit is in the advanced stages of discussion with Supply Chain in putting together the scope of work for this new scope of work to be advertised for the new three (3) year cycle, being from 2019-2021 contract, will have the above conditions included as part of the scope of work.
 - 8.1 This will be implemented in the new contract, commencing July 2019, for a three (3) year Contractual Cycle.
 - 8.2 The current contract is still valid. This was indicated in the initial report to Committee, dated September 2017 as well.
 - 8.3 SCM as well as PLC management have had several meetings and discussions with the existing Co-operatives to keep them abreast of these matters. Likewise, the department was able to raise the current cost of 0.22c per square metre to that of paying them 0.25c per square metre, based on cost of living increases, until the end of the current Contract in March 2019.

9.3 Questions submitted by Councillor B Shabane : Low Cost Houses Allocated in Ward 109 Kingsburgh West (22/7/1/1/1):

During the year 2010 and 2011, the Municipality allocated low cost houses to people in what was then Ward 98 and now under Ward 109 Kingsburgh West most of these houses are of a very poor quality and are already falling.

In view of the above, I ask the following questions:

1. **Has the municipality issued title deeds to the owners of these houses?**
2. **Is there a plan to rebuild those that are already falling?**
3. **Is there a plan to hold contractors accountable for the poor quality of these houses?**

The following respective responses were provided:-

1. The process for conveyancing of individual sites commenced at the middle of this year and no title deeds have been issued as yet.
2. House construction on the project commenced between 2009 to 2015. All houses have been inspected and certified by engineering and building professionals and handed over to beneficiaries. While the patent and latent defects period is over for such housing the contractor is no longer liable. If there are grave housing defects, site numbers need to be forwarded to the PLO of the project for further investigation and report back.
3. Please see response above.

9.4 Questions submitted by Councillor EL Singh : New Soup Kitchens (19/1/1/1/2):

New Soup Kitchens are being established in this Municipality, and the proposed intention is to rationalise the soup kitchens so that there is one soup kitchen per Ward. Community members and beneficiaries of the current soup kitchens have raised concerns over the implementation, management and lack of oversight on existing facilities.

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

1. **Kindly specify, to which Wards have the 18 new soup kitchens been allocated to?**
2. **How many volunteers are allocated to each soup kitchen?**
3. **If it is intended for all Wards in the Municipality to have soup kitchens, specify by what date this will be implemented in all the Wards?**
4. **Where is the funding for this budget coming from, for all 110 Wards?**

5. **How much is it costing the municipality to run the existing soup kitchens per month?**
6. **How much is it going to cost the Municipality to run all soup kitchens per month?**

The following respective responses were provided:-

1. The schedule of the 18 new soup kitchens is in draft form and not yet finalised. A final schedule will be submitted to the relevant Committee in November 2018.
2. Eight volunteers plus one driver per site.
3. There is no specific date to establish a soup kitchen in all Wards as the establishment of a soup kitchen is guided by the availability of funds.
4. Funding is sourced from the Unit's annual budget request and allocation.
5. R5 961 460.00 per month.
6. R8 861 630.00 per month.

9.5

Questions submitted by Councillor S Ryley : CCTV Masts Erected Across the City (21/7/11):

It has now been over two years since concrete poles were inexplicably erected across the city under the guise of CCTV masts. These masts have since been fitted with Base Transceiver Stations (BTS) and to date, many are still devoid of any CCTV equipment. The Municipality reportedly has an agreement with telecommunications companies for the latter to make use of "existing" municipal infrastructure for the installation of BTS equipment.

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

1. **Through what process was the installation of these masts approved?**
2. **How many of the "CCTV" masts erected by MTN in the city since July 2016 have been fitted with:**
 - i. **Actual CCTV cameras?**
 - ii. **Base Transceiver Stations?**
3. **Of the number mentioned in question 2(i) above, how many CCTV cameras are operational as at 30 September 2018?**
4. **What is the location of each of the cameras mentioned in question .3 above?**

5. **If any of the cameras mentioned in question 2(i) above are non-operational, why not?**
6. **As this was a bulk installation, why did the approval of these masts not come through as a Council resolution?**
7. **Why was there no consultation with Ward Councillors of the Wards in which these masts were erected?**
8. **What considerations were taken in deciding on the location of the installation of these masts?**
9. **Aside from individual lease agreements, does the Municipality have an overarching general written agreement with telecommunication companies for the latter to make use of “existing” municipal infrastructure for the installation of BTS equipment?**

It was advised that as this matter was being tried in the High Court, it was premature to comment or respond to any of the above-mentioned questions as it would compromise the Municipality's case.

9.6

Questions submitted by Councillor DR Nowbuth : Facilities in the Durban Fresh Produce Market (18/4/1/5/1):

The Durban Fresh Produce Market in Flower Road, Clairwood which is ranked as the third largest in the country both in tonnage and turnover, boasts excellent facilities including cooled sales halls, cold rooms and ripening rooms for the ripening of fruit especially bananas.

Such facilities make the Market an attractive destination for suppliers and producers and which is in keeping with its mission statement to provide superior levels of service to all stakeholders.

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

1. **How many ripening rooms are there altogether?**
2. **Is there any that is not functional, that is, not being used?**
3. **If yes (Q2), then:**
 - 3.1 **How many are not in use?**
 - 3.2 **For how long has this happened?**
 - 3.3 **What reason/s led to this situation arising?**
 - 3.4 **What attempts were made to rectify the situation?**
 - 3.5 **When (date) will they be brought back into use?**

3.6 What is the estimated loss in revenue to Council by the rooms not being in use?

3.7 In what way have the suppliers and producers been affected?

The following respective responses were provided:-

1. The Bulk Market has thirty ripening rooms.
2. Yes.
- 3.1 Currently ten ripening rooms are not in use while the remaining twenty rooms are in use.
- 3.2 Initially three ripening rooms were non-functional, to be repaired (i.e. as at the time of the contract expiry date of 28/02/2017). Progress
- 3.3 Non-award of refrigeration/ripening maintenance tender by BAC. Architecture Department (Mechanical Building Services Branch), the implementing department, commenced the process to renew the refrigeration/ripening maintenance contract after receiving a requisition from the client department (the Bulk Market) in August 2016. The maintenance contract was due to expire on 28th February 2017. Architecture advertised the new refrigeration maintenance contract on 23rd March 2017. The tenders closed on 7th April 2017, with only one (1) tenderer deemed to be responsive, i.e to be awarded the refrigeration maintenance contract. The Bid Adjudication Committee (BAC) decided on 26th February 2018 not to award the contract, identifying concerns with the “experience criteria being too high, i.e 80%. BAC recommended that the tender be re-advertised.
- 3.4 As a result of the non-award, Architecture (MBS), on 22nd March 2018 commenced a process to seek “Section 36” authority as an emergency measure to have the current ten non-functional ripening rooms repaired. The “Section 36” process was approved. An advertisement for quotes was put out. There were no responsive quotes, which required the re-advertising the request for emergency repairs. Currently, the Architectural Department is in the process of submitting a report to BAC recommending the report of the successful contractor. This report is to be tabled at BAC on 29th October 2018 for approval.

In the interim, minor maintenance/repairs are being effected on the existing twenty functional ripening rooms to ensure that service delivery in terms of ripening of produce continues on a rotational basis.

- 3.5 It is envisaged that the repairs and re-commissioning process will commence in November 2018. The anticipated date of the ten non-functional ripening rooms being brought into use is the end of January 2019, i.e. should the BAC report prepared by Architecture be approved on 29th October 2018.

- 3.6 Currently no loss of revenue is experienced by Council. The shortage of rooms has however brought about operational challenges. Interim measures have been put in place to store produce in the bulk cold rooms and to ripen produce on a rotational basis in the existing twenty functional ripening rooms. Undue pressure has been placed on market agents and the market's ripening staff as a result of the current shortage of rooms.
- 3.7 The delay in commencing the ripening process as a result of only utilising the functioning twenty ripening rooms is slowing down the sales process in the short term, however there is currently no financial effect or financial loss as yet on suppliers/producers as all produce is eventually ripened using the existing twenty rooms, and are ultimately sold on the market. However, should this trend continue into the foreseeable future it could cause a massive backlog in the ripening process, thus slowing down sales, which will cause producers/suppliers to seek alternative marketing channels.

9.7

Questions submitted by Councillor SV De Boer: The Annual Reed Dance held from 6-7 September 2018 in Nongoma (13/2/1/2/1 & 19/1/1/4):

The annual Reed Dance which was held from 6-7 September 2018 in Nongoma saw eThekweni taking 600 maidens in buses for the event. There was budget approved in Council for transport, food, tented accommodation and mattresses for the maidens and their elders who took care of them.

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

1. **How much was spent on the two tents which housed the maidens from eThekweni over the weekend?**
2. **How much was spent on the carpets which were inside the tents?**
3. **What happened to the budget which was approved for mattresses?**
4. **Why were there no mattresses for the maidens in the tents provided?**
5. **How many Councillors attended the Reed Dance?**
6. **How many officials attended the Reed Dance?**

The following respective responses were provided:-

1. The tents at the venue were provided by Province. Therefore there were no costs incurred by eThekweni Municipality for the tents over the weekend.
2. See response in question 3 as they refer to the same issue.
3. The report proposed that sleeping foam and not mattresses or carpets be procured to enable the Maidens to sleep on. The sleeping foam which was used at the Maidens Conference at KwaXimba was sourced and utilised for Maidens to sleep on. The Maidens, Matrons and the Queen were happy with this ground cover for sleeping purposes. The cost of the sleeping foam was R95 000.00 (Budget : R100 000.00).

- 4. Mattresses were not proposed. This question becomes irrelevant in light of the response in question 3.
- 5. Although the Executive Committee had approved the attendance of 20 Councillors to the event, only 7 Councillors had attended. 13 Councillors had apologised for not being able to attend due to other commitments.
- 6. There were 24 officials who had attended the Reed Dance.

Her Worship the Mayor, Councillor ZRT Gumede, presented the First Report of the Executive Committee.

FIRST REPORT OF THE EXECUTIVE COMMITTEE
(Meeting held 2018-10-23)

- PRESENT** : Executive Committee Members, F Peer (Deputy Mayor – Acting Chairperson), HU de Boer, BA Fortein, NL Graham, MM Mthembu, TM Mthethwa, MS Nkosi and ZR Sokhabase.
- ABSENT** : Executive Committee Members ZRT Gumede (Mayor and Chairperson) (on leave-Municipal Business) and SA Kaunda (on leave-Municipal Business)

1. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD ON 2018-10-09

(Page R1)

- 1.1 Servitude/Wayleave/Right of Way Acquisition/Expropriation for the Himalayas to Austerville Cable (17/2/1/1/4):
(Page 14 : Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.1.1 That the decision taken by Council at its meeting held on 2018-09-28 to grant the Head: Real Estate to acquire servitude rights, way leaves and rights of way over the affected portions listed below be rescinded:-

Description	Owner	Extent
Portion 393 (of 305) of Lot Clairwent One No. 14431	Merebank Sanathan Dharama Woonathee Sabha Temple	99
Portion 4 of Lot Clairwent One No.14431	Merebank Sanathan Dharama Woonathee Sabha Temple	17
Remainder of 2 Lot Clairwent One No.14431	Genref (Ltd)	24
Remainder of 815 Dunn Grants	Capital Propfund Proprietary Limited	49
Erf 860 Dunn Grants	Capital Propfund Proprietary Limited	226

- 1.1.2 That the Head : Real Estate be authorised to acquire servitude rights, way leaves and rights of way over *the affected portions that are listed below:*

<i>Description</i>	<i>Owner</i>	<i>Extent</i>
<i>Portion 393 (of 305) of lot Clairwent One No.14431</i>	<i>Merebank Sanathan Dharma Woonathee Sabha Temple</i>	<i>90</i>
<i>Portion 318 of Lot Clairwent One No.14431</i>	<i>Merebank Sanathan Dharma Woonathee Sabha Temple</i>	<i>371</i>
<i>Portion 4 of Lot Clairwent One no.14431</i>	<i>Merebank Sanathan Dharma Woonathee Sabha Temple</i>	<i>16</i>
<i>Remainder of 2 Lot Clairwent One No.14431</i>	<i>Genref(Ltd)</i>	<i>24</i>
<i>Remainder of 815 Dunn Grants</i>	<i>Capital Propfund Proprietary Limited</i>	<i>51</i>
<i>Erf 860 Dunn Grants</i>	<i>Capital Propfund Proprietary Limited</i>	<i>251</i>
<i>Portion 317 of Lot Clairwent One No. 14431</i>	<i>Capital Propfund Proprietary Limited</i>	<i>26</i>

- 1.1.3 That subject to the adoption of .1 above, the Head: Real Estate be authorised to deviate from the Supply Chain Management Regulations and negotiate for the acquisition of the Municipality’s requirements, utilizing Regulation 36 (1)(a)(ii) and 36 (12)(a) of Supply Chain Management Regulations.
- 1.1.4 That subject to the adoption of .1 above and approval of Bid Adjudication Committee pursuant to successful negotiations, the Head: Real Estate be authorised to sign relevant agreements and all documents necessary to effect transfer of the Municipality’s requirements.
- 1.1.5 That the City Manager records the reasons for any deviations and reports it to the next meeting of Council and includes it as a note to the Annual Financial Statements in terms of Section 36(2) of the Supply Chain Management Regulations.
- 1.1.6 That in the event of negotiations being unsuccessful the Head: Real Estate be authorised to expropriate the requirements for the installation of the Himalayas Road-Autserville cable.

Vote No.: 37401.42090.11100.000.HV111.0010

Price to be negotiated with the owner

FC No.: 361/CA0107

ADOPTED.

- 1.2 Request for Authority to Transfer Funds within the Water Capital Budget in the 2018/2019 Financial Year (7/1/2/2):

(Page 26: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

With the Democratic Alliance abstaining at the Human Settlements and Infrastructure Committee, the recommendations were, by the majority vote, adopted.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.2.1 That given the legislative framework in line with the Municipal Finance Management Act (MFMA) it is recommended that Council authorises the Deputy City Manager: Finance to include in his Adjustments Budget report, the transfer of funds from projects where savings have been identified to various projects (as listed in the table below) 2018/2019 financial year.

No	Project No	Description	Funding Required in 2018/2019	Project No	Funding Provided from project	Surplus Funding 2017/2018
1	X8109	Umbilo River Trunk Main Relocation	R800 000.00	X3289	Water loss	R5335 000.00
2	X6599	Athlone Elevated Tower	R4 4850 000.00			
3	X8237	Magabheni Low Level Reservoir	R50 000.00			
4	X6309	Zwelibomvu Reservoir	R2 000 000.00	X4889	Replacement of water Pipes	R45 816 000.00
5	X4625	Western Aqueduct	R32 000 000.00			
6	X5028	Intathakusa Elevated Tower and Outlet Pipeline	R7 000 000.00			
7	X6920	Umnini Reservoir	R4 066 00.00			
8	X8067	Adams 5 Reservoir	R250 000.00			
9	X6068	Adams 6 Reservoir	R250 000.00			
10	X8238	Cheridon to Moodie Street Pipe Replacement	R250 000.00			
Total			R51 151 000.00	Total		R51 151 000.00

ADOPTED.

- 1.3 Approval of the Block Sum Reallocation within the Water Capital Budget (7/1/2/1):
(Page 34: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.3.1 That the reallocation of the Block Sum indicated hereunder to various projects as listed in the report by the Head: Water and Sanitation dated 2018-07-25, be approved.
- 1.3.2 That subject to the adoption of .1 above, the Head: Expenditure be authorised to include in his Adjustment Budget Report the transfer of funds from the Capital Block Sums Projects to individual projects, as reflected in the Report No. WS 2018/148 dated 2018-07-25.

Reservoir Refurbishments	R8 184 000.00	To be met by vote Transfer 2018/2019 (Project X5188)
Labour Based Construction	R6 000 000.00	To be met by vote Transfer 2018/2019 (Project X4257)
Pump station Upgrades	R3 000 000.00	To be met by vote Transfer 2018/2019 (Project X4215)
Unicity Water Dispensers	R90 000.00	To be met by vote Transfer 2018/2019 (Project X4247)
Relays and Extensions	R47 044 000.00	To be met by vote Transfer 2018/2019 (Project X4217)
Rural Water	R15 000 000.00	To be met by vote Transfer 2018/2019 (Project X5259)
Water loss	R53 250 000.00	To be met by vote Transfer 2018/2019 (Project X3289)
Total	R132 568 000.00	

Cost Centre: 69100 and 69200 FC No. 364/C130

ADOPTED.

- 1.4 Request to Utilise War on Leaks Programme to Facilitate Youth Skills Development (23/1/6):
(Page 41: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

At the Human Settlements and Infrastructure Committee it was noted that on 2018-08-30 Council referred the abovementioned report back to the Human Settlements and Infrastructure Committee for further consideration and in order to obtain clarity on the recruitment of the list of Plumbers. With the Unit having clarified the process for the recruitment of the list of Plumbers at the meeting of the Human Settlements and Infrastructure Committee held on 2018-10-09.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.4.1 That the Committee notes and supports the involvement of the Water and Sanitation Unit in the National Department of Water and Sanitations “War-on-Leaks” Programme that aims to repair leaks within Low Cost Housing Projects and former R293 Townships to assist indigent homeowners in reducing their water consumption and wastage.
- 1.4.2 That subject to the adoption of .1 above, the Deputy City Manager: Trading Services be tasked to incur expenditure in the amount of approximately R47 500 000 (Forty Seven Million Five Hundred Thousand Rand) over the next five (5) year period as the City’s contribution to the program.

Approved FC Number : 364/02
Required Budget : R47 500 000 (or R9 500 000 per financial year)
Vote Number : 60510.11560.11500.92827.0010”

ADOPTED.

- 1.5 Capital Budget Adjustment: 2018-2019 (7/1/2/2 & 24/2/3/1):
(Page 112: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.5.1 That subject to the approval of the necessary adjustment budget, for the reasons stated in the report of the Head: Cleansing and Solid Waste dated 2018-07-27, authority be granted to the Head: Cleansing and Solid Waste to transfer R26 731 000.00 (Twenty Six Million Seven Hundred and Thirty One Thousand Rand) to various internal projects as per table 1 attached to the report SW 2018/024.
- 1.5.2 That subject to .1 above, the Deputy City Manager: Finance be authorised to include in Adjustment Budget.

FC No.366/C34

ADOPTED.

- 1.6 EThekweni Municipality-Coastal Management By-Law, 2018 (1/1/3/1/36):
(Page 143: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

That the eThekweni Municipality: Coastal Management By-law, 2018, be approved for final publication and promulgation in the Provincial Gazette, with the By-law taking effect six (06) months from date of publication or such earlier date as may be determined by the publication of a commencement notice in the Government Gazette.

ADOPTED.

- 1.7 Request for Authority to Transfer Funds to Vote: 62510.44350.11400.0000. PC8400.0010 (Ward 102) WS 2018/157 (23/2/1/3/3/1):
(Page 256: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.7.1 That the transfer of funds from block sum Y8610B (Mechanical Drives and Blowers Northern Wastewater Treatment Works) to the value of R1 500 000.00 (One Million Five Hundred Thousand Rand) (excluding VAT) and R700 000.00 (Seven Hundred Thousand Rand) (excluding VAT) from the block sum Y6239B (Waste Water treatment Works-Sewage Purification) to vote: 62510.44350.11400.0000. PC8400.0010 (Plant and Equipment), be authorised.
- 1.7.2 That the Deputy City Manager: Finance be requested to include in his Adjustment Budget Report, the transfer of funds from block sum Y8610B (Mechanical Drives and Blowers Northern Wastewater Treatment Works- Sewage Purification) to vote: 62510.44350.11400.0000.PC8400.0010 (Plant and Equipment) in the 2018/2019 Financial Year.

Vote: (Plant and Equipment)
R2 200 000.00 (excluding VAT) FC No.365/C112

ADOPTED.

- 1.8 Authority to Transfer Funds to Riet River Sewer Reticulation: Ward 102 Ws2018/169 (23/2/1/3/5/1):
(Page 260: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.8.1 That the transfer of R440 000.00 (Four Hundred and Forty Thousand Rand) from Project No. Y8145- Ntuzuma G Infills Sewer Upgrade to Project No.Y8139 - Riet River Sewer Reticulation in 2019/2020, be approved.
- 1.8.2 That subject to .1 above, the Deputy City Manager: Finance be requested to include in his Adjustment Budget Report the transfer of R440 000.00 (Four Hundred and Forty Thousand Rand) from project No. Y8145 Ntuzuma G Infills Sewer Upgrade.

Project No: Y8139 R2 700 000.00 provided in 2018/2019 Capital Budget
R 440 000.00 (To be met by savings from Project No. Y8145
Ntuzuma G Infills Sewer Upgrade via an adjustment budget in
2019/2020)

FC No.: 365/C116

ADOPTED.

- 1.9 Sanitation Capital Budget 2018/2019; Sewer Reticulation Block Sum Allocation:
Proposed Projects (23/2/1/3/5/1):
(Page 265: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.9.1 That subject to the obtaining of quotations and tenders where necessary, authority be granted for the implementation of the block sum projects as reflected in Appendix 1 attached to report WS2018/150 of the Head: Water and Sanitation dated 2018-09-05.
- 1.9.2 That subject to the adoption of .1 above, and in order to meet the required expenditure in the 2018/2019 and 2019/2020 financial years, the Deputy City Manager: Finance be requested to include in his Adjustment Budget Report the transfer of R1 200 000.00 (One Million Two Hundred Thousand Rand) and R300 000.00 (Three Hundred Thousand Rand) for the 2018/2019 and 2019/2020 financial years respectively, from the Sewer Reticulation block sum Y6237 to the projects listed in the attached appendix 1 of the report WS2018/150.

Appendix 1:

Project No.	Project Name	Site	Wards affected	Required funding 2018/2019	Block Sum Funding 2018/2019	Required funding 2019/2020	Block Sum Funding Allocation 2019/202
Y8754	Wall Road Sewer Reticulation: Geotech and survey	Escombe	63	R200.000.00	Y6237 Sewer Reticulation Bloc Sum	R -	Y6237 Sewer Reticulation Bloc Sum
Y4199	Sewer Extension: Illesx Road, Nagina	Nagina	6	R600 000.00	Y6237 Sewer Reticulation Bloc Sum	R -	Y6237 Sewer Reticulation Bloc Sum
Y2237	Kingsway 2 Rising Main	Winkel spruit	97	R200 000.00	Y6237 Sewer Reticulation Bloc Sum	R300 000.00	Y6237 Sewer Reticulation Bloc Sum
Y8752	Bhengu Road Reinstatement to Gabion Wall	Amanzim toti	97	R200 000.00	Y6237 Sewer Reticulation Bloc Sum	R -	Y6237 Sewer Reticulation Bloc Sum

Financial Year 2018/2019 : R1 200 000.00 (funded from sewer reticulation block sum Y6237)
Financial Year 2019/2020 : R 300 000.00 (funded from sewer reticulation block sum Y6237)

Project Nos.: as listed FC 365/124

ADOPTED.

- 1.10 Authority to Transfer Funds to Sunningdale Collector Sewer Realignment- Ward 110 (Report No. WS2018/161):
(Page 269: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.10.1 That the transfer of R337 600.00 (Three Hundred and Thirty Seven Thousand Six Hundred Rand) (excluding VAT) from Project No. Y8145 Ntuzuma G Infills Sewer Upgrade (Upgrade no longer required) to Project No. Y8740 Sunningdale Collector Sewer Realignment in the 2018/2019 financial year, be approved.
- 1.10.2 That subject to .1 above, the Deputy City Manager: Finance be requested to include in his Adjustment Budget Report the transfer of R337 600.00 (Three Hundred and Thirty Seven Thousand Six Hundred Rand) (Excluding VAT) from Project No. Y8145 Ntuzuma G Infills Sewer Upgrade to Project No. Y8740 Sunningdale Collector Sewer Realignment in the 2018/2019 financial year.

Project No: Y8740 R337 600.00 (To be met by savings from Project No. Y8145 Infills Sewer Upgrade in the 2018/2019 financial year Capital Budget)

FC No.: 365/C113

ADOPTED.

- 1.11 Request for Authority to Transfer Funds to Project: Ward 45 (WS 2018/190) (23/2/1/3/2):
(Page 332: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.11.1 That for reasons stated in this report WS2018/190, authority be granted to the Deputy City Manager: Finance to include in his Adjustment Budget Report, the transfer of funds to the amount of R399 200.00 (Three Hundred and Ninety Nine Thousand Two Hundred Rand) from the Y8656- Refund to Tongaat Hulett for Sibaya Development Trunk Sewer to project Y8694 Ntuzuma C Replacement of a Sewer Pipe Bridge in the 2018/2019 Financial Year.
- 1.11.2 That subject to .1 above, provision be made in the 2019/2020 financial year Capital Budget for the required sum of R1 400 000.00 (One Million Four Hundred Thousand Rand).

Vote: Y8694 R 399 200.00 To be met by savings from project Y8656 - Refund to Tongaat for Sibaya Development Trunk Sewer.
R1 400 000.00 To be provided in the 2019/2020 Capital Budget.

FC No.: 365/C125

ADOPTED.

- 1.12 Request for Authority to Transfer Funds from Savings Identified in Water and Sanitation Unit Sanitation Capital Project Budget (7/1/2/2/):
(Page 337: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.12.1. That given the related service delivery, environmental and occupational health and safety requirements for the Water and Sanitation, Wastewater Network branch, it is recommended that Council:
- 1.12.1.1 Approve the transfer of funds to the value of R30 000 000.00 (Thirty Million Rand) (Excluding VAT) identified through savings within the Water and Sanitation, sanitation capital projects budget for the purchase of high pressure jetting trucks, before the end of the current year 2018/19 financial year.
- 1.12.1.2 Subject to .1.1 above, the Deputy City Manager: Finance be requested to include in his Adjustment Budget Report the transfer of R29 680 700.80 (Twenty Nine Million Six Hundred and Eighty Thousand and Seven Hundred Rand and Eighty Cents) from vote number Y5602, Y8118, Y6983, Y6977 to Y8757.

Expenditure : R29 680 700.80
Vote No.: 60610.42780.11500.0000.PC8900.0010
FC No.: 365/C121

ADOPTED.

- 1.13 Request for Authority to Enter Into a Memorandum of Agreement with Tongaat-Hulett Development (Pty) Ltd to be Refunded for the Design and Installation of Cornubia Bulk Watermain: Construction the Bulk Water Supply Service Cornubia Town Centre Phase 1 and the N2 Business Park: Ward 102 (23/1/11/1/1/2):
(Page 343: Human Settlements and Infrastructure Committee - Agenda 2018-10-09)

COMMITTEE RECOMMENDS:

- 1.13.1 That the takeover of the asset which is consistent with other projects and reimburse an amount of R7 683 844.38 (Seven Million Six Hundred and Eighty Three Thousand and Eight Hundred and Forty Four Rand and Thirty Eight Cents) (Excluding VAT), be approved
- 1.13.2 That subject to the approval of .1 above, authority be granted to the Deputy City Manager : Trading Services to enter into a Memorandum of Agreement with Tongaat-Hulett Developments (PTY) LTD (THD) in respect of THD undertaking the design phase and construction of the Trunk Watermain and to refund THD reasonable and proven costs, without interest, that has been incurred in designing and constructing the trunk watermain to serve the Cornubia Town Centre Phase 1 and N2 Business Park ahead of the original program.
- 1.13.3 That subject to the approval of .1 and .2 above, the Deputy City Manager: Finance be requested to include in his Adjustment Budget Report the transfer of funds from projects where savings have been identified as per 4.2) to project X8111.

- 1.13.4 That subject to .1 and .3 above, authority be granted to the Head: Water and Sanitation to take over this trunk watermain asset on payment to THD.

Cost Centre : 69200

Project No. : X8111 R7 683 844.38 (To be provided from savings identified in X5188, X8019 and X5906 in the 2018/2019 Water Capital Budget)

FC No.: 364/C142

ADOPTED.

2. REPORT OF ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE:
MEETING HELD ON 2018-10-10

(Page R8)

2.1 Request for Approval: Proposed Ntshongweni Mixed Use Development
Infrastructure Upgrades (20/1/7/1 & 21/5/1):

(Page 17: Economic Development and Planning Committee - Agenda 2018-10-10)

The Economic Development and Planning Committee noted that the proposed Ntshongweni Mixed Use Development was declared as one of the Catalytic Projects in eThekweni Municipality, supported by the KwaZulu-Natal Provincial Government and spearheaded by the Department of Economic Development, Tourism and Environmental Affairs. It was advised that the development of Phase 1 of the Ntshongweni Urban Node was expected to create 8 500 new formal jobs and bring other benefits to the Municipality.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.1.1 That the proposed development of the Ntshongweni Urban Node, aimed at boosting economic activity in the area, together with the need to upgrade infrastructure, be approved.
- 2.1.2 That the upgrading of Kassier Road, be approved, it being recorded that the road will be de-proclaimed and transferred to eThekweni Municipality.
- 2.1.3 That subject to the adoption of .2 above, the City Manager be authorised to enter into a Memorandum of Agreement with Tongaat-Hulett Development and also KwaZulu-Natal upgrades for the development of the Ntshongweni Urban Node.
- 2.1.4 That subject to the adoption of .2 and .3 above, the matter be submitted to the Bid Adjudication Committee for consideration.
- 2.1.5 That subject to .3 above, the provision of funding in the current financial year be sourced from savings.

2.1.6 That it be noted that the cost implication for Phase 1 implementation are as follows:

- Total cost for the proposed road infrastructure is R259 653 900.00 (Two Hundred and Fifty Nine Million Six Hundred and Fifty Three Thousand Nine Hundred Rand).
- The cost for sewer upgrades electricity and water infrastructure is R68 398 550.00 (Sixty Eight Million Three Hundred and Ninety Eight Thousand Five Hundred and Fifty Rand).

ADOPTED.

2.2 Township Economy: Dumisani Makhaye Development Node (Midway Crossing Mall Development) (20/1/3/1):
(Page 25: Economic Development and Planning Committee - Agenda 2018-10-10)

The Economic Development and Planning Committee noted that project authority was sought to amend the sale agreement between eThekweni Municipality and Siveni Investments and to further seek Council authority to reprioritize the capital budget in and endeavour to provide for the relocation of Municipal services thereby enabling economic development.

Having noted that the Economic Development and Planning Committee had previously attended a tour of inspection regarding this matter,

COMMITTEE RECOMMENDS:

- 2.2.1 That the progress of the development of Dumisani Makhaye Node as one of the nodes identified within the broader INK area, be noted.
- 2.2.2 That project authority be granted for the relocation of services at an estimated total cost of R6 253 268.00 (Six Million Two Hundred and Fifty Three Thousand Two Hundred and Sixty Eight Rand) and be met via savings.
- 2.2.3 That the Council resolution of 2017-03-30 as recorded in Section 12.1 of the minutes relating to the purchase price and bulk usage in respect of the sale of various Municipal owned properties to Siveni Investments (Pty) Ltd, be reaffirmed.
- 2.2.4 That subject to the approval of .2 and .3 above, the Head: Real Estate be granted authority to amend the Agreement of Sale through the addendum (Annexure 1) as attached to the report of the City Manager, to include a provision stating the Municipality undertakes to relocate Municipal services in order to facilitate economic development of the node.

BU	Item No.	Funding	Costing	Project	Region	Proposed Expenditure	Financial Year
26101	42940	12120	0000	S1117	W037	R6 253 268	2018/19

FC No.: 2019/18/CA26

ADOPTED.

- 2.3 Hammarisdale: Authority to Acquire Land and Servitude Rights for the Construction of a Non-Motorised Transport Sidewalk (17/2/1/1/1):
(Page 3: Economic Development and Planning Committee - Agenda 2018-10-10)

The Economic Development and Planning Committee was advised that the report sought approval for the provision of sidewalks and Non-Motorised Transport to link the Mpumalanga New Town Centre with surrounding community settlements that are key public realm elements which contribute towards the success and sustainability of the Town Centre.

Accordingly,

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Real Estate to acquire, by private treaty negotiations or expropriation of land and/or servitude right over portion 121 (of 35) of the Farm Piezang River No. 805 as per diagram No SH9794.

Vote Number as follows:

B.U	ITEM No.	FUNDING	COSTING	PROJECT	REGION
26104	21100	12120	0000	82600	0010

R250 000.00;

FC No.: 2019/18/17

ADOPTED.

- 2.4 Motivation for Approval of the Mpumalanga Northern Functional Area Plan (FAP) and Draft Scheme Including MR385 East Corridor Precinct Plan (21/5/1):
(Page 35: Economic Development and Planning Committee - Agenda 2018-10-10)

COMMITTEE RECOMMENDS:

That the Final Draft Mpumalanga Northern Functional Area Plan and draft Scheme, including the MR385 East Corridor Precinct Plan dated June 2018, be adopted.

ADOPTED.

- 2.5 Request for Budget and Approval for the renewal of Microsoft Enterprise Licensing Agreement (EA) for a Period of Three Years for eThekweni (IMU Corporate/Water and Electricity) (10/2/2):
(Page 59: Economic Development and Planning Committee - Agenda 2018-10-10)

COMMITTEE RECOMMENDS:

That approval be granted for an amount of R150 579 840.41 (One Hundred and Fifty Million Five Hundred and Seventy Nine Thousand Eight Hundred and Forty Rand and Forty One Cents) to be utilized for the renewal of the Microsoft Enterprise Agreement (EA) – utilising the Government Framework Agreement (GFA) as per National Treasury Circular 11, which is a National Treasury, SITA and Microsoft agreement negotiated on behalf of all spheres of Government and be funded from the Adjustment budget as follows:-

	2018/19	2019/20	2020/21
Capital	R30 000 346.01		
Operating	R40 193 164.80	R40 193 164.80	R40 193 164.80
Total	R70 193 510.81	R40 193 164.80	R40 193 164.80

ADOPTED.

- 2.6 Furniture Incubator Programme (8/1/5/1):
(Page 78: Economic Development and Planning Committee - Agenda 2018-10-10)

COMMITTEE RECOMMENDS:

- 2.6.1 That authority be granted to the Head: Economic Development and Investment Promotion, to continue the participation of the eThekweni Municipality in the Furniture Incubator Programme, the aim of which is to benefit the furniture industry through the development of skills, small businesses, incubation and manufacturing in the northern City areas.
- 2.6.2 That the Acting Head: Business Support, Markets and Tourism be authorised to supervise the KwaMashu Furniture Incubator in the forthcoming three (3) year term and report on progress made on the initiative to this Committee on an annual basis.
- 2.6.3 That Council authorises the Furniture Technology Centre Trust (Furntech), a non-profit entity that shares the developmental agenda of the Municipality and provides skills development and business incubation through industry support, to manage the KwaMashu Furniture Incubator for a period of three (3) years.
- 2.6.4 That subject to approval of .1, .2 and .3 above, the City Manager be authorised to conclude a new Memorandum of Agreement (MOA) to give effect to the abovementioned for the next three (3) year period starting 1 July 2018 to 30 June 2021.
- 2.6.5 That subject to the approval of item .1, .2, .3 and .4 above and in terms of Section 67 of Municipal Finance Management Act (MFMA), in accordance with the MOA, the Head: Economic Development and Investment Promotion be duly authorised to disburse funding amounting to R500 000.00 (Five Hundred Thousand Rand) (exclusive of VAT) for the 2018/19 financial year; R500 000.00 (Five Hundred Thousand Rand) (no VAT) for the 2019/20 financial year and R500 000.00 (Five Hundred Thousand Rand) (no VAT) for the 2020/21 financial year,
- 2.6.6 That, subject to the adoption of .1, .2, .3, .4 and .5 above, the Head: Real Estate be duly authorised to enter into a three (3) year lease agreement with Furntech, and to sign any documents pertaining to the lease; and lease the land and buildings at a waived cost for a three (3) year period, of a portion of Remainder of Erf 1134 of KwaMashu E, which portion is to be properly defined in the MOA;

Business Unit	Item	Item Sub	Fund	Costing	Project	Region	Amount	Year
26102	25030	17	12120	0000	MRC01	0010	R500 000 (no VAT)	2018/19
26102	25030	17	12120	0000	MRC01	0010	R500 000 (no VAT)	2019/20
26102	25030	17	12120	0000	MRC01	0010	R500 000 (no VAT)	2020/21

FC No.: 2019/18/18

ADOPTED.

2.7 Acquisition of Land through expropriation from Queensville Investment CC for Public Purposes (17/2/1/1/4):
(Page 91: Economic Development and Planning Committee - Agenda 2018-10-10)

The Economic Development and Planning Committee was advised that the report sought approval for the Head: Environmental Planning and Climate Protection to acquire through expropriation, the properties for public purposes and to request Council to delegate authority to the Head: Real Estate to expropriate the subject properties and sign all relevant documents thereto.

COMMITTEE RECOMMENDS:

2.7.1 That the Committee approves the expropriation of the subject properties on the schedule below for public purposes:-

No.	Property descriptions	Ward	Extent
1.	Portion 1 of Erf 3718 Westville	24	62455 sq m
2.	Portion 3 of Erf 3718 Westville	24	2550 sq m
3.	Portion 4 of Erf 3718 Westville	24	2550 sq m
4.	Portion 5 of Erf 3718 Westville	24	2653 sq m
5.	Portion 6 of Erf 3718 Westville	24	2532 sq m
6.	Portion 8 of Erf 3718 Westville	24	2800 sq m
7.	Portion 9 of Erf 3718 Westville	24	2977 sq m
8.	Portion 10 of Erf 3718 Westville	24	3588 sq m
9.	Portion 11 of Erf 3718 Westville	24	3269 sq m
10.	Portion 12 of Erf 3718 Westville	24	3099 sq m
11.	Portion 13 of Erf 3718 Westville	24	12303sq m
12.	Portion 14 of Erf 3718 Westville	24	40300 sq m
13.	Portion 15 of Erf 3718 Westville	24	20287 sq m
14.	Portion 16 of Erf 3718 Westville	24	38587 sq m

2.7.2 That subject to approval of .1 above, the Head: Real Estate be authorized to expropriate the abovementioned properties and sign all necessary documents to effect the expropriation and transfer to eThekweni Municipality.

2.7.3 That subject to approval of .1 and .2; the Head: Real Estate be authorized to pay an amount of R1 782 000.00 (One Million Seven Hundred and Eighty Two Thousand Rand) towards outstanding rates, taxes and penalties in lieu of assessed compensation as a result of the expropriation. Upon paying the outstanding rates the surplus amount will be paid to Queensville Investments Pty Ltd or the Master of the High Court.

VOTE

26440.45595.51080.0000. S7001AZ1.0010
26440.45595.12120.0000. S7001BZ1.0010

EXP.

R1 443 420
R 338 580
R1 782 000

BUDGET

R2 625 000
R 645 000
R3 270 000

(Provided 2018/2019)
(Provided 2018/2019)

FC No.: 2019/46/CA38

ADOPTED.

2.8 Amendment of the Durban Scheme by the Amendment of Clause 6, Erection and Use of Buildings and Structures and Use of Land: 1 Sandra Place, Durban North (21/7/2):

(Page 106: Economic Development and Planning Committee - Agenda 2018-10-10)

The Economic Development and Planning Committee was advised that the amendment of Clause 6, for the erection and utilisation of buildings and structures and use of land had emanated due to objections that had been lodged by the community.

With no consensus being reached the matter was put to a vote. With 32 Councillors present, 21 Councillors, (ANC-17, IFP-2, ACDP-1 and EFF-1 voted in favour and 11 Democratic Alliance Councillors dissented. There were no abstentions recorded.

During discussion of the abovementioned item at the Executive Committee meeting, it was noted that Executive Committee Member HU De Boer was not present and had returned at a later stage. Executive Committee Members Graham and Mthethwa requested that their dissenting votes be recorded.

With the majority of Members being in support,

COMMITTEE RECOMMENDS:

2.8.1 That in terms of Chapter 2, Section 13(1) (a) of the KwaZulu-Natal Planning & Development Act, 2008 (Act 6 of 2008), read in conjunction with Section 28(4) of the Spatial Planning and Land Use Management Act 16 of 2013 the application to amend Clause 6, for the Erection and Use of Buildings and Structures and Use of Land, of the Durban Scheme be approved for the following reasons:-

2.8.1.1 That in a balance between sustainability and giving meaning to the densities proposed by the densification strategy, a reduction in height to 4 storeys and limiting the building to 28 residential units had been considered an appropriate compromise for this application.

2.8.1.2 That the proposed development controls of General Residential 3, such as coverage, side and rear space limitations, together with the height and density restrictions responds to some of the aesthetic and impact issues raised.

The Durban Scheme be amended as follows:

“Clause 6 (the next sequential no.) – Notwithstanding any other provision of this scheme, the development of a Residential Building on proposed consolidated Erf 885 Duiker Fontein (a consolidated of Erf 368 and Remainder of Erf 365, Both of Duiker Fontein) 111 Umhlanga Rocks Drive and 1 Sandra Place, Durban North the General Residential 3 Zone shall be limited to 28 units and 4 storeys only.”

Some Councillors were not in support of the above recommendations of the Executive Committee contending that all statutory obligations regarding the intention to amend the Durban Scheme, as indicated, had not been fulfilled as the Appellants had not been notified accordingly.

However, with it being clarified that all requirements had been undertaken and with majority of Councillors being in agreement, the matter was put to the vote.

With 179 Councillors present, 122 Councillors (ANC – 103, IFP – 9, IND – 3, AIC – 2, MF – 1, DLC – 1, MOSA – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 56 DA Councillors voted against. 1 ACDP Councillor abstained from voting.

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

The Democratic Alliance requested a division and their names are recorded hereunder:

Councillors A Beetge, MC Bhengu, M Brauteseth, WJD Burne, J Chetty, TP Collins, M David, HU De Boer, SV De Boer, G Govender, S Govender, Y Govender, NL Graham, PJC Graham, TR Gumede, GJ Hegter, M Johnson, KNN Khubone, ZW Wiseman, CJ Laing, CB Langa, LM Meyer, A Maharajh, RD Macpherson, SE Mhlongo, KV Mkhize, SNL Mshengu, NP Msomi, TM Mthethwa, N Munien, BD Naidoo, M Nair, X Nala, S Ngema, DR Nowbuth, GM Noyce, PB Ntuli, CJ Pappas, DT Pillay, KR Pillay, JP Prinsloo, GDA Pullan, A Rampersad, S Ryley, S Sewshankar, B Shabane, HP Shozi, KS Sibisi, B Singh, EL Singh, Sagar Singh, Samier Singh, AD Snyman, M Tembe, JC Van den Berg and SM Windvogel.

- 2.9 Amendment of the Durban Scheme by the Amendment of Clause 6, Erection and Use of Buildings and Structures and Use of Land: 152 Prince Mhlangana Road, Avoca (21/7/2):
(Page 112: Economic Development and Planning Committee - Agenda 2018-10-10)

With no consensus being reached the matter was put to a vote. With 32 Councillors present, 21 Councillors, (ANC-17, IFP-2, ACDP-1 and EFF-1 voted in favour and 11 Democratic Alliance Councillors dissented. There were no abstentions recorded.

During discussion of the abovementioned item at the Executive Committee meeting, it was noted that Executive Committee Member HU De Boer was not present and had returned at a later stage. Executive Committee Members Graham and Mthethwa requested that their dissenting votes be recorded.

With the majority of Members being in support,

COMMITTEE RECOMMENDS:

- 2.9.1 That in terms of Chapter 2, Section 13(1) (a) of the KwaZulu-Natal Planning & Development Act, 2008 (Act 6 of 2008), read in conjunction with Section 28(4) of the Spatial Planning and Land Use Management Act 16 of 2013 the amendment of Clause 6 (35), of the Durban Scheme to allow for the application site to be utilised for the storage of vehicles for auction together with the proposed Light Industrial land uses be approved for the following reasons:-
- 2.9.1.1 The proposal is in alignment with the City's vision of the Spatial Development Framework (SDF) and North Urban Development Corridor Study (NUDCS). The application site is situated within close proximity to the Riverhose Valley Industrial Park which is approximately 1km away.
- 2.9.1.2 The properties north of Prince Mhlangana Road are rapidly changing in terms of the land uses and there are only a few residential sites that are in existence on the Northern side of Prince Mhlangana Road.

2.9.1.3 The proposed use of the property being Portion 2 of Erf 3329 Durban North situated at 152 Prince Mhlangana Road for the storage of vehicles for auction is considered to be in alignment with the Light Industrial uses as supported.

The Durban Scheme be amended as follows:

“Clause 6 (35) – Notwithstanding any other provision of this scheme, the development of a the Light Industrial Zone situated at 40 (Erf 43 Avoca), 46 (Erf 44 Avoca), 50 (Erf 45 Avoca), 90 (Rem of Erf3364 Durban North) Prince Mhlangana Road and 152 Prince Mhlangana Road (Portion 2 of Erf 3329 Durban North) shall be subject to the following:-

1. *Trucking and transport uses are prohibited.*
2. *Light industrial uses with no impact re freely permitted.*
3. *Any building on the site shall observe a 10m building line and 5m side spaces.*
4. *Any building on the site shall not exceed a height of 2 storeys.*
5. *Any building on the site shall not exceed coverage of 60%*
6. *In the case of 40, 46 and 50 Prince Mhlangana Road a 32 metre wide Conservation Servitude shall be registered across the properties from the centre line of the stream”*

And further that Conditions 7-8 below are applicable to Portion 2 of Erf 3329 Durban North situated at 152 Prince Mhlangana Road only:-

7. *Should the property be developed in the near future, any development within a 500m radius of a wetland future development/construction on the sites may require a Water Use License Application.*
8. *A 10m building line is to be imposed in order to create and enhance a harmonious buffer between the residential zoned properties and the proposed Light Industrial Zone on the Portion 2 of Erf 3329 Durban North. A landscape plan to be submitted to the Department for consideration.*
9. *Notwithstanding condition No. 1 above, the proposed Light Industrial Zone shall permit for the storage of motor vehicles on Portion 2 of Erf 3329 Durban North situated at 152 Prince Mhlangana Road.*

As some Councillors were not in support of the above recommendations of the Executive Committee and with majority of Councillors being in agreement, the matter was put to the vote.

With 179 Councillors present, 122 Councillors (ANC – 104, IFP – 9, IND – 2, AIC – 2, MF – 1, DLC – 1, MOSA – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 56 DA Councillors voted against. 1 ACDP Councillor abstained from voting.

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

- 2.10 Amendment of the Durban Scheme (Phoenix Town Centre) Special Zone 31 to allow for a Car Wash (21/7/3):
(Page 121: Economic Development and Planning Committee - Agenda 2018-10-10)

COMMITTEE RECOMMENDS:

- 2.10.1 That in terms of Chapter 2, Section 13(1) (a) of the KwaZulu-Natal Planning & Development Act, 2008 (Act 6 of 2008), read in conjunction with Section 28(4) of the Spatial Planning and Land Use Management Act 16 of 2013 the application to amend Special Zone 31: Phoenix Town Centre of the Durban Scheme to allow for a car wash within the zone be approved for the following reasons:-
- 2.10.1.1 Planning merits for the Scheme Amendment of the site has been adequately demonstrated as the proposed amendment enhances the current Durban Scheme by introducing the definition of car-wash.
- 2.10.1.2 The proposal will help sustain a historic building making it more sustainable and less reliant on donations/funding.
- 2.10.1.3 The proposal will blend in with the commercial surroundings of the site.

The Durban Scheme be amended as follows:

“Special Zone 31: Phoenix Town Centre of the Durban Scheme to be amended as follows:-

1. Deleting clause (a) which states:

“The site shall only be used for place of worship purposes”

2. Amending clause (b) as follows:-

“The only purpose for which a building erected on this site may be used is as a Mosque and a car wash”

ADOPTED.

- 2.11 Permission to advertise the 2018 Annual Scheme Review For The South, Inner West, Outer West and North Regions of the eThekweni Municipality (21/13/1/2/3):
(Page 128: Economic Development and Planning Committee - Agenda 2018-10-10)

COMMITTEE RECOMMENDS:

That the Land Use Management Branch proceed to advertise the 2018 Annual Scheme review for the South, Inner West, Outer West and Northern Regions of the eThekweni Municipality.

ADOPTED.

2.12 Request for Funding: Maritime Industry Development Programme (20/1/6//1):
(Page 145: Economic Development and Planning Committee - Agenda 2018-10-10)

The Economic Development and Planning Committee applauded the efforts of the department in ensuring that the aforementioned industry was receiving adequate support. Whilst in support of the initiative, Committee was advised that the Head: Economic Development and Planning would ensure that the Durban Harbour would be internationally competitive.

Consequently,

COMMITTEE RECOMMENDS:

- 2.12.1 That the Head: Economic Development and Investment Promotion Unit be duly authorised to continue supporting the Maritime Industry Development Programme, the objective of which would be to provide a platform for industry players to engage, network, identify and address strategic issues of common interest and contribute to economic development in the City, in partnership with the eThekweni Maritime Cluster.
- 2.12.2 That subject to approval of item .1 above, the City Manager be authorised to conclude a new three-year Memorandum of Agreement (MOA) to give effect to the above.
- 2.12.3 That subject to the approval of .1 and .2 above, the Head: Economic Development and Investment Promotion be duly authorised in accordance with the Memorandum of Agreement, provide funding to disburse the funds to the eThekweni Maritime Cluster (A non-profit company) amounting to R3 100 000.00 (Three Million One Hundred Thousand Rand) (exclusive of VAT) for the 2018/2019 financial period; R3 255 000.00 (Three Million Two Hundred and Fifty Five Thousand Rand) for the 2019/2020 financial period; and R3 417 750.00 (Three Million Four Hundred and Seventeen Thousand Seven Hundred and Fifty Rand) (exclusive of VAT) for the 2020/2021 financial period in terms of Section 67 of the Municipal Finance Management Act and in accordance with the Memorandum of Agreement.
- 2.12.4 That the Head: Economic Development and Investment Promotion be authorised to report progress on this initiative quarterly basis.

VOTE NUMBER					
Business Unit	Item. Sub	Funding	Costing	Project	Regional
26102	25445.250	12120	0000	3887	0010
AMOUNT			YEAR		
R3 100 000.00 (no VAT)			(Provided in 2018/2019)		
R3 255 000.00 (no VAT)			(Provided in 2019/2020)		
R3 417 750 00 (no VAT)			(Provided in 2020/2021)		

FC No.: 2019/18/32

ADOPTED.

2.13 EThekweni Municipality Informal Trading Amendment By-Law, 2018 (1/1/3/1/37):
(Page 154: Economic Development and Planning Committee - Agenda 2018-10-10)

COMMITTEE RECOMMENDS:

- 2.13.1 That the Proposed eThekweni Municipality: Informal Trading Amendment By-Law 2018, be approved for final publication and promulgation in the Provincial Gazette, with the By-Law taking effect on the date of publication therein; and

2.131.1 The Promulgation Notice for the eThekweni Municipality: Informal Trading Amendment By-Law 2018 be published in the Ezasegagasini Metro.

2.13.2 That the Delegations contained in “Annexure B” in respect of the By-Law be approved and inserted into the respective Part C and Part D of the Terms of Reference and Delegations document.

ADOPTED.

3. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE:
MEETING HELD ON 2018-10-17

(Page R17)

3.1 Naming of Streets in Ward 106 Covering South Gate Estate (25/4/1/5/1):
(Page 34: Governance and Human Resources Committee - Agenda 2018-10-17)

COMMITTEE RECOMMENDS:

That the following proposed and reviewed name for the unnamed Street in Ward 106, covering South Gate Estate as contained in the report of the Deputy Head: Corporate Geographic Information Systems dated 2018-09-03 and as indicated on Plan STN 24/07/18/GC, be approved.

Naming of streets in ward 106 covering South Gate Estate:

Street Code	Proposed Name	Reviewed Name	Meaning
600017 Street	Bamboo	Bamboo Road	A giant woody grass which is grown chiefly in the tropics
600018 Street	Bluebell	Blubell Place	A European woodland plant of the lily family, which produces cluster of blue bell-shaped flowers in spring.
600019 Street	Chestnut	Chestnut Close	A glossy hard brown edible nut which develops within a bristly case and which may be roasted and eaten.

ADOPTED.

3.2 Request for Approval: Customer Service Standards and Service Charter (2/3/2):
(Page 44: Governance and Human Resources Committee - Agenda 2018-10-17)

COMMITTEE RECOMMENDS:

3.2.1 That the Municipal Customer Service Standards and Service Charter, aimed at facilitating a process to define service standards in various departments and professionalise and promote excellence in the public service, be adopted.

3.2.2 That subject to the adoption of .1 above, authority be granted to the Acting Head: Sizakala Customer Service to implement the Customer Service Standards and Service Charter of eThekweni Municipality.

ADOPTED.

- 3.3 Request for approval to advance the City's Collaboration and Strategic Research Partnership with Academia and Industry (6/2/3/R):
(Page 118: Governance and Human Resources Committee - Agenda 2018-10-17)

COMMITTEE RECOMMENDS:

- 3.3.1 That the request for eThekweni Municipality to enter into a new Memorandum of Agreement (MOA) with Durban University of Technology (DUT), University of South Africa (UNISA), University of Zululand (UNIZULU), (Human Scientist Research Council) HSRC, Mangosuthu University of Technology (MUT) and University of KwaZulu-Natal (UKZN) for a further 3 years, until 2021, be approved.
- 3.3.2 That the Governance and Human Resources Committee and the Durban Chamber of Commerce and Industry be included as new partners in the revised 3 year strategic agreement (MOA) until 2021 as part of the triangulated and strategic relationship between eThekweni Municipality and academia focused on a shared vision and common research agenda.
- 3.3.3 That the existing City-Academic Research Committee which was established in 2015 to manage the operational and research agenda be noted, it being recorded that this Committee will continue to provide operational direction and management support for all collaborative projects within the partnership for the next 3 years.
- 3.3.4 That the Head: eThekweni Municipal Academy be tasked to facilitate the establishment of a dedicated Steering Committee made up of nominated officials from each partner institution to play an oversight role in an effort to improve accountability and give effect to strategic decision-making.
- 3.3.5 That subject to the approval of .1 above, authority be granted to the City Manager to, on behalf of eThekweni Municipality sign a new 3-year Memorandum of Agreement with the DUT, HSRC, MUT, UKZN, UNIZULU and UNISA stipulating the areas of collaboration of the triangulated partnership.
- 3.3.6 That subject to the approval of .1 above the co-funding model be based on shared responsibility using a ratio of (2:1:1) where the eThekweni Municipality, the academic research partners and Business contribute to a newly established partnership fund held in trust by the eThekweni Municipality.

Financial Implications:

2018 – 2019:

R1 000 000.00 (One Million Rand) on the EMA budget ring-fenced for post graduate and post-doctoral support, prioritised commissioned research and HR and admin support.

2019 – 2020:

R1 500 000.00 (One Million Five Hundred Thousand Rand) on the EMA budget to be utilised as per above.

2020 – 2021:

R2 000 000.00 (Two Million Rand) on the EMA budget to be utilised as per above.

ADOPTED.

3.4 Request for Approval: New Funding Model for Communications Unit (7/1/3/1/3):
(Page 124: Governance and Human Resources Committee - Agenda 2018-10-17)

At the Governance and Human Resources Committee and with 33 Councillors present, 23 Councillors (ANC-19, EFF-2, IFP-1 and TA-1) voted in support of the recommendations and 10-DA Councillors were not in support of the recommendations.

During discussion of the abovementioned item at the Executive Committee meeting, it was noted that Executive Committee Member HU De Boer was not present and had returned at a later stage. Executive Committee Members Graham and Mthethwa requested that their dissenting votes be recorded.

With the majority of Members being in support,

COMMITTEE RECOMMENDS:

That the National Government Communications Policy Framework stipulations on the funding of communication programmes which advocates for the allocation of adequate financial resources or at least 1% of the Municipality budget to be spread over a three-year period for communications, be adopted.

Some Councillors were not in support of the above recommendations of the Executive Committee, expressing the view that the financial resources in question be diverted to other sustainable projects which would benefit the Communities at large. However, with majority of the Councillors being in agreement with the Executive Committee's recommendation on the basis that communication formed part of the statutory requirement to enable Communities to be informed about Local Government Affairs, the matter was put to the vote.

With 176 Councillors present, 117 Councillors (ANC – 102, IFP – 9, IND – 3, AIC – 2 and MOSA – 1) voted in favour and 56 Councillors (DA – 55 and ACDP – 1) voted against. 3 Councillors (MF – 1, DLC – 1 and AL JAMA-AH - 1) abstained from voting.

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

3.5 Municipal Communication Strategy Review (12/3/1/1):
(Page 126: Governance and Human Resources Committee - Agenda 2018-10-17)

With 33 Councillors present, 23 Councillors (ANC-19, EFF-2, IFP-1 and TA-1) voted in support of the recommendations and 10-DA Councillors were not in support of the recommendations. The recommendations were, by the majority vote, adopted.

During discussion of the abovementioned item at the Executive Committee meeting, it was noted that Executive Committee Member HU De Boer was not present and had returned at a later stage. Executive Committee Members Graham and Mthethwa requested that their dissenting votes be recorded.

With the majority of Members being in support,

COMMITTEE RECOMMENDS:

- 3.5.1 That the following minor amendments to the Municipal Integrated Communication Strategy Framework, be adopted:-
- 3.5.1.1 By amending the subsection 15.5 on distribution of eZasegagasini newspaper. By way of amending the starting date to 2019, for expanding distribution of eZasegagasini Metro to reach all Wards and insert copies of the newspaper in the mainstream media and community newspapers. The reasons for the amendment is because the unit has not yet received the budget to start the programme;
- 3.5.1.2 By way of amending subsection 8 on communication challenges by way of amending the findings of the Municipal Living Conditions Survey perceptions of their living conditions and update it with the 2017/18 results;
- 3.5.1.3 By inserting subsection 15.6 on strategic pillar of the framework by way of adding the sixth pillar to the five original strategy pillars “Encourage and promote public participation, public- private and civil society partnerships with an aim to support the participation of residents in the decisions of the Municipality”;
- 3.5.1.4 By way of amending the subsection of 15.5 on research, package, produce and disseminate informative publications to keep eThekweni stakeholders informed by way of including the weekly bulletin newsletter which is a communication tool tailor-made to connect the City with its identified stakeholders; and
- 3.5.1.5 By way of updating the implementation plan of the strategy framework to reflect all the Municipal programmes and projects to be undertaken in the 2018-2019 financial year.

As some Councillors were not in support of the above recommendations of the Executive Committee and with majority of Councillors being in agreement, the matter was put to the vote.

With 171 Councillors present, 114 Councillors (ANC – 98, IFP – 9, IND – 3, AIC – 2, MF – 1 and MOSA – 1) voted in favour and 55 Councillors (DA – 54 and ACDP – 1) voted against. 2 Councillors (DLC – 1 and AL JAMA-AH – 1) abstained from voting.

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

(At this stage of the proceedings Councillor F Peer (Deputy Mayor) entered the meeting).

4. REPORT OF SECURITY AND EMERGENCY SERVICES COMMITTEE:
MEETING HELD 2018-10-17

(Page R20)

4.1 Establishment of Integrated Council Programme of Action and Multi-Sectoral Partnership to Support the Needs of the Homeless (19/1/12/R):
(Page L4: Security and Emergency Services Committee – Agenda 2018-10-18)

The Security and Emergency Services Committee noted that a Stakeholder Workshop to discuss issues related to homelessness and social ills within the City was recently convened by the Chairperson of the Security and Emergency Services Committee together with the Safer Cities Unit and other relevant Units.

At the Executive Committee meeting the prevailing situation of homelessness and drug abuse was highlighted with much concern being expressed on the lack of Municipal rehabilitation centres in the City which was further exacerbated by Metro Police being incapacitated to deal with the issue at hand. The establishment of an integrated Council Programme of Action and Multi-Sectoral partnership was questioned on the basis that lack of budget and facilities had resulted in an adverse socio-economic impact. It was also suggested that a profile of legitimate homeless people needed to be undertaken.

With the majority of Members having acknowledged the sentiments expressed, they however were of the view that the initiative by the Deputy Mayor in spearheading the abovementioned plan of action was commendable. Consequently, the Multi-Sectoral Task Team comprising of businesses, NGOs, drug advisors, etc. would require the necessary budget to be identified to rollout the programme, a matter that would be addressed at a later stage for consideration.

Accordingly, with Executive Committee Member Nkosi abstaining to enable him to discuss the matter with his Caucus in the first instance,

COMMITTEE RECOMMENDS:

- 4.1.1 That the establishment of a Multi-sectoral Task Team to deal with issues related to homelessness within the City and provide a platform for stakeholders within Government and non-government sectors to highlight the plight of the homeless and commit to a solution-based approach, be supported.
- 4.1.2 That subject to .1 above, the Head: Safer Cities be tasked to submit progress reports to the Security and Emergency Services Committee and provide support to the entire process as well as to its future programmes linked to the Social Development Strategy and to an approach that will respectfully include various stakeholders and sectors that are responsive and supportive to the needs and challenges faced by homeless people.

ADOPTED.

5. HOSTING OF THE SUSTAINABLE LIVING EXHIBITION 2018/2019 (32/2/2)

(Page 25)

COMMITTEE RECOMMENDS:

- 5.1 That in acknowledging the rationale behind the hosting of the Sustainable Living Exhibition, namely; to raise awareness and provide tools for change by showcasing leading solutions to the ecological and social challenges, the 2018/2019 grant funding in the amount of R1 500 000.00 (One Million, Five Hundred Thousand) for the co-hosting of the exhibition, be approved, it being recorded that the objectives of the exhibition are to promote initiatives towards sustainable development and providing a platform for people to interact, based on a common ground of sharing knowledge and information on sustainable practices.
- 5.2 That the acknowledgement of the provisions of Division of Revenue Act (DORA), Public Financial Management Act (PFMA) and Municipal Systems Act and the conditions of the Grant in respect of the funds be accepted.
- 5.3 That the City Manager be authorized to sign the Memorandum of Agreement (MOA), Business Plan, Service Level Agreement and Terms of Reference.
- 5.4 That the below-mentioned Municipal banking details be noted:

Bank Name : Nedbank
Branch Name : Nedbank South Africa
Name of Account : eThekweni Metropolitan Municipality
Account Number : 1107821002
Account Type : Current
Branch Code : 198765
Swift Code : NEDSZAJJ

ADOPTED.

6. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO AMEND SCOPE OF CONTRACTS FOR THE BAYVIEW COMMUNITY RESIDENTIAL UNITS, SITES A AND B FOR THE USE OF AN ALTERNATIVE SITE AT MOORTON ROAD SITE (22/8/2/1)

(Page 30)

Some Members contended that the relocation of the project from Ward 69 to Ward 71 was politically motivated with Committee being cautioned that such move could instill social conflict within the communities. The issue of beneficiaries in respect of accommodating 300 families was also questioned.

However clarity was provided that the move had been based on a geotechnical report with documentation to the effect being produced by experts in the housing field, advising that the land in question had been considered unsuitable for housing and further exploration of other land within that Ward had proved to be futile.

Further clarity was provided that the matter had been discussed with the Provincial Human Settlements department and authority was now being sought to extend the current appointment of Professionals who would be required to deal with the geotechnical report that had deemed those sites undesirable.

With Executive Committee Members, Graham, De Boer and Mthethwa dissenting and with majority of Members being in support,

COMMITTEE RECOMMENDS:

- 6.1 That the results of the conceptual studies including design, cost estimates, and site condition analysis that had rendered the site conditions unsuitable for housing together with excessive costs to develop the original site in Ward 69, be acknowledged.
- 6.2 That, in terms of Section 116(3) of the Municipal Finance Management Act No. 56 of 2003, authority be granted to amend the scope of the contract, development of the project on the alternative site and name change from Bayview Community Residential Units Site "A" and "B" to Moorton Road Community Residential Units.
- 6.3 That the extension of contract period for the provision of Professional Project Management Services contract number 1H-14562 for a period of thirty six (36) months in terms of Section 116 of the Municipal Finance Management Act and increase of contract authority by R668 325.00 (Six Hundred and Sixty Eight Thousand Three Hundred and Twenty Five Rand) VAT inclusive in the contract amount, be approved.
- 6.4 That the extension of contract period for the provision of Architectural, Quantity Surveying, Planner, Land Surveyor, Civil/Structural and Electrical Engineers Professional Services (consortium) for contract number 1H-14563 for a period of thirty six (36) months in terms of Section 116 of the Municipal Finance Management Act and increase of contract authority by R2 356 196.50.00 (Two Million Three Hundred and Fifty Six Thousand One Hundred and Ninety Six Rand and Fifty Cents) VAT inclusive in the contract amount, be approved.
- 6.5 That the extension of contract period for the provision of Environmental Services for contract number 1H-18538 for a period of thirty six (36) months in terms of Section 116 of the Municipal Finance Management Act and increase of contract authority by R190 676.48 (One Hundred and Ninety Thousand Six Hundred and Seventy Six Rand and Forty Eight Cents) VAT inclusive in the contract amount, be approved.
- 6.6 That the extension of contract period for the provision of Social Facilitation Services for contract number 1H-18793 for a period of thirty six (36) months in terms of Section 116 of the Municipal Finance Management Act and increase of contract authority by R24 738.00 (Twenty Four Thousand Seven Hundred and Thirty Eight Rand) VAT inclusive in the contract amount, be approved.
- 6.7 That subject to the adoption of .1 to .6 above, public notices be advertised in the relevant print media requesting comments and/or objections to the proposed amendments to Bayview Community Residential Units, Sites A and B for the use of an alternative site at Moorton Road Site, as per the requirements in terms of Section 116 (3) of the Municipal Finance Management Act No. 56 of 2003.

Some Councillors were not in support of the above recommendations of the Executive Committee contending that the departmental report hereon, which served before the Executive Committee, had not been factual. Further there was other land in Ward 69 which could have been used for housing purposes and there was no need to relocate the project to Ward 71. It was further advised that the Community of Ward 69 had not been consulted about the relocation.

However, clarity was provided that the relocation in question had been based on a geotechnical report with documentation to the effect being produced by experts in the housing field, advising that the land in question had been considered unsuitable for housing and further exploration of other suitable land for housing within Ward 69 had proved to be futile. Further, this was a spatial housing project with the integration of Communities.

On that basis and with majority of Councillors being in agreement, the matter was put to the vote.

With 178 Councillors present, 123 Councillors (ANC – 108, IFP – 7, IND – 3, AIC – 1, MF – 1, DLC – 1, MOSA – 1 and AL JAMA-AH – 1) voted in favour and 55 DA Councillors voted against. There were no abstentions recorded.

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

7. AUTHORITY FOR CAPACITATION THROUGH UTILISATION OF USDG OPERATIONAL BUDGET TO ENABLE EFFECTIVE UTILISATION OF USDG CAPITAL GRANT (22/7/1/1/2 & 7/4/2)

(Page 185)

COMMITTEE RECOMMENDS:

- 7.1 That authority be granted for the utilisation of the Urban Settlement Development Grant (USDG) Operational funding in order to enhance capacitation of identified programmes within the Human Settlements, Engineering & Transport Cluster and Trading Services Cluster.
- 7.2 That in order to enable Clusters to perform their key strategic areas in a proficient manner, the urgent appointment of suitably qualified personnel to provide essential support in the office of the Deputy City Managers of both Human Settlements, Engineering and Transport Services and Trading Services together with other programmes that are relatively linked to the office, be approved.

ADOPTED.

8. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO AMEND THE PERIOD OF PERFORMANCE FOR CONTRACT NO PSC 2012/002 : PROFESSIONAL SERVICES CONTRACT FOR CENTRAL AND SOUTH COASTAL WASTEWATER TREATMENT WORKS: CIVIL AND ELECTRO MECHANICAL ENGINEERING DESIGN AND CONSTRUCTION SUPERVISION FOR TREATMENT WORKS UPGRADES (WARD 68) (23/1/11/2/1/2 & 9/1/3)

(Page 240)

COMMITTEE RECOMMENDS:

- 8.1 That it be acknowledged that since commencement in June 2016, the contract had been delayed due to the obtaining of environmental authorization, Coastal Waters Discharge Permit (CWDP) and amended Water Use License (WUL) which was further exacerbated by unforeseen delays that had arisen from unplanned engagement with Local and surrounding business forums who had demanded subcontracting opportunities on the project.

- 8.2 That, in view of .1 above and in terms of Section 116(3) of the Municipal Finance Management Act No. 56 of 2003, authority be granted for the extension of the period of performance for Contract No. PSC 2012/002: professional services Contract for Central and South Coastal Wastewater Treatment Works; Civil and Electro-mechanical Engineering Design and Construction Supervision for Treatment Works Upgrades, for a period of twelve (12) months from 67 months to 79 months.
- 8.3 That the corresponding completion date be extended from 08 December 2018 to 08 December 2019, subject to the current contract authority amount of R23 529 508.23 (VAT excluded) remaining unchanged.
- 8.4 That subject to the adoption of .2 and .3 above, public notices be advertised in the relevant print media requesting comments and/or objections to the proposed amendments to Professional Services Contract No. PSC 2012/002 for Central and South Coastal Wastewater Treatment Works; Civil and Electro-mechanical Engineering Design and Construction Supervision for Treatment Works Upgrades, as per the requirements in terms of Section 116 (3) of the Municipal Finance Management Act No. 56 of 2003.

ADOPTED.

9. BUDGET STATEMENT REPORT FOR THE MONTH ENDING
31 AUGUST 2018 (7/1/4)

(Page 307)

In alluding to the report some Executive Committee Members expressed concern on the delay in fast tracking catalytic projects, taking cognisance of unemployment and job losses that haunt the City on a daily basis. The existing potential of the Dube Trade Port and Cornubia was highlighted with lack of development on the Centrum site and Film City being pointed out.

A further aspect of concern was government debt over 90 days that amounted to approximately R1billion with Tansnat having been identified as the top debtor due to unresolved issues, notwithstanding the Task Team appointed to investigate the untenable situation. A suggestion was made for engagement with both the City Manager and Deputy City Manager: Economic Development and Planning on Catalytic Projects by way of a presentation. Another aspect mentioned was that citizens of the City were being disconnected for non-payment of services that were minimal when compared to the huge debt owed to the City by parastatals.

Clarity was provided on, amongst other things, current engagement with attorneys on the Tansnat issues, the approval of an organogram to capacitate the Catalytic Project Unit, a 1% reduction of unemployment in the City, increase in collection rate and a turnaround strategy by Treasury on debt recovery from parastatals. On the issue of disconnections Committee was reminded of interventions whereby the decision had been reversed to ensure that essential services like schools and hospitals would not be disconnected.

In the circumstances,

COMMITTEE RECOMMENDS:

That the Budget Statement Report for the month ended 2018-08-31, submitted by the City Manager as per his report dated 2018-09-14, in compliance with Section 71 of the Municipal Finance Management Act No. 56 of 2003 and Section 28 of the

Municipal Budget and Reporting Regulations in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, be noted.

Some Councillors contended that the City was being adversely affected in view of, inter-alia, the City’s billing system, Tansnat having being identified as the City’s top debtor with unresolved issues, the need to grow the rates base, cash on hand and state of the City’s finances. However, it was clarified that all issues of concern, as raised, were being attended to through the appropriate channels.

The above-mentioned Budget Statement Report for the month ended 2018-08-31 was thereafter **NOTED.**

10. REPORT ON INVESTMENTS FOR THE PERIOD ENDED 30 SEPTEMBER 2018 (7/11/4)

(Page 445)

Some Executive Committee Members expressed concern on the decline in liquidity management in respect of Cash on Hand that had decreased from 84 to 74 days between the months of July to September 2018, citing incorrect billing as a contributory factor.

Clarity was provided that the collection rate was still within the 90 day period and would improve.

Accordingly,

COMMITTEE RECOMMENDS:

That the report on investments for the eThekweni Municipality as at 2018-09-30, which records the total funds invested at financial at an average rate of return on investments of 7.80%, as submitted by the City Manager in line with the requirements of the Municipal Cash Management and Investment Regulations of the Municipal Finance Management Act, 2003, be noted.

NOTED.

11. QUARTERLY REPORT ON WITHDRAWALS (7/8/6)

(Page 450)

COMMITTEE RECOMMENDS:

That the report on withdrawals from the Municipal bank account as at 30 September 2018 submitted in terms of Section 11(4) of the Municipal Finance Management Act, be noted, it being recorded that the withdrawals were in terms of the following objections:

- 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

NOTED.

12. SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN
QUARTERLY REPORTING: 30 SEPTEMBER 2018 (2/10/1/1/9)

(Page 452)

With a request for the City Manager to ensure that Procurement Plans are linked to the Service Delivery and Budget Implementation Plan,

COMMITTEE RECOMMENDS:

That in terms of the Municipal Finance Management Act, Circular No. 13, the Service Delivery and Budget Implementation Plan for the quarter ended 30 September 2018, which reflects the overall achievement of 82.88, be noted.

NOTED.

13. BUDGET STATEMENT REPORT FOR THE QUARTER ENDING
30 SEPTEMBER 2018 (7/1/4)

(Page L6)

COMMITTEE RECOMMENDS:

That the Budget Statement Report for the quarter ended 2018-09-30, submitted by the City Manager as per his report dated 2018-10-12, in compliance with Section 52 (d) of the Municipal Finance Management Act No. 56 of 2003 and Section 28 of the Municipal Budget and Reporting Regulations in terms of Government Notice 32141 dated 17 April 2009, relating to the "Local Government: Municipal Finance Management Act 2003, be noted.

NOTED.

Her Worship the Mayor, Councillor ZRT Gumede, presented the Second Report of the Executive Committee.

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-10-30)

PRESENT : Executive Committee Members ZRT Gumede (Mayor and Chairperson), HU de Boer, BA Fortein, NL Graham, SA Kaunda, MM Mthembu, TM Mthethwa, MS Nkosi and ZR Sokhabase.

ABSENT : Executive Committee Member F Peer (Deputy Mayor) (on leave-Municipal Business)

1. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD
ON 2018-10-25

(Page R1)

1.1 Service Level Agreement: Primary Health Care (PHC) Services (7/4/1):

(Page 16: Community Services Committee - Agenda 2018-10-18)

In view of the Service Level Agreement for Primary Health Care services having expired on 2018-03-31,

COMMITTEE RECOMMENDS:

- 1.1.1 That the eThekweni Municipality consents to the scope of services together with the funding provision for goods, staff and services as outlined under Section 32(3) in Chapter 5 of the National Health Act 61 of 2003.
- 1.1.2 That subject to .1 above, the City Manager be authorised to sign the Service Level Agreement (SLA) for the provision of Primary Health Care services in PHC clinics within the City, on behalf of the eThekweni Municipality for the period 01 April 2018 – 31 March 2021, upon the Legal Services Unit concluding the review of the SLA.
- 1.1.3 That should there be any changes to the three (3) year agreement, the Health Unit be tasked to provide a report to the Committee with regard to the requested changes.

ADOPTED.

- 1.2 Request for Project Authority to Establish oThongathi Museum (35/2/R):
(Page 45: Community Services Committee - Agenda 2018-10-18)

Committee noted the intention of the Parks, Recreation and Culture Unit to commence consultation processes with the oThongathi local community on the establishment of a new museum, the Old Railway Station, which is currently owned by the Municipality.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 1.2.1 That the Parks, Recreation and Culture Unit and the Real Estate Unit, in liaison with the local community of oThongathi and other relevant stakeholders, be authorised to commence consultation processes with regard to converting the Old Railway Station in oThongathi into a Museum.
- 1.2.2 That subject to the approval of .1 above, and prior to the actual commencement of the project, the Parks, Recreation and Culture Unit be tasked to submit a follow up report to the Committee detailing the financial implications once consultations with the oThongathi community and relevant stakeholders have been concluded.

ADOPTED.

- 1.3 Request for Re-Prioritisation of Capital Budget 2018/19: Office Refurbishments and Computer Equipment (17/2/2/2/1 & 8/1/6/1):
(Page 103: Community Services Committee - Second Supplementary Agenda 2018-10-25)

The Deputy City Manager: Governance and International Relations clarified that the report was for the decanting of overcrowded municipal offices in Pinetown and the Committee was requested to authorise the movement to the BP Centre in the Durban CBD. It was further reported that the authority was for the fitment of office and computer equipment for the new offices and not for refurbishment.

With the Democratic Alliance abstaining on the basis that the report was contradictory and not adequately detailed,

COMMITTEE RECOMMENDS:

That the Head: Community Participation and Action Support be authorised to incur expenditure to the value of R550 000.00 (Five Hundred and Fifty Thousand Rand) in order to procure the essential resources such as office and computer equipment necessary for the new office site at the BP Centre in the Durban CBD.

Financial Implications:

The approved capital budget for 2018/19 includes an amount of R1 080 000.00 for furniture and fittings. Due to the changing of needs and priority, R550 000.00 from this budget allocation will be utilised to fund the essential resources.

Vote No.: 32302.44520.12120.0000.PC8400.W016.

FC No.: 2018/06/22

As some Councillors were not in support of the above recommendations of the Executive Committee and with majority of Councillors being in agreement, the matter was put to the vote.

With 175 Councillors present, 123 Councillors (ANC – 107, IFP – 9, IND – 2, AIC – 1, MF – 1, DLC – 1, MOSA – 1 and AL JAMA-AH – 1) voted in favour and no Councillors voted against. 52 DA Councillors abstained from voting.

The above recommendation of the Executive Committee was, by the majority vote, **ADOPTED.**

1.4

Request for Authority to Support Developing Artists : Umlazi Jazz Concert (13/3/1):
(Page L8 : Community Services Committee - Agenda 2018-10-25)

Committee noted the amendment of the date of the uMlazi Jazz Concert from 2018-10-17 as reflected in the report to 2018-11-17.

With the Democratic Alliance abstaining from supporting the report,

COMMITTEE RECOMMENDS:

That the Parks, Recreation and Culture Unit be authorised to incur expenditure of R200 000.00 (Two Hundred Thousand Rand) to coordinate and implement the operational arrangements and funding for the performances of 10 local developing artists for the uMlazi Jazz Concert taking place on 2018-11-17 at King Zwelithini Stadium.

Financial Implications:

The financial implication for the uMlazi Jazz Concert is R200 000.00

Number for Project Description (Celebrate Durban)

Business Unit	Item Number	Item Sub	Fund	Costing	Project	Region
26003	Various	-	12120	0000	53500-7	0010

Budget Provision R200 000.00

FC No. 32/204

ADOPTED.

2. REQUEST TO BORROW R1.0 BILLION FOR CAPITAL PROJECTS (7/3/1/1/2)

(Page 1)

The Committee noted that the proposed loan was necessitated by the shortfall identified during the MTREF budget process and that the Council had subsequently approved borrowing as a means to fund Capital Expenditure during the 2018/2019 financial year.

Concerns were raised by members of the Executive Committee that the report did not clearly state the reasons for the loan and it was clarified that the objective of the report was to outline the Request for Proposal process and that once that process had been completed, a final report on the matter would be submitted to the Executive Committee in March 2019.

With the Democratic Alliance voting against the item and the Inkatha Freedom Party abstaining,

COMMITTEE RECOMMENDS:

That approval be granted to the Deputy City Manager: Finance for the issuance of a Request for Proposal (RFP), inviting tenders for the provision of long term debt finance in the amount of R1 Billion (One Billion Rand), to finance the eThekweni Municipality's Capital Budget for the 2018/2019 financial year.

Some Councillors were not in support of the above recommendation of the Executive Committee on the basis that Parastatals were owing the City in the region of R1 billion and the inability of the Municipality to collect outstanding debt was an issue. Further, it was contended that money was being spent on wasteful projects and the frequent borrowing of finances would lead the Municipality into further debt.

Also, the assertion was made that the request to borrow did not comply with Section 46 (3) (a) (i) of the Municipal Finance Management Act (MFMA). In this regard a legal opinion was sought.

The Acting Head: Legal Services and Compliance clarified that the authority being sought was to allow the Accounting Officer to issue a request for the proposal to borrow and to initiate a selection process for a financial institution to provide this loan. The approval being sought was an interim one with the matter being re-submitted to the Executive Committee and Council for a final approval at a later stage.

In response to a query whether the R1 billion could be spent before the next financial year it was further clarified that the amount had already been included on the budget for the 2018/19 financial year.

In that regard the majority of the Councillors indicated their support for the above recommendation of the Executive Committee. The matter was thereafter put to the vote. With 182 Councillors present, 114 Councillors (ANC – 111, IND – 2 and AIC – 1) voted in favour and 68 Councillors (DA – 55, IFP – 9, MF – 1, DLC – 1, MOSA – 1 and AL JAMA-AH – 1) voted against. There were no abstentions recorded.

The above recommendation of the Executive Committee was, by the majority vote, **ADOPTED.**

3. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT FOR THE CONSULTING ENGINEER MAP AFRICA CURRENTLY ENGAGED AT THE KANKU ROAD LOW INCOME HOUSING PROJECT, WARD 90, TO: (22/7/1/1/3)

A. INCREASE THE SCOPE OF WORK TO OVERSEE THE UPGRADE OF THE BULK SEWER WORKS REQUIRED FOR THE KANKU ROAD HOUSING PROJECT

B. REVISION OF THE KANKU ROAD LAYOUT PLAN

(Page 5)

COMMITTEE RECOMMENDS:

3.1 That Council note that is it in the best interest of the affected community to amend the current contract to include the additional scope of work for the upgrade to the existing bulk Municipal sewer infrastructure, to mitigate any further delays and ensure that the project is delivered timeously to assist with much needed relief to the families remaining in the Isipingo Transit Camps (Ward 90), as follows:

3.1.1 That the contract authority to Map Consulting Engineers be extended to include professional fees and disbursements amounting to R2 011 597.50 (Two Million and Eleven Thousand Five Hundred and Ninety Seven Rand and Fifty Cents) excluding VAT, for the upgrade of the existing bulk municipal sewer infrastructure servicing the Kanku Road Housing Project.

3.1.2 That provision be made for additional design costs amounting to R1 750 000.00 (One Million Seven Hundred and Fifty Thousand Rand) excluding VAT, in order to comply with the requirements of the Strategic Planning Unit of the City.

3.1.3 That subject to the approval of .1 and .2 above, the contract authority for 1H-12110 be increased by a total amount of R4 325 837.13 (Four Million Three Hundred and Twenty Five Thousand Eighty Hundred and Thirty Seven Rand and Thirteen Cents) including VAT, together with the additional three (3) year extension to Map Consulting Engineers' appointment to allow the additional works and processes.

3.2 That the local community:

3.2.1 Be given reasonable notice of the intention to amend the contract.

3.2.2 Be invited to submit representations to the Municipality.

ADOPTED.

4. NEGOTIATIONS ON NEW DIVISIONAL CONDITIONS OF SERVICE (4/2/1/2)

(Page 31)

COMMITTEE RECOMMENDS:

That the proposed new Divisional Conditions of Service Collection Agreement negotiated at the eThekweni Divisions of the South African Local Government Bargaining Council, be approved with effect from 01 November 2018.

Financial Implications:

The additional annual cost of the new collective agreement is R11 987 000.00 (Eleven Million Nine Hundred and Eighty Seven Thousand Rand) per annum. The additional cost for the 2018/2019 financial year can be met from savings on the staff budget.

ADOPTED.

5. AUTHORITY TO USE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO INCREASE IN CONTRACT THE VALUE FOR CONTRACT NO. WS6734: MANAGEMENT CONTRACT FOR THE WASTE REMOVAL FROM VENTILATED IMPROVED PIT (VIP) TOILETS (24/2/6)

(Page L9)

COMMITTEE RECOMMENDS:

- 5.1 That, Council note that the Municipality faces a risk of being subjected to litigation from members of the community in the event that urgent interventions are not made to prevent the potential spread of diseases and pollution to the environment, which necessitates the following proposed amendments to Contract WS6734:
 - 5.1.1 That the Head: eThekweni Water and Sanitation be permitted to apply for an increase in the financial authority for Contract no. WS 6734 in terms of Section 116(3) (a) and (b) of the Municipal Finance Management Act.
 - 5.1.2 That authority be granted for the Head: eThekweni Water and Sanitation to conduct a verification exercise to quantify the exact number of VIP toilets to be emptied including those that were installed individual homeowners and are currently not on the Municipality’s GIS system
 - 5.1.3 That savings identified from other projects be utilized for the emptying of additional VIP toilets on an as when required basis.
- 5.2 That the local community:
 - 5.2.1 Be given reasonable notice of the intention to amend the contract.
 - 5.2.2 Be invited to submit representations to the Municipality.

Financial Implications:

Funding for the emptying of additional VIPs will be provided in the 2018/2019 operational budget and any additional funding required will be sourced from savings identified, the details of the current contract, WS 6734, including expenditure to date, number of toilets emptied under irregular expenditure and the budget available for pending Section 116 authorisation is shown below:

Contract No.	Original Contract		Additional regularized expenditure				15% Minor Amendment		Section 116 Authorisation	
	Amount VAT Incl.	No. of Toilets Emptied	Amount VAT Incl.	No. of Toilets Emptied	Amount VAT Incl.	No. of Toilets Emptied	Amount VAT Incl.	No. of Toilets Emptied	Budget Available (2018/19 FY)	No. of Toilets Emptied
WS 6734	R39 987 719	21000	R7 796 539	4214	R23 675 041	12797	R5 998 157	3242	R15 000 000	8108

FC No.: 18/365/019

ADOPTED.

6. EXPANDED PUBLIC WORKS PROGRAMME BENEFICIARY WAGE RATES
(19/1/1/1/2)

(Page L10)

COMMITTEE RECOMMENDS:

- 6.1 That, Council approves the Expanded Public Works Programme (EPWP) beneficiary rates, the National Government initiative that seeks to alleviate poverty and income relief through temporary work for the unemployment to carry out socially useful activities.
- 6.2 That subject to the approval of .1 above, another report be submitted to the Council detailing the grading outcomes.
- 6.3 That subject to the approval of .1 above, that for future years and annual increment be implemented in line with the municipal annual increase taking into account prevailing in inflation rates.
- 6.4 That the affected departments be tasked to identify savings to fund the Expanded Public Works Programme for the remainder of the financial year and a further progress report be submitted to Council in December 2018.

Proposed Beneficiary Wage Daily Rate:

It is proposed the wage rate below be implemented effective from the 1st of October 2018. The proposed daily rate is below the eThekweni Municipality's salary scale and implementation of it will have no additional financial barring as the beneficiaries are currently on that rate.

No.	Position	Daily Rate
1	General Worker	R149.37
2	Supervisor	R295.88
3	Data Capturer	R497.41
4	Receptionist	R497.81
5	Security Manager (Grade A)	R574.38
6	Site Security	R240.00
7	Administrator	R597.35
8	Co-ordinators	R798.37
9	Project Manager	R1 091.31

ADOPTED.

**NOTICE OF MOTION
IN TERMS OF SECTION 18 OF THE RULES OF ORDER**

1. NOTICE OF MOTION: CHALLENGES FACED WITH LGBTI COMMUNITY: PROPOSED BY COUNCILLOR M MEYER AND SECONDED BY COUNCILLOR CJ LAING (19/1/1/4)

This Council noting that:

24 years into our democracy the LGBTI+community still face many challenges in our City.

Hereby resolves that the Community Services Committee investigates and report back to Council on:

A formal engagement that shall be hosted by the Municipality with relevant stakeholders of the LGBTI+community in eThekweni focusing on challenges and needs of the LGBTI+community of this City.

The above-mentioned Notice of Motion submitted by Councillor LM Meyer and seconded by Councillor CJ Laing was unanimously CARRIED.

2. NOTICE OF MOTION: PRIVATELY FUNDED SECURITY MEASURES IN NEIGHBOURHOODS: PROPOSED BY COUNCILLOR S RYLEY AND SECONDED BY COUNCILLOR S SEWSHANKER (28/1/1/1)

This Council noting that:

As violent crime escalates across the country, many communities within eThekweni are constantly looking for ways to strengthen safety and security in their neighbourhoods at their own expense. Such measures have the potential to supplement the efforts of SAPS and Metro Police in fulfilling their crime prevention responsibilities. However, confusion exists around what is permissible and what is not due to the lack of a codified policy or by-law.

Hereby resolves that the Security and Emergency Services Committee investigates and considers the following points and report back to Council:

1. The drafting of an official policy on privately funded security measures in neighbourhoods within the Municipality.
2. The inclusion in such a policy for the provision for security huts, boom gates and security guards conducting street patrols whilst ensuring that such policy is fully compliant with the Constitution.

Councillor S Ryley moved his Notice of Motion and thereafter motivated same. As not all Councillors were in support of the Motion the matter was put to the vote. With 179 Councillors present, 63 Councillors (DA – 54 and IFP - 9) voted in favour and 115 Councillors (ANC – 110, IND – 2, AIC – 1, MF – 1 and AL JAMA-AH – 1) voted against. 1 DLC Councillor abstained from voting.

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

3. NOTICE OF MOTION: DISRUPTIONS IN IRPTN PROJECT: PROPOSED BY COUNCILLOR M BRAUTESETH AND SECONDED BY COUNCILLOR R GOOKOL (26/3/2/3)

President Ramaphosa has stated in media reports that there needs to be consequences for business forums which delay projects

Hereby resolves that the Human Settlements and Infrastructure Committee investigates and considers the following and reports back to Council:

1. Ensure work on the IRPTN project continues without further delay.
2. Take decisive action against any organization causing disruptions to the IRPTN project.

Councillor M Brauteseth moved her Notice of Motion and thereafter motivated same. As not all Councillors were in support of the Motion the matter was put to the vote. With 177 Councillors present, 54 DA Councillors voted in favour and 114 Councillors (ANC – 108, IND – 2, AIC – 1, MF – 1, MOSA – 1 and AL JAMA-AH – 1) voted against. 9 Councillors (IFP – 8 and DLC – 1) abstained from voting.

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

REPORT OF COMMITTEE DECISIONS

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

1. EXECUTIVE COMMITTEE

Meetings held on : 2018-09-18
: 2018-09-26

2. GOVERNANCE AND HUMAN RESOURCES COMMITTEE

Meetings held on : 2018-09-12
: 2018-10-17

3. HUMAN RESOURCES DEVELOPMENT SUB-COMMITTEE: TREASURY AND OFFICE OF THE CITY MANAGER

Meeting held on : 2018-09-17

4. HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE

Meeting held on : 2018-10-09

5. LOCAL LABOUR FORUM: COMMUNITY AND EMERGENCY SERVICES CLUSTER

Meeting held on : 2018-08-21

6. LOCAL LABOUR FORUM: GOVERNANCE AND CORPORATE HUMAN RESOURCES CLUSTER

Meetings held on : 2018-09-20

7. SECURITY AND EMERGENCY SERVICES COMMITTEE

Meeting held on : 2018-09-19

8. SPEAKER'S COMMITTEE

Meeting held on : 2018-09-25

NOTED.

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 42 to 44 of the Agenda were NOTED.

The meeting terminated at 17:00

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2018-12-06

SPEAKER