

No. 45

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Thursday, 2018-12-06T10:00 at the
Inkosi Albert Luthuli International Convention Centre, 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, WJD Burne, H Cele, J Chetty, BA Chili, 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, VE Gebashe, HD Goge, R Gokool, G Govender, S Govender, Y Govender, NL Graham, BR Gumede, NC Gumede, NP Gumede, TR Gumede, ZD Gushu, MS Gwala, MH Haniff, GJ Hegter, NP Hlomuka, RC Hlophe, NB Hoosman, NB Iyir, JA Johnson, M Johnson, SA Kaunda, DM Khanyile, KNN Khubone, JS Khuboni, PZ Khumalo, HL Khubisa, NL Khuzwayo, S Khuzwayo, ZW Khuzwayo, SNC Khwela, CJ Laing, CB Langa, TJ Luthuli, TN Mabanga, MT Mabaso, NI Madlala, A Maharajh, B Majola, TG Makhanya, NZ Maluleka, PM Mbambo, V Mbanjwa, AM Mbele, RD Macpherson, SM Mdlalose, FW Mdletshe, LM Meyer, P Mfeka, TP Mfusi, GN Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, 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, SNL Mshengu, B Msomi, NP Msomi, LG Mthembu, M Mthembu, MGF Mthembu, MM Mthembu, ON Mthembu, TM Mthethwa, TT Mthiyane, N Munien, AB Mvubu, RM Mzobe, BD Naidoo, J Naidoo, M Nair, X Nala, PL Ncayiyana, BP Ndlela, PB Ndlovu, MK Ndzimbomvu, AS Ngcobo, S Ngema, TT Ngubane, SJM Nhlapho, MS Nkosi, M Nojiyeza, DR Nowbuth, GM Noyce, B Ntshangase, PC Ntshangase, PB Ntuli, NP Nxumalo, W Nyaba, TT Nzuzza, CJ Pappas, BW Phewa, JP Phewa, TK Phohlo, BP Phungula, D Pillay, DR Pillay, KR Pillay, P Pillay, JP Prinsloo, GDA Pullan, A Ramkissoon, A Rampersad, S Ryley, S Sewshankar, AN Shabalala, B Shabane, MG Shange, SG Shange-Dlamini, MT Shelembe, ES Shezi, 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, AD Snyman, ZR Sokhabase, M Tembe, JB Thabethe, WM Thring, JC Van den Berg, PA Vedan, SM Windvogel, C Xesibe, MC Xulu, TV Xulu, NY Young, BM Zulu, GB Zulu, TM Zuma, TG Zungu, MH Zwane and there being two (02) vacancies.

ABSENT : Councillors S Aslam (On leave – Indisposed), M Brauteseth (On leave - Indisposed), S Brijmohan, SS Butelezi, VP Caluza (On leave - Indisposed), NT Cele, TJT Cibane (On leave – Municipal Business), BA Fortein (On leave – Indisposed), PJC Graham, ES Khanyile (On leave), P Luthuli, ZP Makhanya, MW Manqele (On leave – Indisposed), K Mhlaba (On leave), BA Mkhize (On leave – Indisposed), LC Mnguni

(On leave – Indisposed), SB Mpanza, NE Mthembu (On leave – Indisposed), AB Ndlovu (On leave – Municipal Business), ZS Ndzoyiya, BS Ngiba (On leave), MM Ngiba (On leave), SC Ntshangase (On leave - Indisposed), BT Ntuli (On leave – Indisposed), PH Nxumalo (On leave), NN Nyanisa (On leave – Indisposed), MS Nyawose, BR Qhantsi, MD Qwabe, BP Shozi (On leave), NI Sithole (On leave – Municipal Business), S Thango (On leave) and MBR Zuma.

AMAKHOSI

PRESENT : Inkosi BF Bhengu, Inkosi VR Cele, Inkosi TF Gwala, Inkosi NM Hlengwa, Inkosi PP Luthuli, Inkosi NC Maphumulo, Inkosi RF Mthembu and Inkosi MJ Ngcobo.

AMAKHOSI

ABSENT : Inkosi KS Makhanya, Inkosi DZ Mkhize, Inkosi LD Mkhize, Inkosi KT Mkhize (On leave), Inkosi TBE Mkhize, Inkosi S Mlaba (On leave), Inkosi MB Ngcobo, Inkosi JP Shangase and Inkosi EB Shozi.

OFFICIALS

PRESENT : Messrs/Mesdames SC Nzuzi (City Manager), M Mthiyane (Acting Head: Legal Services and Compliance), S Mfingwama: Chief Legal Advisor: Legal Services and Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), KR Ramsunder (Chief Committee Officer) and K Munthrie (Principal Committee Officer).

(At the commencement of the meeting 173 Councillors were present, comprising ANC – 94, DA - 54, IFP - 9, EFF - 5, INDEPENDENT - 3, AIC - 2, ACDP – 1, MF - 1, DLC - 1, TA- 0, MOSA – 1, APC - 1 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; Deputy Mayor, Honourable Councillors and Traditional Leaders present; City Manager; Deputy City Managers and Heads present; Acting Head : Legal Services and Compliance; Media; Members of the Public and Members of the Administration.

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

On behalf of the City, the Speaker expressed his condolences to the family of struggle stalwart Mendi Msimang who served as High Commissioner in England from 1995 to 1998.

He reported on the successful launch of the 16 days of Activism for No Violence against Women and Children Campaign, held at the Emataseni Sports Ground in Sankontshe (Ward 5) on 27 November 2018. In doing so he encouraged all residents of eThekweni to actively participate in ensuring that women and children were protected from violence and physical abuse.

He spoke of the World Aids Day function on 02 December 2018 at the Sirpat Sports Grounds (Ward 23), in Reservoir Hills, held in remembrance of all those that had been victims of the disease and showed support for people currently living with HIV.

On behalf of the City he welcomed visitors that would be celebrating the Festive Season in Durban, reminding everybody that Durban remained the premier tourist destination for both Domestic and International tourists.

He congratulated the Class of 2018 for completing an incident free matric examination and wished them well for the future.

Councillors were requested to note that Council would be on recess from 13 December 2018 – 08 January 2019, adding that all matters requiring Council approval would be dealt in line with Rule 28 of the current Rules of Order By-Law.

He extended his good wishes to all Councillors who had celebrated their birthday in November and those celebrating in December.

Councillors were requested to switch off their microphones after speaking to avoid interference with the sound system and talk slowly and clearly during the proceedings for the interpreters.

Councillors were reminded of Rule of Order 16.(1) (a)-(e) and (4),(5),(6),(7) and (9) whereby as per those rules, they were requested to conduct themselves in a respectful manner, to refrain from interrupting proceedings and encouraged to conduct business with the highest decorum and integrity that the occasion and the residents of the Municipality deserved.

6. SPEAKER'S REPORT

In his report the Speaker advised of the number of Community meetings, Ward Committee meetings and Council Committee meetings that had been held during the month of November. The Council Committee meetings held comprised Executive Committee, Support Committees, Local Labour Forums, Ethics Committee. Municipal Planning Tribunal and Executive Committee Appeals Authority. Generally, all Council Committees referred to in the report were functioning well and where there were issues of concern these were to be addressed separately.

He also mentioned that Councillors had had engagements with different Stakeholders within their constituencies and such engagements included, inter-alia, Religious Representatives, Business, etc.

The Speaker stressed the need for Portfolios of Evidence (PoE) to be submitted by Councillors conducting Ward Committee meetings as this was a requirement of COGTA. 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.

In view of the above he stressed the need for a Functionality Workshop to be convened for all Ward Committees.

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor M Brauteseth	: 2018-12-05 to 09 (Indisposed)
Councillor VP Caluza	: 2018-12-06 to 08 (Indisposed)
Councillor TJT Cibane	: 2018-12-06 (Municipal Business)
Councillor M David	: 2018-12-06 (Personal Commitments)
Councillor BA Fortein	: 2018-12-06-to 07 (Indisposed)
Councillor Y Govender	: 2018-12-06 (Personal Commitments)
Councillor ES Khanyile	: 2018-12-04 to 08 (Personal Commitments)
Councillor PZ Khumalo	: 2018-12-06 (Indisposed)
Councillor RD Macpherson	: Request to leave at 15:00
Councillor MW Manqele	: 2018-12-06 to 10 (Indisposed)
Councillor SM Mdlalose	: 2018-12-06 (Personal Commitments)
Councillor TP Mfusi	: Request to leave at 14:00
Councillor K Mhlaba	: 2018-12-06 (Personal Commitments)
Councillor BA Mkhize	: 2018-12-06 (Indisposed)
Councillor LC Mnguni	: 2018-12-06 to 08 (Indisposed)
Councillor SR Moodley	: Request to leave at 14:00
Councillor NE Mthembu	: 2018-12-06 (Indisposed)
Councillor A Ndlovu	: 2018-12-06 (Municipal Business)
Councillor BS Ngiba	: 2018-12-05 to 09 (Personal Commitments)
Councillor MM Ngiba	: 2018-12-06 (Indisposed)
Councillor SJM Nhlapho	: Request to leave at 12:30

Councillor SC Ntshangase	:	2018-12-06 (Indisposed)
Councillor PH Nxumalo	:	2018-12-06 (Personal Commitments)
Councillor BT Ntuli	:	2018-12-06 to 10 (Indisposed)
Councillor NN Nyanisa	:	2018-12-03 to 07 (Indisposed)
Councillor A Shaheed	:	2018-12-06 (Indisposed)
Councillor ES Shezi	:	Request to leave at 14:30
Councillor BP Shozi	:	2018-12-05 to 09 (Personal Commitments)
Councillor M Sibisi	:	Request to leave at 12:30
Councillor NI Sithole	:	2018-12-06 (Municipal Business)
Councillor S Thango	:	2018-12-06 (Personal Commitments)
Councillor WM Thring	:	Request to leave at 11:15

AMAKHOSI

Inkosi KT Mkhize	:	2018-12-06 (Attending Provincial Meeting)
Inkosi S Mlaba	:	2018-12-06 (Attending Provincial Meeting)

(It is recorded that although Councillors M David, Y Govender, PZ Khumalo and SM Mdlalose had applied for leave of absence from this Council Meeting, they were present.)

8. **CONFIRMATION OF MINUTES: Meetings held on 2018-10-30 and In-Committee Meeting held on 2018-10-30**

Councillor WM Thring advised of the need to amend the Council Minutes of 2018-10-30 as follows:

- On Page 1580, in the first line of recommendation 2.7.1, by the deletion of the word "Committee" and by the substitution therefor of the word "Council".
- On Page 1586, in the first line of recommendation 3.1, by the addition of the letter "s" to the word "Street".
- On Page 1601, in the first line under the heading Financial Implications, by the deletion of the word "mew" and by substitution therefor of the word "new".

Thereafter, it was

RESOLVED:

That the minutes of the meeting of the eThekweni Municipal Council held on 2018-10-30 and the minutes of the In-Committee meeting held on 2018-10-30, as circulated and taken as read, be and they are hereby confirmed.

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

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-11-20)

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

1. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD ON 2018-11-06

(Page R1)

- 1.1 Request for Authority to Register Servitude on Emona-Sunhills Housing Development: Bulk Sewer Construction: Ward 61 and 62: WS2018/162 (23/2/1/1):
(Page 65: Human Settlements and Infrastructure Committee - Agenda 2018-11-06)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Real Estate to acquire by private treaty or expropriation the land and servitudes required for the construction of the collector sewers, pump station, rising main and gravity line to service the Emona - Sunhills Housing Development: Bulk Sewer Construction project, Wards 61 and 62.

Project No: Y6712 R600 000 (Provided in 2018/2019 financial year)

FC 365/C130

ADOPTED.

- 1.2 Report on Delays Incurred to Capital Projects as at April 2018: WS 2018/087 (7/3/1/1/2):
(Page 76: Human Settlements and Infrastructure Committee - Agenda 2018-11-06)

At the Executive Committee meeting some Executive Committee Members expressed concern on two issues, namely the delay in expediting capital projects and involvement by Ward Councillors in the procurement of contracts.

With Executive Committee Members N Graham, H De Boer and T Mthethwa dissenting,

COMMITTEE RECOMMENDS:

- 1.2.1 That the Head: Supply Chain Management be tasked to develop a clear implementation plan and related procedures for the Council approved Radical Economic Transformation (RET) framework to provide guidance to Unit Heads that would be tasked with the implementation thereof.

- 1.2.2 That authority be granted to the Head: Water and Sanitation to facilitate a process of RET that will be implemented in large projects, it being recorded that such facilitation would be in consultation with Ward Councillors and all stakeholders and that an assessment of risk to Council be appraised in the functionality specification of applicable contracts in an effort to limit the risk to Council.
- 1.2.3 That the Head: Supply Chain Management be tasked to develop a database of available skills per ward to ensure that the communities that reside where work is being undertaken are considered when job opportunities are available to prevent disruptions by community members seeking employment.
- 1.2.4 That authority be granted to the City Manager in consultation with the Mayor of eThekweni Municipality to establish the RET Office with a view to assist Departments within eThekweni Municipality to implement the RET framework.
- 1.2.5 That the Head : Business Support Unit in liaison with the Community Participation Unit be tasked to hold discussions with interested parties seeking subcontracting and contracting opportunities and assist with the co-ordination of the up-skilling of the interested parties to enable them to participate in the eThekweni economy in an effort to limit future project interruptions.

MOTION TO AMEND

In terms of Rule of Order Bylaw 20(4), Councillor MM Mthembu, seconded by Councillor SA Kaunda, moved as a procedural motion that the above recommendations of the Executive Committee be amended by the deletion of 1.2.2 thereof in its entirety and by the substitution therefor of the following:

“1.2.2 That authority be granted to the Head: Water and Sanitation to create a panel of facilitators to conduct stakeholder management in the implementation of capital projects in line with the Radical Economic Transformation Policy of Council and in compliance with Section 112 of the Supply Chain Management Policy.”

CARRIED

As some Councillors were not in support of the above-mentioned motion to amend on the basis that there was no indication as to who would serve on the proposed “Panel of Facilitators”, the matter was put to the vote. With 178 Councillors present, 120 Councillors (ANC – 98, IFP – 9, EFF – 2, IND – 3, AIC – 2, ACDP – 1, MF – 1, DLC – 1, MOSA – 1, APC – 1 and AL JAMA-AH - 1) voted in favour and 55 DA Councillors voted against. There were no abstentions recorded.

The above-mentioned Motion to Amend was, by the majority vote, CARRIED.

Discussion thereafter reverted to the above recommendations of the Executive Committee, as amended, when some Councillors contended that interference by Business Forums was delaying the completion of capital projects. Furthermore, it was the opinion of some Councillors that the possible interference of Ward Councillors in the procurement of tenders would lead to corruption. As such Councillors were not in support of the above recommendations of the Executive Committee, as amended, the matter was put the vote.

With 178 Councillors present, 118 Councillors (ANC – 98, IFP – 9, EFF – 2, IND – 3, AIC – 2, MF – 1, MOSA – 1, APC – 1 and AL JAMA-AH - 1) voted in favour and 56 Councillors (DA – 55 and ACDP – 1) voted against. 4 Councillors (EFF – 3 and DLC – 1) abstained from voting.

Thereafter, it was

RESOLVED:

- 1.2.1 That the Head: Supply Chain Management be tasked to develop a clear implementation plan and related procedures for the Council approved Radical Economic Transformation (RET) framework to provide guidance to Unit Heads that would be tasked with the implementation thereof.**
- 1.2.2 That authority be granted to the Head: Water and Sanitation to create a panel of facilitators to conduct stakeholder management in the implementation of capital projects in line with the Radical Economic Transformation Policy of Council and in compliance with Section 112 of the Supply Chain Management Policy.**
- 1.2.3 That the Head: Supply Chain Management be tasked to develop a database of available skills per ward to ensure that the communities that reside where work is being undertaken are considered when job opportunities are available to prevent disruptions by community members seeking employment.**
- 1.2.4 That authority be granted to the City Manager in consultation with the Mayor of eThekweni Municipality to establish the RET Office with a view to assist Departments within eThekweni Municipality to implement the RET framework.**
- 1.2.5 That the Head : Business Support Unit in liaison with the Community Participation Unit be tasked to hold discussions with interested parties seeking subcontracting and contracting opportunities and assist with the co-ordination of the up-skilling of the interested parties to enable them to participate in the eThekweni economy in an effort to limit future project interruptions.**
- 1.3 Request for Authority to Transfer Funds within Water Capital Budget in 2018/2019 Financial Year (23/2/1/3/6/1):
(Page 83: Human Settlements and Infrastructure Committee - Agenda 2018-11-06)**

COMMITTEE RECOMMENDS:

- 1.3.1 That authority be granted for the transfer of fund from the sanitation block sum where savings have been identified as follows:**

Project Description	Funding Required in 2018/2019	Vote Number	Funding Provided From Project	Surplus Funding 2018/2019
Emergency provision of sanitation services and infrastructure to KwaMashu L Section	R35 000 000.00	X5258	Sanitation Block Sum	R35 000 000.00

- 1.3.2 That subject to the approval of .1 above, authority be granted to the Deputy City Manager: Finance include in his adjustment budget report, the transfer of an amount of R35 000 000 (Thirty Five Million Rand) from block sum where savings have been identified for the project to provide sanitation service and associated infrastructure at KwaMashu L Section in the 2018/19 financial year.

Cost Centre/Project No: Y8764; FC No.365/C128

ADOPTED.

- 1.4 New Water Production at KwaMashu and Northern Wastewater Treatment Works (WWTWS) (23/1/11/2/1/2):
(Page 150: Human Settlements and Infrastructure Committee - Agenda 2018-11-06)

COMMITTEE RECOMMENDS:

- 1.4.1 That the City Manager be tasked to notify the National and KwaZulu-Natal Provincial Treasury of the intention of the eThekweni Municipality to initiate processes in terms of the Municipal Public Private Partnership (PPP) Regulations, to assess the suitability of PPP for the new water production at the KwaMashu and Northern Waste Water Treatment Works (WWTWs).
- 1.4.2 That the Head: Water and Sanitation be authorised to appoint, if necessary, a suitably qualified internal Project Officer in terms of Section 7 of the Municipal Public Private Partnership Regulations.
- 1.4.3 That authority be granted for National Treasury to appoint a Transaction Advisor from their approved panel of experts.
- 1.4.4 That the Head: Water and Sanitation be authorised to enter into an agreement with the Development Bank of Southern Africa (DBSA) for the project preparation funding of R10 000 000 (Ten Million Rand) to conduct the feasibility and procurement phases of the project.
- 1.4.5 That the findings and recommendations of the feasibility study carried out by the Transaction Advisor be presented to Council. The report is only intended to appoint the Transaction Advisor to carry out the feasibility study subsequently make the necessary recommendations.
- 1.4.6 That the Head: Water and Sanitation be authorised to take any other action necessary and desirable in order to effect this resolution for the Council to be provided with all relevant information in relation to the provision of said Municipal Services.
- 1.4.7 That the Anticipated expenditure by the City for the programme is:

Vote: 62140.10975.11400.0000.MRC01.0010 R5 000 000 (to be met from savings provided in 2018/2019 capital budget [EWS])
R10 000 000 (be provided in 2019/20 [EWS/DBSA])
R5 000 000 (be provided in 2020/21 [DBSA])

FC: 365/85

ADOPTED.

2. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD ON 2018-11-09

(Page R4)

2.1 Request to Recruit Volunteers to Assist in Facilitating Programmes Associated With National Population Registration and Voter Registration Whilst Finalising Renewal of Memorandum of Understanding with the Department of Home Affairs (4/3/5/1):
(Page 44: Community Services Committee - 2nd Supplementary Agenda 2018-11-09)

COMMITTEE RECOMMENDS:

- 2.1.1 That authority be granted for the Head: Community Participation and Action Support to recruit forty (40) volunteers at an estimated cost of R1 080 000.00 (One Million Eighty Thousand Rand) for the period commencing 2018-12-01 to 2019-06-30 for population registration and voter registration programmes.
- 2.1.2 That subject to the approval of .1 above, the Head: Community Participation and Action Support be tasked to expedite the finalisation of the Memorandum of Understanding (MOU) between the eThekweni Municipality and the KwaZulu-Natal Provincial Department of Home Affairs for the National Population Registration campaign.
- 2.1.3 That subject to the approval of .1 and .2 above and the signing of the aforementioned MOU, authority be granted for the conversion of the volunteers to ensure that they serve within the provisions of the terms and conditions of the MOU until the end of the 2018/2019 financial year.
- 2.1.4 That subject to the approval of .1, .2 and .3 above, an additional amount of R100 000.00 (One Hundred Thousand Rand) be provided for accidental costs such as overtime.
- 2.1.5 That subject to the approval of .1, .2, .3 and .4 above, authority be granted for the Head: Community Participation and Action Support to incur the expenditure of a total of R1 080 000.00 (One Million and Eighty Thousand Rand) to pay the volunteers a stipend at the rate of R175.00 (One Hundred and Seventy Five Rand) per day for the 2018/2019 financial year.

Financial Implications:

Vote No.: 32305.19000.12120.000037190.0010 ; R1 080 000.00; 2018/2019 financial year

FC No.: 2019/06/27

ADOPTED.

2.2 Approval of Grant-In-Aid Ad-Hoc Applications for Dedicated Artists Cultural Arts Organisation and Likhonaithemba Community Care Centre (7/14/1):
(Page 48: Community Services Committee – 2nd Supplementary Agenda 2018-11-09)

The Community Services Committee noted that the two (2) applications for Grant-In-Aid support and requested that an invitation be extended to both organisations, namely, the Dedicated Artists Cultural Arts Organisation and the Likhonaithemba Community Care Centre in order for the Committee to follow up and play an oversight role.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.2.1 That in compliance with the approved Grant-In-Aid Policy, authority be granted to the Head: Community Participation and Action Support to incur an amount of R45 000.00 (Forty Five Thousand Rand) as a partial contribution by the Municipality in response to the ad-hoc Grant-In-Aid application from the Dedicated Artists Cultural Arts Organisation, which is responsible for the promotion of arts and culture and the funding requested is for the hosting of the Culture Festival.
- 2.2.2 That in compliance with the approved Grant-In-Aid Policy, authority be granted to the Head: Community Participation and Action Support to incur an amount of R5 000.00 (Five Thousand Rand) for the ad-hoc Grant In Aid application from the Likhonathemba Community Care Centre, to host a library event for pre-school children during the festive season at South beach and Albert Park, Durban.

Financial Implications

Budget Provision : R50 000.00

Vote No. 32301.25040.12120.000038870.0010

FC No.: 2019/06/30

ADOPTED.

3. APPROVAL OF SELF INSURANCE RESERVE POLICY FOR ETHEKWINI MUNICIPALITY (7/12/P)

(Page 37)

It was noted that the Deputy City Manager: Finance had been invited to a meeting with the Chairpersons and Deputy Chairperson of the various Support Committees and Whips for the purposes of providing clarity on issues related to the Self Insurance Reserve Policy.

A request was made for the matter to be deferred to enable the Political Leadership to workshop the policy as agreed by the Executive Committee on 2018-08-14. With the point having been made that Party Caucuses were welcome to invite the relevant Officials to provide the necessary clarity at their caucus meetings and with no consensus being reached, the matter was put to a vote.

With 9 Councillors present, 5 ANC Councillors voted in favour, 1 IFP Councillor voted against and 3 Democratic Alliance Councillors abstained from voting.

Accordingly, by a majority vote,

COMMITTEE RECOMMENDS:

That the updated Self-Insurance Reserve Policy, as indicated in the report of the City Manager dated 2018-07-12 and which is substantially similar in form and substance as the old General Insurance Fund, be approved.

ADOPTED.

4. CREDIT AUTHORITIES CONSENT TO JUDGEMENT AND
ACKNOWLEDGEMENT OF DEBT: REVIEW IN THE APPLICATION OF
PAYMENT ARRANGEMENTS (7/6/3/1)

(Page 60)

Clarity having been provided that the process was being formalized and would assist in identifying customers that had erred on payment due to unaffordability, with them being given the opportunity to convert to prepaid electricity. A user friendly Debt Profile would also assist customers in understanding their debt and make necessary arrangements for payment, based on their affordability. In a number of instances a review of arrears especially in respect of the poorest of the poor may need to be written off. Illegal reconnections would also be clamped and on the basis of evidence received, all issues of corruption would be dealt with by the City Integrity & Investigations Unit with prompt resolutions thereto.

Accordingly,

COMMITTEE RECOMMENDS:

- 4.1 That in view of the legal requirements with effect from 2018-08-01 to enter into an agreement of credit authorities, consent to judgement and acknowledgement of debt in terms of Sections 57 and 58 of the Magistrate's Court Act 32 of 1944, the report of the Manager: Legal Processes dated 02 August 2018 relative to new amendments to the Rules of the Magistrates' Courts pertaining to admission of liability for debt, be noted.
- 4.2 That the draft Affordability Form and Affidavit, attached as Annexures A and B to the report of the City Manager dated 2018-08-07, in relation to a debtor's ability to settle a debt by way of instalments, be approved.

ADOPTED.

5. APPROVAL FOR IMPLEMENTATION OF THE DIWALI FESTIVAL OF LIGHTS
FOR THE YEAR 2018 (13/2/1/2/1)

(Page 67)

Clarity was provided to concerns raised in respect of the late submission of the report, exorbitant catering budget and involvement by Her Worship the Mayor's office.

Executive Committee Members N Graham, H De Boer and T Mthethwa abstained on the basis that they would need to revert to their Party Caucus. It was noted that although in support of the festival, Executive Committee Member MS Nkosi recorded his concern on catering related expenditures.

With majority of the Executive Committee Members in support,

COMMITTEE RECOMMENDS:

- 5.1 That the request to support the Diwali Festival of Lights 2018 and the ratification of an expenditure of R678 000.00 (Six Hundred and Seventy Eight Thousand Rand), be approved.

- 5.2 That, it be noted that the above is a once-off authorization and does not constitute a precedence for approval and authorization of future festivals.
- 5.3 That the City Manager be requested to develop a policy to ensure fair and equitable funding of religious activities and events.

Financial Implications:

ITEM	ISIPHINGO	Chatsworth A & B	EFFINGHAM/ REDHILL/ AVOCA	PHOENIX A & B	TONGAAT	NEWLANDS	TOTAL
Marquees Chairs, table & stage	R30 000.00	R55 000.00	-	R85 000.00	R45 000.00	R35 000.00	R250 000.00 (1)
Sound	R10 000.00	R10 000.00	R10 000.00	R60 000.00	R10 000.00	R10 000.00	R110 000.00 (2)
Catering	R3 000.00	R45 000.00	R50 000.00	R85 000.00	R35 000.00	R35 000.00	R253 000.00 (3)
Performers and artists	R10 000.00	R10 000.00	R10 000.00	R15 000.00	R10 000.00	R10 000.00	R65 000.00 (4)
TOTAL	R53 000.00	R120 000.00	R70 000.00	R245 000.00	R100 000.00	R90 000.00	R678 000.00

Vote Numbers: (1) 32601.18950.10.12120.0000.53100.0010
 (2) 32601.11760.12120.0000.53100.0010
 (3) 32601.11400.12120.0000.53100.0010
 (4) 32601.11330.12120.0000.53100.0010

FC. No.: 2019/08/29

Some Councillors were not in support of the above recommendations of the Executive Committee on the basis, inter-alia, that no confirmation had been received from residents that the aforementioned Diwali festival of lights celebrations had taken place, Councillors had not been invited to the event, lack of advertising, and the allegation that the budget had been inflated and manipulated.

In that regard and with the majority of the Councillors indicating their support for the event, the matter was put to the vote.

With 176 Councillors present, 101 Councillors (ANC – 98 and IND – 3) voted in favour and 75 Councillors (DA – 55, IFP – 9, EFF – 5, AIC – 2, MF – 1, DLC – 1, APC – 1 and AL JAMA-AH – 1) voted against. There were no abstentions recorded.

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

6. AUDIT COMMITTEE REPORT FOR THE FOURTH QUARTER ENDED
2018-06-30 (11/1/2)

(Page 70)

It was noted that the report highlighted two major concerns from an audit perspective, namely; the delay in implementation of recommendations by the Head: City Integrity & Investigations in the first instance and the further delay to resolve issues on the Audit Log, especially those over 180 days, taking into account their significance in terms of performance related issues. With regard to the remaining significant matters it was noted that they had been submitted to the Executive Committee with interaction between Management and the Auditor General on the basis that they would be closely monitored by Management to ensure a resolution thereto. On matters for noting, the Segmented ICT Unit was an issue of concern in terms of conflicting reports from Management on the Council resolution regarding the Electricity Unit.

Clarity was provided to the following issues of concern:

- Unstable leadership in the Legal Unit.
- Conflict of interest with Board Members at ICC.
- Late submission of the Fourth Quarterly Report.
- Non-attendance by Senior Management at Audit Committee meetings.
- Lack of content and detail in the Audit Committee report.
- Significant issues that had not been appropriately addressed.
- The issues of RMS, Metro Police and Municipal Bus Service not highlighted.
- Lack of administrative or political impetus by the Political Leadership.
- Political interference in the disciplinary process of corrupt Officials has affected service delivery

In the circumstances,

COMMITTEE RECOMMENDS:

That the Audit Committee Report for the Fourth Quarter of 2017/2018 for the Financial year ended 30 June 2018, as submitted in terms of Section 166 (2) of the Municipal Finance Management Act No. 56 of 2003, to advise Council on the activities of the Audit Committee and the results of its quarterly reviews of the systems of internal control; risk management; financial management; performance and financial reporting; organizational performance management and evaluation; internal audit function and outcomes; fraud and corruption matters brought to the attention of Council, be noted.

NOTED.

7. ETHEKWINI MUNICIPALITY 2019/2020 RATES POLICY (7/2/P)

(Page 86)

It was noted that the legality of issues around Special Rating Areas was being sought and a report thereto was forthcoming.

Accordingly,

COMMITTEE RECOMMENDS:

That the proposed amendments to the Draft 2019/20 Rates Policy, indicated as 1st Draft dated 2018-10-09 and attached to the report of the City Manager dated 2018-11-05 be approved in principle, in order for such policy to be made available to the public for comment in terms of Section 4 of the Local Government: Municipal Property Rates Act No.6 of 2004.

ADOPTED.

8. REQUEST FOR AUTHORITY FOR A PARTNERSHIP INVESTMENT TO ACTIVATE DURBAN TOURISM'S DESTINATION PROMOTION CAMPAIGN OF DURBAN SUMMER LOVE DURING THE PREMIER SOCCER LEAGUE TELKOM KNOCK-OUT SEMI-FINAL MATCH OF KAIZER CHIEFS VS. ORLANDO PIRATES ON 24 NOVEMBER 2018 (20/1/4/3)

(Page L17)

Clarity was provided in respect of event organizers, costs related to venues for the Fan Park and admission fees and sponsorship by Supersport and Telkom. It is advised that the projected spend of all spectators would be approximately R40million and impact on the City's GDP over R86million with an annualized job creation of over 1 800.

However, with Executive Committee Members N Graham, H De Boer and T Mthethwa abstaining and majority of Members being in support,

COMMITTEE RECOMMENDS:

- 8.1 That in view of all 55 000 tickets for the Telkom Semi Final soccer match between premier soccer league clubs Kaizer Chiefs and Orlando Pirates at the Moses Mabhida Stadium on 2018-11-24 being sold out and in an endeavour to accommodate fans of the clubs who would be arriving in Durban for the match which would enable the City to derive massive economic spin offs, an amount of R3 625 000.00 (Three Million Six Hundred and Twenty Five Thousand Rand) excluding VAT be spent on the Public Viewing Areas (PVS) through fan parks as well as townships shisanyamas and lounges and be funded from the savings of the Economic Development and Planning Cluster, be approved.
- 8.2 That subject to .1 above, authority be granted to the Deputy City Manager: Economic Development and Planning to finalise negotiations with the Event Organizer.
- 8.3 That subject to .1 above, authority be granted for the Deputy City Manager: Finance to establish a Multi-Disciplinary Task Team to finalise the Supply Chain Management process and the City Manager to sign a contract with the Event Organizer.
- 8.5 That the Deputy City Manager: Economic Development and Planning be requested to provide a report back on the outcome of the fan parks.

Financial Implications:

The total financial implications for the Public Viewing Areas and satellite broadcast of the Telkom Semi-Final Match R3 625 000.00 (Three Million Six Hundred and Twenty Five Thousand Rand) excluding VAT and this will be provided for the 2018/2019 financial year.

The source of funding is as provided for in the 2018/2019 Financial Year from the budget vote below:

BU	ITEM.SUB	FUND	COSTING	PROJECT	REGION	AMOUNT
26820	11580	12120	0000	89677	0010	R3 625 000.00

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 174 Councillors present, 117 Councillors (ANC – 96, IFP – 9, EFF – 5, IND – 3, AIC – 2, APC – 1 and AL JAMA-AH – 1) voted in favour and 54 DA Councillors voted against. There were no abstentions recorded.

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

9. NOTING OF RULE OF ORDER 28: BENCHMARKING VISIT FOR MEMBERS OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE TO TRAVEL TO THE CITY OF CAPE TOWN AND NATIONAL PARLIAMENT FROM 20-23 NOVEMBER 2018 (4/5/1/8/4)

(Page L18)

COMMITTEE RECOMMENDS:

- 9.1 That in view of the Executive Committee meeting being held on 2018-11-20 and as it was not possible to obtain timeous approval for the following members of the Municipal Public Accounts Committee to attend a benchmarking visit to the City of Cape Town and SCOPA from the 20th to 23rd November 2018 (the date subsequently being changed to 19th to 22nd November 2018), the action of Her Worship the Mayor, Councillor ZRT Gumede in approving the aforesaid visit in terms of Rule of Order 28 be ratified:

- a) Councillor Thabane Jacques Luthuli
- b) Councillor Conrad Bongumusa Dlamini
- c) Councillor Ntokozo Sibiyi
- d) Councillor Terrence Peter Collins
- e) Councillor Noorharpersadh BIRTHARTHEE IYIR
- f) Councillor Lungile Claire Mnguni

ADOPTED.

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

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-11-27)

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

1. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD ON 2018-11-22

(Page R1)

1.1 Request for Project Authority to Support Amantshontsho kaMaskandi Awards to be held on 2018-12-22 (13/3/1):

(Page 7: Community Services Committee - Agenda 2018-11-21)

The Community Services Committee noted that there were other parties participating in hosting the Amantshontsho kaMaskandi Awards and that the City’s contribution would be in terms of funding specific items as contained in the Departmental report.

At the Executive Committee meeting, Executive Committee Member Nkosi of the IFP abstained.

Accordingly,

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Parks, Recreation and Culture to incur an amount of R500 000.00 (Five Hundred Thousand Rand) to support the Amantshontsho kaMaskandi Awards to be held at the Inkosi Albert Luthuli International Convention Centre on 2018-12-22, including the provision of funding for transportation and accommodation costs associated thereto.

Number for Project Description (Social Cohesion):

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

FC No.: 32/209

ADOPTED.

1.2 Parks, Recreation and Culture Units’ Events/ Programmes for 2018/19 Financial Year (2/3/2/1/2):

(Page 10: Community Services Committee - Agenda 2018-11-21)

At the Community Services Committee meeting, concern was raised that the programmes listed in the report would be funded by the budget previously allocated for Grant-in-Aid programmes. It was emphasized that relevant Officials from both the Finance Unit and Parks, Recreation and Culture Unit should identify funding in the amount of R4 000 000 (Four Million Rand) to replenish funds that had been utilized from the allocation for Grant-in-Aid programmes, thereby ensuring the continuous funding of such applications.

It was highlighted that as arts and entertainment contributed significantly to the revenue of the Municipality, the hosting of events should be evenly distributed throughout the City.

The Democratic Alliance and Democratic Liberal Congress abstained from voting on this matter.

At the Executive Committee meeting some Members expressed concern that the hosting of elaborate events were being given priority by the Head: Parks Recreation and Culture instead of core service delivery issues being addressed. Furthermore artists who were unsuccessful in obtaining funding from Durban Tourism were submitting their requests to the Parks Recreation and Culture Unit and upon receipt of such monies were slanderous in their comments against Durban Tourism and vice versa.

In acknowledging the abovementioned concerns, it was agreed that the request by the Parks, Recreation and Culture for the hosting of events/programmes be approved in principle, on the basis that both the Chairpersons of the Economic Development and Planning Committee and Community Services Committee together with relevant Deputy City Managers meet to align all events. It was further requested that a report highlighting all events that require funding be submitted to the next meeting of this Committee.

With the Democratic Alliance voting against and with Executive Committee Member Nkosi of the IFP abstaining,

COMMITTEE RECOMMENDS:

- 1.2.1 That the Head: Parks, Recreation and Culture be authorised to coordinate and implement the 2018/2019 events programme on the dates indicated in the Table below, it being recorded that these events were an investment in highlighting the creativity of residents of eThekweni and contribute to the economy within the City.
- 1.2.2 That authority be granted for the Head: Parks, Recreation and Culture to spend an amount of R7 019 200.00 (Seven Million and Nineteen Thousand Two Hundred Rand) to cover venue, security, sound and other event related costs from the budget allocated for the Grants-in-Aid programme vote for the financial year 2018/2019 and transfers thereof be recorded on the Virement Budget, in order to coordinate and implement the following programmes:

<u>PROGRAMME</u>	<u>DATE</u>	<u>LOCATION</u>	<u>COST ESTIMATE</u>
INK HOP FESTIVAL	2018-11-17	Princess Magogo Stadium	TOTAL – R351 700.00
DLADLA MSHUNQISI YOUTH FESTIVAL	2018-11-30	Artizen Lounge, KwaMashu	TOTAL – R100 000.00
GAGASI FM BEACH FESTIVAL	2018-12-01	North Beach	TOTAL – R850 000.00
FFM	2018-12-01	North Beach	TOTAL – R1 400 000.00
FEZMAC	2018-12-05	New Beach	TOTAL – R350 000.00
GRADUATION & FASHION SHOW	2018-12-06	Kendra Hall, Durban	TOTAL – R50 000.00
INKUNDLA YOXOLO MUSIC FESTIVAL	2018-12-08	Moses Mabhida People’s Park	TOTAL – R370 000.00
ARTIST BRANDING WORKSHOP	2018-12-13&14	KwaMashu Sports Centre	TOTAL – R350 000.00
INK KASI XPERIENCE	2018-12-16	Princess Magogo Stadium	TOTAL – R171 500.00
DURBAN SPINFEST	2018-12-16	The Workshop, Durban	TOTAL – R480 000.00

<u>PROGRAMME</u>	<u>DATE</u>	<u>LOCATION</u>	<u>COST ESTIMATE</u>
CHRISTMAS CAROLS	2018-12-20	Outside City Hall	TOTAL – R450 000.00
KZN MUSIC & SOCCER EDUTAINMENT CAMPAIGN	2018-12-23	Princess Magogo Stadium	TOTAL – R75 500.00
DURBAN UNDERGROUND	2018-12-25	Eyadini Lounge	TOTAL – R250 000.00
MAGABHENI EXPERIENCE	2018-12-26	Magabheni Township	TOTAL – R150 000.00
FACT DURBAN ROCKS	2018-12-31	Moses Mabhida People's Park	TOTAL – R850 000.00
STILL ALIVE FESTIVAL	2019-01-01	Princess Magogo Stadium	TOTAL – R171 500.00
TONGAAT BEACH FESTIVAL	2019-01-01	Tongaat Beach	TOTAL – R400 000.00
STREET FAMILY FAIR	2019-01-04	KwaMashu Township	TOTAL – R200 000.00
TOTAL			R7 019 200.00

1.2.3 That in order to ensure alignment in the hosting of events, other programmes be identified by the Deputy City Managers responsible for Economic Development and Planning and Community and Emergency Services and be presented to the Executive Committee in the first instance and then Council for consideration.

FC No.: 32/208

Some Councillors were not in support of the above recommendations of the Executive Committee on the basis that funds which had been budgeted for Grant-in-Aid programs were now being diverted towards entertainment. Furthermore, concern was expressed that the hosting of elaborate events were being given priority instead of concentrating efforts on service delivery issues such as repair to the Mobeni Crematoria, resourcing of libraries and maintenance of Parks within the City which were in a bad state, being addressed.

With the majority of Councillors indicating their support for the above-mentioned recommendations on the basis that such events would boost tourism in the City, the matter was put to the vote. With 174 Councillors present, 114 Councillors (ANC – 97, IFP – 9, EFF – 2, IND – 3, AIC – 2 and APC – 1) voted in favour and 56 Councillors (DA – 53, MF – 1, DLC - 1 and MOSA – 1) voted against. 4 Councillors (EFF – 3 and AL JAMA-AH – 1) abstained from voting.

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

1.3 Request for Authority to Implement Community Initiative Programmes (2/3/2/1/2):
(Page 29: Community Services Committee - Supplementary Agenda 2018-11-21)

At the Community Services Committee meeting, the Democratic Alliance, although in support of the events, raised a concern on the financial implications thereof and the fact that associated costs were not adequately reflected in the report.

At the Executive Committee meeting, Executive Committee Member Nkosi of the IFP abstained.

Accordingly,

COMMITTEE RECOMMENDS:

That the authority be granted to the Acting Deputy City Manager: Community and Emergency Services to incur an amount of R1 300 000.00 (One Million and Three Hundred Thousand Rand) to implement the following Community Initiatives Programmes:

PROJECT NAME	MSCOA PROJECT NO.	ESTIMATED COST 2018/19
Girl Child Programme	38300	R500 000.00
Simunye Ingoma Festival: 2018-12-26	38300	R500 000.00
Youth in Action Music Festival	38300	R300 000.00
Women’s Empowerment Seminars and Women’s Celebration	38300	Nil
Various Wards Mandela Day Celebration	-	Nil
GRAND TOTAL		R1 300 000.00

ADOPTED.

- 1.4 Request for Approval of Accommodation Establishments By-Law 2018, Scheduled Activities By-Law 2018 and Air Quality Management By-Law 2018 (1/3/1/3/1/R):
(Page 7: Community Services Committee - Supplementary Agenda 2018-11-21)

The Community Services Committee noted that the three By-laws considered at its workshop on 11-13 September 2018 had been approved with no amendments being effected.

At the Executive Committee meeting, Executive Committee Member Nkosi of the IFP abstained.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.4.1 That the eThekweni Municipality: Accommodation Establishments By-law, 2018, be approved for the public participation/consultation process, it being recorded that the rationalisation of the by-law is in an effort to root out obsolete provisions, accommodate the operational requirements and administrative objectives of the Municipality.
- 1.4.2 That the eThekweni Municipality: Scheduled Activities By-law, 2018 which seeks to deal with the prevention, minimisation and management of environmental and human health impacts likely to arise from trades, occupations, businesses, activities or processes undertaken, be approved for the public participation/consultation process
- 1.4.3 That the eThekweni Municipality: Air Quality Management By-law, 2018 which seeks to ensure that air pollution is avoided, mitigated or minimised where possible and regulates activities that have the potential to adversely impact the environment, public health and wellbeing, be approved for public participation/consultation process.

- 1.4.4 That a public participation notice calling for representations on the proposed By-laws be published in the *Ezasegagasini Metro* and copies of the By-laws be placed on the City Hall notice board and website for a period not less than 30 days to allow the public an opportunity to make representations with regard to the proposed By-laws.

ADOPTED.

- 1.5 Request for Approval: 16 Days of Activism for Non-Violence against Women and Children Launch Event to be held at Ward 5 - Ematafuleni Sports Ground on 27 November 2018 and Closure Event to be held at Ward 94 – Umkhumbi Stadium KwaMakhutha on 16 December 2018 (19/1/1/2/R):
(Page 82: Community Services Committee – 2nd Supplementary Agenda 2018-11-21)

The Community Services Committee noted the change of venues for the Launch Event from the previous venue which was Ward 06 Mpumalanga Stadium to a new venue Ematafuleni Sports Ground and change of venue for Closure Event from the previous venue which was Adams Sports Ground to a new venue at Ward 94 Umkhumbi Stadium KwaMakhutha.

At the Executive Committee meeting, Executive Committee Member Nkosi of the IFP abstained.

Accordingly,

COMMITTEE RECOMMENDS:

That authority be granted for the Head: Community Participation and Action Support to incur an amount of R1 800 000.00 (One Million and Eight Hundred Thousand Rand) for the Launch and Closure events of the 16 Days of Activism for Non Violence against Women and Children – for the Launch to be held on 27 November 2018 at Ematafuleni Sports Ground which will target 2000 people and the Closure to be held on 16 December 2018 at Umkhumbi Stadium KwaMaKhutha which will target 3000 people to cover venue, transport, security and refreshment costs.

Vote Numbers for CPAS:

NO	DETAILS	BUS. UNIT	ITEM	FUND	COSTING	PROJ	REGION	AMT
1.	Hire of Marquees / Venues	32303	18950-10	12120	0000	39134	0010	390 000
2.	Transport	32303	21805	12120	0000	39134	0010	335 000
3.	Catering	32303	11400	12120	0000	39134	0010	507 500
4.	Promotional Items	32303	16325	12120	0000	39134	0010	15 000
5.	Entertainment and Artists	32303	11330	12120	0000	39134	0010	100 000
6.	Security	32303	10840-10	12120	0000	39134	0010	70 000
7.	Marshalls	32303	10840-10	12120	0000	39134	0010	37 500
8.	Speed Fence	32303	18950-10	12120	0000	39134	0010	55 000
9.	Safety Officer	32303	10840-10	12120	0000	39134	0010	40 000
10.	Ambulance	32303	10730	12120	0000	39134	0010	20 000

11.	Water Tanker	32303	27999-6150	99000	6150	PD001	0010	10 000
12.	Waste Removal	32303	27999-6131	99000	6131	PD001	0010	40 000
	Hire of Sound	32303	11760	12120	0000	39134	0010	115 000
	Hire of Toilets	32303	10670.11	12120	0000	39134	0010	65 000
	Total							1 800 000

FC No.: 2019/06/29

Some Councillors were not in support of the above recommendations of the Executive Committee as it was contended that the funds to launch the aforementioned was exorbitant. Clarity was provided that the event would be held on a number of days. It was also suggested that the event be spread to all Wards.

With the majority of Councillors indicating their support for the above-mentioned recommendations, the matter was put to the vote. With 171 Councillors present, 112 Councillors (ANC – 94, IFP – 9, EFF – 2, IND – 2, AIC – 2, MOSA – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 57 Councillors (DA – 55, MF – 1 and DLC - 1) voted against. 2 EFF Councillors abstained from voting.

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

- 1.6 Commemoration of the World AIDS Day (12/9/4):
(Page L19: Community and Services Committee - Agenda 2018-11-22)

With the Democratic Alliance requesting that their dissenting vote be recorded and with Executive Committee Member Nkosi of the IFP abstaining,

COMMITTEE RECOMMENDS:

- 1.6.1 That authority be granted for the Head: Health to incur expenditure of an amount of R2 560 000.00 (Two Million Five Hundred and Sixty Thousand Rand) to fund venue, sound and other associated event costs for the National World AIDS Days Commemoration to be held at Moses Mabhida People’s Park on 2018-12-01.
- 1.6.2 That funding for catering at R750 000.00 (Seven Hundred and Fifty Thousand Rand) be sourced from other Departments.
- 1.6.3 That all Councillors available on the day, be requested to attend the National World AIDS Day.

Financial Implications:

Funding has been secured as indicated below:

DEPARTMENT	AMOUNT	VOTE NUMBER
Mayor’s Office	R460 000.00	32601-18950.10-120120-0000-32100-2-001
CES Cluster	R130 000.00	23037.19925.12120.0000.35000-0010
Community Participation	R750 000.00	NO FUNDING AVAILABLE

Health; Security	R50 000.00	23037.10840.10.12120.0000.32210.0010
Water (2 water tankers)	R10 000.00	23003.27999.6150.99000.6150.PD001.001
Communication	R50 000.00	-
Communications Unit	R120 000.00	32240-16315-12120-0000-MRC01-0010
COGTA	R985 000.00	
TOTAL	R2 560 000.00	

ADOPTED.

2. CONDITIONAL ASSESSMENT REPORT OF FOUR BUILDINGS (17/2/2/2/1)

(Page 1)

In acknowledging the report, concerns were raised by some Members of the Executive Committee on the lack of professionalism and quality in the renovations carried out on Municipal buildings, a case in point being the City Hall whereby renovations undertaken a few years ago were now having to be redone. Consequently it was requested that all renovations be undertaken through a public tender process and not via Section 36 of the Supply Chain Management Act. Factors such as immediate interventions, costing in terms of renovations, accountability by relevant Officials on the neglect of buildings and a solution to the damage caused by birds was raised with a request for a response thereto. It was also pointed out that the renovation of ageing buildings as opposed to the purchase of new buildings was an option that needed to be considered.

Having responded to the above concerns and on the issue of accountability, a report entailing priority in terms of needs would be submitted, with due cognisance having to be taken of some buildings being regarded as Heritage assets, namely the City Hall. Subject to the budget being approved, priority would also need to be given to issues of health and safety.

In the circumstances

COMMITTEE RECOMMENDS:

- 2.1 That the detailed independent conditional assessment reports undertaken by private conditional assessors on all 4 (four) Municipal buildings: (a) 75 Dr Langelibalele; (b) Rennie House; (c) City Hall Complex; and (d) the Metro Police Headquarters, be accepted.
- 2.2 That subject to .1 above, authority be granted for the Head: Architecture to implement the remedial projects identified in the Conditional Assessment report for the purposes of continuity and liability from the CSA 3003PS panel, limited for Task Award Contracts from CSAs 3029, 3029A, 3029B, 3029C and 3029D.

(The Financial implications is illustrated in the departmental report in respect of each building summary and would be subject to budget being available for individual projects identified.)

ADOPTED.

3. FEEDBACK ON 2018/2019 INTEGRATED DEVELOPMENT PLAN (IDP)
(2/1/5/1)

(Page 12)

COMMITTEE RECOMMENDS:

That the update in respect of assessment and scores for eThekweni Municipality's 2018/2019 IDP received from the Honourable MEC for Co-operative Governance and Traditional Affairs, as contained in the report of the City Manager dated 2018-11-15, be noted.

NOTED.

4. REPORT ON INVESTMENTS (7/11/4)

(Page 20)

In response to concerns on the decline of "Cash on Hand", clarity was provided that arising from a benchmarking assessment, eThekweni Municipality had the highest cash availability on hand with it being further pointed out that notwithstanding the current state of the economy the Municipality's credit rating was AA (long term) and A1 (short term).

In the circumstances,

COMMITTEE RECOMMENDS:

That the report on investments for the eThekweni Municipality as at 2018-10-31, which records the total funds invested at financial institutions at an average rate of return on investments of 7.85%, 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.

5. REPORT ON AWARDS MADE BY THE CITY FOR THE MONTH OF
SEPTEMBER 2018 (9/1/3)

(Page 26)

Some members of the Committee expressed concern on the repeated awarding of contracts to Gralio Precast (Pty) Ltd, lack of BEE status in procurement, supply of paper should benefit smaller companies rather than being awarded to a single supplier and the procurement of BMW vehicles and motorcycles.

With clarity being provided in respect of the above concerns,

COMMITTEE RECOMMENDS:

5.1 That the report of the City Manager dated 2018-11-16 relative to awards made by the City for the month of September 2018, be noted.

5.2 That it be noted that where information is available for wards and registration numbers, it is included in the report, as information used to compile the report is taken from submissions made by Units.

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

Recommendations 5.1 and 5.2 NOTED and Recommendations 5.3 and 5.4 ADOPTED.

6. REQUEST TO HOST THE ANNUAL GLOBAL PARLIAMENT OF MAYORS SUMMIT 2019 IN DURBAN (13/2/2/1/1)
(Page L13)

Committee considered the abovementioned report by the City Manager dated 2018-11-21 and noted that the key objective of the Global Parliament of Mayors Summit was designed to build an active, impactful and structured network between Mayors from all continents. The summit would further facilitate the debate on critical global issues between Mayors, experts and City networks.

Having acknowledged the importance of such a Summit,

COMMITTEE RECOMMENDS:

- 6.1 That the request for the eThekweni Municipality to host the Global Parliament of Mayors Summit 2019 in Durban, anytime between 2019-07-01 to 2019-11-01 for a period of 2.5 days, be approved, it being recorded that the hosting of the Global Parliament of Mayors Summit 2019 would benefit the citizens of eThekweni and also encourage them to offer their own expertise, thereby boosting eThekweni’s existing international profile.
- 6.2 That subject to the approval of .1 above, the Head: Mayoral Parlour be authorized to incur the expenditure as detailed below.

Financial Implications:

Item	Estimate Expenditure	Vote Number
Venue Hire for 2.5 days	R700 000.00	32601.18950.10.12120.0000.53100.0010
Welcome reception	R130 000.00	32601.11400.10.12120.0000.53100.0010
Transportation within the city	R 50 000.00	32601.21805.12120.0000.53100.0010
Gifts and promotional items	R100 000.00	32601.16325.12120.0000.53100.0010
TOTAL	R980 000.00	

FC No.: 2019/08/09 (Civic functions budget)

ADOPTED.

(Her Worship the Mayor, Councillor ZRT Gumede, presented the Third Report of the Executive Committee).

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-12-04)

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

1. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE: MEETING HELD ON 2018-11-28

(Page R1)

1.1 Request for Block Sum Capital Funds Replacement of two lifts at Pinetown Civic Centre (17/2/2/2/1):

(Page 51: Governance and Human Resources Committee - Agenda 2018-11-28)

With two EFF Councillors abstaining at the Governance and Human Resources Committee meeting, the recommendations were, by the majority vote, supported.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted to the Acting Head: Sizakala Customer Service to incur expenditure in the amount of R2 200 000.00 (Two Million Two Hundred Thousand Rand) inclusive of professional fees to replace two lifts at Pinetown Civic Centre.
- 1.1.2 That it be noted that a proper tender process will be followed in this regard and the Department commits to proceed with the design internally, given the time frame required for procurement.
- 1.1.3 That it be noted that finance will be required from the block sum funding for 2018/2019 financial year which has been set aside for building improvements related matters.

VOTE: 31505.45530

FC: 2019/29/CA11

ADOPTED.

1.2 Request for Approval: Councillors Community Radio Programme - iTheku Talks (12/2):

(Page 87: Governance and Human Resources Committee - Agenda 2018-11-28)

At the Governance and Human Resources Committee meeting, the Department was commended for having taken a proactive stance in proposing the Councillors' Community Radio Programme, an initiative that would be an ideal platform to enable the sharing of information.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.2.1 That approval be granted for the Councillors Community Radio Programme, iTheku Talks scheduled to commence in February 2019 and piloted for a period of six (6) months, it being recorded that the purpose of the programme would enable the sharing of information and knowledge and empower citizens to better themselves and their communities.
- 1.2.2 That Councillors be requested to avail themselves for the radio programme to answer questions related to service delivery in their specific wards, it being recorded that the programme will promote accountability and promote the visibility of Councillors in their constituencies.
- 1.2.3 That authority be granted to the Acting Head: Communications to incur expenditure to the amount of R1 000 000.00 (One Million Rand) to fund the Councillors Community Radio Programme it being recorded that the following community radio stations will be engaged: Vibe FM, Imbokodo, Izwi Lomzansi, Thekwini FM, Intokozo FM, Good News Radio, Divine Touch Radio, Highway Radio and Inanda FM.
- 1.2.4 That Councillors be encouraged to lobby community structures such as Ward Committees, NPOs, NGOs, youth and church formations to be part of the programme to build their communities and empower them with developmental communications as part of the shared mandate of developmental communications.
- 1.2.5 That the Acting Head: Communications be tasked to arrange and furnish dates for the training of Councillors on how to handle radio, newspaper and television interviews prior to the commencement of the Community Radio Programme.

VOTE: 32240.16315.12120.0000.MRC01.0010

ADOPTED.

- 1.3 Review of Employment Equity Policy and Sexual Harassment Policies (4/3/3/P & 4/8/P):
(Page 90: Governance and Human Resources Committee - Agenda 2018-11-28)

COMMITTEE RECOMMENDS:

- 1.3.1 That the Employment Equity Policy and the Sexual Harassment Policy as contained in the report by the Head : Human Resources dated 2018-09-03 in regard to the review that has been undertaken on both policies and utilised by the Municipality over the last three years, be adopted.
- 1.3.2 That subject to adoption of .1 above, authority be granted to the Head : Human Resources to implement the reviewed Employment Equity Policy and the Sexual Harassment Policy it being recorded that there were no changes to the relevant legislation in respect of the content of the two policies.

- 1.3.3 That authority be granted to the Head: Human Resources in consultation with the Chairperson of the Governance and Human Resources Committee and the Office of the Speaker to arrange a workshop to be scheduled in due course for Councillors and all other stakeholders on both policies with a view to understand the content of both policies.

ADOPTED.

- 1.4 Request for Capital Funds from 2018/19 Adjustment Budget to Meet Urgent Priority Needs (17/2/2/2/1):
(Page L20: Governance and Human Resources Committee - Agenda 2018-11-28)

At the Governance and Human Resources Committee, two EFF Councillors abstained on the basis that the report should be referred back to Party Caucuses in the first instance.

The recommendations were, by the majority vote, supported.

Accordingly

COMMITTEE RECOMMENDS:

- 1.4.1 That authority be granted to the Acting Head: Sizakala Customer Services to incur expenditure to the amount of R3 310 000.00 (Three Million Three Hundred and Ten Thousand Rand) for the implementation of request for capital funds from the 2018/2019 adjustment budget funding in order to meet the urgent priority capital needs as contained in the report of the Acting Head: Sizakala Customer Service dated 2018-10-26.
- 1.4.2 That it be noted that as per the note from the Acting Head: Expenditure the following schedule reflect the adjustment of amount in report to align with an available budget of R3 310 000.00 (Three Million Three Hundred and Ten Thousand Rand) for the 2018/2019 financial year.

ITEM	LOCATION	AMOUNT (R)	COMMENTS
1. Parking Upgrade	Tongaat	100 000	Removed
2. Tiling	Umhlanga	150 000	Removed
3. Uninterrupted Power Supply	Verulam	250 000	Removed
5 Paraplegic Ramp	eMaphephetheni	20 000	Amount reduced
7 Uninterrupted Power Supply	UMnini	250 000	Removed
8 Parking surfacing	KwaNdengezi	100 000	Removed
9 Burglar Guards	KwaNdengezi	50 000	Amount reduced
10 Tiling	Nagina	80 000	Removed
TOTAL		1 000 000	

ADOPTED.

2. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD ON 2018-11-28

(Page R81)

2.1 uShaka Marine World: Disposal of Assets (8/1/6/1 & 8/1/7/1):
(Page 39: Economic Development and Planning - Agenda 2018-11-28)

At the Economic Development and Planning Committee meeting, it was advised that permission was being sought to dispose of capital assets and fully depreciated assets that were no longer required by uShaka Marine World.

Having noted that the individual original cost of the assets was below the value of R200 000.00 at the time of acquisition, and that they are not deemed to be needed to provide the minimum level of basic Municipal services,

COMMITTEE RECOMMENDS:

- 2.1.1 That Council approves the disposal of all assets as per Annexure A to the report of the Chief Executive Officer: uShaka Marine World dated 2018-09-20, it being recorded that in terms of the SCM policy the most advantageous method of disposal is through an auction due to the number of variety of assets and all assets that are broken and deemed unusable will be scrapped and an appropriately skilled service provider appointed to remove them from the premises.
- 2.1.2 That Council approves that the assets in Annexure B to the report of the Chief Executive Officer: uShaka Marine World dated 2018-09-20 be donated to the South African Association for Marine Biological Research (SAAMBR).
- 2.1.3 That Municipal Council delegates to the Accounting Officer authority to dispose of fully depreciated assets not deemed to be needed to provide the minimum level of basic municipal services and the individual original cost of which was below the value of R200 000.00 (Two Hundred Thousand Rand) at the time of acquisition; in future financial periods

ADOPTED.

2.2 Proposal of a New Tariff for Emerging Small Businesses that Sell and Supply Meals or Perishable Goods Stuff (7/6/1/6):
(Page 88 : Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee was advised that authority was being sought to approve a new tariff for emerging small businesses, such as tuck shops that sell and supply meals or perishable food stuff, in order to ensure that all tuck shops in the R293 townships are regularised, and conduct businesses legally.

It was noted that one of the challenges for township small businesses (tuck shops) has been being able to obtain licenses, and that the proposed 5% increase in licensing fees tabled in February 2018 was not feasible, as the turnover of those tuck shops, compared to formal businesses is minimal.

It was further noted that the proposed tariff of R273.00 (Two Hundred and Seventy Three Rand) will be affordable and user-friendly to emerging small business owners as opposed to established businesses for which the approved tariff is R546.25 (Five Hundred and Forty-Six Rand and Twenty Five Cents).

Accordingly,

COMMITTEE RECOMMENDS:

- 2.2.1 That the proposed new tariffs of R273.00 (Two Hundred and Seventy Three Rand) for licensing of emerging small businesses such as tuck –shops be approved.
- 2.2.2 That the Head of the Unit keep the Economic Development and Planning Committee updated on the implementation of the tariffs and issuing of licenses.
- 2.3 Durban FilmMart Programme (32/2/2):
(Page 95: Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee noted that the following strategic objective and key aims of the Durban Film Mart Programme were reiterated to Committee:

- To establish Durban as the meeting place for business of film in Africa, as it provides African filmmakers with the opportunity to pitch projects to leading financiers, obtain feedback from internationally renowned directors and producers, and form alliances for future collaborations.
- To increase visibility of film projects from the African continent and create networking opportunities with potential co-producers and other industry partners.
- To enable funding of projects and accelerate financing of participating projects through transactional co-operation.
- To stimulate production of local content and promote international co-production opportunities.
- To encourage project collaboration between African filmmakers from different African countries.
- To provide opportunities to meet distributors, broadcasters, sales agents and financing consultants in pre-arranged one-on-one meetings.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.3.1 That the Head: Economic Development and Investment promotion be duly authorised to continue supporting the Durban FilmMart programme for the development growth and competitiveness of the Sector, and allocate the requested funding.
- 2.3.2 That subject to approval of item .1 above, the City Manager be authorised to conclude a Memorandum of Agreement (MOA) with UKZN to give effect to the above.

2.3.3 That subject to the approval of item .1 and .2 above, the Head: Economic Development and Investment Promotion be duly authorised in accordance with the Memorandum of Agreement, to disburse the funds to the Durban International Film Festival of the University of KwaZulu-Natal amounting to R1 700 000.00 (One Million Seven Hundred Thousand Rand) (excl. VAT) for the 2018/19 financial year; R1 700 000.00 (One Million Seven Hundred Thousand Rand) (excl. VAT) for the 2019/20 financial year and R1 700 000.00 (One Million Seven Hundred Thousand Rand) (excl. VAT) for the 2020/21 financial year in terms of Section 67 of MFMA and in accordance with the Memorandum of Agreement.

2.3.4 That the Durban Film Office present recommendations for the future growth and sustainability of the Durban FilmMart on completion of the review process.

Financial Details:

Description	BU	Item	Fund	Costing	Project	Region	Proposed Expenditure	Financial Year
Durban FilmMart	26106	25445.190	12120	0000	63100-5	0010	R1 700 000	2018/19
Durban FilmMart	26106	25445.190	12120	0000	63100-5	0010	R1 700 000	2019/20
Durban FilmMart	26106	25445.190	12120	0000	63100-5	0010	R1 700 000	2020/21

FC No.: 2019/18/31

ADOPTED.

2.4 Township Economy: KwaMnyandu Development Facilitation (20/1/3/1):
(Page 101: Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee was advised that the strategic objective for the KwaMnyandu Development Facilitation was to promote investment in the township economy and priority nodes and corridors in order to contribute towards the realisation of Plan 2 of the IDP ie. Developing a Prosperous, Diverse Economy and Employment Creation.

Thirteen Councillors (DA-10, IFP-2 and ACDP-1) abstained on the basis that approval of the recommendation without the inclusion of the words “in appropriate circumstances” before the words “be supported”, would create a precedent.

Sixteen Councillors (ANC-14, EFF-1 and Independent-1) were in support of the recommendation.

The recommendation was, by the majority vote, supported.

At the Executive Committee meeting, Executive Committee Members Graham, De Boer and Mthethwa of the Democratic Alliance abstained from voting on the matter.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.4.1 That the principle of collaboration and compensation between a private sector developer and the City, where the developer has undertaken to develop public transport facilities to the design and standards set down by the eThekweni Transport Authority, and where the costs have been confirmed as reasonable and market related by that Department, be supported.
- 2.4.2 That, subject to the adoption of .1 above, Project Authority (Reimbursement) be granted to utilize savings identified by the Economic Development and Planning Unit and an amount of R9 941 290.00 (Nine Million Nine Hundred and Forty One Thousand Two Hundred and Ninety Rand) excluding VAT, be allocated to compensate KwaMnyandu Shopping Centre (Pty) LTD.
- 2.4.3 That subject to the adoption of .1 and .2 above, the Bid Adjudication Committee be authorised to consider and approve the proposed awarding of compensation R9 941 290.00 (Nine Million Nine Hundred and Forty One Thousand Two Hundred and Ninety Rand) excluding VAT, emanating from savings identified from Economic Development Unit to the KwaMnyandu Shopping Centre (Pty) Ltd.
- 2.4.4 That, subject to the Bid Adjudication Committee’s approval, the Head: Economic Development and Planning be authorised to make payment in the amount KwaMnyandu Shopping Centre (Pty) LTD on presentation of an invoice and certification by the EThekweni Transport Authority Department that the specified work has been satisfactorily completed.

BU	Item	Fund	Costing	Project	Region	Proposed Expenditure	Financial Year
26101	45105	12120	0000	S1078	W091	R9 941 290.00	2018/19

FC No: 2019/18/CA25

ADOPTED.

- 2.5 Implementing the Global Change Environmental Programme (32/2/2):
(Page 106: Economic Development and Planning - Agenda 2018-11-28)

A brief overview of the Global Change Environmental Programme was presented to the Economic Development and Planning Committee, it being recorded that the programme would be highly beneficial in terms of addressing issues of climate change.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.5.1 That the implementation of the 3rd phase of the Global Environmental Change Research Programme, be approved.
- 2.5.2 That subject to approval of .1 above, the Bid Adjudication Committee consider the report seeking to utilise Section 36(1)(a)(v) of the Municipal Supply Chain Management Act.

2.5.3 That subject to approval of .1 and .2 above, the Service Level Agreement be entered into between eThekweni Municipality and the appointed tertiary institution.

Vote: 26440.10780.12120.0000.MRC01.0010	R 500 000	Provided for 2018/2019
	R1 000 000	Provided for 2019/2020
	R1 000 000	Provided for 2020/2021
	R 500 000	Provided for 2021/2022
Total	R3 000 000	FC: 2019/46/31

ADOPTED.

2.6 Granting the Use of Municipal Asset to Private Entity in Terms of Section 34(1)(b) of the Local Government Municipal Finance Management Act, 2003 (21/13/1/2/R):
(Page 110: Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee was apprised of the authority being sought for granting the use of a Municipal capital asset to a private entity.

In considering the proposal, the following factors were noted:-

- A portion of the primary capital asset to be used for advertising will not have an impact on the use thereof by taxis and commuters. The taxi ranks primary use will remain during the course of the contract.
- There will be revenue generation for the Municipality through taxi rank branding.
- Enforcement of all regulations will be effected to ensure compliance by the service provider of by-laws and terms of the contract or service level agreement to be entered into.
- Comments received pertain to operational or implementation of the contracts by the service provider or are attended to with assistance from the Legal and Compliance Unit; and
- Taxi ranks are located along strategic routes within strategic nodes where there is intensity of use and high concentration of mobility, which will be socially and economically beneficial to the community.

With 29 Councillors present, 18 Councillors (ANC-14, IFP-2, EFF-1 and Independent-1) voted in favour and 10 DA Councillors voted against. One Councillor (ACDP) abstained from voting on the basis that a more comprehensive report on the matter in terms of benefits to the City was requested.

The recommendations were by the majority vote, supported.

At the Executive Committee meeting some concerns were expressed on the apportionment of income to the City.

Accordingly,

COMMITTEE RECOMMENDS:

That the asset transfer granting the right to use or control the following taxi ranks for branding purposes, to Outsmart Outdoor Advertising (Pty) Limited for the duration of the contract advertised be approved, as follows:

- University Avenue Taxi Rank – Durban CBD
- KwaMashu Main Taxi Rank – Mandela Road, KwaMashu
- Hill Street Bus Rank – Pinetown
- Ezimbuzini Taxi Rank – Prince Mcwayizeni Road, Umlazi

REFERENCE BACK

In terms of Rule of Order Bylaw 20(1)(c), Councillor M Nair, seconded by Councillor S Ryley, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Economic Development and Planning Committee to enable a comprehensive report to be submitted on how the City would benefit from the aforesaid branding arrangement and what the details of the said arrangement would be.

NOT CARRIED

As some Councillors were not in support of the reference back, the matter was put to the vote. With 174 Councillors present, 55 DA Councillors voted in favour and 119 Councillors (ANC – 96, IFP – 9, EFF – 5, IND – 2, AIC – 2, MF – 1, DLC – 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted against. There were no abstentions recorded.

The above-mentioned motion to refer back was, by the majority vote, **NOT CARRIED**. Discussion thereafter reverted to the substantive motion and as some Councillors were not in support of the above-mentioned recommendations of the Executive Committee and with majority of the Councillors being in favour thereof, the matter was put to the vote.

With 176 Councillors present, 119 Councillors (ANC – 96, IFP – 9, EFF – 5, IND – 2, AIC – 2, MF – 1, DLC – 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and 57 DA Councillors voted against. There were no abstentions recorded.

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

2.7

Amendment of the North Scheme Section 7, Development Facilitation Table: General Residential 8 by the Amendment of the Additional Development Control No. 6 to Increase the Permitted Floor Area Ratio from 0.65 to 1 and Coverage from 30% to 40% Applicable to Erf 3131 Umhlanga Rocks Situated at 15-19 Park Drive, Umhlanga Rocks (21/7/4):

(Page 116: Economic Development and Planning - Agenda 2018-11-28)

COMMITTEE RECOMMENDS:

That in terms of section 46 (1) (a) of the eThekweni Municipality Planning and Land Use Management By-law (2017) the application for the amendment of the North Scheme, Section 8, Development Facilitation Table, General Residential 8 zone, additional control numbered 6 be amended to allow an increased floor area ratio (FAR) from 0.65 to 1 and increased site coverage from 30% to 40% in respect of Erf 3131 Umhlanga Rocks be approved for the following reasons:

2.7.1

The proposal is broadly in line with the eThekweni Municipality's objective to promote spatial efficiency by optimizing development in areas of greatest opportunity/ encourage efficient use of infrastructure and facilities.

2.7.2 The proposal is in line with the Municipality’s densification policy as the proposed scheme amendment will allow for a higher density.

2.7.3 The subject site is unique in nature in that it is characterised by a number of right of way servitudes which are registered against the sites in terms of Conditions of Title.

The following Development Facilitation Table in relation to the General Residential 8 Zone to be inserted into the North Scheme:

ZONE: GENERAL RESIDENTIAL 8											
<p>SCHEME INTENTION: To provide, preserve, use land or buildings for higher density of residential accommodation, a range of ancillary uses which service the day to day needs of a residential community and limited commercial activity that is not detrimental to the residential amenity of this zone.</p> <p>MAP REFERENCE: NS / 05 / 2012 COLOUR NOTATION: Light Brown</p> <p>cross-hatch</p>											
PRIMARY	SPECIAL CONSENT			PRECLUDED							
<ul style="list-style-type: none"> • Boarding House • Chalet Development • Conservation Area • Dwelling House* • Flat* • Hotel • Multiple Unit Development • Public Open Space • Retirement Centre 	<ul style="list-style-type: none"> • BTTS* • Crèche • Educational Establishment • Health Studio • Institution • Laundry • Mobile Home Park & Camping Ground • Private Open Space • Restaurant / Fast Food Outlet* • Shop* • Special Building 			<ul style="list-style-type: none"> • Action Sports Bar • Adult Premises • Agricultural Activity • Agricultural Land • Airport • Arts and Crafts Workshop • Betting Depot • Builder’s Yard • Car Wash • Cemetery / Crematorium • Container Depot • Convention Centre • Correctional Facility • Direct Access Service Centre • Display Area • Escort Agency • Flea Market • Fuelling and Service Station • Funeral Parlour • Garden Nursery • Government / Municipal • Health & Beauty Clinic • Industry - Extractive • Industry – General • Industry – Light • Industry – Noxious 				<ul style="list-style-type: none"> • Landfill • Mortuary • Motor Garage • Motor Display Area • Motor Vehicle Test Centre • Motor Workshop • Museum • Nature Reserve • Night Club • Office • Office – Medical • Parkade • Pet Grooming Parlour • Place of Public Entertainment • Place of Public of Worship • Recycling Centre • Reform School • Refuse Disposal • Restricted Building • Riding Stables • Scrap Yard • Transport Depot • Transport Use • Truck Stop • Veterinary Clinic • Warehouse • Zoological Garden 			
ADDITIONAL CONTROLS											
<ol style="list-style-type: none"> 1 All landscaping to the satisfaction of the Municipality. BTTS shall mean Base Telecommunications Transmission Station. 2. Where an Erf is developed exclusively for a Dwelling House the Side and Rear Spaces shall be 3.0 metres. 3. Restaurant / Fast Food Outlet permitted on the ground floor in a Flat only by Special Consent. 4. Shop permitted on the ground floor in a Flat only by Special Consent. 5. The maximum Coverage maybe increased by not more than 10% solely for the purpose of providing covered parking. 6. The following applies to Erf 3131 Umhlanga Rocks: Floor Area Ratio of 1.0 and coverage of 40% both applicable to the gross site area, 4 storey height restriction and no density factor applies. 											
DEVELOPMENT PARAMETERS											
DISTRICT	SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM SUBDIVISION	HEIGHT IN STOREYS	COVERA GE	FLOOR AREA RATIO				
	BUILDING LIN	SIDE & REAR SPACE									
All Other Districts*	7.5 m	4.5 m	Not Applicable	1 400 m ²	3	40 %	0.35				
La Lucia	7.5 m	4.5 m	Not Applicable	6 000 m ²	3	30 %	0.65				

ADOPTED.

- 2.8 Amendment to North Scheme : Section 7 Development Facilitation Table Additional Controls and Introduction of Precinct Plan 4 Into Special Zone 19 : Cornubia (21/7/11):
(Page 125 : Economic Development and Planning - Agenda 2018-11-28)

COMMITTEE RECOMMENDS:

- 2.8.1 That in terms of Section 26(1) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), the application for the amendment of the North Scheme, Section 8, Development Facilitation Table, additional controls and introduction of Precinct Plan 4 into Special Zone 19: Cornubia be approved for the following reasons:
- 2.8.1.1 That the amendment to the North Scheme: Section 7: Development facilitation Tables for Special Zone 19: Cornubia is very necessary as it introduces a new Precinct Plan 4 with proposed controls that will allow for flexibility in the types of development that may occur within the proposed development.
- 2.8.1.2 That Umhlanga Hills presents significant opportunity to attract new investment; it also meets the demand for well-located affordable housing with a public combined school in the vicinity to boost the growth rate of the Metropolitan economy
- 2.8.1.3 That the Development will grow the economy through the creation of jobs; it will also allow for densification of the City and create integrated human settlement.

The North Scheme be amended, as the amendment Section 7: Development Facilitation Table: Special Zone Cornubia 19 as follows:

“Introduction of Precinct Plan 4 (Drawing Number: 15630 – SZ19 – PP4 / REV 02 dated 12-07-2018) into Special Zone 19: Cornubia.”

SPECIAL ZONE 19: CORNUBIA PAGE 1 OF 3			
<p>SCHEME INTENTION: This zone applies to the Cornubia commercial and mixed use component of the Cornubia Integrated Human Settlement Development. The purpose of this zone is to accommodate a wide range of commercial, residential, social, office and recreational activities in such a way that the uses contribute towards the creation of a dynamic, harmonious and well balanced development of the highest aesthetic, landscaping and urban design quality.</p> <p>MAP REFERENCE: NS / 09 / 2017 COLOUR NOTATION: Black cross-hatch with 'SZ 19' inserted</p>			
<p>THIS ZONE CONSISTS OF VARIOUS PRECINCTS EACH WITH ITS OWN LAND USES AND ADDITIONAL CONTROLS</p>			
PRECINCT 4: CORNUBIA UMHLANGA HILLS			
PRIMARY	SPECIAL CONSENT	PRECLUDED	
<ul style="list-style-type: none"> • Action Sports Bar** • Arts and Crafts Workshop • Boarding House • Car Wash • Convention Centre • Display Area • Educational Establishment • Flat 	<ul style="list-style-type: none"> • Adult Premises • Betting Depot • BTTS • Chalet Development • Dwelling House • Direct Access Service Centre • Escort Agency • Funeral Parlour 	<ul style="list-style-type: none"> • Airport • Builders Yard • Cemetery / Crematorium • Container Depot • Correctional Facility • Industry - Extractive • Industry – General • Industry – Noxious 	<ul style="list-style-type: none"> • Landfill • Mobile Home Park & Camping Ground • Mortuary • Nature Reserve • Recycling Centre • Reform School • Refuse Disposal • Restricted Building

<ul style="list-style-type: none"> • Flea Market • Fuelling and Service Station • Garden Nursery • Government / Municipal • Health & Beauty Clinic • Health Studio** • Hotel • Institution • Laundry • Motor Display Area • Museum • Multiple Unit Development • Office • Office – Medical** • Parkade • Place of Public Entertainment • Place of Public of Worship • Private Open Space • Public Open Space • Restaurant / Fast Food Outlet** • Retirement Centre • Shop 	<ul style="list-style-type: none"> • Motor Vehicle Test Centre • Night Club • Pet Grooming Parlour • Special Building • Veterinary Clinic • Crèche • Motor Workshop • Motor Garage 	<ul style="list-style-type: none"> • Industry – Light 	<ul style="list-style-type: none"> • Riding Stables • Scrap Yard • Transport Depot • Truck Shop • Warehouse • Zoological Garden
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ADDITIONAL CONTROLS

GENERAL:

NB: All Uses with Asterisk ()** under the Primary Use Zone will be subject to further eThekweni Transport Authority approval before being implemented.

Development Framework

- (a) The General purpose of this zone is to accommodate a wide range of housing typologies, social and recreational facilities as well as mixed use activities ranging from retail, commercial and offices in such a way that the uses contribute towards the creation of a dynamic, harmonious and well balanced development of the highest aesthetic, landscaping and urban design quality, which supports the overall Cornubia Integrated Human Settlement Development.
- (b) This zone is based broadly upon the approved Cornubia Development Framework Plan, “Cornubia Phase 2 – LUM Precinct Plan” Drawing No. CORN-BLOCK EIA -12498-16) as may be amended from time to time. This Development Framework Plan indicates, in broad terms, the anticipated long term development activity patterns within Cornubia.
- (c) Only parts of the Cornubia Development Framework Plan may be incorporated into this Zone and this may be done on a phased basis over time.
- (d) This precinct is the fourth phase (Precinct 4: Cornubia Umhlanga Hills) to be included within this Zone. The Cornubia Umhlanga Hills is located within the southern portion of the greater Cornubia development area in close proximity to the existing Umhlanga Ridge Town Centre, the future N2 Business Park and the existing Cornubia Mall and Cornubia Town Centre adjacent to the proposed Umhlanga Ridge Boulevard, Commercial Road and Dube East BRT road networks.

Development Rights

- (e) The total development rights for the Precinct is as indicated on Precinct Plan 4: Cornubia Umhlanga Hills, Drawing No. 15630 – SZ19 – PP4 – REV: 01 - dated 17/05/2018 and may be amended from time to time.
- (f) All development rights within Precinct 4 shall be allocated/distributed/transferred/used solely by the Primary Developer (Tongaat Hulett Developments) or by another party with the written consent of the Primary Developer. Such written consent shall include a sale agreement.
- (g) The Municipality and the Primary Developer shall maintain an accurate and up-to-date record of both the sale and use of development rights within Precinct 4.
- (h) Land use is defined into General Use Categories namely; Mixed Use 1, Residential, Parks / Open Spaces and Social Facilities as stipulated on the Precinct.
- (i) Mixed Use 1 refers broadly to the activities and land uses related to residential, retail, office, recreational and commercial.

- (j) Parks / Open Space refers to, and permits only, uses and activities related to open space, social, conservation and recreational.
- (k) Residential refers broadly to the different housing typologies aimed at achieving medium to high density residential schemes.
- (l) Social Facilities refers broadly to uses and activities related to the use for surrounding communities and commercial areas and includes – schools, clinics, libraries, halls ect.
- (m) Land uses within the Primary Consent Column are, unless otherwise precluded under the General Use category, permitted within any General Use Category. The activities and land uses permitted within these Use Categories are to be determined according to firstly, the Primary, Special Consent and Precluded uses noted above and as indicated on Precinct Plan 4.
- (n) The maximum permitted Height on any site within Precinct 4 is defined in terms of the height envelop measured from the highest point of the natural ground level of the site and will be defined on site by site basis in the Precinct Plan. The Development Framework Plan merely provides a general indication in storeys which will form the basis of calculating the height envelop. Any changes to increase the maximum height envelop shall be by way of Special Consent.

Additional Controls

- (o) Awnings, canopies, arbours, colonnades, balconies, or any other similar structure shall not be included in Coverage and FAR calculations.
- (p) Parking areas (covered and uncovered) shall not be included in FAR and Covered calculation.
- (q) Building Line shall be as indicated on a Precinct Plan.
- (r) Side and Rear space shall be as indicated on a Precinct Plan.
- (s) Parking provisions shall be as indicated on a Precinct Plan.
- (t) Precinct 4 will be divided into 1 or more Phases, with each Phase having a plan prepared and approved by the Municipality.
- (u) A Precinct Plan may include details on each of the following:- Land Use Controls, FAR, Coverage, Maximum Height (expressed as a height envelope), Building Lines, Parking provisions, Landscaping, Site accesses, Design and/or Planning Controls, Informal Trading areas if applicable, Bus/Taxi Ranks and Bus/Taxi Lay byes if applicable.
- (v) The parking provisions and requirements, as detailed in a Precinct Plan may be relaxed in accordance with the Scheme requirements.
- (w) An approved Precinct Plan may be amended by way of a Special Consent application to the Municipality, with the exception of changes to subdivision, consolidation or site FARs, which may be amended without the need for a formal amendment to the Precinct Plan, provided that the desired amendment is not in conflict with the provisions of this zone and provided that the Design Review Panel has given its support, in writing, to the application. Amendments to Height levels and use changes shall require a Special Consent application.
- (x) A Management Association shall be formed for the Precinct and every site owner and occupier shall belong to, ascribe to the objects of, abide by and be bound by, the requirements of this Association and a Design Review Panel shall be established by the Management Association.
- (y) Every site shall have a Site Development Plan and Landscaping Plan prepared for it by the developer prior to the any construction on the site and development on the site shall be in accordance with such Plans.
- (z) All Site Development and Landscaping Plans will be reviewed by the Design Review Panel prior to submission to the Municipality and prior to the submission of Building Plans to the Municipality.
- (aa) Open areas not required for parking and circulation shall be landscaped in accordance with the details in the Landscaping Plan.
- (bb) The Municipality shall be responsible for approving all Site Development Plans, Landscaping Plans and Building Plans with the provision that no Building Plan may be approved unless a Site Development Plan and a Landscaping Plan have been reviewed and accepted, in writing, by the Design Review Panel and provided that the Building Plan has been recommended, in writing, for approval by the Design Review Panel.

DEVELOPMENT PARAMETERS						
SPACE ABOUT BUILDINGS		DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO
BUILDING LINE	SIDE & REAR SPACE					
AS PER PRECINCT PLANS						

ADOPTED.

- 2.9 Status Report: Proposed Amendments Along the C3 Corridor : Mismatches in the Adopted Land Use Strategy and Planning Schemes : Request to Support Public Participation Component Statutory Requirement (21/4/1 & 26/3/2/3):
(Page 133: Economic Development and Planning - Agenda 2018-11-28)

A brief overview of the aforementioned report was presented to the Economic Development and Planning Committee, it being noted that the strategic objectives of the proposal were as follows:

- Promoting infill and densification.
- Encouraging development and redevelopment
- Directing employment, mixed use development and high density residential development within the integration zone.
- Development of and strengthening transit orientated development along major roads.
- Creation job opportunities through development and redevelopment.
- Encouraging the use of non-motorised transport; and
- Translation into an implementation plan for delivery.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.9.1 That in terms of Section 18, Chapter 6 of the Planning Bylaw, the following Schemes be advertised for public comment prior to the adoption of the following:

(a) The Durban planning Scheme be amended as follows:

- To amend Appendix 1 by inserting Zone 43 IPTN Zones, to add new Clause 35 and to insert the new Appendix 11 into the Durban Scheme as per annexure B
- The incorporation of Plan No. LU_STRAT_NOV 2018 into the Durban Planning Scheme;

b) The Inner West Planning Scheme be amended as follows:

- The incorporation of Plan No. LU_STRAT_NOV 2018 into the Inner West Planning Scheme;
- The incorporation of annexure A into the Inner West Scheme

c) The Outer West Planning Scheme be amended as follows:

- The incorporation of Plan No. LU_STRAT_NOV 2018 into the Outer West Planning Scheme
- The incorporation of annexure C into the Outer West Scheme

ADOPTED.

- 2.10 The Acquisition of land through a donation from the KZN Public Works to eThekweni Municipality: 257 Gillitts Ext 1 and Erf 239 Chelmsfordville (17/2/1/1/1):
(Page 216: Economic Development and Planning - Agenda 2018-11-28)

Following a brief summary on the aforementioned report by the Deputy City Manager: Economic Development and Planning at the Economic Development and Planning meeting,

COMMITTEE RECOMMENDS:

- 2.10.1 That authority be granted for eThekweni Municipality to accept the donations properties described as Erf 257 Gillitts Ext 1 and Erf 239 Chelmsfordville from the KZN Public Works Department
- 2.10.2 That subject to approval of .1 above, the Head: Real Estate be delegated to sign the relevant donation agreements; and all documents necessary to effect transfer to the eThekweni Municipality

Vote: 26440.45595.51080.0000.S7001AZ1.0010 R2 625 000 (Provided 2018/2019)
26440.45595.51080.0000.S7001AZ1.0010 R 645 000 (Provided 2018/2019)
R3 270 000

FC No.: 2019/46/CA43

ADOPTED.

- 2.11 Amendment of the Provisions of the Durban Scheme: Use Zone 30 Indeterminate Greyville Racecourse (21/4/1):
(Page 226: Economic Development and Planning - Agenda 2018-11-28)

At the Economic Development and Planning meeting, with 29 Councillors present, 19 Councillors (ANC-14, IFP-2; EFF-1, ACDP -1 and Independent-1) voted in favour of the recommendations as they were of the view that the concerns raised were purely enforcement and not policy issues. Ten DA Councillors voted against on the basis that the complaints from the community (ie. excessive noise, parking and other enforcement issues) had not been addressed by Gold Circle.

The recommendations were by the majority vote, supported.

At the Executive Committee meeting, Executive Committee Members Graham, De Boer and Mthethwa of the Democratic Alliance requested that their dissenting vote be recorded on the basis that there should be consultation with surrounding communities on noise disturbance.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.11.1 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, (Act 16 of 2013) the application for the amendment of the provisions of the Durban Scheme Regulations, Appendix 1, Use Zone 30: Indeterminate by the addition of the following wording in column 3 thereof: for Greyville Racecourse (Lease K829/1981L) – see Clause 6(54) (or next sequential number) and the addition of a new clause 6 (54) or next sequential number) be approved for the following reasons:

- 2.11.1 As the city the Municipality needs to promote the efficient use of Council owned properties to its highest and best use as this is part of the City's goals to encourage economic development and long term sustainability.
- 2.11.2 That the proposed scheme amendment will facilitate a more efficient use of an existing recreational and sporting facility by allowing existing building and facilities to be put to full economical use.
- 2.11.3 That the proposal responds to the Spatial Planning and Land use Management Act, (Act 16 of 2013) development principle of Good Administration in that the application was transparent and adhered to all legal requirements with regard to Public Consultation.

Gold Circle (Pty) Ltd shall be advised of the following requirements:

- a) Prior to the approval of any Building Plans for the various additional land uses the eThekweni Transport Authority may request the submission of a Traffic Impact Assessment to the satisfaction of the Head: eThekweni Transport Authority. Gold Circle (Pty) Ltd shall be responsible for the implementation of the recommendations of any such Traffic Impact Assessment.
- b) That the conditions of the existing lease agreement shall be amended to the satisfaction of the Head: Real Estate and Council who may request the submission of a Management Plan which will address the manner in which the lessee may minimize any amenity interferences.

Some Councillors were not in support of the above-mentioned recommendations of the Executive Committee on the basis that the complaints from the Community (ie. excessive noise, parking and other enforcement issues) had not been addressed and that there should have been consultation with surrounding communities on noise disturbance.

The majority of Councillors expressed the view that the issues of concern were enforcement related and could be dealt with. With 172 Councillors present, 112 Councillors (ANC – 93, IFP – 9, EFF – 2, IND – 2, AIC – 2, DLC – 1, MOSA – 1 APC – 1 and AL JAMA-AH - 1) voted in favour and 56 DA Councillors voted against. 4 Councillors (EFF – 3 and MF – 1) abstained from voting.

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

- 2.12 Motivation for Continuation of Co-Management Funds for the Giba Gorge Nature Reserve and Special Rating Area (32/1/5/1/1):
(Page 243: Economic Development and Planning - Agenda 2018-11-28)

In presenting the matter to the Economic Development and Planning Committee, members were apprised that approval was being sought for the continued co-management funding of the Giba Gorge Environmental Precinct, which is required every 3 years.

The approval would be for 2019/2020, 2020/2021 and 2021/2022 financial years.

Having noted that the Giba Gorge Nature reserve is the only Municipal Nature Reserve, jointly funded by neighbouring residents and eThekweni Municipality,

COMMITTEE RECOMMENDS:

- 2.12.1 That approval be granted for the co-management of the Giba Gorge Environmental precinct for the next three years.
- 2.12.2 That the Head: Development Planning, Environment and Management be duly authorised to disburse the funds to the Giba Gorge Environmental Precinct amounting to R421 540.80 (Four Hundred and Twenty One Thousand Five Hundred and Forty Rand and Eighty Cents) for the 2019/20 financial year; R446 833.25 (Four Hundred and Forty Six Thousand Eight Hundred and Thirty Three Rand and Twenty Five Cents) for the 2020/21 financial year; R473 643.24 (Four Hundred and Seventy Three Rand Six Hundred and Forty Three Rand and Twenty Four Cents) for the 2021/22 financial year in terms of Section 67 of MFMA and in accordance with the conditions of the financial agreement.

ADOPTED.

- 2.13 Footwear and Leather Sector Programme (20/1/5):
(Page 281: Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee was advised that the strategic objective for seeking approval for support and participation in the Footwear and Leather Sector Programme was to stimulate and grow priority sectors in order to realize Plan 2 of the IDP (ie. to develop the economic wealth of the eThekweni region for the material well-being of all its citizens.

Having considered the foregoing,

COMMITTEE RECOMMENDS:

- 2.13.1 That the Head: Economic Development and Investment Promotion, be duly authorised to participate in the Footwear and Leather Sector Programme.
- 2.13.2 That SAFLEC (South African Footwear and Leather Export Council) be requested to manage the eThekweni Cluster programme for period of 3 years
- 2.13.3 That subject to approval of .1 and .2 above, the City Manager be authorised to conclude a new Memorandum of Agreement with SAFLEC (South African Footwear and Leather Export Council) to give effect to the above for the next three year period starting 1 July 2018 to 30 June 2021.
- 2.13.4 That subject to the approval of item .1, .2 and .3 above, the Head: Economic development and Investment Promotion be duly authorised in accordance with the MOA to disburse funding to SAFLEC (South African Footwear and Leather Export Council) amounting to R1 750 000 (One Million Seven Hundred and Fifty Thousand Rand) (no VAT) for the 2018/19 financial year R1 837 500 (One Million Eight Hundred and Thirty Seven Thousand Five Hundred Rand) (no VAT) for the 2019/20 financial year and R1 929 375.00 (One Million Nine Hundred and Twenty Nine Thousand Three Hundred and Seventy Five Rand) (no VAT) for the 2020/21 financial year, in terms of section 67 of MFMA and in accordance with the MOA.

- 2.13.5 That the Head: Economic Development and Investment Promotion be authorised to report progress on this initiative on an annual basis

BU	Item	Item Subset	Fund	Costing	Project	Region	Expenditure proposed	Financial Year
26102	25030	17	12120	0000	MRC01	0010	R1 750 000 (no VAT)	2018/19
26102	25030	17	12120	0000	MRC01	0010	R1 837 500 (no VAT)	2019/20
26102	25030	17	12120	0000	MRC01	0010	R1 929 375 (VAT)	2020/21

FC No.: 2019/18/34

ADOPTED.

- 2.14 Approval for Displaying of Election/Registration Posters (21/13/1/2/1):
(Page 346: Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee was advised that Council approval was being sought with regard to the conditions applicable to display of election/registration posters, and to waive the restrictive provisions in the by-laws/Policy, in particular, the payment of deposits, with regard to the erection of posters for the period leading up to the May 2019 elections.

The purpose of the submission was for Council to consider proposals that would collectively serve as a catalyst to improve campaigning by Political Parties during the upcoming elections only.

Following discussion, Members of the Democratic Alliance (10) dissented on the basis that the by-laws should not be waived. With 19 Councillors present, the ANC (14), IFP (2), ACDP (1) EFF (1) Independent (1) voted for the recommendations.

The recommendations were by the majority vote, supported.

At the Executive Committee meeting, Executive Committee Members Graham, De Boer and Mthethwa of the Democratic Alliance voted against the recommendations on the basis of a loss of critical revenue to the City by the waiving of bylaws for the erection of election posters by all Political Parties.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.14.1 That the waiving of the restrictive by-law provisions, with particular reference to the following, be approved:
- 2.14.1.1 The current prescribed tariffs be waived, instead, applications be accompanied by a deposit of R200.00 for every ward where posters will be placed.
- 2.14.1.2 The number of posters be restricted to 800 per Party per Ward.
- 2.14.1.3 That election / registration poster is only permitted on Council electricity light poles and not on directional signs and traffic light.

- 2.14.1.4 Ruth first highway is open to outdoor advertising for electioneering purposes before elections.
- 2.14.1.5 Inkosi Albert Luthuli freeway is open to outdoor advertising only before elections.
- 2.14.1.6 Higginson Highway is also open to outdoor advertising only before elections.
- 2.14.1.7 Beach front is also open to outdoor advertising only 3 weeks before elections and only flying banners are allowed.
- 2.14.1.8 The use of wall murals for election purposes be permitted.
- 2.14.1.9 Only standard size of A1 posters is permitted.
- 2.14.1.10 All applications will be submitted for processing to General Advertising Branch of Development Planning, Management and Environment Unit to ensure compliance with other aspects of the bylaw.
- 2.14.1.11 that the approval by Council of this recommendation is limited to 2019 Government elections only and will commence from the date of resolution except where stated.
- 2.14.1.12 After election period, failure to remove posters will result in the Municipality removing posters and recovering any costs incurred from the Party concerned at the current applicable removal rate per poster.

The routes and areas under itemized as 4. to 6. above are part of what is called Areas of Control in terms of the Signage and Outdoor Advertising by-laws and reasons for waiving of the restrictive bylaws provisions are indicated as per the below table:

Area of Control	Type of an area of Control	Period Waiving of Restrictive Bylaw	Reason Waiving of Restrictive Bylaw
Ruth First (M4 North Bound)	Area of Maximum control	Date of Council Resolution to 31 May 2019	Advertising will take place during election period and that third advertising is not permitted. The message and not likely to contribute in causing any accident.
Inkosi Albert Luthuli freeway (Southern)	Area of Maximum control	Date of Council Resolution to 31 May 2019.	Advertising will take place during election period and that third advertising is not permitted. The message will be constant to contribute in causing any accident.
Higginson Highway	Area of Maximum control	Date of Council Resolution to 31 May 2019.	Advertising will take place during election period and that third advertising is not permitted. The message will be constant and not likely to contribute in causing any accident.
Beaches	Area of Maximum control under Natural Landscape.	3 weeks before the date of elections.	The area is used mainly by pedestrians and who may be targeted population for elections. Only flying banners will be permitted in this precinct.

2.14.2 **Conditions for acceding to the above recommendations:**

- 2.14.2.1 The number of posters be restricted to 800 per Party per Ward.
- 2.14.2.2 Not more than 2 (two) posters (back to back) per Party per pole.
- 2.14.2.3 No poster shall be erected at a height less than 2.5 meters from the underside of the poster to the ground and no poster shall be erected on traffic signs including robots, directional signs and warning signs.
- 2.14.2.4 No posters shall be erected at a height less than 2.5 meters from the underside of the poster to the ground and no poster shall be erected on traffic signs including robots, directional signs and warning signs.
- 2.14.2.5 No posters shall be erected on the Western Freeway, N3, N2, the ICC and the beach front (upper and lower Marine Parade / Snell Parade)
- 2.14.2.6 No posters shall be displayed / pasted on bridges, walls, trees etc.
- 2.14.2.7 All posters shall be confined to electricity lamp poles.
- 2.14.2.8 All registration posters shall be removed within 14 (Fourteen) days after date of election.
- 2.14.2.9 All parties undertake to remove all posters within 30 (thirty) days of the date of government elections.
- 2.14.2.10 In the event of any breach by a Party, the Municipality (via the Development Planning Unit) shall contact the Party concerned and removal of posters shall be affected within 2 (two) days of such contact (telephone or written)
- 2.14.2.11 Failure to comply shall result in the Municipality removing posters and recovering any costs incurred from the Party concerned at the rate of R50, 00 (fifty rand) per poster.

ADOPTED.

2.15 Economic Development Incentive Policy (20/1/P):

(Page 353 : Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee noted that the aforementioned Policy was formulated as the Municipality recognised that the investment environment was continuously changing, and therefore the Policy would aid in providing an environment that would be robust, yet adaptable to such dynamics.

It was further noted that that the Policy was in response to Programme 2 of the Economic Development and Job Creation Strategy (2013) (Facilitate Private Sector Investment and Partnerships) and provided for economic incentives which seeks to attract investors in key sectors that are pivotal to job creation.

Cognisance was taken that the offer of incentives will attract new investment into the City thereby contributing to increased revenue through property rates in the medium to long term and enhance export activities through increased manufacturing and investment in local industries.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.15.1 That the awarding of incentives in terms of the Economic Development Incentive Policy, for the period of construction of the Greenfields and Brown fields developments, as well as the sectorial targeting application as per report dated 29 October 2018, be approved.
- 2.15.2 The Council approves on a non-precedential basis the incentive for the one Residential Development where an application was made prior to residential property incentives being excluded from the Policy.
- 2.15.3 That the Council approves a decision to award the incentive for all successful applicants for the full period of construction even though the incentive awards will then be made post construction. This recommendation is adopted on a non-precedential basis.
- 2.15.4 That the Council authorises the post construction award for applications approved by Council on 28 June 2018, on a non-precedential basis.
- 2.15.5 That the Head: Economic Development and Planning addresses the shortcomings in the business process that has given rise to the need for 2,3 and 4 above, and report back to the Council in this regard.
- 2.15.6 That authority be granted to the City Manager to enter into Memoranda of Agreement with each of the approved applications.
- 2.15.7 That the Head: Revenue Management undertake the administrative processes in respect of the implementation of the rates rebate.
- 2.15.8 That the Head: Economic Development and Planning facilitates and manages the necessary rates rebate budget adjustment
- 2.15.9 That the Head: Economic Development and Planning provide a report back on an annual basis in respect of the broader economic impact of the incentives offered.

ADOPTED.

- 2.16 Durban Film and Television Sector Strategy (20/2/1):
(Page 365: Economic Development and Planning - Agenda 2018-11-28)

The Economic Development and Planning Committee was advised that the Durban Film Office commissioned the services of a specialist consultant to develop a five year Film and Television Sector Strategy for eThekweni Municipality

It was noted that the purpose of the study was to identify key development needs for the film and television industries within the eThekweni Municipal area and recommendations on how such needs could be addressed by the Municipality.

Accordingly,

COMMITTEE RECOMMENDS:

- 2.16.1 That the Durban Film and Television Sector Strategy and its implementation thereof, be approved.
- 2.16.2 That the Durban Film Office be required to report on progress annually.

ADOPTED.

- 2.17 Status Report: Proposed Amendments to Bridge City: Book End of the C3 Corridor: Proposed Amendments to the Durban Planning Scheme: Report to Committee to Support Public Participation Component Statutory Requirement:
(Page L12: Economic Development and Planning - Agenda 2018-11-28)

It was noted that a brief overview of the aforementioned submission was submitted by relevant Officials at the Economic Development and Planning Committee.

Accordingly,

COMMITTEE RECOMMENDS:

That in terms of the Section 18, Chapter 6 of the Town Planning Bylaw, the Durban Planning Scheme be advertised to invite public comment on the Bridge City amendments as included in Annexure A, to the report by the Head: Development Planning and Environmental Management dated 2018-11-15.

ADOPTED.

3. REPORT OF THE SECURITY AND EMERGENCY SERVICES COMMITTEE: MEETING HELD ON 2018-11-29

(Page R97)

- 3.1 Request for Amendment of the eThekweni Municipal Disaster Management Advisory Forum: Terms of Reference (14/2/1/5):
(Page 8: Security and Emergency Services Committee - Agenda 2018-11-29)

COMMITTEE RECOMMENDS:

- 3.1.1 That the inclusion of external stakeholders to form part of the Disaster Management Advisory Forum be supported, it being recorded that the establishment of the forum was one of the essential action steps in establishing the foundational institutional arrangements as required by Key Performance Area 1 of the National and Local Disaster Management Frameworks.
- 3.1.2 That authority be granted to the City Manager, in his capacity as the Chairperson of the Disaster Management Advisory Forum, to include those identified external stakeholders to be part of the Forum in an effort to provide a mechanism for relevant internal, external and technical specialist role players to co-ordinate their activities with regard to disaster management issues.
- 3.1.3 That the amendment of the Terms of Reference to reflect .1 and .2 above, be approved.

ADOPTED.

- 3.2 Rural Safety: The Roles and Responsibilities of the South African Police Services (SAPS) in Dealing with Trespassing and Unlawful Occupation of Land and Evictions (11/1/3):
(Page 25: Security and Emergency Services Committee - Agenda 2018-11-29)

COMMITTEE RECOMMENDS:

That the report on Rural Safety relative to Roles and Responsibilities of the South African Police Services (SAPS) in dealing with Trespassing and Unlawful Occupation of Land and Evictions as outlined in the report by the Head : Durban Metro Police Services dated 16 October 2018, be NOTED.

NOTED.

- 3.3 Fire and Emergency Services Unit Strategic Plan 2017-2030 (2/1/4/1/1):
(Page 67 : Security and Emergency Services Committee - Agenda 2018-11-29)

COMMITTEE RECOMMENDS:

That the proposed Fire and Emergency Service Strategic Plan 2017 – 2030 as contained in the report by the Head: Fire and Emergency Services dated 24 October 2018, be NOTED.

NOTED.

- 3.4 Request to Give a Rebate on the 2018/19 Traffic Control Tariff (7/6/1/3):
(Page L21: Security and Emergency Services Committee - Agenda 2018-11-29)

The Security and Emergency Services Committee was advised that that the companies mentioned in the departmental report had previously not been charged in accordance with the approved tariff rates and the implementation of the new approved 2018/19 rate had created the need for companies to adjust their budgets which could not be implemented immediately despite the companies in question still required the services of Metro Police.

Accordingly,

COMMITTEE RECOMMENDS:

- 3.4.1 That Messrs Toyota, King Shaka Airport and uShaka Marine World be allowed a rebate of 50% from the current tariff which would result in them paying R157,19 (One Hundred and Fifty Seven Rand and Nineteen Cents) per hour excluding VAT, with effect from 01 July 2018.
- 3.4.2 That, subject to the approval of the rebate by the Municipality, a Memorandum of Understanding be signed by all the relevant parties wherein all procedures would be outlined.

ADOPTED.

- 3.5 Durban Metro Police Strategic Plan : 2018 - 2021 (2/1/5/1):
(Page 23 : Security and Emergency Services Committee - Agenda 2018-11-29)

COMMITTEE RECOMMENDS:

That the proposed Durban Metro Police Strategic Plan 2018–2030 which seeks to emphasise on the execution of programmes that are aimed at promoting safety and prevention of crime within the eThekweni Municipal Area as contained in the report by the Head: Durban Metro Police Services dated 23 November 2018, be noted.

NOTED.

4. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE
COMMITTEE: MEETING HELD ON 2018-11-30

(Page R99)

4.1 Reinstatement of Electricity for Customers Currently in Debt (27/2/5/4):
(Page 1: Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

At the Executive Committee meeting it was acknowledged that the people of eThekweni were experiencing tough economic times and an attempt to mitigate the non-payment of services by credit arrangements would need to be urgently addressed.

In that regard,

COMMITTEE RECOMMENDS:

- 4.1.1 That authority be granted to the Deputy City Manager : Finance to deviate from the current Credit Control Policy 2018/2019 and grant a Credit Authority (CA) in instances described in Clause 24.10 a, b and c but only to residential property supply.
- 4.1.2 That subject to the approval of 1 above, all disconnected customers will have access to the reinstatement of electricity services provided that an acknowledgement of debt (AOD) in favor of the Municipality for the total outstanding debt has been signed and the customer enters into a Credit Authority (CA) for the full amount as reflected in .1 above.
- 4.1.3 That the deposit amount and payment terms of the credit authority will be calculated with due cognizance of the affordability level of the customer, however the period for the agreement must not exceed 36 (Thirty Six) months.
- 4.1.4 That the customer will continue to have access to the electricity service as long as the terms and conditions of the Acknowledgement of Debt (AOD) and Credit Authority (CA) are honored.
- 4.1.5 That the reinstatement connection costs and any additional amounts raised due to the reinstatement of services (which will be only pre-paid meter) may be fully allocated to the credit authority amount or appropriately proportioned as opposed to an upfront payment. The proportion to be justified based on the level of the affordability of the affected customer. These costs will be spread over the duration of 36 (thirty six) months.
- 4.1.6 That notwithstanding the recommendations above, the current Credit Control Policy remains enforceable.

ADOPTED.

4.2 Sale of Accident Reports Tariffs (7/6/1/2):
(Page 4: Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

- 4.2.1 That the tariff charged when service requested as and when required by the public which is reflected in the report by the Head : eThekweni Transport Authority dated 2018-10-31 documented under point 4.5.1, which do not appear in the Tariff book

but are in active use, be approved and be loaded to reflect the billing frequency as follows:

CHARGE DESC	BILLING FREQUENCY	FIXED CHARGE
Sale of Accident Reports	As and when required	R120.00 per report

4.2.2 That it be noted that the purpose of the report is to validate the Sale of the Accident reports tariff which need to be migrated from COINS to RMS systems and to ensure that collection of income pertaining to sale of accident reports requested by the public as per the applicable tariffs.

ADOPTED.

4.3 Proposed Long Term Lease of Land for Commercial by Public Tender Purposes: Proposed Portion (A) of Erf 1440 Umlazi-D, Ntonto Zulu Drive, Umlazi (Tender Number HRE 341F) (17/2/1/1/3):
(Page 8 : Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

4.3.1 That the Municipality declares in terms of Regulation 34 read together with Regulation 36 of the Municipal Asset Transfer Regulations:

4.3.1.1 That the property described as Proposed Portion [A] Erf 1440 Umlazi – D Section is not currently required for providing the minimum level of basic Municipal services required during the period of the proposed lease;

4.3.1.2 That a long term right is proposed to be granted in respect of the capital asset; and

4.3.1.3 That the recorded market value of the site is R870 000.00 (Eight Hundred and Seventy Thousand Rand) and the upset rental is R7 250.00 (Seven Thousand Two Hundred and Fifty Rand) per month, exclusive of VAT being 10% per annum on the market value as at 04 June 2018.

4.3.2 That the property described as Proposed Portion [A] of Erf 1440 Umlazi D be alienated by public tender on a long term lease basis being twenty (20) years, in accordance with the provisions of the Preferential Procurement Policy Framework which supports Radical Economic Transformation Framework and Supply Chain Management Policy and in terms of the tender conditions as contained in tender document.

4.3.3 That an application for the deproclamation, rezoning and survey to accommodate a commercial zone must be submitted in terms of the SPLUMA of The eThekweni Planning and Land Use Management By-laws 2017, prior to site being put out to tender.

4.3.4 That a Traffic Impact Assessment application has to be submitted to the Head: Traffic Authority prior to any development taking place on the proposed site.

4.3.5 Due to the Town Planning process having to take place, it needs to be noted that the value of this property will change and the lease could not be concluded within six (06) months from the date of council resolution, therefore the Head: Real Estate be authorized to review the rental in line with the current market value of the property at the time of tender, in the event where there has been a change in the market value.

- 4.3.6 That subject to approval .1 - .5 above and the approval of Bid Adjudication Committee, authority be granted to the Head : Real Estate to sign all documents necessary to conclude the Lease Agreement.

ADOPTED.

- 4.4 Durban Water Recycling Public Private Partnership Closure and Tender (23/1/5):
(Page 22 : Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

- 4.4.1 That Council approves the close out process for the commencement of the project closure.
- 4.4.2 That subject to the approval of .1 above, authority be given to Head: Water and Sanitation to commence with a new Durban Water Recycling Public Private Partnership (PPP) project.
- 4.4.3 That subject .1 and .2 above, authority is given to Head: Water and Sanitation to enter into an agreement with National Treasury for all PPP projects of this nature and set aside the estimated budget of R8 000 000.00 (Eight Million Rand) for the payment of Transaction Advisor for a period of 20 years.
- 4.4.4 That subject to the approval of .1, .2 and .3 above, authority be granted for the National Treasury to appoint a Transaction Adviser from their approved panel of experts.
- 4.4.5 That for the reasons stated in this report, Council approves the financial implications for this project.

Vote: 60110.10510.11500.0000.MRCO.0010

R1 000 000.00 (Provided in 2018/19)
R6 000 000.00 (To be provided in 2019/20)
R1 000 000.00 (To be provided in 2020/21)
FC No.18/364/02

ADOPTED.

- 4.5 Request for Authority to Transfer Funds Within the Water Capital Budget in the 2018/2019 Financial Year WS 2018/207 (7/1/2/2):
(Page 29 : Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

- 4.5.1 That the request for authority to transfer funds within the Water Capital Budget through an adjustment budget, be approved as follows:

NO.	Project No.	Description	Funding Required in 2018/2019	Project No.	Funding Provided from Project	Surplus Funding 2017/2018
1	X8326	Refurbishment of ablution blocks for eThekweni Hostels	R20 000 000	X4889	Replacement of Water Pipes	R14 000 000.00
				X4877	Magabheni Reservoir (Project No.	R6 000 000.00
		Total	R20 000 000		Total	R20 000 000.00

4.5.2 That subject to approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in his adjustments Budget report, the transfer of funds as per the table above.

Cost Centre/Project No: X8326: R20 000 000.00 FC No.364/C146

ADOPTED.

4.6 Request for Authority to be Granted to the Head: Real Estate to Acquire by Means of Private Treaty, Acquisition and or Expropriation of the Land/Servitudes Required for the Construction of the Northern Aqueduct: Augmentation of Bulk Water Infrastructure for the Northern Parts of the eThekweni Metropolitan Area (17/2/1/1/4):

(Page 34 : Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

4.6.1 That for the reasons stated in this WS 2018/170 dated 2018-09-05, the Head: Real Estate be authorized to proceed with the acquisition expropriation for the required servitudes listed in the table below:

Description	Hand Plan No.
Erf 1 Duffs Road & Portion 310 (of 277) from the Farm Melke Houte Kraal No. 789	SJ 4657/7
Remainder of ERF 989 Southgate	SH 9848A
Erf 275 Avoca Hills	SJ 4711/11
Erf 276 Avoca Hills	SJ 4711/10
Erf 277 Avoca Hills	SJ 4711/9
Erf 278 Avoca Hills	SJ 4709/2
Erf 279 Avoca Hills	SJ 4709/3
Erf 280 Avoca Hills	SJ 4709/4
Ptn 528 (of 277) of the farm Melke Houte Kraal No. 789	SJ 4711/7
Erf 1065 Reservoir Hills	SJ 4709/5
Erven 3264 & 3625 Reservoir Hills	SJ 4729/7 & SJ 4712/3
Erf 225 Newlands	SJ 4708/1
Rem of Erf 226	SH9891
Rem of Erf 226 Newlands	SH 9910A
Rem of Erf 227 Newlands	
Rem of Erf 230 Newlands	
Ptn 15 (of 7) of Erf 335 Zeekoe Vallei	
Rem of Ptn 7 of Erf 335 Zeekoe Vallei	
Rem of Erf 335 Zeekoe Vallei	
Erf 1078 & Erf 1079 Reservoir Hills	SJ 4709/9
Rem of Portion 3 Erf 401 Zeekoe Vallei	SJ 4708/2 & SJ 4719/3
Portion 21 (14) Erf 401 Zeekoe Vallei	SJ 4719/2
Erf 1066 Reservoir Hills	SJ 4709/6

Erf 3774 Durban North	SJ 4707/5
Ptn 1 of Erf 586 Reservoir Hills	SJ 4709/8
Erf 585 Reservoir Hills	SJ 4709/7
Remainder of Erf 851 Mount Edgecombe	SJ 4659/5

- 4.6.2 That subject to the adoption of .1 above, authority be granted to the Head: Real Estate to deviate from the Supply Chain Management Regulations and negotiate for the acquisition of the Municipality's requirements utilizing Regulation 36(1)(a)(ii) of the Supply Chain Management Regulations.
- 4.6.3 That subject to the adoption of .2 above and the approval of the Bid Adjudication Committee (BAC) pursuant to successful negotiations, authority be granted to the Head: Real Estate to sign the relevant agreements and all documents necessary to effect transfer of the Municipality's requirements, and
- 4.6.4 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.

Cost Centre: 69200

Project No. : X4764

Funding for the 2018/2019, 2019/2020 and 2020/2021 financial years will be provided in X4764: Northern Aqueduct

ADOPTED.

- 4.7 Employment of Additional Beneficiaries and an Inflationary Increase in Stipends to Beneficiaries in the Zibambele Poverty Alleviation Programme:
(Page 43 : Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

With 7 Democratic Alliance Councillors abstaining, the recommendations were, by the majority vote, supported.

COMMITTEE RECOMMENDS:

- 4.7.1 That the stipend to beneficiaries on the Zibambele Poverty Alleviation Programme be increased from 969.60 (Nine Hundred and Sixty Nine Rand Sixty Cents) per month to R1027.78 (One Thousand and Twenty Seven Rand Seventy Eight Cents), inclusive of Council's 1% UIF contribution with effect from 1 July 2018.
- 4.7.2 That the stipend of Overseers on the Zibambele Poverty Alleviation Programme be increased from R4191.50 (Four Thousand One Hundred and Ninety One Rand and Fifty Cents) per month to R4 442.99 (Four Thousand Four Hundred and Forty Two Rand Ninety Nine Cents) per month of Council's 1% UIF contribution with effect from 1 July 2018.
- 4.7.3 That an additional five overseers be employed on a part time basis (two days a week) at a monthly rate of R1692.57 (One Thousand Six Hundred and Ninety Two Rand Fifty Seven Cents) inclusive of Council's UIF contribution to supervise a reduced number of beneficiaries in Wards the were affected by boundary changes in the demarcation process.

- 4.7.4 That authority be granted to the Head : Engineering to submit a further report to the Human Settlements and Infrastructure Committee in January 2019, in addressing the selection criteria for the Zibambele beneficiaries, disparity in beneficiary numbers and additional beneficiaries not covered by Zibambele Poverty Alleviation Programme.

Budget provided R85 616 034.00 (Eighty Five Million Six Hundred and Sixteen Thousand and Thirty Four Rand) in the 2018/2019 financial year

Vote No.: 48910.40185.38135

FC No.: 48/0747

Some Councillors were not in support of the above-mentioned recommendations of the Executive Committee contending that stable jobs were not being created.

The majority of Councillors were of the view that the aforesaid programme was good with a lot of people being supported in an endeavour to alleviate poverty.

The matter was thereafter put to the vote. With 174 Councillors present, 114 Councillors (ANC – 95, IFP – 8, EFF – 2, IND – 2, AIC – 2, MF – 1, DLC – 1, MOSA – 1 APC – 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 60 Councillors (DA – 57 and EFF – 3) abstained from voting.

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

- 4.8 Authority Report for Real Estate to Register Servitude for Valley view Drive Trunk Sewer: Ward 60 WS2018/2226:
(Page L26: Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

- 4.8.1 That authority be granted to the Head: Real Estate to acquire by private treaty or expropriation, the land and servitudes required for construction of the Valley View Drive Trunk Sewer in Ward 60.

- 4.8.2 That the estimated cost for acquiring a servitude is 200 000.00, it being recorded that sufficient funding of R2 000 000.00 (Two Million Rand) has been provided in the 2018/2019 Financial Year under project Y717.

R2 000 000 (Provided in the draft capital budget 2018/2019 financial year)

FC No.: 365/C140

ADOPTED.

- 4.9 Request for Authority to Transfer Funds to Projects as Listed in Table A of this Report: WS2018/198:
(Page L25: Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

- 4.9.1 That the request for authority to transfer funds to projects as listed in the table “A” of the report by the Head Water and Sanitation dated 2018-09-18 covering the design assembly delivery, installation and commissioning of new, replacement Motor Control Centres for selected Western, Central and Southern Coastal Area sewerage pump stations, be approved.

- 4.9.2 That authority be granted to the Deputy City Manager: Finance to include in his Adjustment Budget Report, the transfer of funds, as listed in the table "A" of the report by the Head : Water and Sanitation.

ADOPTED.

- 4.10 Request for Authority to Transfer Funds to Y8753 - Emergency Work at KwaMashu WWTW Raw Sewage Pump Station. WS2018/219:
(Page L24: Human Settlements and Infrastructure Committee - Agenda 2018-11-30)

COMMITTEE RECOMMENDS:

- 4.10.1 That authority be granted for the transfer of funds from block sum Y 8148B (Central Area Pump stations New MCC's) to the value of R2 000 000.00 (Two Million Rand) excluding VAT and R2 000 000 (Two Million Rand) excluding VAT from block sum Y 8149B (Central Area New Pump station New Pumps) to be transferred to Y8753- Emergency Work at KwaMashu WWTW Raw Sewage Pump Station. Hence a total of R4 000 000.00 (Four Million Rand) to be transferred to Y8753.
- 4.10.2 That authority be given to the Deputy City Manager: Finance to include in his Adjustment Budget Report, the transfer of funds from block sum Y8148B (Central Area Pimp stations New MCC's) and block sum Y8149B (Central Area New Pump station New Pumps) to Y8753- Emergency Work at KwaMashu WWTW Raw Sewage Pump Station.

Y8753- Emergency Work at KwaMashu Wastewater Treatment Works)
R4 000 000.00 excl VAT FC 365/C136

ADOPTED.

5. APPROVAL FOR GRANT-IN-AID AD-HOC APPLICATIONS (7/14/1 & 19/1/1/3)

(Page 13)

COMMITTEE RECOMMENDS:

- 5.1 That the applications for Ad hoc grants from the SakhaiSizwe Community Development and Mr Bongumenzi Majola in the amount of R176 877.00 (One Hundred and Seventy Six Thousand Eight Hundred and Seventy Seven Rand), be approved.
- 5.2 That subject to the adoption of .1 above, the Head: Community Participation and Action Support be authorized to incur the expenditure as detailed above.
- 5.3 That subject to the adoption of .1 and .2 above, the Head: Community Participation and Action Support provide a report back to Council on the implementation of the project.

Financial Implications:

The financial implications will be as follows:

No.	Details	Amount
1	Ad Hoc Grant to SakhaiSizwe Community Development	R160 000.00
2	Ad Hoc Grant to Mr Bongumenzi Majola	R 16 877.00
	TOTAL	R176 877.00

Vote No.: 32301.25040.12120.0000.38870.0010 R176 877.00

FC No.: 2019/06/32

ADOPTED.

6. REPORT ON UMKHOSI WOMHLANGA (REED DANCE) HELD FROM 6 TO 9 SEPTEMBER 2018 (12/9/R & 14/1)

(Page 36)

In acknowledging the report back on the Umkhosi Womhlanga (Reed Dance) as requested by the Executive Committee at its previous meeting, the success of the event was noted with some concerns raised on challenges in respect of the event having exceeded the expected number of maidens, inappropriate sleeping arrangements, poor control of the event, catering schedule not adhered to resulting in delays and insufficient provision of food/refreshments.

In response it was pointed out that the aim of the Reed Dance had been achieved. However cognisance should be taken that it was an event arranged by Province and the Municipality was a participant and therefore the report submitted clarified the challenges and the need for a way forward. Members of the Executive Committee were commended for their oversight role especially where concerns had been raised.

Accordingly,

COMMITTEE RECOMMENDS:

That the report by the Head: Community Participation and Action Support dated 2018-09-19, relative to the success of the Umkhosi Womhlanga (Reed Dance), be noted, it being recorded that the challenges and recommendations as detailed in the aforementioned report of the Head has been acknowledged and supported.

Some Councillors were not in support of the above-mentioned recommendations of the Executive Committee raising concerns with regard to inappropriate sleeping arrangements, tents not secured with rain wetting the carpets, poor control of the event, catering schedule not adhered to resulting in delays and insufficient provision of food/refreshments.

Whilst the majority of the Councillors expressed the view that the aim of the Reed Dance had been achieved and the challenges experienced had been acknowledged, the matter was put to the vote. With 172 Councillors present, 110 Councillors (ANC – 95, IFP – 8, EFF – 2, IND – 2, AIC – 2 and APC – 1) voted in favour and 60 Councillors 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, **NOTED.**

7. CREDIT RATING AWARDED TO ETHEKWINI MUNICIPALITY (7/3/1/1/2)

(Page 66)

Taking cognisance of the current economic climate, the credit rating Long term (AA+) and Short term (A1+) as awarded to eThekweni Municipality was welcomed. Her Worship the Mayor and City Manager were commended for the healthy performance of the Municipality, notwithstanding the credit challenges faced by many State owned entities in the country.

Assurance was given in respect of concerns raised with regard to the significant increase in gross debtors, lack of investor confidence, disruption in service delivery and the Revenue Management System.

Accordingly,

COMMITTEE RECOMMENDS:

That the report by the City Manager dated 2018-11-22, providing the results and outcome of eThekweni Municipality's annual credit rating review conducted by Global Credit Rating (GCR) Agency in November 2018, as contained in the aforesaid report, be noted.

NOTED.

8. BACK TO BASICS REPORT FOR QUARTER 1 OF 2018/2019 (2/3/2/1/2 & 2/10/1/1)

(Page 81)

COMMITTEE RECOMMENDS:

That the eThekweni Municipality's Back to Basics report outlining progress by eThekweni Municipality in achieving its performance indicators for Quarter 1 of 2018/2019, compiled as per the requirements in terms of Circular 8 of 2018 from the Provincial Department of Co-operative Governance and Traditional Affairs, with a view to analysing the state of Local Governance and make an informed assessment to support and intervene where required, be noted.

NOTED.

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

(Page 89)

In considering the Budget Statement Report for the month ending 31 October 2018, some concerns were raised on issues relative to monies owed to the City by State owned organisations, especially those over 90 days. Taking into account that residential and business customers were requested to comply with the credit arrangement, a request was made for urgent intervention to retrieve monies from Tansnat, Parastatals and Government departments.

Clarity was provided in respect of the processes in place to address the debt owed by Tansnat, Prasa, Schools and Government departments.

In the circumstances,

COMMITTEE RECOMMENDS:

That the Budget Statement Report for the month ended 2018-10-31, submitted by the City Manager as per his report dated 2018-11-14, 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.

NOTED.

Her Worship the Mayor, Councillor ZRT Gumede, Councillor F Peer presented the below mentioned report.

FOURTH REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2018-12-06)

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

1. REVISED SUPPLY CHAIN MANAGEMENT POLICY (9/P)

(Page 1)

COMMITTEE RECOMMENDS:

- 1.1 That the revised Supply Chain Management Policy 2018 of eThekweni Municipality be adopted, with the amendments thereto including the following:
- 1.1.1 **Item 3.9, Page 45:** Prohibition of Awards to Persons in the Service of the State
- (i) It is to be noted that this to relate specifically to Ward Committee members.
- 1.1.2 **Item 3.10, Page 45:** Amendments to Contracts
- (i) This item is to be withdrawn from this submission and further workshopped in the new year.
- 1.1.3 **Item 3.11 & Annexure K, Page 45 & 49-51:** Blacklisting
- (i) This item is to be withdrawn from this submission and further workshopped in the new year.

1.1.4 **Item 17, Page 47: Formal Written Quotation**

- (i) Item (b) to apply for ordinary procurement, however, this can be overridden with the authority of the Head: Supply Chain Management in cases of urgency and emergency.
- (ii) Item (c) reasons to be approved by the Accounting Officer or Head: Supply Chain Management

1.1.5 **Item 3.12, Page 46: Bid Evaluation Committee**

- (i) To be amended to read “Evaluate all bids, with the support of Line Units/Departments, in accordance with;”

Some Councillors were not in support of the above-mentioned recommendations of the Executive Committee, specifically with the addition of recommendation 1.1.1 thereto, relating to Ward Committee Members. It was contended that Ward Committee Members were, by law, responsible for the development and planning of their wards and being allowed to tender for municipal work would be regarded as a conflict of interest and would lead to corruption.

As the majority of the Councillors were in support of the recommendations, the matter was put to the vote. With 169 Councillors present, 99 Councillors (ANC – 93, IND – 1, AIC – 2, DLC – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 57 DA Councillors voted against. 13 Councillors (IFP – 8, EFF – 3, IND – 1 and MF – 1) abstained from voting.

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

2. CALENDAR OF ETHEKWINI MUNICIPAL COUNCIL AND COMMITTEE MEETINGS FOR 2019

(Page 8)

COMMITTEE RECOMMENDS:

- 2.1 That the Calendar of eThekweni Municipal Council and Committee Meetings for the year 2019, be adopted in principle, to enable changes to be effected where it is deemed required.
- 2.2 That it be noted that the Committee Chairpersons reserve the rights to change dates of meetings along the way based on operational requirements; it being recorded that changes should be minimal to avoid interruptions and inconvenience into the Council Committee system.

ADOPTED.

3. PROPOSED CAPITAL BUDGET PROCESS 2019/2020–2021/2022 MTREF
(7/1/2/2)

(Page 22)

COMMITTEE RECOMMENDS:

- 3.1 That the high level proposed capital budget of eThekweni Municipality for 2019/20 and the indicated budgets for the 2020/21 and 2021/22 financial years, as contained in the report by the City Manager dated 2018-12-03, be approved in principle, and be subject to further consideration during the budget and consultative process.
- 3.2 That it be noted that the issue of borrowing R1 Billion per annum will also be reviewed dependent on the impact on service delivery.

In alluding to some aspects of the capital budget some Councillors were not in support of the above-mentioned recommendations of the Executive Committee expressing concern that whilst funds would be utilized to refurbish Council owned buildings, etc, insufficient funds had been allocated for engineering services which would result in poor service delivery. A further concern was the purchase of 100 buses every year by the EThekweni Transport Authority (ETA) and the need to curb irregular expenditure.

As the majority of the Councillors were in support of the recommendations, the matter was put to the vote. With 171 Councillors present, 108 Councillors (ANC – 95, IFP – 8, EFF – 3 and IND – 2) voted in favour and 57 DA Councillors voted against. 6 Councillors (AIC – 2, MF – 1, DLC – 1, APC – 1 and AL JAMA-AH – 1) abstained from voting.

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

4. DELEGATION OF APPEAL FUNCTION UNDER THE SCHEDULED TRADES
AND DELEGATIONS BY-LAW, 1979 (2/2/2)

(Page 26)

COMMITTEE RECOMMENDS:

- 4.1 That authority be granted to the City Manager to establish a Committee to consider appeals emanating from the enforcement of the Scheduled Trades and Occupations By-law, 1979, which seeks to regulate certain categories of industry which have the potential to impact on human health or the environment.
- 4.2 That officials with the necessary technical knowledge be appointed as members of the Committee referred to in .1 above in order to adequately discharge the appeal function envisaged under the Scheduled Trades and Occupations By-law, with the number of such members to be determined by the City Manager.
- 4.3 That Council's appeal function in terms of the Scheduled Trades and Occupations By-law, 1979 be delegated to the Committee as established by the City Manager under recommendations .1 and .2 above.

ADOPTED.

5. UNITED CITIES AND LOCAL GOVERNMENT (UCLG) CONGRESS 2019:
WORLD SUMMIT OF LOCAL AND REGIONAL LEADERS (14/2/1/1/1)

(Page 32)

COMMITTEE RECOMMENDS:

- 5.1 That Council notes that the 6th World Congress of the United Cities and Local Government (UCLG) Congress is scheduled to take place in Durban either in October or November 2019, with UCLG congress being the largest, most influential local and regional world leaders conference and global gathering of Mayors, Councillors, Local Governments and Development Partners and UCLG representing and defending the interest of local government on the world stage, regardless of the size of the communities they serve.
- 5.2 That Council notes eThekweni Municipality together with the South African Local Government Association (SALGA) is hosting the UCLG Congress, hence, a Workshop will be scheduled to appraise political leadership on the upcoming UCLG Congress and to share roles, responsibilities and financial obligations.

ADOPTED.

6. REQUEST FOR AUTHORITY TO TRANSFER FUNDS WITHIN THE WATER AND SANITATION CAPITAL BUDGET IN THE 2018/2019 FINANCIAL YEAR FROM NORTHERN AQUEDUCT PROJECT TO SANITATION PILOT PROJECT OF THE INSTALLATION OF ALTERNATIVE SANITATION TECHNOLOGIES TO REPLACE PIT TOILETS WITHIN THE CITY (23/1/11/31)

(Page L30)

COMMITTEE RECOMMENDS:

- 6.1 That Council approves the project to pilot and rollout alternative sanitation technologies in areas where it is not feasible to provide waterborne sanitation.
- 6.2 That subject to .1 above, Council approves the transfer of funds from USDG funding to Project Y8792 for the installation of alternative sanitation technologies to replace pit toilets within the city under the approved 2018/2019 eThekweni Water and Sanitation capital Budget:

Funding Provided from Project	Project No.	Savings Identified 2018/2019	Vote Funding Transferring to	Source of Funding
Northern Aqueduct	X4764A	R70,000,000	Y8792	USDG
TOTAL		R70,000,000		

- 6.3 That subject to approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in his Adjustments Budget report, the transfer of funds as per the table above for the 2018/2019 financial year.

Human Settlements Unit: Vote No.: P5518.55100.5714
FC No.: 80/C031/11/2018

ADOPTED.

7. AUTHORITY FOR ADDITIONAL FUNDING FOR REFUSE COLLECTION AND STREET CLEANING IN THE NORTH CENTRAL REGION: INANDA CO-OPERATIVE AREAS: WS.6996 (7/14/1)

(Page L31)

COMMITTEE RECOMMENDS:

- 7.1 That Council authorizes the approval of additional funding for Contract WS.6996 and that not less than 70 percent of 64000 house-holds be subcontracted to emerge local contractors on an empowerment and mentorship programme in terms of Clause ACC 17 of the original tender contract.
- 7.2 That Council approves the additional funding of R8 766 450.00 (Eight Million Seven Hundred and Sixty Six Thousand Four Hundred and Fifty Rand) for December 2018 to June 2019 in the adjustment budget.
- 7.3 That Council approves that subsequent funding for years 2019/2020, 2020/2021 to be included in the Unit's budget.

Some Councillors were not in support of the above-mentioned recommendations of the Executive Committee contending that such recommendations sought to regularize irregular expenditure.

As the majority of the Councillors were in support of the recommendations which aimed at improving service delivery in the areas concerned, the matter was put to the vote. With 171 Councillors present, 114 Councillors (ANC – 96, IFP – 8, EFF – 2, IND – 2, AIC – 2, MF – 1, DLC – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 57 DA Councillors voted against. There were no abstentions recorded.

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

8. AUTHORITY TO USE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT FOR TO EXPAND THE SCOPE FOR THE HIRE AND SERVICING OF PORTABLE CHEMICAL TOILETS, 1P 18780 TO INCORPORATE ETHEKWINI WATER & SANITATION AND HUMAN SETTLEMENT (22/6/3)

(Page L28)

COMMITTEE RECOMMENDS:

- 8.1 That, Council note that the amendment to the Contract has become urgent due to a string of protests from communities demanding the provision of suitable sanitation service which can only be achieved by means of portable chemical toilets in their respective areas. Furthermore, business forums are demanding that the service be sourced with the inclusion of local business to address issues of Radical Economic Transformation, hence the need to introduce Contractor Participation Goal (CPG) which was not adequately catered for in the original contract:

- 8.1.1 That Section 116(3)(a) and (b) of the Municipal Finance Management Act be implemented to expand scope for the Hire and Servicing of the Portable Chemical Toilets to incorporate eThekweni Water & Sanitation and Human Settlement on an as and when required basis in the entire eThekweni Municipal Areas commencing with the following Wards: 13, 17, 23, 24, 25, 29, 32, 34, 38, 39, 41, 42, 43, 47, 53, 56, 59, 60, 64, 71, 72, 77, 79, 82, 83, 84, 85, 86, 87, 88, 89, 93, 99 and 101. It is estimated that 3000 toilets will be emptied on monthly basis in the above mentioned Wards.
- 8.1.2 That Council acknowledge that the above mentioned Wards were not included in the original scope of tender, 1P 18780 for the hiring and servicing of portable chemical toilets and that the affected communities in the Wards identified above have threatened to embark on service delivery protests if toilets are not provided.
- 8.1.3 That Council further acknowledges that business forums have also demanded subcontracting opportunities on the project.
- 8.1.4 That in view of 1.1 to 1.3 above, and in terms of Section 116(3) of the Municipal Finance Management Act No. 56 of 2003, authority be granted to expand the scope of Contract No. 1P 18780 for the hiring and servicing of portable chemical toilets in order to incorporate an estimated 30000 additional toilets for the Wards identified in .1 above and the applicable financial implications as detailed in the report by the Head: Supply Chain Management dated 2018-10-16.
- 8.1.5 That subject to the adoption of 1.1 to 1.4 above, public notices be advertised in the relevant print media requesting comments and/or objections to the proposed amendments to Contract No. 1P 18780 Hiring and servicing of portable chemical toilets.
- 8.1.6 That subject to the adoption and implementation of the above recommendations, a report be tabled for the consideration by the Bid Adjudication Committee notice be issued.
- 8.1.7 That Section 24 of the Supply Chain Management Regulation be invoked with the appointed Services Providers, Jus Loos cc and Waco Africa t/a Sanitech to introduce Contractor Participation Goal (CPG).
- 8.1.8 That Council approved that saving of 4 Million be identified from other projects and be utilized for the hiring and servicing of additional chemical toilets on an as and when required basis.
- 8.1.9 That subject to adoption 1.8 above, the Deputy City Manager: Finance include in his adjustment budget of 2018/19 financial year an additional amount of 4 Million as details under financial implications in the report by the Head: Supply Chain Management dated 2018-10-16.

MOTION TO AMEND

In terms of Rule of Order Bylaw 20(4), Councillor NL Graham, seconded by Councillor RD Macpherson, moved as a procedural motion that the above recommendations of the Executive Committee be amended by the deletion of recommendation 8.1.3 in its entirety.

NOT CARRIED

As some Councillors were not in support of the above-mentioned Motion to Amend, the matter was put to the vote. With 171 Councillors present, 59 Councillors (DA – 57 and EFF – 2) voted in favour and 104 Councillors (ANC – 96, IND – 2, AIC – 2, MF – 1, DLC – 1, APC - 1 and AL JAMA-AH - 1) voted against. 8 IFP Councillors abstained from voting.

The above-mentioned Motion to Amend was, by the majority vote, **NOT CARRIED**.

Discussion thereafter reverted to the substantive motion and as some Councillors were not in support of the above-mentioned recommendations of the Executive Committee and with majority of the Councillors being in favour thereof, the matter was put to the vote.

With 170 Councillors present, 113 Councillors (ANC – 94, IFP – 8, EFF – 3, IND – 2, AIC – 2, MF – 1, DLC – 1, APC - 1 and AL JAMA-AH - 1) voted in favour and no Councillors voted against. 57 DA Councillors abstained from voting.

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

9. REQUEST TO AUTHORISE PROVISION OF SANITATION AND WASTE MANAGEMENT SERVICE TO THE NAZARETH BAPTIST CHURCH (EBUHLENI) DURING JANUARY AND JULY 2019 PILGRIMAGE (6/2/3/1/1/R)

(Page L29)

COMMITTEE RECOMMENDS:

- 9.1 That Council notes the health risks presented by the influx of the Church Congregants during the January and July pilgrimages.
- 9.2 That Council notes the contravention of the Municipal By-Laws and it is proposed that the City through the Health Business Unit recommends the remedial actions and monitor its implementation.
- 9.3 That authority be granted to the Deputy City Manager: Trading Services to provide sanitation and waste management services to the eBuhleni Settlement of the Nazareth Baptist Church at an estimated costs of R4 Million to circumvent the health risk presented by the state of disrepair and poorly constructed infrastructure

Financial Implications:

The support proposed does not include the outflow of funds to the Nazareth Baptist Church, instead a service offering is recommended as follows:

Waste Management: R1 Million

Sanitation Services: R3 Million

Vote: 64060.10670.11.11400.0000.MRC01.0010

ADOPTED.

(Councillor TJ Luthuli, Chairperson of the Municipal Public Accounts Committee (MPAC), presented the Report of MPAC and elaborated on the recommendations contained therein).



2018/2019:
Quarterly
Report :
MPAC

September 30

2018

Report of the Municipal Public Accounts Committee (MPAC) for the first quarter of 2018/2019 financial year: July to September 2018

Municipal Public
Accounts Committee
(MPAC)

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1. CHAIRPERSON'S STATEMENT

It is my pleasure to present to you the Quarterly Report of the Municipal Public Accounts Committee which records the Committee's activities from 1st July to 30 September 2018.

MPAC has been assiduous in addressing all matters which have been outstanding and to this end the Committee has urged officials to finalise all outstanding issues and report on the same as soon as possible. Whilst some Units have responded with alacrity, there are other Units from which no responses have been received. In cases such as these, Committee has taken a decision to escalate such matters to the Office of the City Manager for assistance and we are looking forward to moving into the new quarter with all prior issues resolved.

In terms of our oversight over the implementation of the action plan of the audit findings, we have noticed that it has produced positive results as can be ascertained from the updated statistics provided by Internal Control and Business Systems Unit. Units have shown that action has been implemented from the 2016/2017 audit findings and we are optimistic that such action will result in no repeat findings in 2017/18 financial year.

Another area of oversight undertaken by the Committee has been the review of external service providers performance. Interrogation of the quarterly reports submitted by the Supply Chain Management Unit has shown a marked improvement in the assessments undertaken by Units. We are certain that the improved responses through the monitoring of service providers' performance will provide a positive impact on service delivery.

MPAC also monitors the financials of the Municipality and has expressed concern regarding the outstanding debt of R1 billion owed by Parastatals and other Government organisations. There is also much disquiet about the City's collection rate and we have urged the Revenue Management Unit to intensify its debt collection processes. Another serious area of concern is employees and ward councillors who are in arrears with the Municipality and this will continue to be monitored by the Committee. MPAC is also scrutinising the main areas of service delivery and will be calling Units to account in terms of meeting their targets.

The Committee analyses the monthly report on public tender awards made by the City and we have taken note of the efforts by the Supply Chain Management Unit to improve the award of work to target groups such as Youth Owned Enterprises and Disabled Persons' Business Enterprises through the City's Radical Economic Transformation Programme.

The Head: Internal Audit has reinstated the resources to support MPAC with, *interalia*, monitoring the implementation of its recommendations to Council as well as alerting Committee to other matters which require its oversight.

As we move into the new quarter, we look forward to improved reporting to MPAC by all Departments of the Municipality and its Entities. We are certain as a Committee that the work we undertake as an Oversight Committee will have a far reaching impact on future audit outcomes of the Municipality.

Thabane Luthuli
Chairperson: Municipal Public Accounts Committee
eThekweni Municipality

2. MEMBERSHIP AND MEETINGS OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

The Committee comprises of 11 members appointed by full Council on a proportional representation basis and one member of the Amakhosi on an ex-officio basis. There was one vacancy in September 2018 due to Councillor TM Mthethwa having been moved to the Executive Committee. The filling of this vacancy by the Democratic Alliance was approved by Council on 27th September 2018 and we look forward to welcoming Councillor Shontel De Boer to the Committee.

2.1 Membership of the Municipal Public Accounts Committee during the first quarter of 2018/2019:

NO.	SURNAME	NAMES	DESIGNATION	PARTY
1.	Luthuli	Thabane Jacques	Chairperson	ANC
2.	Luthuli	Pearl	Deputy Chairperson	ANC
3.	Beetge	Andre	Member	DA
4.	Collins	Terence Peter	Member	DA
5.	Dlamini	Conrad Bongimusa	Member	ANC
6.	Iyir	Noorharpersadh Birtharthee	Member	IFP
7.	Mnguni	Lungile Claire	Member	EFF
8.	Mnguni	Ntombizodwa Enid	Member	ANC
9.	Mthethwa	Thabani Mbongiseni	Member	DA
10.	Shezi	Muziwenhlanhla Conelius	Member	ANC
11.	Sibiya	Ntokozo	Member	ANC
12.	Shozi	Emmanuel Bhekuzalo	Ex-Officio	Amakhosi

2.2 Meetings held and attendance of Members at Municipal Public Accounts Committee:

Name	Jul 20	Jul 27	Aug 03	Aug 07	Aug 23	Sept 04	Sept 19
Councillor TJ Luthuli (Chairperson)		P	P	P	P	P	P
Councillor A Beetge		P	P	P	P	P	P
Councillor TP Collins		P	P	P	P	P	P
Councillor CB Dlamini		P	L	P	P	P	P
Councillor NB Iyir		A	P	P	P	P	P
Councillor P Luthuli		A	P	P	P	P	L
Councillor LC Mnguni		A	P	A	P	P	L
Councillor NE Mnguni		L	P	P	P	P	P
Councillor TM Mthethwa		P	P	P	P	_____*	
Councillor MC Shezi		P	P	P	P	P	P
Councillor N Sibiya		P	L	P	P	L	L
Inkosi EB Shozi (Ex Officio)		A	A	A	A	A	A

Symbol : (P)resent, (L)eave, (A)bsent, (*) Moved to Executive Committee

3. ROLE OF THE COMMITTEE

The primary function of the Municipal Public Accounts Committee is to help Council to hold the Administration, Municipal Agencies and Entities accountable for their management of municipal funds and assets in order to ensure the efficient and effective utilisation of council resources. This includes the Council's Support Committees, Executive Committee as well as Councillors. MPAC plays a role in increasing public and Council awareness of the financial and performance issues of the Municipality and its Entities.

The Committee activities include a mix of self-initiated enquiries and referred enquiries. The Committee receives submissions and conducts briefings and hearings on such matters as and when required.

4. SUMMARY OF COMMITTEE ACTIVITIES FOR PERIOD JULY 2018 - SEPTEMBER 2018

Activity	Number
Reports Tabled	48
Deliberative Meetings	6
Hearings	Nil
Briefings	1
Witnesses Appearing	Nil

5. MUNICIPAL PUBLIC ACCOUNTS COMMITTEE COMMENTS, FINDINGS AND RECOMMENDATIONS FOR FIRST QUARTER OF 2017/2018

5.1 A special meeting was held with the City Manager on 2018-07-17 and the Committee requested the City Manager to seriously look into the following matters:-

- The Blacklisting Committee
- Consequence Management
- Irregular Expenditure: 2016/17 : Zikhulise (Pty) Ltd
- Status of Tender 1C-18381: Provision of Security Services
- Support/Resources to the Committee
- Material Water Losses
- Financial Management

As a number of investigations have been finalised, we are awaiting feedback from the City Manager on the following outstanding reports:

1. INV 358/08/2015: IRREGULAR EXPENDITURE 2015/2016: OFFICE OF THE CITY MANAGER: APPOINTMENT OF VENDORS
2. INV 130/02/2015: AWARDS MADE TO ENTITIES IDENTIFIED IN FORENSIC REPORT BY KPMG
3. INV 489/02/2017: IRREGULAR EXPENDITURE 2015/2016: HUMAN SETTLEMENTS UNIT : FOLWENI HOUSING PROJECT
4. INV 500/03/2017: IRREGULAR EXPENDITURE 2015/2016: CLEANSING AND SOLID WASTE: TRUNKED RADIO NETWORK AND AIRTIME CONTRACT: REHO COMMUNICATIONS.
5. INV 508/03/2017: ORGANISATIONAL PERFORMANCE SCORECARD: 2015/2016: PLAN 3: CREATING A QUALITY LIVING ENVIRONMENT: ORANGE BAG RECYCLING PROJECT
6. INV 073/10/2017: IRREGULAR EXPENDITURE INCURRED BY WATER AND SANITATION UNIT AS AT END AUGUST 2017
7. TERMINATION OF CONSTRUCTION CONTRACTS AWARDED TO WOODGLAZE T/A LADYBRICK FOR THE DEVELOPMENT OF HOUSING STOCK IN PHOENIX INFILL AREA
8. IRREGULAR EXPENDITURE: PROCUREMENT AND CONTRACT MANAGEMENT: IRREGULARITIES NOTED IN THE AWARDING OF CONTRACT NO. 1H-13973
9. IRREGULAR EXPENDITURE: WATER AND SANITATION: CONTRACT WS 6734: MANAGEMENT CONTRACT FOR WASTE REMOVAL FROM VENTILATED IMPROVED PIT (VIP) TOILETS
10. SETTLEMENT AGREEMENT PERTAINING TO TAMBO PLAZA HOUSING PROJECT: NAMANDLA CIVILS CC/ETHEKWINI MUNICIPALITY

5.2 As per the MPAC Workplan, the following reports were received and considered by Committee:

- Monthly reports on awards made by the City for the months of May, June and July 2018
- Budget statement Reports for the months ending May, June and July 2018
- Report of the Audit Committee for quarter ended 31 March 2018
- Irregular Expenditure Reports

Committee is currently awaiting the audited Service Delivery and Budget Implementation Plan (SDBIP) from the Performance Monitoring and Evaluation Unit for September 2018. There was no report on disciplinary action instituted in terms of the Municipal Finance Management Act and **Annexure A** details those matters considered by the Committee for the first quarter.

5.3 Various Units were interviewed in respect of the implementation of their action plans in response to the AG's Findings as can be found in **Annexure B**. Committee was satisfied with the progress made by most Units. The following Units will be attending the next meeting of the Municipal Public Accounts Committee to deal with outstanding actions; including the expected dates for the finalisation of the actions:

- Water and Sanitation
- City Integrity and Investigations
- Human Settlements
- Mayoral Parlour (EPWP)

5.4 Irregular Expenditure interviews were conducted with the following Units during the first quarter and decisions of the Committee can be found in **Annexure C**:

- City Fleet
- Durban Marine Theme Park (uShaka)
- Cleansing and Solid Waste
- Water and Sanitation
- Metro Police
- City Hall Administration
- Electricity

5.5 Irregular Expenditure report schedules are submitted to the Committee on a monthly basis by the Internal Control and Business Systems Department. These schedules are circulated to Units who have to submit reports detailing the following information:

- The history of the contracts;
- How the contracts were initially procured;
- Details of any extensions which may have occurred;
- Copies of all reports to BAC in relation to the contracts;
- Copies of all BAC minutes in relation to the contracts;
- The current status of the contracts
- What measures are now in place to prevent a recurrence of the irregular expenditure; and
- An indication of whether disciplinary action was taken against the staff who incurred the expenditure; and if not why.

Committee has, since November 2017, started interrogating irregular expenditure for the 2017/2018 financial year. Progress has been impeded by the non-submission of reports by some Units or the non-attendance of Unit Heads at the meetings. However, we are confident that every effort is being made to ensure that reports are submitted by Units more timeously. The Committee will make recommendations to Council once all irregular expenditure for 2017/2018 has been interrogated.

5.6 Outstanding matters schedules have been circulated to all Units and reports are being submitted to Committee; albeit very slowly. Committee has taken a decision to report Units who do not respond to the City Manager.

6. WORKSHOPS AND TRAINING

The Municipal Public Accounts Committee recognises that training and capacity building interventions assist its members to enhance the quality and effectiveness of their performance. It is therefore imperative that members are given the opportunity to receive ongoing training to keep abreast with the requisite skills and knowledge to undertake the Committee's oversight role. The effectiveness and success with which the Committee performs its functions is dependent on its members having the necessary skills and knowledge.

In April 2018, National Treasury developed new guidelines and a toolkit to assist Councillors serving on the Municipal Public Accounts Committee to perform their oversight and related responsibilities. The aim of the Toolkit and Guidelines was to improve accountability and transparency as well as economical, effective and efficient use

of public resources in executing municipal functions which give effect to improved and expanded service delivery. Other key priorities such as obtaining value for money, re-distribution of resources, achieving equity, inclusive growth, attracting investments and addressing service delivery backlog, amongst others were all aspects important to local government.

The Municipal Finance Management Act No. 56 of 2003, National Treasury Circular 92: Guide and Toolkit were circulated to both Members of the Municipal Public Accounts Committee and the Executive Committee.

A workshop/training session was held by National Treasury officials on 2018-08-03 and was attended by MPAC Members, COGTA, various party whips and officials who were given a deeper insight of their oversight and accountability responsibilities.

MPAC members also received a briefing on efficient Supply Chain Management implementation; planning and timing of SCM processes; procurement methods and policy considerations from National Treasury.

Members agreed that it was a very informative and enlightening workshop; as more direction was provided by National Treasury. This would enable the Committee to carry out its duties more effectively.

7. CONCLUSION

The Committee's effectiveness is hampered by the lack of resources as explained above as well as tardy responses from some officials, including sometimes, that of the City Manager whose strategic input is vital in order for the Committee to prioritise its work.

However, the Committee has built a reputation for its insistence on proper governance within the municipality and has not faltered in its aim to achieve a clean audit outcome from the Auditor General as soon as possible, preferably by the 2019 financial year end.

Whilst progress is sometimes frustratingly slow, it is the determination of the Committee that its recommendations to Council are thoroughly researched, Departments properly interrogated and the results targeted towards a City proud of its clean administration. There is still some way to go, but the Committee is convinced it will achieve this aim.

**MATTERS CONSIDERED THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
FOR THE PERIOD 1 JULY-30 SEPTEMBER 2018**

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
1.	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2018-05-23 AND 2018-06-05	Secretariat	2018-07-27	That the minutes of the meetings of the Municipal Public Accounts Committee held on 2018-05-23 and 2018-06-05, taken as read, be and are hereby confirmed.
2.	THE COST OF OUTSOURCED SECURITY FOR COUNCILLORS AS COMPARED TO THE PROVISION OF AN IN-HOUSE SECURITY SERVICE.	Security Management	2018-07-27 2018-09-19	<ol style="list-style-type: none"> 1. That the Head: Security Management Unit provides an updated status report in relation to the provision of in-house security services to Councillors to the next meeting of the Municipal Public Accounts Committee. 2. That, in relation to .1 above, the Head: City Fleet provides a report detailing the sundry costs contained in the report as well as the cost of each vehicle to the Council to the next meeting of the Municipal Public Accounts Committee on 2018-10-30
3.	MONTHLY REPORT ON AWARDS MADE BY THE CITY FOR THE MONTH OF MAY 2018	SCM	2018-07-27 2018-08-23	<ol style="list-style-type: none"> 1. That the report by the City Manager dated 2018-06-08 in respect of the monthly report on awards made by the City for the month of May 2018, be noted. 2. That the Head: Supply Chain Management provides clarity in respect of the scope of works for the following projects to the next meeting of the Municipal Public Accounts Committee: <ul style="list-style-type: none"> • Contract 1N-31814: Invasive alien plant (iap) survey and managed area prioritized project (R1 609 675.00) and • Contract 1N-35546: Analysis of automotive sector value chain in Isipingo (R1 824 00.00) 3. That the report by the Head: Supply Chain Management in respect of the scope of the works for Contract numbers 1N-31814 and IN-35546 be noted.

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
4.	REVENUE MANAGEMENT SYSTEM	Finance	2018-07-27	<ol style="list-style-type: none"> 1. That the Deputy City Manager: Finance and Head: Sizakala Customer Centres ensure that training, in relation to the Revenue Management System (RMS), is provided to personnel at Sizakala Centres to enable them to adequately deal with customer queries. 2. That the Deputy City Manager: Finance establishes a team to attend to account queries related to the Revenue Management System and ensure that such queries are resolved expeditiously. 3. That it be noted that the Deputy City Managers: Finance and Trading Services would meet to develop a strategy to address unaccounted spikes in water readings which cannot be attributed to water leaks.
5.	BUDGET STATEMENT REPORT FOR THE MONTH ENDING 31 MAY 2018	Expenditure	2018-07-27	That the budget statement report for the month ending 31 May 2018 be noted.
6.	EMPLOYMENT EQUITY PROGRESS REPORT	Human Resources	2018-07-27	That the employment equity progress report be noted.
7.	CIGFARO ANNUAL CONFERENCE: 8-10 TH OCTOBER	Secretariat	2018-07-27	That all members of MPAC attend the Annual Conference of the Chartered Institute of Government, Finance, Audit and Risk Officers (CIGFARO) at Emperors Palace in Ekurhuleni from 8-10 th October 2018.
8.	REPORT BY CIU FOR QUARTER JANUARY – MARCH 2018.	City Integrity and Investigations	2018-07-27	That the quarterly report by the Head: City Integrity and Investigations dated 2018-06-04 be noted.
9.	MPAC ANNUAL REPORT TO COUNCIL	Secretariat	2018-07-27 2018-08-07	<ol style="list-style-type: none"> 1. That Members peruse the Annual Report of the Municipal Public Accounts Committee as at 31 July 2018 and revert to the Chairperson with amendments and/or additions to the report. 2. That the Annual Report of MPAC dated 31 July 2018 be forwarded to Council for adoption.
10.	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2018-06-11	Secretariat	2018-08-07	That the minutes of the meetings of the Municipal Public Accounts Committee held on 2018-06-11, taken as read, be and are hereby confirmed.

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
11.	OUTSTANDING MATTER IN RESPECT OF REVENUE MANAGEMENT SYSTEM CHALLENGES EXPERIENCED BY THE WATER AND SANITATION UNIT	Finance	2018-08-07	<ol style="list-style-type: none"> 1. That the Deputy City Manager: Finance and Head: Sizakala Customer Centres ensure that training, in relation to the Revenue Management System (RMS), is provided to personnel at Sizakala Centres to enable them to adequately deal with customer queries. 2. That the Deputy City Manager: Finance establishes a team to attend to account queries related to the Revenue Management System and ensure that such queries are resolved expeditiously. 3. That it be noted that the Deputy City Managers: Finance and Trading Services would meet to develop a strategy to address unaccounted spikes in water readings which cannot be attributed to water leaks.
12.	CUSTOMER SATISFACTION SURVEY: MUNICIPAL PERFORMANCE - CITY RESEARCH AND POLICY ADVOCACY	City Research and Policy Advocacy	2018-08-07 2018-08-23 2018-09-04	<ol style="list-style-type: none"> 1. That the Chief Strategy Officer present the outcome of the 2017 Municipal Services and Living Conditions Survey, including the questionnaire used for this survey, at a future meeting of the Municipal Public Accounts Committee. 2. That consideration of the Municipal Services and Living Conditions Survey 3 Year Trends: 2015/16, 2016/17 and 2017/18 be deferred to the next meeting of the Municipal Public Accounts Committee on 2018-09-04 to enable the Chief Strategy Officer to be in attendance at the meeting. 3. That the presentation by the Chief Policy Analyst : Research and Policy Advocacy (RAPA) in respect of the Municipal Services and Living Conditions Survey 3 year trends: 2015/16, 2016/17 and 2017/18, be noted.
13.	STRATEGY TO DEAL WITH WATER LOSS IN THE COUNCIL RENTAL STOCK AND HOSTELS	Water And Sanitation	2018-08-07	<ol style="list-style-type: none"> 1. That the report by the Head: Water and Sanitation Unit dated 2018-07-09 in respect of the initiative to address water loss in the Council Rental Stock and Hostels be noted. 2. That the Head: Water and Sanitation undertakes a further investigation to establish the exact number of hostels and rental stock which will require individual water meters to a future meeting of the Municipal Public Accounts Committee.

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
14.	MONTHLY REPORT ON AWARDS MADE BY THE CITY FOR THE MONTH OF JUNE 2018	Supply Chain Management	2018-08-07	That the report by the City Manager dated 2018-07-06 in respect of the monthly report on awards made by the City for the month of June 2018 be noted.
15.	BUDGET STATEMENT REPORT FOR THE QUARTER ENDING 30 JUNE 2018	Expenditure	2018-08-07	<ol style="list-style-type: none"> 1. That the Budget Statement Report for the quarter ending 30 June 2018 be noted. 2. That the Deputy City Manager: Finance provides an assessment of the municipality's 2017/18 financial performance in terms of the Uniform Financial Ratios and Norms. 3. That the Audited Financial Statements for the 2017/2018 financial year be presented to the Municipal Public Accounts Committee as soon as they are available. 4. That the financial statements, which form part of the monthly Section 71 reports, be circulated separately to the Municipal Public Accounts Committee.
16.	ETHEKWINI MUNICIPALITY'S UNIT RESPONSES TO THE FINANCIAL YEAR 2016/2017 ANNUAL REPORT ENGAGEMENTS:	Economic Development and Planning eThekweni Transport Authority Business Support, Markets and Tourism	2018-08-07 2018-09-04	<ol style="list-style-type: none"> 1. That the Deputy City Manager: Economic Development and Planning arranges a presentation of the Municipality's Catalytic Projects to the Municipal Public Accounts Committee; with such presentation being held at the Catalytic Projects Office. 2. That the Deputy City Manager: Economic Development and Planning invites the Municipal Public Accounts Committee to tours of Catalytic Projects when they are undertaken by the Economic Development and Planning Committee. 3. That consideration of the Economic Development and Planning Unit's responses to the financial year 2016/2017 Annual Report engagements be deferred to the date when the presentation of the Catalytic Projects is undertaken. 4. That the Head: eThekweni Transport Authority provides an update on the establishment of a municipal entity for the provision of bus service to a future meeting of the Municipal Public Accounts Committee. 5. That the verbal report by the Acting Head: Business Support, Tourism and Markets in respect of the Unit's responses to the financial year 2016/2017 Annual Report engagements be noted.

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
				6. That the Acting Head: Business Support, Tourism and Markets establish whether informal trader compliance with tax certificates is provided for by the 2014 Informal Trade Bylaws.
17.	FINANCE CLUSTER OUTSTANDING MATTERS	Finance	2018-08-07	That the Deputy City Manager: Finance arranges a presentation on the status of Municipal Standard Charter of Accounts (mSCOA) implementation to the next meeting of the Municipal Public Accounts Committee.
18.	SAFETY OF OFFICIALS UNDERTAKING COUNCIL DUTIES	City Manager	2018-08-07	That the City Manager provides a strategy to address the safety of officials whilst undertaking council duties; in light of the recent intimidation and threats by business forums.
19.	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2018-07-17	Secretariat	2018-08-23	That the minutes of the meeting of the Municipal Public Accounts Committee held on 2018-07-17, taken as read, be and are hereby confirmed.
20.	QUARTERLY AUDIT COMMITTEE REPORT FOR THE THIRD QUARTER	Internal Audit	2018-08-23	<ol style="list-style-type: none"> 1. That the quarterly report of the Audit Committee dated 2018-04-18 for the quarter ended 31 March 2018 be noted on the basis that the Internal Audit Unit indicates dates when the quarterly reports of the Audit Committee will be provided to the Municipal Public Accounts Committee; such reports to also contain the recommendations of the Audit Committee. 2. That, in the event of issues which hamper the timeous submission of the reports, the Chairperson: Audit Committee escalates such issues to the Municipal Public Accounts Committee to enable it to assist with their resolution.
21.	CONTRACT CSA2546(I): RACHEL FINLAYSON POOL ON OR TAMBO PARADE, NORTH BEACH: STRUCTURAL REHABILITATION OF POOLS	Architecture	2018-08-23	That the undertaking by the Senior Manager: Structural Engineering that the renovations of the Rachel Finalyson Pool will be completed as planned to enable its re-opening to the public by mid November 2018, be noted.

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
22.	MONTHLY REPORT ON AWARDS MADE BY THE CITY FOR THE MONTH OF MAY 2018: SCOPE FF WORKS FOR CONTRACT NUMBERS 1N-31814 AND 1N-35546	Supply Chain Management	2018-07-27 2018-08-23	<ol style="list-style-type: none"> 1. That the report by the City Manager dated 2018-06-08 in respect of the monthly report on awards made by the City for the month of May 2018, be noted. 2. That the Head: Supply Chain Management provides clarity in respect of the scope of works for the following projects to the next meeting of the Municipal Public Accounts Committee: <ul style="list-style-type: none"> ● Contract 1N-31814: Invasive alien plant (iap) survey and managed area prioritized project (R1 609 675.00) and ● Contract 1N-35546: Analysis of automotive sector value chain in Isipingo (R1 824 00.00) 3. That the report by the Head: Supply Chain Management in respect of the scope of the works for Contract numbers 1N-31814 and IN-35546 be noted.
23.	MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) CIRCULAR NO. 71: UNIFORM FINANCIAL RATIOS AND NORMS	Finance	2018-08-23	That Municipal Finance Management Act Circular No. 71: Uniform Financial Ratios and Norms as outlined by National Treasury be noted on the basis that the Chief Financial Officer will be reporting on the Municipality's performance against the financial ratios and norms of the Municipality at the meeting of the Municipal Public Accounts Committee on 2018-09-19.
24.	ETHEKWINI MUNICIPALITY/TANSNAT DURBAN : UPDATE ON LITIGATION IN RELATION TO THE BUS SERVICE	Legal and Compliance Services	2018-09-04 2018-09-19	<ol style="list-style-type: none"> 1. That the Deputy Head: Litigation provides an update on the litigation between eThekweni Municipality and Tansnat Durban in relation to the bus service to the next meeting of the Municipal Public Accounts Committee on 2018-09-19. 2. That the update provided by the Deputy Head: Litigation on the eThekweni Municipality/Tansnat Durban Court Matter be noted on the basis that a report be provided by the Deputy City Manager: Finance in respect of the legal costs incurred in setting off the City's subsidy against the Tansnat debt to the next meeting of the Municipal Public Accounts Committee on 2018-10-30.
25.	CATALYTIC PROJECTS PRESENTATION	Economic Development and Planning	2018-09-04	That the Deputy City Manager: Economic Development and Planning provides a presentation on Township Economic Development to the next meeting of the Municipal Public Accounts Committee on 2018-09-19.

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
				<p>5. That the Deputy Head: Internal Control and Business Systems provides an updated schedule on the implementation of action plans for Auditor General's findings 2017/2018 to the next meeting of the Municipal Public Accounts Committee on 2018-10-30.</p> <p>6. That consideration of the items for Water and Sanitation Unit be deferred to the next meeting of the Municipal Public Accounts Committee on 2018-10-30 to enable the Head: Water and Sanitation to be in attendance at the meeting.</p>
29.	MUNICIPAL STANDARD CHARTER OF ACCOUNTS (MSCOA)/ICT DUE DILIGENCE PRESENTATION	Finance	2018-09-04	That consideration of the presentation on the Municipal Standard Charter of Accounts (mSCOA) / ICT Due Diligence be deferred to the next meeting of the Municipal Public Accounts Committee on 2108-09-19 in order for an updated presentation to be provided and all relevant officials to be in attendance.
30.	CONFIRMATION OF MINUTES: MEETINGS HELD ON 2018-08-07 AND 2018-08-23	Secretariat	2018-09-19	That the minutes of the meetings of the Municipal Public Accounts Committee held on 2018-08-07 and 2018-08-23, taken as read, be and are hereby confirmed.
31.	MATTERS ARISING	Various	2018-09-19	<p>1. That the Deputy City Manager: Finance provides an update in respect of the Revenue Management System to the next meeting of the Municipal Public Accounts Committee on 2018-10-30 in relation to the following matters:</p> <ul style="list-style-type: none"> ● Issues reported to the RMS Steering Committee ● Migration update scheduled for the end of September 2018 ● Rates data cleansing effort ● Training of personnel at Sizakala Centres to enable them to deal adequately with customer queries and ● Establishment of a team to attend to account queries <p>2. That the Chief Financial Officer reports on the Municipality's performance against the financial ratios and norms to the next meeting of the Municipal Public Accounts Committee on 2018-10-30.</p> <p>3. That the Head: eThekweni Transport Authority provides an update on the establishment of the municipal entity for the provision of bus services to the next meeting of the Municipal Public Accounts Committee on 2018-10-30</p>

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
				<p>4. That the Acting Head: Business Support, Tourism and Markets establishes whether informal trader compliance with tax certificates is provided for in the 2014 Informal Trade Bylaws and reports back to the Municipal Public Accounts Committee on 2018-10-30</p> <p>5. That the Head: City Integrity and Investigations expedites the investigation into the Management Contract for Waste Removal from Ventilated Improved Pit (VIP) toilets in order to report back to a special meeting of Municipal Public Accounts Committee on a date to be confirmed.</p> <p>6. That the Head: Engineering monitors the progress of repairs at the Rachel Finlayson Pool on the beachfront to ensure that repairs are completed timeously and the pool will be opened to the public by the end of November 2018.</p>
32.	SPECIAL MEETING TO DEAL WITH FINALISED INVESTIGATIONS	City Manager		<p>That, as soon as a date is obtained from the City Manager, a special meeting of the Municipal Public Accounts Committee be convened in order for the following finalised investigations to be addressed:</p> <ol style="list-style-type: none"> 1. INV358/08/2015: Irregular Expenditure 2015/2016: Office of the City Manager: Appointment of Vendors 2. INV130/02/2015: Awards made to entities identified in Forensic Report by KPMG 3. INV489/02/2017: Irregular Expenditure 2015/2016: Human Settlements Unit : Folweni Housing Project 4. INV500/03/2017: Irregular Expenditure 2015/2016: Cleansing and Solid Waste: Trunked Radio Network and Airtime Contract: Reho Communications. 5. INV508/03/2017: Organisational Performance Scorecard : 2015/2016 : Plan 3: Creating A Quality Living Environment: Orange Bag Recycling Project 6. INV073/10/2017: Irregular Expenditure incurred by Water and Sanitation Unit as at end August 2017 7. Termination of Construction Contracts awarded to Woodglaze t/a Ladybrick for the development of housing stock in Phoenix Infill Area 8. Irregular Expenditure: Procurement and Contract Management: Irregularities noted in the awarding of Contract No. 1H-13973 9. Irregular Expenditure: Water And Sanitation: Contract WS 6734: Management Contract for waste removal from Ventilated Improved Pit (VIP) Toilets

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
				10. Settlement Agreement pertaining to Tambo Plaza Housing Project: Namandla Civils CC/Ethekweni Municipality.
33.	HUMAN SETTLEMENTS UNIT: PROGRESS WITH REGARDS TO THE NUMBER OF HOUSING UNITS CONSTRUCTED IN 2017/18 FINANCIAL YEAR	Human Settlements		That consideration of the report by the Head: Human Settlements dated 2018-08-21 in respect of the progress with regards to the number of Housing Units constructed in the 2017/2018 financial year be deferred to enable the Head: Human Settlements to be in attendance at the next meeting of 2018-10-30.
34.	HUMAN SETTLEMENTS UNIT: RENTAL HOUSING & HOSTELS MAINTENANCE PROCESS FLOW	Human Settlements	2018-09-19	That, in relation to Rental Housing and Hostels maintenance and challenges experienced with the budget allocation, the following Unit Heads meet with the Chief Financial Officer to resolve issues which arise in respect of the same: <ul style="list-style-type: none"> ● Head: Water and Sanitation ● Head: Electricity ● Head: Human Settlements
35.	BUDGET STATEMENT REPORT FOR MONTH ENDING 31 JULY 2018	Expenditure	2018-09-19	That the budget statement report for the month ending 31 July 2018 be noted.
36.	OUTSTANDING MATTERS FOR MPAC	Secretariat	2018-09-19	That all outstanding matters of Municipal Public Accounts Committee be escalated to the City Manager in order that he may assist the Committee to conclude outstanding issues by the end of November 2018.

IMPLEMENTATION OF ACTION PLANS ON AUDITOR GENERAL’S MANAGEMENT REPORT/2016/2017 AS AT 30 JUNE 2018

NO.	DATE CONSIDERED	RESOLUTION BY MPAC
1.	2018-07-27	<p>That the report by Internal Control and Business Systems Unit on the implementation of action plans on the Auditor-General’s Management Report 2016/17 as at 30 June 2018 be NOTED on the basis that following Units/Clusters which have findings that are not yet resolved attend the next meeting of the Municipal Public Accounts Committee to account for the same:</p> <ul style="list-style-type: none"> a) City Integrity and Investigations b) Finance c) Human Settlements d) Corporate and Human Resources e) Water and Sanitation f) Information Management g) Supply Chain Management h) Mayoral Parlour (EPWP)
2.	2018-09-19	<p>1. That the explanations received from the following Units in respect of progress made on the implementation of Action Plans for the Auditor General Findings be noted on the basis that updates from the Units be provided to the Internal Control and Business Systems Unit:</p> <ul style="list-style-type: none"> • Supply Chain Management • Information Management Unit • Expenditure • Revenue <p>2. That the Deputy Head: Internal Control and Business Systems provides an updated schedule on the implementation of action plans for Auditor General’s findings 2017/2018 to the next meeting of the Municipal Public Accounts Committee on 2018-10-30.</p> <p>3. That consideration of the items for Water and Sanitation Unit be deferred to the next meeting of the Municipal Public Accounts Committee on 2018-10-30 to enable the Head: Water and Sanitation to be in attendance at the meeting.</p>

IRREGULAR EXPENDITURE REPORTS CONSIDERED BY THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
1.	IRREGULAR EXPENDITURE FOR DATA CONTRACT CF 16/11: CITY FLEET	City Fleet	2018-07-27	1. That the report by the Head: City Fleet dated 2018-06-28 in respect of irregular expenditure incurred for Data Contract CF 16/11, be NOTED . 2. That the Head: Supply Chain Management provides an analysis to the Municipal Public Accounts Committee in respect of the Bid Committees responsible for the decision to use the Data Contract CF 16/11 for multiple units resulting in irregular expenditure being incurred by City Fleet.
2.	IRREGULAR EXPENDITURE : DURBAN MARINE THEME PARK	Ushaka Marine World	2018-07-27 2018-08-23	1. That the report by the Chief Executive Officer: Durban Marine Theme Park dated 2018-07-06 in respect of irregular expenditure incurred by the Entity be NOTED . 2. That the Chief Executive Officer: Durban Marine Theme Park be invited to the next meeting of the Municipal Public Accounts Committee to explain why the irregular expenditure could not be prevented. 3. That on finalization of the investigation into the matter, the Chief Executive Officer: Durban Marine Theme Park submits a report outlining the root causes of the irregular expenditure incurred in respect of the following contracts as well as subsequent consequence management to the next meeting of the Municipal Public Accounts Committee: <ul style="list-style-type: none"> ● Bitline : R86 940.00 ● Justica : R8 100.00 ● Uniform contract : R1 166 495.00 ● Media Shop Digital Marketing : R1 257 132.96 and Logico Creative Agency : R542 368.65 ● Avis Car Hire : R64 164.68 and Turners Travel : R152 994.50

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
3.	REGULARISATION OF IRREGULAR EXPENDITURE: ELSHADDAI HOLDING GROUP CC, ILANGA LAMAHLASE PROJECTS (PTY), OMPHILE THABANG PROJECTS AND UZUZINIKELA TRADING 31 CC	CLEANSING AND SOLID WASTE	2018-07-27 2018-08-23	<ol style="list-style-type: none"> 1. That consideration of Irregular Expenditure incurred by the Cleansing and Solid Waste Unit in respect of Elshaddai Holding Group CC, Ilanga Lamahlase Projects (Pty), Omphile Thabang Projects and Uzuzinikela Trading 31 CC be deferred to the next meeting of the Municipal Public Accounts Committee on 2018-08-23. 2. That the Head: Cleansing and Solid Waste ensures that all relevant officials responsible for the irregular expenditure in .1 above be in attendance at this meeting. 3. That all relevant officials, including Head: Special Projects and the City Manager be invited to a future meeting of the Municipal Public Accounts Committee to appraise Committee about irregular expenditure incurred by the Cleansing and Solid Waste Unit in relation to Contract SQ66/0061. 4. That the Head: City Integrity and Investigations provides the Municipal Public Accounts Committee with a copy of the report regarding its investigation into the irregular expenditure incurred by the Cleansing and Solid Waste Unit in respect of Contract SQ66/0061; which was awarded to Elshaddai Holding Group cc, Ilanga Lamahlase Projects (Pty), Omphile Thabang Projects and Uzuzinikela Trading 31 cc.
4.	IRREGULAR EXPENDITURE: CONTRACT WS 6734: MANAGEMENT CONTRACT FOR WASTE REMOVAL FROM VENTILATED IMPROVED PIT (VIP) TOILETS	WATER AND SANITATION	2018-08-07	<ol style="list-style-type: none"> 1. That the report by the Head: Water and Sanitation dated 2018-07-26 in respect of irregular expenditure incurred on Contract WS6734 in relation to the Management Contractor for waste removal from Ventilated Improved Pit (VIP) toilets be noted. 2. That, in view of irregularities uncovered in relation to the contractor undertaking additional work without the necessary authority due to the community alleging that not all VIP toilets had been emptied, the Head: City Integrity and Investigations Unit undertakes a thorough investigation into the matter and reports back to the Municipal Public Accounts Committee.

NO.	ITEM	UNIT	DATE CONSIDERED	RESOLUTION BY MPAC
5.	DURBAN METRO POLICE IRREGULAR EXPENDITURE DURING 2016/17 ON IHAWU FIREARM CENTRE	Metro Police	2018-08-23	That the report by the Head: Metro Police dated 2018-07-25 relating to irregular expenditure incurred in respect of Ihawu Firearm Centre, be noted on the basis that Ihawu Firearm Centre is the sole service provider of accredited firearm training in KwaZulu Natal
6.	IRREGULAR EXPENDITURE : HEALTH AND HYGIENE: CITY HALL : ENQUIRY 1A-7434	CITY ADMINISTRATION	2018-09-04	<ol style="list-style-type: none"> 1. That the report by the Deputy City Manager: Governance and International Relations in respect of irregular expenditure incurred by the City Administration Unit on the Health and Hygiene Contract: City Hall Enquiry 1A-7434, be noted. 2. That the explanation provided by the Head: Supply Chain Management in relation to the expiry of the central Health and Hygiene Contract Enquiry 1A-7434 be noted on the basis that the root cause of such irregular expenditure is determined by City Integrity and Investigations Unit and consequence management is implemented thereafter.
7.	IRREGULAR EXPENDITURE FOR JUNE 2018	PARKS, RECREATION AND CULTURE	2018-09-19	That consideration of the report by Head: Parks, Recreation and Culture dated 2018-08-24 in respect of irregular expenditure incurred by the Unit for June 2018 be deferred to the next meeting of the Municipal Public Accounts Committee on 2018-10-30 to enable the Head: Parks, Recreation and Culture to be in attendance at the meeting.
8.	IRREGULAR EXPENDITURE FOR MAY AND JUNE 2018	ELECTRICITY	2018-09-19	<ol style="list-style-type: none"> 1. That the report by the Head: Electricity dated 2018-09-05 in respect of irregular expenditure incurred by the Unit for the months of May and June 2018, be noted. 2. That, in relation to irregular expenditure incurred by the Electricity Unit on Contract TC-108: Off Site Storage Facility: Metrofile, the Head: Electricity obtains clarity regarding the notations made on the report by the Deputy City Manager: Trading Services relating to disciplinary or corrective action to be taken and reports back to the Municipal Public Accounts Committee.

The above-mentioned Report of the Municipal Public Accounts Committee was **ADOPTED**.

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. **ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE**

Meeting held on : 2018-10-10

2. **EXECUTIVE COMMITTEE**

Meetings held on : 2018-10-23
: 2018-11-20

3. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**

Meeting held on : 2018-11-06

4. **LOCAL LABOUR FORUM : FIRE & EMERGENCY SERVICES AND DISASTER
MANAGEMENT & EMERGENCY CONTROL**

Meeting held on : 2018-09-25

5. **LOCAL LABOUR FORUM : GOVERNANCE AND CORPORATE HUMAN
RESOURCES CLUSTER**

Meetings held on : 2018-09-11

6. **LOCAL LABOUR FORUM : HUMAN SETTLEMENTS AND INFRASTRUCTURE
CLUSTER**

Meeting held on : 2018-08-16

7. **LOCAL LABOUR FORUM : TREASURY AND OFFICE OF THE CITY MANAGER**

Meetings held on : 2018-10-18
: 2018-11-15

8. **SECURITY AND EMERGENCY SERVICES COMMITTEE**

Meeting held on : 2018-10-17

9. SPEAKER'S COMMITTEE

Meeting held on : 2018-10-29

NOTED.

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 23 to 24 of the Agenda were
NOTED.

The meeting terminated at 15:15

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2019-01-30.

SPEAKER