

No. 10

MINUTES
OF
eThekwini Council

Minutes of proceedings of the Meeting of the eThekwini Council held
at the City Hall Main Auditorium, Church Walk, Durban
on Thursday, 2017-02-23T12:00

PRESENT : Councillors WL Mapena (Speaker), ZRT Gumede (Mayor), F Peer (Deputy Mayor), MF Adam, MA Ally, J Annipen, SV Asbury, A Beetge, S Bhanprakash, MPN Bhengu, MC Bhengu, NC Biyela, T Biyela, M Brauteseth, WJD Burne, H Cele, J Chetty, BA Chili, R Cloete, TP Collins, RJ Crouch, M David, HU De Boer, GT De Lange, MAK Dladla, CB Dlamini, JA Dlamini, SB Dlamini, SR Dlamini, MP Dlomo, BA Fortein, VE Gebashe, HD Goge, R Gokool, G Govender, S Govender, Y Govender, NL Graham, PJC Graham, BR Gumede, NC Gumede, NP Gumede, TR Gumede, MS Gwala, MH Haniff, GJ Hegter, NP Hlomuka, RC Hlophe, S Hoosen, NB Hoosman, NB Iyir, JA Johnson, M Johnson, SA Kaunda, DM Khanyile, ES Khanyile, KNN Khubone, JS Khuboni, PZ Khumalo, HL Khubisa, NL Khuzwayo, S Khuzwayo, ZW Khuzwayo, SNC Khwela, CJ Laing, CB Langa, P Luthuli, TJ Luthuli, TN Mabanga, MT Mabaso, NI Madlala, A Maharajh, B Majola, TG Makhanya, ZP Makhanya, MW Manqeke, SD Maphumulo, PM Mbambo, V Mbanjwa, AM Mbele, RD Macpherson, SM Mdlalose, FW Mdletshe, LM Meyer, P Mfeka, TP Mfusi, K Mhlaba, GN Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, BA Mkhize, HGB Mkhize, KV Mkhize, MM Mkhize, MP Mkhize, S Mkhize, SM Mkhize, SM Mkhwanazi, PS Mncube, ZM Mncwango, E Mngadi, SB Mngadi, SV Mngadi, LC Mnguni, NE Mnguni, BV Mngwengwe, LN Mngwengwe, SR Moodley, S Moonsamy, B Mpanza, SB Mpanza, SNL Mshengu, B Msomi, LG Mthembu, M Mthembu, MGF Mthembu, MM Mthembu, NE 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, AB Ndlovu, PB Ndlovu, MK Ndzimbomvu, ZS Ndzoyiya, AS Ngcobo, S Ngema, MM Ngiba, TT Ngubane, SJM Nhlapho, MS Nkosi, M Nojiyeza, DR Nowbuth, GM Noyce, B Ntshangase, PC Ntshangase, SC Ntshangase, PB Ntuli, PH Nxumalo, NP Nxumalo, MS Nyawose, TT Nzuzi, CJ Pappas, BW Phewa, JP Phewa, TK Phohlo, B Phungula, D Pillay, DR 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, MC Shezi, VH Shezi, BP Shozi, DM Shozi, HP Shozi, M Sibisi, PN Sikhosana, B Singh, EL Singh, Sagar Singh, Samier Singh, PS Sishange, NI Sithole, AD Snyman, ZR Sokhabase, JB Thabethe, JC Van den Berg, SM Windvogel, MC Xulu, TV Xulu, NY Young, BM Zulu, GB Zulu, MBR Zuma, TM Zuma and TG Zungu.

ABSENT : Councillors S Brijmohan, SS Butelezi (on leave – Indisposed) , VP Caluza (on leave), NT Cele (on leave), TJT Cibane (on leave), AN Dlamini (on leave - indisposed), ZD Gushu (on leave – indisposed), NZ Maluleka

(on leave), BS Ngiba (on leave), BT Ntuli (on leave – indisposed), W Nyaba, NN Nyanisa (on leave – indisposed), KR Pillay, BR Qhantsi (on leave - indisposed), MD Qwabe (on leave – indisposed), ES Shezi, N Sibiya (on leave), M Tembe, S Thango (on leave – indisposed), WM Thring (on leave), C Xesibe (on leave) and MH Zwane (on leave).

AMAKHOSI

PRESENT : Inkosi NC Maphumulo, Inkosi KT Mkhize, Inkosi S Mlaba, and Inkosi EB Shozi.

AMAKHOSI

ABSENT : Inkosi BF Bhengu, Inkosi VR Cele, Inkosi TF Gwala, Inkosi NM Hlengwa, Inkosi PP Luthuli, Inkosi KS Makhanya, Inkosi DZ Mkhize, Inkosi LD Mkhize, Inkosi TBE Mkhize, Inkosi RF Mthembu, Inkosi MB Ngcobo and Inkosi JP Shangase.

OFFICIALS

PRESENT : Messrs/Mesdames P Mashoko (Acting City Manager), N Moerane (Head: Legal Services and Compliance) M Mhlongo (Deputy Head: Litigation, Legal Services and Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), KR Ramsunder (Chief Committee Officer) and Munthrie (Principal Committee Officer).

(At the commencement of the meeting 196 Councillors were present, comprising ANC – 109, DA - 59, IFP – 10, EFF - 6, INDEPENDENT - 4, AIC - 2, ACDP – 0, MF - 1, DLC - 1, TA- 1, MOSA – 1, APC – 1 and AL JAMA-AH - 1).

1. NOTICE CONVENING THE MEETING

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

2. OPENING

The Speaker declared the meeting open and thereafter extended a warm welcome to the Mayor, Deputy Mayor, Members of the Executive Committee; Honourable Councillors, Acting City Manager; Deputy City Managers present, the representative from Legal Services and Compliance, Media; Distinguished Guests and Members of the Administration to this meeting of the Council.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested the Council to pray for peace and tolerance and remember those who had passed on.

5. OFFICIAL ANNOUNCEMENTS

The Speaker dealt with items 5 and 6 of the Order of Procedure, relative to official announcements and his report, concurrently. In initiating his announcements, he paid tribute and expressed condolences to the families of the five soldiers who died during this period. Of the five soldiers, three had died whilst rescuing PW workers underground at Durban's Salisbury Island, one had died in a truck accident in Ladysmith, en route to Durban and one had drowned at the beach. The Speaker further expressed condolences to Councillor Z Sokhabase on the loss of her mother and the Esidimeni psychiatry patients who tragically lost their lives.

The Speaker advised that the Chief Whip, Councillor NN Nyanisa was indisposed and had been hospitalised.

In speaking of the Armed Forces Day celebrations, the Speaker congratulated Her Worship the Mayor and the team of officials on the successful hosting of such celebrations. He also extended birthday wishes to all Councillors who celebrated their birthdays this month, as recorded in the Council Agenda.

With regard to Income Tax, Councillors were reminded that the tax season commenced at the end of February and it was imperative for their tax affairs to be in order. Councillors requiring one-on-one consultations with SARS officials were requested to provide their names to his Office to enable arrangements to be made. Councillors were also requested to complete and return their SASRIA forms to the Office of the Speaker.

The Speaker indicated that the issue of "Matters Arising", which had been raised by Councillor WJD Burne at a previous Council meeting, was being addressed in the new Rules of Order.

Council was advised of the resignation of Councillor Ismail Cassimjee of the Democratic Alliance. In that regard the Speaker extended a warm welcome to new Councillor Khethukuthula Vincent Mkhize who had replaced him.

The Speaker reminded Councillors to ensure that they consider Council items referred to their Party Caucuses for comments and input as per Committee/Council resolutions. He thereafter expressed concern at the number of Councillors that had been absent from meetings in the quarter ending 31 December 2017. He therefore reminded Councillors to attend meetings regularly and ensure that they signed the attendance register.

With regard to the election of the Ward Committees held on 20 and 27 November 2016, a verification process had been undertaken as per the relevant Rules. Of the 1050 members elected, one member had been called to rest immediately after the election. Thereafter the 1049 members underwent the verification process.

It was noted that one member from Ward 20 had been disqualified in view of being employed by the Municipality through EPWP. A total number of 101 elected members were found to be in arrears for municipal services. However, 38 members had indicated that they had made arrangements with the Municipality to pay off the said arrears.

The Speaker advised that in total, 64 elected members had been disqualified in view of them not meeting the criteria in terms of indebtedness and being employed by the Municipality. He thereafter advised of the total number of vacancies in the affected Wards and indicated that all vacancies would be filled in accordance with the process of the Rules regulating the establishment and operation of ward committees, which stipulated that where there are 3 (three) or less vacancies, members shall be co-opted.

In respect of objections, the Speaker advised that a total of 128 had been received. Such objections centred around the process of Ward Committee elections. He advised that all objections had been considered and responses would be provided to the respective authors of the objections. Thereafter, registration for all elected members and an Inauguration ceremony would be held on a date to be advised.

The elections for the 5 (five) outstanding Wards, viz Wards 12; 23; 43; 75 and 95 would be held in March 2017.

The Speaker referred to the amendments to the 2016/2017 determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils and advised that it was now compulsory for all Councillors to be members of the Councillors Pension Fund. In that regard he indicated that Councillors who had not been members of the fund would now be required to join the Fund. In total 21 Councillors were not Members and would be contacted to make arrangements to contribute as part of compliance.

In closing his report Councillors were reminded to make themselves available to their constituencies and report back as part of Back to Basics requirements.

6. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor MF Adam	:	2017-03-24 to 04-03 (Overseas trip)
Councillor J Annipen	:	Request to leave at 18:00
Councillor SS Buthelezi	:	2017-02-24 (Indisposed)
Councillor VP Caluza	:	2017-02-23 (Personal Commitments)
Councillor NT Cele	:	2017-02-21 to 28 (Personal Commitments)
Councillor TJT Cibane	:	2017-02-23 to 24 (Personal Commitments)
Councillor AN Dlamini	:	2017-02-23 to 27 (Indisposed)
Councillor BA Fortein	:	2017-03-06 to 07 (Municipal business)
Councillor H Goge	:	2017-02-28 to 03-07 (Indisposed)
Councillor ZD Gushu	:	2017-02-22 to 27 (Indisposed)
Councillor SA Kaunda	:	2017-02-27 to 03-07 (Municipal business)

Councillor NI Madlala	:	2017-02-26 to 03-07 (Municipal business)
Councillor NZ Maluleka	:	2017-02-22 to 23 (Personal Commitments)
Councillor LC Mnguni	:	Request to leave at 16:00
Councillor SR Moodley	:	Request to leave at 15:30
Councillor MM Mthembu	:	2017-02-27 to 03-03 (Municipal business)
Councillor BS Ngiba	:	2017-02-23 (Personal Commitments)
Councillor BT Ntuli	:	2017-02-20 to 27 (Indisposed)
Councillor NN Nyanisa	:	2017-02-20 to 03-03 (Indisposed)
Councillor F Peer	:	2017-02-27 to 03-03 (Municipal business)
Councillor P Pillay	:	Request to leave at 14:00
Councillor BR Qhantsi	:	2017-02-23 to 24 (Indisposed)
Councillor MD Qwabe	:	2017-02-23 to 24 (Indisposed)
Councillor A Ramkissoon	:	Request to leave 14:00
Councillor MT Shelembe	:	2017-02-24 to 25 (Municipal business)
Councillor N Sibiya	:	2017-02-23 to 24 (Personal Commitments)
Councillor N I Sithole	:	2017-02-27 to 03-03 (Municipal business)
Councillor S Thango	:	2017-02-23 to 24 (Indisposed)
Councillor WM Thring	:	2017-02-23 to 24 (Personal Commitments)
Councillor C Xesibe	:	2017-02-23 to 24 (Personal Commitments)
Councillor MH Zwane	:	2017-02-23 (Personal Commitments)

AMAKHOSI

Inkosi EB Shozi : 2017-02-01 to 03-31 (Indisposed)

7. **CONFIRMATION OF MINUTES: Meeting held 2017-01-31**

RESOLVED:

That the minutes of the meeting of the Council held on 2017-01-31, as circulated and taken as read, be and they be hereby confirmed.

8. **QUESTIONS IN TERMS OF SECTION 27 OF THE RULES OF ORDER**

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

8.1 **Questions submitted by Councillor S Sewshanker: Tickets for Senior Citizens Year End Function (19/1/1/2/2:**

The recent Senior Citizens Functions had many discrepancies, which requires a more open and transparent process.

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

- 1. When will the Senior Citizens Steering Committee propose to Council, a draft policy on the organisation and planning of the Annual Senior Citizens Event?**
- 2. Which Policy guidelines was used in the interim to allocate and distribute tickets per ward?**

- 3. Did 109 PR councillors receive tickets? If not, why not?**
- 4. How many PR councillors did not receive an allocation of tickets?**
- 5. Did 110 ward councillors receive the full allocation of 600 tickets? If not, why not?**
- 6. How many ward Councillors received 400 tickets?**
- 7. How was the distribution of the shortfall of 200 tickets allocated?**
- 8. How many ward committee members, EPWP members, Councillors and officials were allocated contracts respectively?**

Councillor BA Fortein provided the following respective responses:-

1. A Technical Committee of officials has been set up the Deputy City Manager: Governance and International Relations to draft a framework for the Senior Citizen's party together with a work plan. Such Committee will report to the Governance and Human Resources Committee for initial processing and for onward transmission to Council for a decision at its April 2017 meeting.
2. There was a Steering Committee, consisting of Councillors, chaired by the previous Speaker, which had resolved on the framework. The framework included a ticket distribution guideline which was used in the 2016 programme.
3. All PR Councillors were informed through the Speaker's Office to collect 50 tickets for the wards to which they had been assigned by their Political Parties. Whilst some collected, others did not.
4. The PR Councillors who did not receive tickets were those that did not collect their allocated 50 as advised by the Speaker's Office.
5. The allocation of tickets was 600 per ward, 400 of which were issued to the Ward Councillors and 200 shared amongst the PR Councillors. (This is where the 50 tickets per Councillor would have come from).
6. Refer to reply for Question 5 above.
7. All 200 tickets were distributed where PR Councillors did not collect, the balance of the tickets were issued to the Ward Councillors.
8. This is not clear as to what contracts are being referred to. I will need clarity on what contracts are being referred to and how they relate to the Senior Citizen's concert.

8.2

Questions submitted by Councillor R Gokool: Water Outrages in New Germany from 06 December 2016 to 18 January 2017 (23/1/4/3/1):

From 06 December 2016 to 18 January 2017 there were water outages in New Germany.

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

1. **What were the causes of the water outages?**
2. **What is the protocol when dispatching water tankers?**
3. **How many water tankers does the Municipality have?**
4. **Why aren't water tankers automatically dispatched when there are water outages?**
5. **How often are the pumps at the reservoirs maintained?**
6. **What levels does the reservoir have to be before the Water Department starts troubleshooting?**
7. **What is the Water Department doing to better its service at the call centre?**
8. **What is the Water Department doing to better its system at the call centre?**
9. **What is the Water Department doing to better its communication with the residents of eThekweni?**

Councillor MM Mthembu provided the following respective responses:-

1. Due to the consistently high demand we have not met our drought mandatory restrictions over the festive season regardless of the fact that we have requested an additional water supply during this period. Among contributing factors to the high demand, hot weather had a huge impact in the increased demand.
2. Tankers are dispatched after 6 hours of no water supply.
3. 86 tankers.
4. Tankers are dispatched when there are water outages.
5. Pumps at the reservoirs are maintained on a monthly basis.
6. We start troubleshooting when the reservoir has dropped below its bottom water level (level at which the reservoir inlet is supposed to open automatically).

7. Our Contact Centre has since been experiencing high call volumes which are mostly attributed to the current drought situation which continues to be the order of the day as well as increasing number of water bursts and water leaks. However, the Department has proactively engaged in additional number of “learners” (about twenty to be precise) in an effort to strengthen its capacity in responding to the current predicament. Contact Centre Agents have been subjected to ongoing training and development as well as coaching on customer services in order to enhance their efficiency and ensure that they are as responsive to the customers’ queries. Furthermore, they (Contact Centre Agents) are provided with the necessary support including wellness intervention programmes in order for them to cope with “high levels” of stress being the consequence of their work environment.
8. The Department continues to put more effort in ensuring that Contact Centre Agents are readily available to respond to the high number of calls coming in at all times (24 hours per day/7 days a week/365 days per year) operating on three (3) shifts system. Close monitoring of the telephone system as well as the complaints management system (Faultman) is the order of the day, technical support in this regard is readily available through the constant interaction with the relevant service provider. Furthermore, the introduction of WhatsApp a few months ago as an additional platform, through which customers are able to report Water and Sanitation related issues, is gaining momentum and proves to be an effective system.
9. The Department has since been extensively engaged in a number of communication platforms through which it reaches out to eThekweni customers and residents in general. Such initiatives include the Raising Citizens Voice programmes (User Platforms and Focus Groups) by which residents of eThekweni are engaged and introduced to our services through their respective Ward Councillors in an effort to provide them with that much needed platform for them to have their particular water and sanitation issues raised, discussed and addressed. Also, there is a special team (Division) within the Department which serves as a “gateway” for Councillors to constantly be in touch with the Department pertaining to water and sanitation issues in their respective Wards. This team also disseminates information through banners, pamphlets, etc. The Department is also working very closely with the Communications Unit in ensuring that information about water and sanitation services is constantly publicised through various media platforms which include print media, radio interviews/messages, seminars, etc.

8.3 Questions submitted by Councillor S Ryley : Adjustment Budget : Metro Police (4/5/1/3):

In a meeting of the Security and Emergency Services Committee on 02 February 2017 the proposed adjustment for the Cluster made a request for R56 Million for non-structured overtime for Metro Police.

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

1. **How much of this amount has been, or is to be, spent on safety and security policing:**
 - (i) **Within the City centre?**
 - (ii) **In the remainder of the metropolitan area?**

2. **How much of this amount has been, or is to be, spent on:**
 - (i) **Special events hosted by the City and,**
 - (ii) **What are these special events?**

3. **How much of this amount has been, or is to be, spent on:**
 - (i) **The protection of Councillors and,**
 - (ii) **Who are these Councillors?**

4. **After the above has been deducted from the total R56 Million, what will the remaining amount be spent on?**

In response to the above-mentioned questions, the Deputy Mayor advised that as all the amounts had been consolidated into one vote it was not possible at this stage to differentiate the amounts in respect of overtime for the various categories. However, Treasury has now been requested to now categorise the amounts.

Her Worship the Mayor presented the First Report of the Executive Committee.

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on 2017-02-14)

- PRESENT : Executive Committee Members ZRT Gumede (Mayor and Chairperson), F Peer (Deputy Mayor), HU De Boer, BA Fortein, S Hoosen, SA Kaunda, ZM Mncwango, MM Mthembu and MS Nkosi.
- ABSENT : Executive Committee Member ZR Sokhabase (On leave)

1. **REPORT OF SECURITY AND EMERGENCY SERVICES COMMITTEE:
MEETING HELD ON 2017-02-02**

(Page R1)

- 1.1 **Major Hazard Installation : Aveng Infraset (Pty) Ltd, Queen Nandi Drive, Effingham, Durban, KwaZulu-Natal (29/1/2/5):**
(Page 151 : Security and Emergency Services Committee - Agenda 2017-02-02)

The Committee noted the Major Hazard Installation Risk Assessment Report on behalf of Aveng Infraset (Pty) Ltd, which was being submitted to eThekweni Municipality in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

It was further noted that the report thereon had been considered by the Municipality's Technical Task Team on Major Hazard Installations which had resulted in no reason being offered to advise against its acceptance and operation of the company in accordance with the provisions of the assessment.

Being in concurrence

COMMITTEE RECOMMENDS:

That the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the proposed Major Installation of Aveng Infraset (Pty) Ltd, Queen Nandi Drive, Effingham, Durban, KwaZulu-Natal, be approved as the operation of the Company will not exceed acceptable levels of risk in accordance with the provisions of the Major Hazard Installation Regulations framed under the Occupational Health and Safety Act 85 of 1993.

ADOPTED.

- 1.2 Major Hazard Installation : Umngeni Water, Off Seadoone Road, Amanzimtoti, KwaZulu-Natal (29/1/2/5):
(Page 153 : Security and Emergency Services Committee - Agenda 2017-02-02)

The Committee noted a 5 year review of the Major Hazard Installation risk assessment report submitted to the Municipality on behalf of Umngeni Water in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

It was thereafter advised that the report thereon had been considered by the Municipality's Technical Task Team on Major Hazard Installations which resulted in no reason being offered to advise against its acceptance and continued operation of the company in accordance with the provisions of the assessment.

As the Committee was in concurrence with the recommendations contained therein,

COMMITTEE RECOMMENDS:

That the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the continuous operation of existing Major Hazard Installation: Umngeni Water, Off Seadoone Road, Amanzimtoti, KwaZulu-Natal, be approved as the operation of the Company will not exceed acceptable levels of risk in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

ADOPTED.

- 1.3 Tariffs 2017/2018 (7/6/1/3):
(Page 160 : Security and Emergency Services Committee - Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

- 1.3.1 That all "Present Tariffs", as reflected in Annexure A, (Tariffs 2017/2018), attached to the report by the Head : Metro Police dated 2016-11-12, as imposed by the Municipality, be hereby rescinded with effect from 2017-07-01.

1.3.2 That, subject to the adoption of .1 above, the 'Proposed Tariffs including vat' as set out in Annexure A, (Tariffs 2017/2018), as attached to the report by the Head : Metro Police dated 2016-11-12, be adopted with effect from 2017-07-01.

1.3.3 That the Acting City Manager be required:-

1.3.3.1 To display a copy of this resolution and the said tariff of charges conspicuously:-

1.3.3.1.1 on the City Hall notice board; and

1.3.3.1.2 at such other places within the Municipality as the City Manager may determine;

1.3.3.2 To publish in the Metro Ezasegagasini in the following form:-

ETHEKWINI MUNICIPALITY

Notice is hereby given that:-

a) Resolution of the kind contemplated in Section 75A(2) of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) was passed by the Municipal Council on _____.

b) Copy of the said resolution and the annexed tariff of charges is available for inspection at:-

(i) City Hall, Dr Pixley KaSeme Street, Durban

(ii) _____, etc

3.3 The effective date for the implementation of the said tariff of charges is 2017-07-01.

3.4 To seek to convey the information referred to in the said notice to the public on East Coast Radio and Ukhozi Radio, and

3.5 To send a copy of the said notice to the Provincial Minister of Local Government.

As some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 195 Councillors present, 128 Councillors (ANC – 109, IFP – 10, INDEPENDENT – 4, MF – 1, DLC – 1, MOSA – 1, APC – 1 and AL-JAMAH – 1) voted in favour and 59 Democratic Alliance Councillors voted against. 8 Councillors (EFF – 6 and AIC – 2) abstained from voting.

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

1.4 Motivation to Attend the International Conference on Disaster Management & Human Health (14/1 & 29/2/4):
(Page 167 : Security and Emergency Services Committee - Agenda 2017-02-02)

The Committee noted that the 5th International Conference on Disaster Management and Human Health will take place in Seville, Spain from 2017-06-07 to 2017-06-09.

In considering the original recommendation contained in report regarding nomination of 1 Councillor to attend the conference, it was decided that the recommendation be amended to nominate 3 (three) Councillors instead.

The Democratic Alliance registered its support for the original recommendation that one Councillor should attend and abstained on that basis.

At the Executive Committee meeting it was suggested that a Multi-Party delegation of Councillors be nominated to attend.

COMMITTEE RECOMMENDS:

1.4.1 That the Disaster Management and Emergency Control Unit be granted authority to approve the following:-

1.4.1.1 Two officials from Disaster Management & Emergency Control Unit attend the 5th International Conference on Disaster Management and Human Health that will take place in Seville, Spain from 2017-06-07 to 2017-06-09.

1.4.2 That 3 (three) Councillors from the Security and Emergency Services Committee be nominated to attend the 5th International Conference on Disaster Management and Human Health that will take place in Seville, Spain from 2017-06-07 to 2017-06-09, and it be noted that travelling of Councillors would be funded by the Speakers Office, it being recorded that the nomination of the three Councillors will be undertaken on a Multi-Party basis.

Financial Implication:

Details	ACCOUNT NUMBER									
	BU	Item	Funding	Costing	Project	Region	Budget For The Year	Spent To Date	Balance Unspent	Expenditure Proposed
Conference, Seminars, Workshops & Events	22020	19930	12120	0000	35000-4	0010	72000.04	0	72000.04	18000.00
Accommodation	222020	21920	12120	0000	MRC01	0010	80000.00	22.269.27	57730.73	10000.00
Air Transport	22020	22005	12120	0000	MRC01	0010	80000.00	4389.66	75610.34	35000.00
Daily Allowance	22020	21930	12120	0000	MRC01	0010	50500.04	0	50500.04	10000.00

MOTION TO AMEND

In terms of Rule of Order 20(4), Councillor B Thabethe, seconded by Councillor A Ramkisson, moved as a procedural motion that recommendation 1.4.2 above be amended in the first line thereof by the deletion of the figure and word in brackets “3 (three)” and by the substitution therefor of the figure and word in brackets “2 (two)” and in the fifth line thereof, by the deletion of the word “three” and by the substitution therefor of the word “two”, to read as follows:

“1.4.2 That 2 (two) Councillors from the Security and Emergency Services Committee be nominated to attend the 5th International Conference on Disaster Management and Human Health that will take place in Seville, Spain from 2017-06-07 to 2017-06-09, and it be noted that travelling of Councillors would be funded by the Speakers Office, it being recorded that the nomination of the two Councillors will be undertaken on a Multi-Party basis.”

CARRIED

The above-mentioned Motion to Amend was unanimously CARRIED.

Thereafter, it was

RESOLVED:

1.4.1 That the Disaster Management and Emergency Control Unit be granted authority to approve the following:-

1.4.1.1 Two officials from Disaster Management & Emergency Control Unit attend the 5th International Conference on Disaster Management and Human Health that will take place in Seville, Spain from 2017-06-07 to 2017-06-09.

1.4.2 That 2 (two) Councillors from the Security and Emergency Services Committee be nominated to attend the 5th International Conference on Disaster Management and Human Health that will take place in Seville, Spain from 2017-06-07 to 2017-06-09, and it be noted that travelling of Councillors would be funded by the Speakers Office, it being recorded that the nomination of the two Councillors will be undertaken on a Multi-Party basis.

**1.5 Service Delivery and Budget Implementation Plan (SDBIP) & Organisational Scorecard – Mid Year Reporting : July to December 2016 (2/10/1/1/9):
(Page 169 : Security and Emergency Services Committee - Agenda 2017-02-02)**

COMMITTEE RECOMMENDS:

That the Organisational Scorecard and the Service Delivery and Budget Implementation Plan for the six months ended December 2016, be noted.

NOTED.

**1.6 Major Hazard Installation: Sasol, 465 Tara Road, Gate No. 6, Engen Refinery, Wentworth, KwaZulu-Natal (29/1/2/5):
(Page 205 : Security and Emergency Services Committee - Supplementary Agenda 2017-02-02)**

The Committee noted a 5 year review of the Major Hazard Installation Risk Assessment report submitted to the Municipality on behalf of Sasol Gas in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

It was thereafter advised that the report thereon had been considered by the Municipality's Technical Task Team on Major Hazard Installations which resulted in no reason being offered to advise against its acceptance and continuous operation of the company in accordance with the provisions of the assessment.

As the Committee was in concurrence with the recommendations contained therein,

COMMITTEE RECOMMENDS:

That the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the continuous operation of an existing Major Hazard Installation : Sasol Gas, 465 Tara Road, Gate No. 6, Engen Refinery, Wentworth, Kwazulu-Natal, be approved as the operation of the Company will not exceed acceptable levels of risk in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

ADOPTED.

- 1.7 Major Hazard Installation : SHU Powders (Pty) Ltd, Logra Industrial Park, No 40 Track 94040, Harrison Flat, Old Main Road, Cato Ridge, KwaZulu-Natal (29/1/2/5):
(Page 212 : Security and Emergency Services Committee - Supplementary Agenda 2017-02-02)

The Committee noted the Major Hazard Installation Risk Assessment Report submitted to the Municipality on behalf of Shu Powders (Pty) Ltd in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

It was thereafter advised that the report thereon had been considered by the Municipality's Technical Task Team on Major Hazard Installations which resulted in no reason being offered to advise against acceptance of the continuous operation of the company in accordance with the provisions of the assessment.

As the Committee was in concurrence with the recommendations contained therein,

COMMITTEE RECOMMENDS:

That the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the continuous operation of Shu Powders (Pty) Ltd, Logra Industrial Park, no. 40 Track 94040, Harrison Flat, Old Main Road, Cato Ridge, KwaZulu-Natal, be approved as the operation of the Company will not exceed acceptable levels of risk in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

ADOPTED.

- 1.8 Adjustments Budget – 2016/2017:
(Page 214 : Security and Emergency Services Committee - Agenda 2017-02-02)

At the Executive Committee meeting the Democratic Alliance expressed concern in respect of the unstructured overtime payments in respect of Metro Police and requested a breakdown on all overtime payments. In response it was noted that the full Adjustments Budget would be submitted to the Executive Committee shortly where a full breakdown would be presented.

Thereafter,

COMMITTEE RECOMMENDS:

That, in accordance with the provisions of Section 28 of the Municipal Finance Management Act, the adjustments to the 2016/17 Budget be approved as detailed in Annexure A – Operating adjustment and Annexure A – Capital adjustment as contained in the report by the Head : Fire & Emergency Services dated 2017-01-20, and the approval of the Capital Adjustments constitute project approval of the specific projects.

As some Councillors were not in support of the above recommendations of the Executive Committee on the basis of unstructured overtime payments in respect of Metro Police, the matter was put to the vote. With 192 Councillors present, 123 Councillors (ANC – 105, IFP – 10, INDEPENDENT – 2, MF – 1, DLC – 1, TA – 1, MOSA – 1, APC – 1 and AL-JAMA-AH – 1) voted in favour and no Councillors voted against. 69 Councillors (DA – 58, EFF – 7, INDEPENDENT - 2 and AIC- 2) abstained from voting.

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

1.9

Major Hazard Installation : Dow Advanced Materials, 8 Schafer Road, New Germany, Pinetown, eThekweni Municipality, KwaZulu-Natal (29/1/2/5):
(Page 268 : Security and Emergency Services Committee – Second Supplementary Agenda 2017-02-02)

The Committee noted the Major Hazard Installations Risk Assessment Report submitted on behalf of Dow Advanced Materials in accordance with the provisions of the Major Hazard Installation regulations framed under the Occupational Health and Safety Act 85 of 1993.

It was thereafter advised that the report thereon had been considered by the Municipality's Technical Task Team on Major Hazard Installations which resulted in no reason being offered to advise against its acceptance of the proposed storage of 300 000 cubic metres of Poly and Methyl Diphenyl Diisocyanate and continued operation of the company in accordance with the provisions of the assessment.

As the Committee was in concurrence with the recommendations contained therein,

COMMITTEE RECOMMENDS:

That the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the continuous operation of Dow Advanced Materials, 8 Schafer Road, New Germany, Pinetown, eThekweni Municipality, KwaZulu-Natal, be approved as the operation of the Company will not exceed acceptable levels of risk in terms of the proposed storage of 300 000 cubic metres of Poly and Methyl Diphenyl Diisocyanate and continuous operation of the company.

ADOPTED.

- 1.10 Major Hazard Installation : Veolia Water Solutions & Technologies SA (Pty) Ltd, 2 Bayfield Road, Merebank, Durban, KwaZulu-Natal (29/1/2/5):
(Page 275 : Security and Emergency Services Committee – Second Supplementary Agenda 2017-02-02)

The Committee noted the Major Hazard Installations Risk Assessment Report submitted on behalf of Veolia Water Solutions & Technologies SA (Pty) Ltd in accordance with the provisions of the Major Hazard Installation Regulations framed under the Occupational Health and Safety Act 85 of 1993.

It was thereafter advised that the report thereon had been considered by the Municipality's Technical Task Team on Major Hazard Installations which resulted in no reason being offered to advise against its acceptance and the continued operation of the company in accordance with the provisions of the assessment.

As the Committee was in concurrence with the recommendations contained therein,

COMMITTEE RECOMMENDS:

That the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the continuous operation of Veolia Water Solutions & Technologies SA (Pty) Ltd, 2 Bayfield Road, Merebank, Durban, KwaZulu-Natal, be approved as the operation of the Company will not exceed acceptable levels of risk in accordance with the provisions of the Major Hazard Installation Regulations framed under the Occupational Health and Safety Act 85 of 1993.

ADOPTED.

- 1.11 Major Hazard Installation : Valspar South Africa Corporation (Pty) Ltd 255 Lansdowne Road, Jacobs, Durban, KwaZulu-Natal (29/1/2/5):
(Page 282 : Security and Emergency Services Committee – Second Supplementary Agenda 2017-02-02)

The Committee noted the Major Hazard Installations Risk Assessment Report submitted on behalf of the Valspar South Africa Corporation (Pty) Ltd in accordance with the provisions of the Major Hazard Installation Regulations framed under the Occupational Health and Safety Act 85 of 1993.

It was thereafter advised that the report thereon had been considered by the Municipality's Technical Task Team on Major Hazard Installations which resulted in no reason being offered to advise against its acceptance of the continued operation of the company in accordance with the provisions of the assessment.

As the Committee was in concurrence with the recommendations contained therein,

COMMITTEE RECOMMENDS:

That the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the continuous operation of Valspar South Africa Corporation (Pty) Ltd, 255 Lansdowne Road, Jacobs, Durban, KwaZulu-Natal, be approved as the operation of the Company will not exceed acceptable levels of risk in accordance with the provisions of the Major Hazard Installation Regulations framed under the Occupational Health and Safety Act 85 of 1993.

ADOPTED.

2. REPORT OF ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE:
MEETING HELD ON 2017-02-02

(Page R8)

2.1 Acquisition of Land for Environmental Protection (3/2/1/3/2):
(Page 5 : Economic Development and Planning Committee - Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

2.1.1 That the acquisition of selected properties from the above prioritised list to the total value of the allocated capital budget of R2.025 Million excl. VAT, in terms of Section 36 (1)(a)(ii) of the Municipal Supply Chain Management Regulations be approved.

2.1.2 That subject to the approval of the Bid Adjudication Committee the Head: Real Estate be authorized to sign the relevant Sales Agreement and all documents necessary to effect transfer to the eThekweni Municipality.

ADOPTED.

2.2 Adjustments Budget 2016/2017(7/1/2/2):
(Page 36 : Economic Development and Planning Committee - Agenda 2017-02-02)

Committee noted the following reasons for the adjustment budget:-

- Reallocation of budgets between votes to ensure operational efficiencies.
- Adjustments in respect of Grant Funding allocations to the Municipality.
- Re-prioritisation of projects.

At the Executive Committee meeting the Democratic Alliance expressed concern that the final report on the Essence Festival had yet to be submitted, taking into account the request for a breakdown of expenditure for the event and the need for austerity measures as mentioned by National Treasury in its earlier presentation. They were further of the view that the festival had not benefitted communities at grassroots level.

The Acting Deputy City Manager: Economic Development & Planning reminded Committee that a comprehensive report on the Essence Festival had been noted at Full Council on 5 December 2016 on the basis that it would be submitted to the Economic Development & Planning Committee for approval. He undertook to provide a detailed report on the issue of budget, the funding of the project and participation by the private sector to a future meeting of the Executive Committee.

COMMITTEE RECOMMENDS:

That in accordance with the provisions of Section 28 of the Municipal Finance Management Act, the adjustment to the 2016/2017 budget be approved, and the approval of the capital adjustments budget constitute project approval of the specific projects.

As some Councillors were not in support of the above recommendations of the Executive Committee on the basis that the final report on the Essence Festival had yet to be submitted, the matter was put to the vote. With 193 Councillors present, 126 Councillors (ANC – 107, IFP – 10, INDEPENDENT – 3, MF – 1, DLC – 1, TA – 1, MOSA – 1, APC – 1 and AL-JAMA-AH – 1) voted in favour

and 67 Councillors (DA – 58, EFF – 7, AIC – 2) voted against. There were no abstentions recorded.

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

2.3 Transfer of Funds from KwaZulu-Natal Economic Development, Tourism and Environmental Affairs Department (KZN EDTEA) for Innovate Durban (20/1/7/4):
(Page 116 : Economic Development and Planning Committee - Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

2.3.1 That the transfer of funds from KwaZulu-Natal Economic Development, Tourism and Environmental Affairs Department to the eThekweni Municipality to the value of R500 000.00 (Five Hundred Thousand Rand) for the 2016/2017 financial year, for the purposes of funding innovation initiatives, be approved.

2.3.2 That the Acting City Manager enters into a funding agreement for the transfer of funds from KwaZulu-Natal Economic Development, Tourism and Environmental Affairs (KZN EDTEA).

ADOPTED.

2.4 Youth Innovation Challenge and Summit 2017(6/3/1 & 19/1/1/3):
(Page 120 : Economic Development and Planning Committee - Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

2.4.1 That the hosting of the Youth Innovation Challenge 2017 and Summit, which consists of a number of activities and is aimed at targeting the youth within eThekweni with a view to creating business opportunities for them, empowering them in terms of academia, and allowing for them to develop solutions to challenges being faced in the region, be approved.

2.4.2 That the Head: Economic Development and Investment Promotion Unit report back on the outcome of the Youth Innovation Challenge and Summit

26103.11450.1212.0000MRC01.0010 R500 000	R250 000 Savings identified on 26103.10595.12120.0000.MRC01.0010 2016/2017
26103.11450.12120.0000.MRC01.0010 R300 000	To be provided on 26103.10830.12120.0000.MRC01.0010 R300 000 2017/2018

FC No: 18/28

ADOPTED.

- 2.5 Review of Tariffs: Retail Markets (7/6/1/6):
(Page 124 : Economic Development and Planning Committee - Supplementary Agenda 2017-02-02)

With Committee having noted that the decision not to increase tariffs was part of the Economic Development Strategy to assist the disadvantaged communities,

COMMITTEE RECOMMENDS:

- 2.5.1 That with effect from 2017-07-01, no increase in Retail Market tariffs be applicable as set out in Annexure A, attached to the report by the Acting City Manager dated 2017-01-12.
- 2.5.2 That subject to the adoption of .1 above the Head: Business Support, Tourism and Markets to proceed with negotiations of 2018/2019, 2019/2020 and 2020/2021 tariffs.

ADOPTED.

- 2.6 Review of Tariffs: Planning Sector (2017/2018):
(Page 138 : Economic Development and Planning Committee - Agenda 2017-02-02)

Committee noted that there had been no increase in tariffs over the past 5 years, and that this had to be reviewed due to increasing operational expenses.

It was further noted that the Department had proposed a 354% increase in respect of the Appeals tariff, with the aim of deterring appellants who submitted frivolous appeals, who then withdrew same after a period, thereby hindering development.

With the DA dissenting, as they were of the view that the proposed tariff increase of 354% was exorbitant (with a division being recorded), the EFF (1 Member) abstaining and the ANC and ACDP approving the recommendation,

COMMITTEE RECOMMENDS:

- 2.6.1 That the Council of eThekweni Municipality resolve in terms of Section 75A of Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 01 July 2017 the tariffs set out in Annexure 'A' of the report of the Head: Development Planning, Environment and Management, dated November 2016 will be levied in respect of the Planning sector.
- 2.6.2 That the City Manager be instructed without delay:-
- (i) To display a copy of this resolution and the said tariff of charges conspicuously:-
 - (a) On the City Hall Notice Board and
 - (b) At such other places within the Municipality as the City Manager may determine
 - (ii) To seek to convey the information referred to in the said notice to the public through the relevant media platforms,
 - (iii) To send a copy of the notice to the KZN Member of the Executive Council (MEC) responsible for Co-operative Governance & Traditional Affairs,
 - (iv) To publish in the Ezasegagasini Metro a notice in the following format:-

ETHEKWINI MUNICIPALITY

Notice is hereby given that:-

- (a) A resolution of the kind contemplated in section 75 A (2) of the Local Government: Municipal System Act 2000 (Act 32 of 2000) was passed by the Municipal Council on.....
- (b) A copy of the said resolution and annexed tariff of charges is available for inspection at:-
 - (i) City Hall, Dr Pixley KaIsaka Seme Street, Durban
 - (ii)etc.
- (c) The effective date for the implementation of the said tariff of charges is 2017-07-01

.....
CITY MANAGER

ETHEKWINI MUNICIPALITY

Date.....

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor P Pillay, seconded by Councillor SR Moodley, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to that Committee to enable further deliberation to take place on the proposed exorbitant increase of 354 % on the Appeals tariff.

NOT CARRIED

As not all Councillors were in support of a reference back, the matter was put to the vote. With 190 Councillors present, 79 Councillors (DA – 57, IFP – 10, EFF – 7, AIC - 2, DLC – 1, MOSA – 1 and APC – 1) voted in favour and 108 Councillors (ANC – 105, MF – 1, TA – 1 and AL-JAMA-AH – 1) voted against. 3 INDEPENDENT Councillors abstained from voting.

The above-mentioned motion to refer back was NOT CARRIED.

Discussion thereafter reverted to the substantive motion and as some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 193 Councillors present, 112 Councillors (ANC – 106, INDEPENDENT – 3, MF – 1, TA – 1 and AL-JAMA-AH – 1) voted in favour and 71 Councillors (DA – 58, IFP – 10, DLC – 1, MOSA – 1 and APC – 1) voted against. 10 Councillors (EFF – 7, INDEPENDENT - 1 and AIC – 2) abstained from voting.

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

- 2.7 Nickelodeon's Slimefest 2017: Ushaka Marine World (13/2/1/2/1):
(Page 161 : Economic Development and Planning Committee - Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

- 2.7.1 That the Head Business Support Tourism and Markets be authorised to transfer the full sponsorship of R2,3 Million (Two Million Three Hundred Thousand Rand) (excluding VAT) to the uShaka Marine Theme Park
- 2.7.2 That the City Manager to negotiate a sponsorship agreement with Viacom through uShaka Marine Theme Park who is the principle partner of the SlimeFest.
- 2.7.3 That the Head : Business Support Tourism and Markets Unit keep Council informed on progress of the festival and ensure that all its benefits and rights are received.

ADOPTED.

- 2.8 Review of Tariffs: Bulk Fresh Produce Market (7/6/1/6):
(Page 164 : Economic Development and Planning Committee - Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

- 2.8.1 That the Council of eThekweni Municipality resolve in terms of Section 75A of Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 01 July 2017 the tariffs set out in Annexure 'A' of the report by the Head: Business Support, Tourism and Markets dated 2017-01-13 will be levied in respect of the Fresh Produce Market.
- 2.8.2 That the Acting City Manager be instructed without delay:-
- (i) To display a copy of this resolution and the said tariff of charges conspicuously:-
 - (a) On the City Hall Notice Board and
 - (b) At such other places within the Municipality as the City Manager may determine,
 - (ii) To seek to convey the information referred to in the said notice to the public through the relevant radio stations,
 - (iii) To send a copy of the notice to the KZN Member of the Executive Council (MEC) responsible for Co-operative Governance & Traditional Affairs,
 - (iv) To publish in the Ezasegagasini Metro a notice in the following format:-

ETHEKWINI MUNICIPALITY

Notice is hereby given that:-

- (a) A resolution of the kind contemplated in section 75 A (2) of the Local Government: Municipal System Act 2000 (Act 32 of 2000) was passed by the Municipal Council on.....

- (b) A copy of the said resolution and annexed tariff of charges is available for inspection at:-
 - (i) City Hall, Dr Pixley KaIsaka Seme Street, Durban
 - (ii)etc.
- (c) The effective date for the implementation of the said tariff of charges is 2017-07-01

.....
 CITY MANAGER
 ETHEKWINI MUNICIPALITY

Date.....

ADOPTED.

2.9 Review of Tariffs: 2017/2018: Iterant Traders, Street Traders, Hives Sites and Containers (7/6/1/6):
 (Page 168 : Economic Development and Planning Committee - Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

- 2.9.1 That with effect from 2017-07-01, no increase in Iterant Traders, Street Traders, Hives Sites and Containers tariffs be applicable as set out in the Annexure A to the report of the City Manager dated 2017-01-13.
- 2.9.2 That subject to the adoption of (.1) above, the Head: Business Support Unit proceed with negotiations of 2018/2019, 2019/2020 and 2020/2021.
- 2.9.3 That subject to the adoption of (.1 and .2) above, the City Manager be directed to comply with provisions of Section 75A of the said Act.

ADOPTED.

3. REPORT OF GOVERNANCE AND HUMAN RESOURCES COMMITTEE: MEETING HELD ON 2017-02-02

(Page R13)

3.1 Review of Tariffs : City Hall Hire : 2017/2018 (7/6/1/4):
 (Page 27 : Governance and Human Resources Committee – Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

- 3.1.1 That the Council of the eThekweni Municipality resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 2017-07-01 the tariffs set out in Annexure "A" of the report (6/5/2/1) of the Head: City Administration dated 2016-11-14 will be levied in respect of the hire of City Hall.
- 3.1.2 That subject to the adoption of .1 above, the City Manager be directed to comply with the provisions of Section 75A (3)and (4) of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) which sets out the procedure required to give effect to the tariff review.

ADOPTED.

3.2 Amendments to the T.A.S.K. Job Evaluation Policy (4/P):
(Page 42 : Governance and Human Resources Committee – Agenda 2017-02-02)

The Committee was advised that the existing T.A.S.K. Job Evaluation Policy was adopted on 2 December 2015 and that progress has been made with the implementation of the policy, in particular the processing of outstanding posts and appeals arising from the previous T.A.S.K. Job Evaluation Collective Agreement. The policy provides for all jobs to be evaluated by the Job Evaluation Unit (JEU) and audited by the Provincial Audit Committee (PAC), except for jobs in the Human Resources Unit at the level of Manager or higher which would be evaluated and audited by Deloitte Southern Africa, the franchise holder of T.A.S.K.. The reason provided for the approach was that there were three core members of the JEU from the Human Resources Unit and therefore, a request was made to amend Clauses 7.3.1 and 8.2.1(a) of the TASK Job Evaluation Policy.

It was noted that there were no financial implications arising from the proposed amendments to the policy.

COMMITTEE RECOMMENDS:

3.2.1 That the following amendments to the existing T.A.S.K. Job Evaluation Policy to amend Clauses 7.3.1 and 8.2.1(a), be approved:-

3.2.1.1 *"Clause 7.3.1 - The Job Evaluation Unit (JEU) shall conduct the evaluation of all jobs within the Municipality and to submit the outcomes to the Provincial Audit Committee (PAC) for Auditing.*

3.2.1.2 *Clause 8.2.1(a) – conducting auditing of all jobs with due regard to the integrity of the T.A.S.K Job Evaluation System, its accepted rules, applications, definitions and terminology."*

3.2.2 That subject to adoption of .1 above, authority be granted to the Head: Human Resources to implement the amended T.A.S.K. Job Evaluation Policy.

ADOPTED.

3.3 EThekweni Municipality External Bursary Scheme (7/14/1/1):
(Page 62 : Governance and Human Resources Committee – Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

3.3.1 That Section 164 (1)(c) of the Municipal Finance Management Act prohibits a Municipality from making loans to the public and therefore the term student loans should not be used in any municipal document. It being recorded that the Municipal Finance Management Act (MFMA) Circular 8 of 2004 stipulated that bursaries can be provided as conditional donations to the public:-

3.3.1.1 That the Committee note the formalisation and centralisation of the Municipal Bursary Scheme.

3.3.1.2 Given that currently the function for bursary administration is decentralised, authorise the Head: eThekweni Municipal Academy to implement processes to centralise the function to eThekweni Municipal Academy.

- 3.3.1.3 That authority be given to eThekweni Municipal Academy to develop eThekweni Municipality bursary policy for the unemployed people to ensure alignment with the National, Provincial and Local Government legislative framework and strategies.

ADOPTED.

- 3.4 Authority to Participate in the 2017 Annual Maritime Summit (13/2/1/2/1):
(Page 74 : Governance and Human Resources Committee – Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

- 3.4.1 That authority be granted to the Head : eThekweni Municipal Academy to partner with the eThekweni Maritime Cluster and host the 2nd Annual Maritime Summit taking place from 29 to 31 March 2017 at the Inkosi Albert Luthuli International Convention Centre

- 3.4.2 That it be noted that the summit aims to create stimulating and informative sessions for the invited grade 10-12 learners for the purpose of:-

- (i) Raising awareness of the maritime industry amongst learners, students and graduates;
- (ii) Creating platforms for maritime organisations and educational institutions to meet with learners, students and graduates, to guide and educate them about exciting career opportunities; and
- (iii) To enable learners to plan for their future careers and wisely select their sub areas of specialisation for careers that are most suitable to their capabilities and qualification.

- 3.4.3 That subject to adoption of .1 above, authority be granted to the Head: eThekweni Municipal Academy to incur expenditure in the amount of R246 000.00 (Two Hundred and Forty Six Thousand Rand only) to support 1200 pupils identified from the maritime schools with the assistance of the Department of Education to participate in the summit, it being recorded that the costs will cover lunch packs and transport for the 3 day summit.

ADOPTED.

- 3.5 Recruitment and Selection Policy Review (4/3/P):
(Page 81 : Governance and Human Resources Committee – Agenda 2017-02-02)

The Committee was advised that the current Employment Policy Practices Agreement was adopted in 2004, and with the amendments to National Legislations, it has become necessary to review the agreement and be replaced by the Recruitment and Selection Policy. The proposed policy has been aligned with the Employment Equity Plan, National Disability Strategy, Youth Policy, National Commission Youth Strategy and other related prescripts in order to address the recruitment and selection process, from the advertising process to appointment stage. Matters such as qualification verification, security, and occupational assessment are included in more detail. The policy has been work-shopped with all stakeholders including labour, line management and circulated to all staff for comments and presented to various Committees, and the following amendments were made:

- Page 2, Preamble, the Municipality is obliged to comply with the Youth Policy and National Disability Strategy; and

- Page 4, Legislation Framework, The National Disability Strategy, National Youth Commission Strategy 2001.

At the Executive Committee meeting, whilst members were in agreement with the recommendations it was requested that the policy be referred to Party Caucuses for a presentation to be made thereon.

Thereafter,

COMMITTEE RECOMMENDS:

- 3.5.1 That the following amendments to the existing Recruitment and Selection Policy as attached and contained in the report of the Head : Human Resources dated 2017-01-18, be adopted:-
- (i) Page 2, Preamble, the Municipality is obliged to comply with the Youth Policy and National Disability Strategy; and
 - (ii) Page 4, Legislation Framework, The National Disability Strategy, National Youth Commission Strategy 2001.
- 3.5.2 That subject to the adoption of .1 above, authority be granted to the Head: Human Resources to implement the Recruitment and Selection Policy.
- 3.5.3 That it be noted that the Recruitment and Selection Policy is attached for information.

ADOPTED.

- 3.6 Draft Scarce Skills Policy (4/3/P):
(Page 104 : Governance and Human Resources Committee – Agenda 2017-02-02)

At the Executive Committee meeting, whilst members were in agreement with the recommendations it was requested that the policy be referred to Party Caucuses for a presentation to be made thereon.

Thereafter,

COMMITTEE RECOMMENDS:

- 3.6.1 That the draft Scarce Skills Policy developed to set out a holistic framework for determining the criteria for classifying scarce/critical skills; providing attraction and retention guidelines and determining the remuneration payable for the identified scarce/critical skills for all post levels in the municipality be adopted.
- 3.6.2 That subject to adoption of .1 above, authority be granted to the Head : Human Resources to implement the Scarce Skills Policy.
- 3.6.3 That it be noted that the draft Scarce Skills Policy is attached for information.

ADOPTED.

3.7

Inauguration and Induction of Ward Committees:

(Page L8 : Governance and Human Resources Committee – Agenda 2017-02-02)

At the Governance and Human Resources Committee Members of the Democratic Alliance raised a concern that during the election of the Ward Committees, there were objections lodged in some of the Wards and it would be ideal for Council to deal with the matter prior to inducting of the Ward Committees. During the discussion of the item, diverse views were expressed and accordingly, it was agreed that the matter be put to the vote.

With 31 Councillors present, 19 Councillors (ANC -16, MOSA- 01 and AIC – 02) voted in support of the recommendation to proceed with the inauguration and induction of the Ward Committees and 12Councillors (DA – 10 and EFF- 02) voted against the recommendations.

The recommendations were, by the majority vote, supported.

Therefore,

COMMITTEE RECOMMENDS:

- 3.7.1 That authority be granted to the Head : City Administration to co-ordinate the Ward Committee Inauguration.
- 3.7.2 That authority be granted to the Head: City Administration to co-ordinate the Ward Committee Induction Programme.
- 3.7.3 That the Ward Committee Elections for the remaining 5 Wards, namely Wards 12, 23, 43, 75 and 95 be convened on a date to be advised.

Vote Number:

32123	20500	12120	0000	87200	0010
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REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor ZM Mncwango, seconded by Councillor N Graham, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Governance and Human Resources Committee to enable further deliberation to take place thereon.

NOT CARRIED

As not all Councillors were in support of a reference back, the matter was put to the vote. With 189 Councillors present, 67 Councillors (DA – 58, EFF – 7 and AIC – 2) voted in favour and 122 Councillors (ANC – 105, IFP – 10, INDEPENDENT – 4, MF – 1, TA – 1 and APC – 1) voted against. There were no abstentions recorded.

The above-mentioned motion to refer back was NOT CARRIED.

Discussion thereafter reverted to the substantive motion and as some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 189 Councillors present,

122 Councillors (ANC – 106, IFP – 9, INDEPENDENT – 4, MF – 1, TA – 1 and APC – 1) voted in favour and 67 Councillors (DA – 58, EFF – 7 and AIC – 2) voted against. There were no abstentions recorded.

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

- 3.8 Mayors Awards for Excellence (13/4/R):
(Page L7 : Governance and Human Resources Committee – Agenda 2017-02-02)

COMMITTEE RECOMMENDS:

- 3.8.1 That a Steering Committee comprising of 8 Councillors including the Mayor, the Deputy Mayor and relevant officials be established to receive reports from category champions, to assess all applications for the Mayor’s Awards for Excellence, finalise the three winners in each category and organise the Mayor's Awards Dinner.
- 3.8.2 That expenditure in the amount of R1 901 310.00 (One Million Nine Hundred and One Thousand Three Hundred and Ten Rand only) which has been provided for in the current budget be incurred to host the Mayor’s Awards event, it being recorded that the normal Supply Chain Management process will be followed to secure venue, meals, prizes for 3 x winners in 7 categories and entertainment for the event.

Financial Implications:-

Description	Business Unit	Item	Fund	Costing	Project	Region	Amount (R)
Gifts and promotional items	32603	16325	12120	0000	53100	0010	685 910.00
Catering	32603	17200	12120	0000	53100	0010	243 080.94
Hire of Venues	32603	22710.30	12120	0000	53100	0010	972 319.96

FC No.: 08/14

As some Councillors were not in support of the above recommendations of the Executive Committee on the basis that the costs for the hosting of the awards function was excessive, advising that such costs could have been used towards service delivery, the matter was put to the vote. With 187 Councillors present, 121 Councillors (ANC – 104, IFP – 9, INDEPENDENT – 3, AIC – 2, MF – 1, TA – 1 and APC – 1) voted in favour and 59 Democratic Alliance Councillors voted against. 7 Councillors (EFF – 6 and AL-JAMA-AH – 1) abstained from voting.

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

4. REPORT OF HUMAN SETTLEMENTS AND INFRASTRUCTURE
COMMITTEE: MEETING HELD ON 2017-02-07

(Page R55)

- 4.1 Proposed Sale of Land : Erf 1265 Ntuzuma - F to Ithala Development Finance Corporation (Pty) Limited (17/2/1/2/3):
(Page 31: Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.1.1 That the Municipality declares in terms of Section 14(2)(a) and (b) of the Municipal Finance Management Act 56 of 2003 that:-
- 4.1.1.1 The property described Erf 1265 Ntuzuma - F is not needed to provide the minimum level of basic Municipal services; and
- 4.1.1.2 The open market value of the land Erf 1265 Ntuzuma F is currently assessed at a value of R610 000.00 (Six Hundred and Ten Thousand Rand) exclusive of VAT and the economic and community values have been considered.
- 4.1.2 That in the event of objections lodged to the proposed sale of Proposed Erf 1265 Ntuzuma F, the matter be referred for resolution in terms of the Section 50 of the Supply Chain Management Policy headed "Resolution of Disputes, Objections, Complaints and Queries".
- 4.1.3 That in terms of Section 40(2)(b)(i) of the Supply Chain Management Policy read together with Regulation 7 of the Municipal Assets Transfer Regulations, the land described as proposed Erf 1265 Ntuzuma F in extent approximately 4367m², Registration Division FT in the Durban Entity, Province of KwaZulu-Natal as depicted SJ 4599/9 be sold in Freehold by private treaty to Ithala Development Finance Corporation (Pty) Limited, Registration No. FSP 17125 at a price of R610 000.00 (Six Hundred and Ten Thousand Rand) exclusive of VAT, such purchase price reflecting the current market value of the land as assessed by a registered Valuer.
- 4.1.4 That authority be granted to the Bid Adjudication Committee to consider a report to deviate from the procurement process in terms of Section 36(1)(a)(v) of the Supply Chain Management Regulations in order to sell proposed Erf 1265 Ntuzuma F in extent 4367m², depicted on SJ 4599/9 by private treaty to Ithala Development Finance Corporation (Pty) Limited, Registration No. FSP 17125.
- 4.1.5 That in the event of the sale not being finalized within (06) months from the date of Council authority being granted, that a report be submitted by the Head: Real Estate to the Bid Adjudication Committee to review the purchase price in line with the current market value of the property where there has been a change in the market value.
- 4.1.6 Subject to the adoption of paragraphs .1-5 above, the approval of the Bid Adjudication Committee, the Head: Real Estate be authorized to sign all documents necessary to conclude the agreements.

ADOPTED.

- 4.2 Proposed Alienation of Land in Freehold by Public Tender: Erf 430 Umlazi - W (46 and 51 Zwe Madlala Drive):
(Page 43 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.2.1 That the Municipality declares in terms of Section 14 of the Municipal Finance Management Act 56 of 2003 read together with Regulation 7 of the Asset Transfer Regulations that:-
- 4.2.1.1 The property described ERF 430 uMlazi - W is not required for providing the minimum level of basic Municipal services; and
- 4.2.1.2 That the open market value of Erf 430 Umlazi-W is currently assessed at a value of R1.7 million (One Million Seven Hundred Thousand Rand) exclusive of VAT.
- 4.2.2 That the land described as Erf 430 Umlazi-W be alienated in freehold public tender in accordance with the provisions of the Preferential Procurement Policy Framework and the Supply Chain Management Policy at the upset price of R1.7 million.
- 4.2.3 That in the event of objections being lodged to the proposed alienation of Erf 430 Umlazi-W when it is statutorily advertised the matter be referred for resolution in terms of Section 50 of the Supply Chain Management Policy headed "Resolution of Disputes, Objections, Complaints and Queries.
- 4.2.4 That in the event of the alienation not being finalized within (06) months from the date of Council authority being granted, the Head: Real Estate be authorized to review the upset price in line with the current market value of the property where there has been a change in the market value.
- 4.2.5 Subject to the adoption of 1-4 above and the approval of Bid Adjudication Committee, the Head: Real Estate be authorized to sign all documents necessary to conclude the sale.

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor MM Mthembu, seconded by Councillor BA Fortein, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Human Settlements and Infrastructure Committee to enable consultation with local Stakeholders to take place in the first instance.

CARRIED

As some Councillors were not in support of the above-mentioned Reference Back, the matter was put to the vote. With 176 Councillors present, 115 Councillors (ANC – 99, EFF – 6, INDEPENDENT – 4, AIC – 2, MF – 1, TA – 1, APC – 1 and AL-JAMA-AH – 1) voted in favour and 52 Democratic Alliance Councillors voted against. 9 IFP Councillors abstained from voting.

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

Thereafter, it was

RESOLVED:

That the recommendations of the Executive Committee, relative to the item entitled Proposed Alienation of Land in Freehold by Public Tender: Erf 430 Umlazi – W (46 and 51 Zwe Madlala Drive), be referred back to the Human Settlements and Infrastructure Committee to enable consultation with local Stakeholders to take place in the first instance.

- 4.3 Acquisition for Regularisation of Road Servitude: Bul-Bul Drive Portions 65 (of 7), 112 (of 7) All of Erf 80 Chatsworth (17/2/1/1/2):
(Page 50 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.3.1 That in order to regularise the road servitude viz. Portions 65 9 (of 7), 112 (of 7), 71 (of 64) and Rem of 67 (of 7) all of Erf 80 Chatsworth, the Head: Real Estate be authorised to deviate from the Supply Chain Management Regulations and negotiate the acquisition of road servitude as reflected on Plans SJ 431/7 and SJ 4731/8, utilizing Regulation 36 (1)(a)(ii) of the Supply Chain Management Regulations.
- 4.3.2 That subject to the adoption of 1. above and approval of the Bid Adjudication Committee pursuant to successful negotiations, the Head: Real Estate be authorised to sign the relevant agreement and all documents necessary to effect registration of the servitude rights to the eThekweni Municipality.
- 4.3.3 That the City Manager record the reasons for any deviations and report it to the next meeting of Council and include it as a note to the annual financial statements in terms of Section 36 (2) of the Supply Chain Management Regulations.
- 4.3.4 That in the event of negotiations being unsuccessful, the Head: Real Estate be authorised to expropriate the required servitude rights and to sign all documents necessary to give effect to the expropriation.

ADOPTED.

- 4.4 Proposed Replacement of Existing 11 kV Oil Switchboard and the Addition of Two 132/11kV 30 MVA Transformers and 11kV Switchboard at the Alice Street Substation (27/2/R):
(Page 53 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That in order to replace the outdated 11 kV oil switchboard at the Alice Street Substation, and to increase the firm capacity of the substation to 60 MVA, authority be granted to the Head: Electricity to proceed with the replacement of the existing 11 kV oil switchboard and the installation of two 132/11 kV 30 MVA transformers and associated 11 kV switchboard with protection equipment and associated infrastructure at an estimated cost of R68 900 000.00 (Sixty Eight Million Nine Hundred Thousand Rand only).

(R2 600 000.00, R11 800 00, R39 800 000.00, R14 700 000.00 shall be provided in the 2017/18, 2018/19, 2019/20 and 2020/21 financial years)

FC361/CA0031

ADOPTED.

- 4.5 Budget Adjustment : Contract No. WS 6904: Buffelsdraai Landfill Site : CDM Landfill Gas Extraction and Ancillary Works - Phase 2 (SW2016/030) (24/8/2/1/2):
(Page 89 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.5.1 That the report by the Head : Electricity dated 2016-11-04 relative to Budget Adjustment for the Contract No. WS 6904 : Buffelsdraai Landfill Site : CDM Landfill Gas Extraction and Ancillary Works - Phase 2, be approved.
- 4.5.2 That subject to approval of .1 above, authority be granted to the Deputy City Manager: Treasury to include in his adjustment budget report the transfer of R799 400.00 (Seven Hundred and Ninety Nine Thousand Four Hundred Rand only) to Project Number WGCDMB01 from savings to be identified via the reprioritisation of projects.

Vote: WGCDMB01 R799 400.00 (To be provided via an adjustment budget 2016/17)

FC No. 366/C08

ADOPTED.

- 4.6 Authority to Move Capital Funding: WS2016/026 (17/2/2/5/1):
(Page 91 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.6.1 That the report on authority to move capital funding from Bisasar Road Office Refurbishment Project to obtain authority for the various projects listed in the report of the Head : Cleansing and Solid Waste dated 2016-09-27, be approved.
- 4.6.2 That subject to approval of .1 above, authority be granted to the Deputy City Manager: Treasury to include in his adjustment budget report the transfer of R5 256 800.00 (Five Million Two Hundred and Fifty Six Thousand Eight Hundred Rand only) from project WB101 to the various votes reflected hereunder.

79252.45325	R3 725 800.00	To be funded via an adjustments budget from project WB101 in 2016/17
WNG 001	R 771 000.00	
WC 004	R 800 000.00	

FC 366/C07

ADOPTED.

- 4.7 Authority to Construct Water Projects : Blocksum Reallocation and Blocksum Transfer Report WS2016/140 (7/1/2/2):
(Page 109 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.7.1 That the Committee approves the Block Sum projects listed in Report No.WS2016/140 of the Head : Water and Sanitation dated 2016-09-19.
- 4.7.2 That subject to the adoption of .1 above, authority be granted to the Head: Expenditure to include in his Adjustment Budget Report the transfer of funds from the Capital Block Sum Projects to individual projects as reflected in the Report No. WS2016/140 dated 2016-09-19.
- 4.7.3 That subject to the adoption of .1 above, and in order to meet the additional expenditure and other anticipated work in this financial year, the Head: Expenditure be authorized to include in his adjustment Budget Report the transfer of R10 000 000.00 (Ten Million Rand only), R3 900 000.00 (Three Million Nine Hundred Thousand Rand only) and R1 000 000.00 (One Million Rand only) from Bulk Sales Meter Block Sum X4254 to X4628 Meter installations Block Sum, X6302 Flow Limiter Upgrades Block Sum and X5809 Ward 43 (Lindelani –D) respectively as reflected in the Report No. WS2016/140 dated 2016-09-19.
- 4.7.4 That subject to the adoption of 1. above and in order to meet the additional expenditure in this financial year, the Head: Expenditure be authorized to include in his adjustment Budget Report the transfer of R2 500 000.00 (Two Million Five Hundred Thousand Rand only) from Pipe Replacement Block Sum X4889 to X6302 Flow Limiter Upgrades Block Sum as reflected in the Report No. WS2016/140 dated 2016-09-19.

Waterloss	R40 000 000.00	To be met by Vote Transfer 2016/17 (Project No. X3289)
Flow Limiter Upgrades	R9400 000.00	To be met by Vote Transfer 2016/17 (Project No. X6302)
Domestic Meter Installations	R23 242 000.00	To be met by Budget Adjustment Transfer 2016/17 (Project No. X4628)
Pipe Replacement	R 2 500 000.00	To be met by Budget Adjustment Transfer 2016/17 (Project No. X4889)
Ward 43 (Lindelani-D)	R 1 000 000.00	To be met by Budget Adjustment Transfer 2016/17 (Project No. X5809)
TOTAL	R76 142 000.00	

FC364/C15

ADOPTED.

- 4.8 Energy Saving and Environmentally Friendly Desalination Technology - Remix Water System in eThekweni – WS 2016/149 (23/2/1/4/1/3 & 23/1/11/2/1/1):
(Page 112 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.81 That authority be granted for the approval of the demonstration plant at no cost to Council.

4.8.2 That subject to the approval of .1 above, authority be granted to the Mayor to enter into a Memorandum of Understanding (MOU) with the New Energy and Industrial Technology Development Organization (NEDO).

4.8.3 That subject to the approval of .1 and .2 above, the City Manager be authorised to sign all documents necessary with Hitachi Ltd Infrastructure Systems Company (Hitachi), for a 4-year period, for the purpose of conducting a detailed design, construction, operation and maintenance of the Remix water system demonstration plan at the Central Wastewater Treatment Works situated on Portion 4 of Erf 686 Bluff.

No FC Required.

As some Councillors were not in support of the above recommendations of the Executive Committee on the basis that the Memorandum of Agreement would need to be scrutinised in the first instance, and contending that the desalination process would also include water from the sewerage system, the matter was put to the vote. With 181 Councillors present, 107 Councillors (ANC – 99, INDEPENDENT – 4, MF – 1, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 62 Councillors (DA – 56 and EFF – 6) voted against. 12 Councillors (IFP – 10 and AIC – 2) abstained from voting.

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

4.9 Sanitation Capital Budget 2016/2017 : Wastewater Block Sums Allocation: Proposed Projects: WS2016/172 (23/2/R):
(Page 116 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

4.9.1 That subject to the obtaining of quotations and tenders where necessary, authority be granted for the implementation of the block sum projects as reflected in report WS2016/172 of the Head: Water and Sanitation dated 2016-11-04.

4.9.2 That subject to the adoption of 1. above, and in order to meet the additional expenditure in the 2016/17 financial year, the Deputy City Manager : Treasury be authorised to include in his Adjustments Budget Report the transfer of R22 950 000.00 (Twenty Two Million Nine Hundred and Fifty Thousand Rand only) from the block sums Y6237, Y6238, Y6239, Y8148, Y8149, Y8150, Y8151, Y8152, Y8153, Y8154 and Y8155 plus R2 155 000.00 (Two Million One Hundred and Fifty Five Thousand Rand only) from project Y7047 to the projects reflected on the report WS2016/172.

4.9.3 That subject to the adoption of .1 and .2 above, and in order to meet the required expenditure in the 2017/18 financial year, the Deputy City Manager: Treasury be authorized to include in his Adjustments Budget Report the transfer of R3 760 000.00 (Three Million Seven Hundred and Sixty Thousand rand only) from the block sums Y6238 and Y6239 in that financial year.

4.9.4 That subject to the adoption of .1 and .2 above, the Head : Real Estate be authorized to acquire any pipeline servitude as well as any other necessary servitudes, wayleaves and encroachments and land by negotiation and/or expropriation as considered necessary.

Financial year 2016/2017

R6 000 000.00 (Funded from Block Sums Y6237, Y6238, Y6239)

R16 950 000.00 (Funding from Block Sums Y8148, Y8149, Y8150, Y8151, Y8152,
Y8153, Y8154 and Y8155)

R2 155 000.00 (Funds transferred from Y7048)

R25 105 000.00 TOTAL

Financial Year 2017/2018 R3 760 000.00 (Funded from Block Sums Y6238 and
Y6239)

Project Numbers: As listed

FC No. 365/C12

ADOPTED.

4.10

Request for Authority to Transfer Funds (23/1/11/1/1/2):

(Page 122 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That for the reasons stated in this report WS 2016/176 authority be granted to the Deputy City Manager : Treasury to include in his Adjustments Budget report, the transfer of funds from project X6920 (Umnini Reservoir) where savings have been identified in the 2016/17 financial year to project X7971 (Relaying of 400mmø Steel Pipe Bridge across Andrew Zondo Road).

Project No: X7971 R2 000 000.00 (To be met by savings via an adjustment budget from X6920, in 2016/2017)

FC 364/C24

ADOPTED.

4.11

WS2016/167 : Contract No. WS6173 - Bhengu / Old Main Road Sewer Reticulation:
Reconstruction of Gabion Retaining Wall : Ward 97 (23/2/1/3/5/1):

(Page 125 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

4.11.1

That authority be granted for the reconstruction of the gabion retaining wall and the repair of the gravity outfall sewer as detailed in Report No. WS2016/167.

4.11.2

That subject to the adoption of .1 above, the Head : Expenditure be authorised to include in his Adjustments Budget Report the transfer of R2 Million (Excl. VAT) from project Y8147: Mangosuthu University of Technology Trunk Sewer, to project Y2240: Bhengu/Old Main Road Sewer Reticulation, as reflected in Report No. WS2016/167, dated 2016-11-01.

Project No.: Y2240 R2 000 000.00 (To be met via adjustment budget 2016/2017)

FC 365/C11

ADOPTED.

- 4.12 WS 2016/196: Request for Authority to Transfer Funds (17/2/2/2/1):
(Page 133 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That for the reasons stated in the report from the Head: Water and Sanitation dated 2016-12-08, the Deputy City Manager: Treasury be authorized to include in his 2016/17 adjustment budget report the transfer of funds from projects where savings have been identified to various projects as reflected in the report number WS2016/196.

R13 012 140 (To be met from savings via an adjustment budget from, as per the schedule)

Project No: As per schedule FC 364/C29

ADOPTED.

- 4.13 Proposed Release of Serviced Sites to Military Veterans in Accordance with the Provisions of the Military Veterans Act (22/5 and 21/8/3):
(Page L11 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

At the Human Settlements and Infrastructure Committee, with 33 Councillors present, 21 Councillors (ANC-19), (IFP-1) and (IND-1) voted in support of the recommendations and 12 Councillors (DA-10) and (EFF-02) voted against the recommendations.

The recommendations were, by the majority vote, supported.

At the Executive Committee meeting the Democratic Alliance were not in favour of regularizing the allocation of residential sites to Military Veterans on the basis that those homes had been invaded by the veterans. They expressed the view that allocation should be all inclusive and furthermore that Council, being a third sphere of Government should create it's own policy and not to depend entirely on aspects of the Military Veterans Act. They further requested that a comprehensive report be submitted to this Committee on the allocation per individual and the organization they belong to.

As no consensus was reached the matter was put to the vote.

With 8 Councillors present, 4 Councillors (ANC) voted in support of the recommendations and 3 Councillors (DA) voted against the recommendations with the IFP (1 Councillor) abstaining.

In that regard,

COMMITTEE RECOMMENDS:

- 4.13.1 That the Head : Human Settlements be authorized to source and release serviced residential sites within the eThekweni Municipal Area for the purpose of allocation to qualifying Military Veterans in accordance with the provisions of the Military Veterans Act and related land administration legislation.

- 4.13.2 That the Head: Human Settlements or her Nominee be authorized to sign all documents relating to the allocation, sale and registration of transfer of the sited to the approved Military Veterans.
- 4.13.3 That the land be released for the construction of houses for South African Defence Force (SADF), National Servicemen, the ANC’s Umkhonto we Sizwe (MK), and PAC’s Azanian People’s Liberation Army (APLA) on condition that construction commences no longer that 8 (eight) months after the date of release to the Implementing Agent, failing which the land will be revert to the Municipality. This condition be inserted in the agreement for the release of sites.
- 4.13.4 That beneficiaries for any new units being constructed are identified from the list of invaders of Municipal projects first before others can be considered so as to free these units for the rightfully approved beneficiaries.

As some Councillors were not in support of the above recommendations of the Executive Committee, requesting that the list of beneficiaries be scrutinised in the first instance in an endeavour to ensure that a fair allocation process was undertaken, the matter was put to the vote. With 182 Councillors present, 105 Councillors (ANC – 101, MF – 1, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 72 Councillors (DA – 56, IFP - 10 and EFF – 6) voted against. 5 Councillors (INDEPENDENT – 3 and AIC – 2) abstained from voting

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

- 4.14 Authority to Construct Water Projects : Block Sum Reallocation and Blocksum Transfer Report: WS2016/126 (23/1/10 and 7/1/3/2):
(Page L10 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

- 4.14.1 That the committee approves the bock sum projects listed in the report WS 2016/126 dated 2016-08-22.
- 4.14.2 That subject to the adoption of .1 above, authority be granted to the Head: Expenditure to include in his Adjustments Budget Report the transfer of funds from the capital Block Sums Projects to individual projects as reflected in the Report No. WS 2016/126 dated 2016-08-22.
- 4.14.3 That subject to the adoption of .1 above, authority be granted to the Head: Real Estate to negotiate for the acquisition of or to expropriate if necessary, the servitudes and/or land required for construction of the water infrastructure for the projects in question.

Reservior Refurbishments	R2 800 000.00	To be met by vote Transfer 2016/2017 (Project X5188)
Labour based Construction	R12 110 000.00	To be met by vote Transfer 2016/2017 (Project X4257)
Pumpstation Upgrades	R2 648 400.00	To be met by vote Transfer 2016/2017 (Project X4215)
Unicity Water Dispensers	R100 000.00	To be met by vote Transfer 2016/2017 (Project X4247)
Standpipes and Water	NIL	To be met by vote Transfer 2016/2017 (Project X7763)

Relays and Extensions	R61 100 000.00	To be met by vote Transfer 2016/2017 (Project X4217)
Rural Water	R32 000 000.00	To be met by vote Transfer 2016/2017 (Project X5259)
Total	R110 758 400.00	

Cost Centre.: 69100 and 69200
Project No's: Various FC 364/C14

ADOPTED.

- 4.15 WS 2016/192: Request for Authority to Transfer Funds (23/2/1/1):
(Page L9 : Human Settlements and Infrastructure Committee - Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That authority be granted for the Deputy City Manager : Treasury to include, in his Adjustments Budget report, the transfer of funds from projects listed in the table "A" of the report by Head : Water and Sanitation dated 2016-12-06 where savings have been identified in the 2016/2017 financial year to project Y6525 (Ablution Blocks Project).

R139 7000.00 (To be met by savings via an adjustment budget from various projects, in 2016/2017)

Cost Centre/ Project No.: X6525 FC 365/C17

ADOPTED.

5. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD ON 2017-02-07

(Page R63)

- 5.1 Financial Position as at December 2016 (7/1/4):
(Page 21 : Community Services Committee – Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That in compliance with Section 71 of the Municipal Finance Management Act (MFMA) and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government : Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, with regard to the Community Services as at 31 December 2016, be noted.

NOTED.

- 5.2 Customer Services Integration – Terms of Reference (2/3/3):
(Page 71 : Community Services Committee – Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That the report of the Acting City Manager dated 2017-01-30 relative to the Customer Services Integration – Terms of Reference, be noted.

NOTED.

5.3 2017/18 Tariffs for the Use of Sizakala Committee Rooms (7/6/1/4):
(Page 81 : Community Services Committee – Agenda 2017-02-07)

The original proposal of 10% tariffs increase for the Use of Sizakala Committee Rooms was deliberated at length and there was a counter proposal of 5% tariffs increase. The matter was put to a vote and with the DA dissenting and 2 members voting against the 5% increase,

COMMITTEE RECOMMENDS:

5.3.1 That the proposed 2017/2018 tariffs for the Use of Sizakala Committee Rooms as contained in Annexure A in the report for the Sizakala Customer Services dated 2016-11-30, be approved subject to the amendment that the 2017/18 tariffs schedule be based on a 5% increase for implementation with effect from 2017-07-01,

5.3.2 That the City Manager be and is hereby mandated without delay to:-

- a) Display a copy of this resolution and the said tariff of charges:
 - On the City Hall Notice Board; and
 - Other places within the Municipality as the City Manager may determine.
- b) A resolution of the kind contemplated in Section 75 A (2) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) was passed by Municipal Council.

ADOPTED.

5.4 Masakhane Outreach Programme Report (2/3/2/1/2):
(Page 145 : Community Services Committee – Agenda 2017-02-07)

With the request that Councillors be allocated to all Masakhane Events in order to play an oversight role, monitor progress and identify areas of improvement. The emphasis was also made in terms of ensuring that Council venues were used to host such events and that arrangements be made in advance with Ward Councillors.

In noting that Ward 58 appeared twice in the list, it was decided that the second listing of Ward 58 be replace with “Ward 158”.

COMMITTEE RECOMMENDS:

5.4.1 That the report of the Deputy City Manager: Governance & International Relations dated 2017-01-18, relative to the Masakhane Outreach Programme, be Approved.

5.4.2 That in the event the budget of R917 000.00 (Nine Hundred and Seventeen Thousand Rand) is insufficient to complete the programme as envisaged, a further report be submitted to seek approval to incur further expenditure to complete the project.

No.	Business Unit	Code	Budget 2016-17
1.	Masakhane	32306	R917 000.00

The pre-ambule having been AMENDED in the second paragraph thereof by the deletion of the word and figures “Ward 158” and by the substitution thereof of the word and figures “Ward 85”, the above recommendations of the Executive Committee were ADOPTED.

5.5 Implementation Plan of Community Based Planning:
(Page 150 : Community Services Committee – Agenda 2017-02-07)

It was noted that this was the continuation of the implementation plan which commenced in 2015/2016 in order to address Wards that were affected by new demarcations and to continue with the wards that were left outstanding from the initial implementation of the project.

COMMITTEE RECOMMENDS:

- 5.5.1 That the Council notes the progress made in the roll out of the Community Based Planning as detailed in the report of the Acting City Manager dated 2017-01-30.
- 5.5.2 That subject to procurement processes being applied through Council standard rates, the authority to implement further roll out of the outstanding Community Based Planning (at the amount of R3,3 Million) in the financial year 2016/17 as detailed in the report mentioned in .1 above, be approved.

No	Details	Bus Unit	Item	Fund	Costing	Project	Region	Amount
1.	Hire of Sound	32311	11760	12120	0000	38300	0010	R400 000
2.	Venue Hire	32311	15900	12120	0000	38300	0010	R100 000
3.	Transport	32311	21805	12120	0000	38300	0010	R600 000
4.	Catering	32311	17200	12120	0000	38300	0010	R1 400 000
5.	Stationery	32311	14105.48	12120	0000	38300	0010	R100 000
6	Overtime	32302	13190	12120	0000	MRC01	0010	R700 000
	TOTAL							R3 300 000

R2 100 000 is to be transferred from Ward Committees to Community Based Planning
FC No: 06/31
ADOPTED.

5.6 Service Delivery and Budget Implementation Plan (SDBIP) & Organisational Scorecard: Mid – Year Reporting : July to December 2016 (2/10/1/1/9); Draft Scorecard Mid-Term Amendments for Plan 6 (2/10/1/1/9) and Draft SDBIP Mid-Term Amendments for Plan 6 (2/10/1/1/9)
(Page 156, 167 & 170 : Community Services Committee – Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That the report of the Acting City Manager dated 2017-01-20 relative to the Service Delivery and Budget Implementation Plan (SDBIP) & Organisational Scorecard Mid-Year Reporting : July to December 2016, be noted.
NOTED.

5.7 Moses Mabhida Stadium Institutional Review (4/1/1/2/3):
(Page 175 : Community Services Committee – Agenda 2017-02-07)

Having been referred to page 178 of the report which stated the process of amalgamation on Moses Mabhida Stadium in terms of consultation regarding the transfer of staff, it was emphasised that thorough consultation with Labour Unions, be conducted in order to address Unions and employees that would be affected by this transaction.

Thereafter, with the Democratic Alliance dissenting,

COMMITTEE RECOMMENDS:

- 5.7.1 That subsequent to the Council resolution Adopted on 2016-12-08 regarding the long-term institutional arrangement of Moses Mabhida Stadium, the transfer of Moses Mabhida Stadium employees from Durban Marine Theme Park (PTY) LTD to eThekweni Municipality on permanent basis as per the provision of Section 198a of the Labour Relations Act of 2000, be approved.
- 5.7.2 That the institutional delivery mechanism of the Ring-Fenced Business Unit stated in Section 4 of the report of the Acting Municipal Manager dated 2017-01-30 be approved and the General Manager: Moses Mabhida Stadium be authorised to finalise all the necessary administrative processes.
- 5.7.3 That in accordance with relevant municipal legislation and policies, the City Manager be authorised to finalise the organisational structure of the approved Standalone Ring-Fenced Business Unit of Moses Mabhida Stadium incorporating 4 other stadia (Sugar Ray Xulu, Princess Magogo, King Zwelithini, Chatsworth, Mpumalanga and any other stadia relevant to 2010 FIFA World Cup).

As some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 186 Councillors present, 127 Councillors (ANC – 103, IFP – 9, EFF – 6, INDEPENDENT – 3, AIC – 2, MF – 1, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 59 Democratic Alliance voted against. There were no abstentions recorded.

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

5.8 Civic Funeral and Funeral Assistance Policy (3/P & 13/P):
(Page 200 : Community Services Committee – Agenda 2017-02-07)

At the Executive Committee meeting it was requested that the above-said Policy, which had been Laid on Table be referred to the respective Party Caucuses in the first instance and thereafter public comment.

Thereafter

COMMITTEE RECOMMENDS:

That the Civic Funeral and Funeral Assistance Policy, in recognition of individuals who have played critical or significant roles while in public office, individuals who by their selfless deeds have left a lasting legacy for citizens of eThekweni as well as

victims of tragic events within eThekweni Municipality Area, be approved in principle, it being recorded that such Policy will be referred to Party Caucuses in the first instance and thereafter public comment.

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor SV Asbury, seconded by Councillor ZM Mncwango, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Community Services Committee for further consideration.

NOT CARRIED

As some Councillors were not in support of a reference back, the matter was put to the vote. With 186 Councillors present, 59 Democratic Alliance Councillors voted in favour and 127 Councillors (ANC – 103, IFP – 10, EFF – 6, INDEPENDENT – 3, AIC – 2, TA – 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.

MOTION TO AMEND

In terms of Rule of Order 20(4), Councillor NL Graham, seconded by Councillor ZM Mncwango, moved as a procedural motion that the above recommendation of the Executive Committee be amended by the deletion of the words and punctuation “be approved in principle, it being recorded that such Policy will be referred to Party Caucuses in the first instance and thereafter public comment.” and by the substitution therefor of the words “be noted for the purposes of referring the matter back to Caucuses as a draft policy”, to read as follows:

“That the Civic Funeral and Funeral Assistance Policy, in recognition of individuals who have played critical or significant roles while in public office, individuals who by their selfless deeds have left a lasting legacy for citizens of eThekweni as well as victims of tragic events within eThekweni Municipality Area, be noted for the purposes of referring the matter back to Caucuses as a draft policy.”

NOT CARRIED

As some Councillors were not in support of the above-mentioned motion to amend, the matter was put to the vote. With 185 Councillors present, 59 Democratic Alliance Councillors voted in favour and 126 Councillors (ANC - 102, IFP – 10, EFF – 6, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted against. There were no abstentions recorded.

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 recommendations of the Executive Committee, the matter was put to the vote. With 185 Councillors present, 126 Councillors (ANC – 102, IFP – 10, EFF – 6, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 59 Democratic Alliance Councillors voted against. There were no abstentions recorded.

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

- 5.9 Request for Project Authority : Outdoor Gymnasium (33/3/2):
(Page 223 : Community Services Committee – Agenda 2017-02-07)

COMMITTEE RECOMMENDS:

That the City Manager be granted authority to enter into a Memorandum of Agreement with the National Department of Sport and Recreation and accept the donation of the proposed gymnasium to be located on the promenade (grassed area) opposite the Addington Hospital.

ADOPTED.

6. REQUEST TO IMPLEMENT THE ELECTRONIC BILL PRESENTMENT AND PAYMENT SOLUTION (EBPP) (10/2/2)

(Page 24)

COMMITTEE RECOMMENDS:

- 6.1 That project authority be granted to the Information Management Unit, in line with the requirements of Section 19 (1)(b) of the Municipal Finance Management Act, both capital and operating expenditure to be incurred for the implementation of EBPP over the next three (3) year period ending 2019/2020.
- 6.2 The approval be granted to utilise Section 110(2) of the Municipal Finance Management Act (Act 56 of 2003) to appoint an organ of state being Ithala Connect to provide and implement the Electronic Bill Presentment and Payment Solution for eThekweni Municipality.
- 6.3 That subject to the adoption of .1 and .2 above, authority be granted to the Acting City Manager to sign a Memorandum of Agreement (MOA) between Ithala SOC Limited and eThekweni Municipality which will guide the implementation of the Electronic Bill Presentment and Payment Solution; and
- 6.4 That subject to the adoption of .1, .2 and .3 above, authority be granted to Deputy City Manager : Finance to identify savings amounting to R8 800 000.00 (Eight Million Eight Hundred Thousand Rand) to be utilized for the implementation of the Electronic Bill Presentment and Payment Solution together with the monthly project management costs of R744 600.00 (Seven Hundred and Forty Four Thousand Six Hundred Rand) over the three (3) year period ending 2019/2020.

As some Councillors were not in support of the above recommendations of the Executive Committee on the basis of the exorbitant costs of the project as reflected in recommendation 6.4 above and in light of the Revenue Management System (RMS), the matter was put to the vote. With 185 Councillors present, 126 Councillors (ANC – 103, IFP – 10, EFF – 6, INDEPENDENT – 2, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 59 Democratic Alliance Councillors voted against. There were no abstentions recorded.

The above-mentioned recommendations of the Executive Committee was, by the majority vote, ADOPTED.

7. REVIEW OF TARIFFS: REVENUE CLEARANCE CERTIFICATE FEE: 2017/2018 (7/6/1/5)

(Page 57)

COMMITTEE RECOMMENDS:

7.1 That in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) and with effect from 01 July 2017, the tariffs set out in Annexure "A" of the report of the Acting City Manager dated 2016-11-16, will be levied in respect of the Revenue Clearance certificate.

7.2 That the Acting City Manager be instructed without delay:-

- (i) To display a copy of this resolution and the said tariff of charges conspicuously:-
 - (a) On the City Hall Notice Boards, and
 - (b) At such other places within the Municipality as the City Manager may determine
- (ii) To seek to convey the information referred to in the said notice to the public through the relevant Radio Stations.
- (iii) To send a copy of the notice to the KwaZulu-Natal Member of the Executive Council (MEC) responsible for Co-operative Governance and Traditional Affairs.
- (iv) To publish in the Ezasegagasini Metro a notice in the following format:-

ETHEKWINI MUNICIPALITY

Notice is hereby given that:-

- (a) A resolution of the kind contemplated in Section 75A (2) of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) was passed by the Municipal Council on.....

- (b) A copy of the said resolution and annexed tariff of charges is available for inspection at:-
 - (i) City Hall, Dr Pixley kaIsaka Seme Street, Durban
 - (ii) etc
- (c) The effective date for the implementation of the said tariff of charges is 2017-07-01.

.....
 CITY MANAGER
 ETHEKWINI MUNICIPALITY

Date.....

ADOPTED.

8. AMENDMENT OF LEASE: KWAZULU NATAL SOCIETY OF ARTS: 166 BULWER ROAD (17/2/1/2/5)

(Page 66)

COMMITTEE RECOMMENDS:

- 8.1 That the lease of the land described as Erf 6909, 6910 and 6911 all Durban, Registration Division FU, Province of KwaZulu-Natal, held by KwaZulu-Natal Society of Arts be amended as set out hereunder:-
 - 1.1 By the deletion of Sub-Clause 7.2.3
 - 1.2 By the insertion of the following new Sub-Clause 7.2.3
 “7.2.3 a Restaurant (including occasional evening live music performances) serving patrons of the Development;”
 - 1.3 By the deletion of Clause 8 in its entirety.
 - 1.4 By the insertion of a new Clause 8 reading as follows:-
 “8. **LIQUOR LICENCE**
 8.1 The Lessee shall not sell, or otherwise dispose of intoxicating liquor or allow the sale or disposal or consumption thereof on the premises without first obtaining any liquor licence which it might in terms of any law be obliged to obtain.
 8.2 Should the Lessee or its nominee at any time be granted a liquor licence in respect of the premises or any portion thereof, the Lessee shall be obliged within fourteen (14) days of the granting of such licence, to submit to the Head: Real Estate a copy of such licence and a floor plan of the area subject to such licence as approved by the licensing authority.

- 8.3 From the date of the granting of such licence, the Lessee or its nominee shall pay to the Municipality the following amounts annually:
- 8.3.1 As rental in respect of that portion of the premises subject to the liquor licence an amount equal to eight percent (8%) of the rateable value of such portion of the premises as determined in accordance with any law regulating the valuation of premises for rating purposes, which may at any time be applicable within the Municipal area and variations in such rateable value which may occur in accordance with any law from time to time; and
- 8.3.2 An amount equal to the full municipal rates payable on such portion of the premises in accordance with any rating laws applicable in the Municipal area or which might become applicable in the Municipal area from time to time:-
- provided that the provisions of sub-clauses 8.3.1 and 8.3.2 above shall not apply to a temporary licence as referred to in Section 20 of the Liquor Act 27 of 1888 as amended, it being incumbent on the Lessee to furnish proof that the liquor licence is a temporary one.
- 8.4 In the event of the licensed area being a portion of a building and as such encompassing more than one floor of a building, the portion of the premises subject to the liquor licence and in respect of which a rental and rates as provided for in sub-clause 8.3 above, shall be payable, shall be equivalent in size to the total floor area of the portion of the building subject to the said liquor licence.
- 8.5 In the event of the Lessee or its nominee being granted a liquor licence and failing to notify the Head: Real Estate of such grant as provided for in sub-clause 8.2 above, the full rental and rates provided for in sub-clause 8.3 above, shall become due and payable to the Municipality as from the date of the granting of such liquor licence and the Lessee shall be bound and obliged to pay any amounts outstanding to the Municipality, on demand.
- 8.6 In the event of the area subject to the liquor licence being reduced or increased and the Lessee or its nominee submitting to the Head: Real Estate a copy of such amended licence and floor plan of the reduced or increased area as approved by the licensing authority, then the rental and rates provided for in sub-clause 8.3 above, shall be adjusted accordingly and the Lessee shall then be obliged to pay such adjusted amounts as from the date that the amended liquor licence became effective.
- 8.7 The percentage as specified in sub-clause 8.3.1 above shall be revised at the commencement of each successive period of five (5) years from the date on which the amount payable in terms of sub-clause 8.3.1 is or becomes payable. Such percentage may at such revision either be increased or decreased, which increase or decrease shall be determined by agreement between the parties and in the event of the parties failing to agree as to what percentage should apply in the succeeding five (5) years of the lease, then the question of what such percentage should be, may be referred to arbitration by either party in the following manner:-

- 8.7.1 Each party shall nominate an arbitrator, both of whom shall be practising Land Valuers in Durban, and the decision of such arbitrators as to what percentage should be applicable for such succeeding period of five (5) years, in terms of sub-clause 8.3.1 above, shall be final and binding upon the parties and such percentage shall then become payable in terms of the aforementioned clause. In the case of such arbitrators being unable to agree as to the percentage, they shall appoint an Umpire by mutual agreement or by lot, as the case may require, the decision of the Umpire in this regard shall then be final and binding upon the parties.
- 8.7.2 Pending the final determination in terms of this clause of the percentage payable in terms of sub-clause 8.3.1 above the Lessee shall pay from the commencement of the revision, the percentage assessed by the Head: Real Estate, which shall be adjusted retrospectively when the percentage payable for the revision period is finally determined; provided that if the revised percentage as finally determined is less than that assessed, the Municipality shall refund the excess amount paid during the interim period with interest thereon at the rate which would have been payable by the Municipality during such period on money borrowed by the Municipality on overdraft from its bankers and if the revised percentage as finally determined exceeds that assessed by the Head: Real Estate, the Lessee shall forthwith pay the shortfall in rental for the interim period to the Municipality together with interest thereon at the rates which would have been payable by the Municipality during such period on money borrowed by the Municipality on overdraft from its bankers.
- 8.7.3 In the event of the Lessee appealing against the rateable value of the premises subject to the liquor licence, the rental and rates payable in terms of sub-clause 8.3 above shall be payable in full until such time as the appeal against the rateable value is finally adjudicated upon. In the event of the rateable value of the premises being reduced, then the Municipality shall refund the Lessee the excess rental and rates paid by it together with interest thereon at the rate which would have been payable by the Municipality during such period on money borrowed by the Municipality on overdraft from its bankers.
- 8.8 In the event of the Lessee or its nominee ceasing to be a liquor licence holder in respect of the premises or any portion thereof and the Lessee notifying the Head: Real Estate in writing accordingly, then the rental and rates shall again be payable at the figures given clauses 4 and 5 hereof, as from the date of receipt by the Head: Real Estate of such notification, but should any further liquor licence be granted to the Lessee or its nominee in respect of the premises or any portion thereof, then the provisions of sub-clauses 8.1 - 8.7.3 above will again become applicable and the Lessee shall be obliged to pay the rental and rates as provided for therein.”

1.5 By the insertion of a new Clause 41 reading as follows:-

“41. **NUISANCE/DISTURBANCE**

41.1 It is recorded that the premises is situated in close proximity to residential units. It is therefore incumbent on the Lessee to ensure that at all times the usage of the premises does not create a nuisance or disturbance to the surrounding neighbourhood in terms of Local Authorities Ordinance 25 of 1974 and Environmental Conservation Act 73 of 1989 as amended.

41.2 In this regard "nuisance or disturbance" shall mean any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of the immediate area of the premises or the rights or reasonable comfort, convenience, peace or quiet of any neighbourhood within the area of the lease and includes any act, or behaviour contrary to public decency or morals.

41.3 If a nuisance or disturbance is created the Lessee shall take such action as is considered necessary by the Municipality to overcome any nuisance or disturbance. If a persistent nuisance or disturbance is being created on the premises it shall constitute a material breach of the lease entitling the Municipality to exercise its rights of termination."

8.2 That all costs in respect of the amendment of lease be borne by the Lessee.

ADOPTED.

9. **SUPPORT TO UNDERTAKE A PROPOSED FEASIBILITY STUDY TO ESTABLISH WASTE-TO-ENERGY PROJECT IN THE ETHEKWINI MUNICIPALITY AREAS (27/1/2/1/2)**

(Page 80)

In a report dated 2017-02-01, the Acting City Manager advised of a project proposal to conduct a feasibility study for Waste-to-Energy (WTE) power generation within the eThekweni Municipal Region. This feasibility study would be fully funded by the United States Trade and Development Agency (USTDA). Such Agency has committed \$144 000 000-00 (One Hundred and Forty Four Million USD) for implementation and successful completion of the feasibility study with the eThekweni Municipality not incurring any costs as all financial obligations would be supported by USTDA.

It was noted that the budget would be finalized together with the plan of action which would be scrutinized and authorised prior to commencement.

Having noted the background, departmental comments and legal implications of this proposal, as contained in the aforesaid report of the City Manager,

COMMITTEE RECOMMENDS:

9.1 That for the reasons stated in the report of the Acting City Manager dated 2017-02-01, the implementation of the Waste-to Energy Project feasibility study funded by United States Trade and Development Agency (USTDA) in the amount of

\$144 000 000-00 (One Hundred and Forty Four Million USD), with the eThekweni Municipality not required to incur any costs as all financial obligations would be supported by USTDA, be supported.

- 9.2 That the letter of intent be signed in order to release the funding from the United States Trade and Development Agency.

ADOPTED.

10. QUARTERLY REPORT ON WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT IN TERMS OF SECTION 11(4) OF THE MUNICIPAL FINANCE MANAGEMENT ACT (7/13/R & 11/1/2)

(Page 95)

COMMITTEE RECOMMENDS:

That in terms of Section 11 (4) of the Municipal Finance Management Act of 2003, the quarterly report on withdrawals from the Municipal Bank Account, as per the report of the Acting City Manager dated 2017-01-12, be noted.

NOTED.

11. REPORT ON INVESTMENTS FOR THE MONTH OF DECEMBER 2016 (7/11/4)

(Page 100)

COMMITTEE RECOMMENDS:

That the report on investments of the eThekweni Municipality as at 31 December 2016, submitted by the Acting City Manager as per her report dated 2017-01-20 and as per the requirements of the Municipal Cash Management and Investment Regulations of the Municipal Finance Management Act, No. 2003, be noted.

NOTED.

12. REPORT ON AWARDS MADE BY THE CITY FOR THE MONTH OF DECEMBER 2016 (9/1/3)

(Page 104)

COMMITTEE RECOMMENDS:

- 12.1 That the monthly report of the Acting City Manager dated 2017-01-20, relative to awards made by the City for the month of December 2016, as presented, be noted.

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

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

It having being advised that the above-mentioned report needed to be submitted to Municipal Public Accounts Committee (MPAC) for consideration in the first instance, recommendations 12.1, 12.2 and 12.3 were NOTED and recommendation 12.4 was ADOPTED.

13. ETHEKWINI MUNICIPALITY’S PARTNERSHIP WITH THE SOUTH AFRICAN NATIONAL DEFENCE FORCE (SANDF) TO HOST “THE ARMED FORCES DAY 2017” CELEBRATIONS IN THE CITY OF DURBAN FROM 14 TO 21 FEBRUARY 2017 (12/9/R)

(Page 229)

It was noted that the purpose of the above-mentioned report of the Acting City Manager was to provide a status/progress report on the event in question, which was being undertaken in partnership with the SANDF, and to seek financial approval for the various Municipal services directly linked to the programmes.

In that regard

COMMITTEE RECOMMENDS:

- 13.1 That the progress of the partnership between eThekweni Municipality and SANDF to host “The Armed Forces Day 2017” celebrations by providing event related planning, logistics and administrative support, be noted.
- 13.2 That subject to the approval of .1 above, authority be granted to the Deputy City Manager : Finance to provide funding for the programmes in the amount of R1 225 000.00 (One Million Two Hundred and Twenty Five Thousand Rand) including VAT, from the City’s Consolidated Events Budget, in accordance with the costs compiled and submitted by the relevant Municipal Department.

Financial Implications:

In order to ensure a successful event, eThekweni Municipality’s Partnership to the Armed Forces Day celebrations is vital in both service, in kind and financially. The current logistical and operational budget estimates provided and to be administered by the relevant Municipal Units are as follows:-

Service Delivery Unit	Amount
Water and Sanitation	R75 000.00
Electricity	R200 000.00
Durban Solid Waste	R250 000.00

Service Delivery Unit	Amount
Parks, Recreation and Culture (Speed Fencing)	R100 000.00
Armed Forces Day Parade (MMS venue hire and catering for VIPs and holding rooms)	R250 000.00
Mayoral Gala Dinner (City Hall)	R350 000.00
Estimated Total	R1 225 000.00

Vote No.: 34552.11350.12120.0000.53500-51.0010

ADOPTED.

14. 2017/2018 TARIFFS: LICENSING SERVICES OUTPUT UNIT (7/6/1/1)

(Page 232)

COMMITTEE RECOMMENDS:

- 14.1 That all ‘Present Tariffs’, as reflected in Annexures (Tariffs 2016/17), attached to the report dated 2015-11-25, as imposed by the Municipality, be hereby rescinded with effect from 2017-07-01.
- 14.2 That subject to the adoption of .1 above, the ‘Proposed Tariffs including Value Added Tax, as set out in tariffs 2017/18, attached to the report of the Acting City Manager dated 2017-02-06, be adopted with effect from 2017-07-01.
- 14.3 That the Acting City Manager be and is hereby mandated without delay to:-
 - (i) Display a copy of this resolution and the said Tariff of Charges conspicuously:
 - (a) On the City Hall Notice Board, and
 - (b) At such other places within the Municipality as the City Manager may determine,
 - (ii) Publish in the Metro Ezasegagadini a notice in the following form:

ETHEKWINI MUNICIPALITY

Notice is hereby given that:-

- (a) A resolution of the kind contemplated in Section 75 A (2) of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) was passed by the Municipal Council on.....
- (b) A copy of the said resolution and annexed Tariff of Charges is available for inspection at:
 - (i) City Hall, Dr Pixley KaSeme Street, Durban and
 - (ii), etc

- (iii) The effective date for the implementation of the said Tariff of Charges is 2017-07-01.
- (iv) To seek to convey the information referred to in the said notice to the public on East Coast and Ukhozi FM Radio Stations; and
- (v) To send a copy of the said notice to the Provincial Minister of Local Government.

ADOPTED.

15. PRESENTATION BY NATIONAL TREASURY : LEADERSHIP IN METROS

(Presentation)

The purpose of the presentation by National Treasury was to brief eThekweni Municipality on leadership by local governments in the context of emphasizing the growth agenda and role of cities, sharing key reforms, strategies and programmes that supported spatial transformation and growth. The briefing undertaken periodically to Municipalities, was aimed at building and understanding the alignment of objectives.

The three part presentation dealt with the economic and fiscal environment, focusing on areas such as government debt, GDP growth at market prices and growth of tax revenues. Noteworthy was that the City's economic and employment growth was critical for inclusive national economic growth, hence Metros were regarded as "the engines of the South African economy" in that they created most job opportunities. Taking cognizance of the planning of a Local Government accountability cycle over the next five years, National Treasury was hopeful that the IDP would be able to identify investments that could transform the economy with the Municipal Standard Charter of Accounts (mSCOA) providing a good environment to the format of the dashboard.

The top structure of National Treasury was highlighted in terms of its mandate and responsibilities with focus on the Chief Procurement Office (CPO), Intergovernmental Relations (IGR) and Office of the Accountant-General (OAG). The Municipal viability indicators, namely; the three pillars of success were outlined as the Audit Opinion, Financial Health and Service Delivery. Much emphasis was given to all components of the City being "in sync" to achieve the outcome of sustainable human settlements, inclusive economic growth, shared institutional financial management responsibilities and effective/pro-active risk management and productive, inclusive/sustainable cities. The importance of the planning and budgeting process was mentioned with the eight streams of work regarded as one integrated process. Key dates for each financial year was submitted on the basis that time-bound management was critical to mitigate the risk of failing to table and approve Integrated Development Plans (IDP), Built Environment Performance Plans (BEPP) and budgets. Failure to do so could result in severe regulatory consequences. National Treasury had further institutionalized two annual strategic engagements, namely; Benchmarking Meeting and Mid-Year Budget and Performance Assessment visit.

Given that the Cities Support Programme (CSP) co-ordinates and resources National Treasury activities to support the creation of compact and integrated cities as engines of growth, the current broadening application of approaches and tools to secondary cities, under the leadership of COGTA was mentioned. The reform of enabling environments such as Housing and Transport finance and the issue of grants was mentioned with fiscal reform and incentives being elaborated upon. Of importance was increased spatial transformation for inclusive growth with a policy and legislative framework having been created to support such initiative. The City Support Implementation Plan (CSIP) was submitted with it being pointed out that alignment with city strategies and priorities would need confirmation of political commitment in terms of spatial and economic transformation, strengthening institutional arrangements, amendment of the CSIP periodically and the National Treasury CSP to assist in achieving the objectives of the City.

The Council of eThekweni Municipality was commended for achieving an unqualified audit report for the previous two years and its good performance over the past eleven years. The capital grant spend of 98% was noted with the revenue collection of 98% being regarded as the highest collection rate in the country. Of concern was the issue of unfunded Provincial mandates in respect of housing, museums, libraries, etc, a matter that would need to be addressed during the Mid-Year budget. The alignment of the IDP and Budget and catalytic projects in the pipeline was well received. However challenges had been identified on the high spend in respect of social budgets and non- payment for services by the Ingonyama Trust, with it being advised that the matter was being addressed through the appropriate channel. The decrease in water losses from the previous year and interventions by the City to curb losses was acknowledged.

On conclusion of the presentation concerns were expressed by the Committee in respect of high social spend as opposed to economic growth, a political resolution to the Ingonyama Trust, a plan outlining interventions by the City to curb water loss which had been presented to National Treasury and not Support Committees, unblocking growth in rural and farming areas and reversing of losses at National level. A further concern was the role National Treasury could play in terms of the debt owed by certain of its departments to the city and feedback to be provided on the pilot project in respect of mSCOA.

The following responses were submitted to questions/concerns raised:-

- a. On the issue of social grant funding the policy of National Treasury to drive backlogs can be acknowledged with a view to provide a balance on the social package and thereby ensure greater economic opportunities for people.
- b. As all lawful processes had been followed in respect of the Ingonyama Trust and taking cognizance of its adverse effect on revenue collection to eThekweni Municipality, comparisons could be made with other Provinces to ascertain how the matter was being addressed with a view to it being possibly elevated to another level.
- c. National Treasury liaised closely with engineers in the Department of Water affairs in terms of how cities were managing and responding to water loss issues relative to maintenance of infrastructure, meter reading, etc. eThekweni Municipality however had fared well in addressing such issues.

- d. Unblocking of funds would need to be carried out by individual Municipalities by leveraging its revenue and asset base.
- e. National Treasury was mindful of Government debt and the behavior of some of the Provincial departments towards Metros. However, meetings have been convened with relevant Provincial departments in that regard with Municipalities being advised not to utilize their own funding. A Provincial Debt Forum was currently being managed by COGTA to assist Municipalities in debt collection.
- f. The completed pilot of mSCOA was not a specific project of National Treasury however Municipalities would be given the necessary support. A meeting had been convened with eThekweni Municipality on two issues of concern with it being confirmed that the project was on track.

Accordingly,

COMMITTEE RECOMMENDS:

That Council notes the summary of the presentation given by National Treasury to the Executive Committee and acknowledges the following:-

- EThekweni Municipality being commended for achieving an unqualified audit report for the previous two years and its good performance over the past 11 years.
- Capital grant spend of 98% being noted with the Revenue collection of 98% being regarded as the highest in the country.
- Concerns on the issue of unfunded mandates in respect of housing, museums, libraries, etc. that would be required to be addressed during the Mid-Year budget.
- Interventions by the City in curbing water losses and the decrease in water losses from the previous year.
- Alignment of the IDP and Budget and Catalytic Projects being acknowledged.
- Challenges identified on the high spend in respect of social budgets and non-payment for services by the Ingonyama Trust.

NOTED.

ZRT GUMEDE
CHAIRPERSON

Her Worship the Mayor presented the Second Report of the Executive Committee.

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Thursday, 2017-02-23)

PRESENT : Executive Committee Members ZRT Gumede (Mayor and Chairperson), F Peer (Deputy Mayor), HU De Boer, BA Fortein, S Hoosen, SA Kaunda, ZM Mncwango, MM Mthembu, MS Nkosi and ZR Sokhabase.

1. **REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD ON 2017-02-16**

(Page R1)

1.1 **Adjustment Budget – 2016/17 (7/1/2/2):**
(Page 1 : Community Services Committee – Agenda 2017-02-16)

The Committee noted a presentation on Adjustment Budget 2016/17 for all Units that reports to the Community Services Committee. The reasons for this adjustment budget were summarised as follows: reallocation of budgets between votes to ensure operational efficiencies and reprioritisation of projects.

A discussion ensued during which a concern was raised on some of the events/programmes that were undertaken but not provided for as reflected on Page 10 of the agenda of the Community Services Committee.

COMMITTEE RECOMMENDS:

That in accordance with the provisions of Section 28 of the Municipal Finance Management Act, the adjustment to the 2016/2017 Budget in relation to community services for the purpose of ensuring operational efficiencies and reprioritisation of projects, be noted, it being recorded that this aspect forms part of the overall adjustment budget to be presented to Council.

As some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 182 Councillors present, 118 Councillors (ANC – 100, IFP – 10, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 64 Councillors (DA - 59 and EFF – 5) voted against. There were no abstentions recorded.

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

1.2 **Proposed Tariffs 2017/2018-2020 (7/6/1/4):**
(Page 25 : Community Services Committee – Agenda 2017-02-16)

The Committee was taken through the overall report on proposed tariffs and some additional information from different Units such as the Moses Mabhida Stadium and the Environmental Health Services. The addition of Annexure V for inclusion of Stable Theatre – Community Multi-Arts Precinct was also noted.

Following consideration and with the DA dissenting at the Community Services Committee,

COMMITTEE RECOMMENDS:

- 1.2.1 That all 'Present Tariffs', as reflected in Annexure A to U (Tariffs 2016/2017), attached to the report by the Acting City Manager dated 2017-01-18, as imposed by the Municipality, be hereby rescinded with effect from 2017-06-30.
- 1.2.2 That subject to the adoption of .1 above, the 'Proposed Tariffs including VAT' as set out in Annexure A to V (tariffs 2017/2018), attached to the report by the City Manager dated 2017-01-18, be adopted with effect from 2017-07-01.
- 1.2.3 That the City Manager be required:-
 - 1.2.3.1 To display a copy of this resolution and the said tariff of charges conspicuously:-
 - (a) on the City Hall notice board; and
 - (b) at such other places within the Municipality as the City Manager may determine;
 - 1.2.3.2 To publish in the Metro Ezasegagasini a notice in the following form:

ETHEKWINI MUNICIPALITY

Notice is hereby given that:-

- (a) A resolution of the kind contemplated in Section 75A(2) of the local government : Municipal Systems Act, 2000 (Act 32 of 2000) was passed by the Municipal Council on
 - (b) A copy of the said resolution and the annexed tariff of charges is available for inspection at:-
 - (i) City Hall, Dr Pixley KaSeme Street, Durban;
 - (ii), etc
- 1.2.3.3 The effective date for the implementation of the said tariff of charges is 2017-07-01.
 - 1.2.3.4 To seek to convey the information referred to in the said notice to the public on East Coast Radio and Ukhozi Radio; and
 - 1.2.3.5 To send a copy of the said notice to the Provincial Minister of Local Government.

As some Councillors were not in support of the above recommendations of the Executive Committee the matter was put to the vote. With 182 Councillors present, 118 Councillors (ANC – 100, IFP – 10, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 59 Democratic Alliance Councillors voted against. 5 EFF Councillors abstained from voting.

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

2. AUTHORITY TO ISSUE MUVO CARDS TO THE PUBLIC AT NO COST FOR A LIMITED PERIOD DUE TO THE MANDATORY REQUIREMENT FOR THE REPLACEMENT OF EXPIRED CARDS (26/3/1/5)

(Page 43)

COMMITTEE RECOMMENDS:

2.1 That authority be granted for the Head: eThekweni Transport Authority to incur expenditure in the amount of R1.7 Million, including Value Added Tax, for the issuing and replacement of Muvo cards used when commuting with Durban Transport and are expiring in April 2017, at no charge to commuters, subject to the following conditions:

- (a) Commuters will need to use up all the trips on the cards that is expiring;
- (b) Commuters will need to hand in the expired card in order to receive a replacement card at no charge; and
- (c) Commuters will be given until 31 August 2017 to replace their cards at no charge, thereafter commuters will be charged the normal fee of R20.00 (Twenty Rand).

Financial Implications:

R1.7 Million including VAT

Vote Number 50120/14105.33/81090/0000/58000/0010.

FC No.: 50/035

ADOPTED.

3. AUTHORITY TO RENEW IMPLEMENTATION PROTOCOL FOR LEVEL 2 ACCREDITATION FOR UNDERTAKING THE HOUSING FUNCTION (22/7/1/1/2)

(Page 45)

Approval was given to the renewal of the Implementation Protocol between the Provincial Department of Human Settlements and the eThekweni Municipality regarding the management and administering of the National Housing Programme. However, it was agreed that a workshop be held at the respective Portfolio Committee level to interrogate the housing function in relation to the Implementation Protocol.

On this basis,

COMMITTEE RECOMMENDS:

3.1 That Council approves the Implementation Protocol between the MEC for Human Settlements & Public Works and Her Worship the Mayor of eThekweni Municipality whereby the MEC grants and the Municipality hereby accepts the delegation of Level II (Two) accreditation functions, as contemplated in the National Accreditation Framework, authorizing the Municipality to manage and administer all National Housing Programmes within its Municipal area, and the agreement will be subject to vetting by the Legal and Compliance Services.

- 3.2 That subject to the approval of .1 above, Her Worship the Mayor, Councillor Zandile Gumede be authorized to sign the renewed Implementation Protocol between the KwaZulu-Natal Department of Human Settlements and the eThekweni Municipality.

ADOPTED.

4. APPROVAL OF DIRECTORS REMUNERATION AT THE INKOSI ALBERT LUTHULI INTERNATIONAL CONVENTION CENTRE AND THE DURBAN MARINE THEME PARK (4/5/1/1)

(Page 243)

COMMITTEE RECOMMENDS:

- 4.1 That Council approves the Inkosi Albert Luthuli International Convention Centre Directors Remuneration Policy included in the report by the Acting City Manager 2017-02-13 and the proposed remuneration increase of 6% to be implemented with effect from 01 July 2016, it being noted that there are no financial implications to the Municipality.
- 4.2 That Council approves the Durban Marine Theme Park Directors Remuneration Policy included in the report by the Acting City Manager 2017-02-13 and the proposed remuneration increase of 6% to be implemented with effect from 01 July 2016, it being noted that there are no financial implications to the Municipality.

ADOPTED.

5. REQUEST FOR AUTHORITY TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN ETHEKWINI MUNICIPALITY AND TONGAAT HULETT DEVELOPMENT (PTY) LTD FOR DESIGN AND CONSTRUCTION OF A SEWER TRUNK MAIN IN CORNUBIA: WS2016/180 (23/2/1/3/2)

(Page 260)

The construction of the trunk sewer at Cornubia was supported. However, it was noted that issues raised in relation to a need to get Tongaat Hulett to implement Corporate Social Responsibility initiatives, clear understanding of land redistribution and compensation thereof as well as the rationale behind what is regarded as inconsistent standard in terms of reimbursing developers within the eThekweni Municipality will form part of further engagements in future.

Accordingly,

COMMITTEE RECOMMENDS:

- 5.1 That Council approves the construction of the South Eastern and Eastern Cornubia Trunk Sewer at an estimated cost of R35 Million, excluding Value Added Tax, it being recorded that this project will be funded by Tongaat Hulett Development (Pty) Ltd [THD], on a reimbursive basis, given that although this is a planned project by the City it has since been significantly brought forward by the developer THD as a result of the acceleration of its development of the Retail Park ahead of the original programme.

- 5.2 That subject to the approval of .1 above, authority be granted to the Acting City Manager to enter into a Memorandum of Agreement with THD in respect of THD carrying out the design phase and installation of the Cornubia Trunk Sewer and to refund THD reasonable and proven costs, without interest, that will be incurred in designing and constructing the trunk sewer to serve the South Eastern and Eastern Portions of Cornubia ahead of the original programme.
- 5.3 That subject to the approval of .1 and .2 above, authority be granted for eThekweni Water and Sanitation to take over this trunk sewer asset on making payment to THD.

Project No.: Y8099 Cost Centre: 65510 R35 000 000.00
(Provided in the 2017/2018 draft capital budget) FC No.: 365/C14

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor HU de Boer, seconded by Councillor B Singh, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Human Settlements and Infrastructure for further deliberation on sharing the costs of the project.

NOT CARRIED

As some Councillors were not in support of a reference back, the matter was put to the vote. With 178 Councillors present, 61 Councillors (DA – 57 and EFF – 4) voted in favour and 117 Councillors (ANC – 99, IFP – 10, INDEPENDENT – 3, AIC – 2, TA – 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 recommendations of the Executive Committee, the matter was put to the vote. With 178 Councillors present, 117 Councillors (ANC – 99, IFP – 10, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 61 Councillors (DA - 57 and EFF – 4) voted against. There were no abstentions recorded.

The above-mentioned recommendations of the Executive Committee was, by the majority vote, ADOPTED.

6. ADJUSTMENT BUDGET FOR THE HUMAN SETTLEMENT UNIT IN TERMS OF SECTIONS 28 AND 29 OF THE MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) (7/1/2/2)

(Page 265)

COMMITTEE RECOMMENDS:

- 6.1 That in terms of Sections 28 and 29 of the Municipal Finance Management Act (MFMA) Council approves the adjustment budget of the Human Settlement Unit in the amount of R500 654 000.00 (Five Hundred Million Six Hundred and Fifty Four

Thousand Rand) for the 2016/2017 financial year as per the details set out in Annexure A of the report of the Acting City Manager dated 2017-02-21, which will also be approved concurrently with the overall adjustment budget report to be presented to Council.

- 6.2 That Council notes that the adjustment budget has been necessitated by various reasons including, detailed planning in progress; delays due to either relocation of beneficiaries, land issues, feasibility study in progress, certain projects blocked due to social issues or contracts awards delays.
- 6.3 That Council notes that there is no financial implication as the additional requests equates to the savings identified within the approved Human Settlements 2016/2017 Capital Budget.

As some Councillors were not in support of the above recommendations of the Executive Committee, the matter was put to the vote. With 178 Councillors present, 117 Councillors (ANC – 99, IFP – 10, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 61 Councillors (DA – 57 and EFF – 4) voted against. There were no abstentions recorded.

The above-mentioned recommendations of the Executive Committee was, by the majority vote, ADOPTED.

7. ETHEKWINI MUNICIPALITY ADJUSTMENT BUDGET – 2016/2017 (7/1/2/2)

(Page 271)

The Democratic Alliance expressed reservations on the adjustment budget based on issues relating to what they regarded as uncertainty in the expenditure incurred for the hire of venue for the Essence Festival in relation to the figure reported previously for Essence Artists thus requiring a full report on this matter. Furthermore, a concern on expenditure for the provision of broadband infrastructure for the Electronic Bill Presentation and Payment Solution (EBPP) as well as the expenditure for what has been termed unstructured Metro Police overtime and the need to get a full report thereon.

With the Democratic Alliance dissenting on the above basis, the majority supported the adjustment budget and therefore,

COMMITTEE RECOMMENDS:

- 7.1 That in accordance with the provisions of Section 28 of the Municipal Finance Management Act and in compliance with the Municipal Budget and Reporting Regulations, the adjustments to the 2016/2017 Budget (Parent Municipality) as reflected in Annexure 'A' of the report of the Acting City Manager dated 2017-02-20, be approved, and the approval of the Capital Adjustment Budget constitute project approval of the specific projects.
- 7.2 That the Adjustment Budget of the Municipal Entities as approved by the respective Board of Directors and reflected in Annexure 'B' of the report of the Acting City Manager dated 2017-02-20, be approved, in compliance with Section 87 of the Municipal Finance Management Act.

7.3 That Council notes that the Adjustment Budget is required based on the following reasons:

- (a) Reallocation of budgets between votes to ensure operational efficiencies;
- (b) Adjustment in respect of Grant Funding allocations to the Municipality;
- (c) Re-prioritisation of projects mainly in the Housing, eThekweni Transport Authority, Economic Development and Water and Sanitation Units; and
- (d) Adjustment in respect of working relationship between South African Association for Marine Biological Research (SAAMBR), Durban Marine Theme Park (DMTP) & City SAAMBR Grant.

As some Councillors were not in support of the above recommendations of the Executive Committee, the matter was put to the vote. With 176 Councillors present, 115 Councillors (ANC – 97, IFP – 10, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 57 Democratic Alliance Councillors voted against. 4 EFF Councillors abstained from voting.

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

8. SPATIAL DEVELOPMENT FRAMEWORK REVIEW 2017/2018 (21/5/1)

(Page 418)

The process to review the Spatial Development Framework (SDF) 2017/18 was noted on the basis that the draft SDF document will be interrogated at the respective Portfolio Committee level.

COMMITTEE RECOMMENDS:

- 8.1 That the process to review the 2017/18 Spatial Development Framework (SDF) which guides the overall spatial distribution of current and desirable land uses within the Municipality in order to give effect to the vision, goals and objectives of the Municipality as identified within the Long Term Development Framework and the Integrated Development Plan (IDP), be noted.
- 8.2 That Council notes that the review process has focused on the following issues:
- (i) addressing comments made by the MEC for Co-operative Governance and Traditional Affairs on SDF 2017/2018;
 - (ii) achieving SPLUMA compliance in terms of the required content of a Municipal SDF;
 - (iii) cross boarder engagements to align spatial planning within the sub-region;
 - (iv) Ongoing Sector Engagement to align IDP/SDF and Built Environment Performance Plan (BEPP) and Sector Plans & Prioritises;
 - (v) Ongoing Mapping Improvements; and
 - (vi) alignment with IDP/SDF and BEPP.

- 8.3 That Council notes that the SDF is going for public and stakeholder consultation and comments to be received from this process will be considered and the amended final draft Spatial Development Framework 2017/2018 will be prepared and tabled for adoption by Council in May 2017 for subsequent submission to the MEC for COGTA as per the statutory requirement.
- 8.4 That the draft Spatial Development Framework Review 2017/2018 be referred to the respective Portfolio Committees for presentation to understand all implications associated therewith prior to approving the SDF in May 2017.

ADOPTED.

9. REPORT ON INVESTMENTS FOR THE MONTH OF JANUARY 2017 (7/11/4)

(Page 423)

COMMITTEE RECOMMENDS:

That the report on the investments of the eThekweni Municipality as at 2017-01-31, submitted by the Acting City Manager as per her report dated 2017-02-16 and as per the requirements of the Municipal Cash Management and Investment Regulations of the Municipal Finance Management Act, 2003, be noted.

NOTED.

10. REQUEST FOR AUTHORITY FOR HER WORSHIP THE MAYOR TO LEAD ETHEKWINI DELEGATION TO TRAVEL TO LONDON TO REPRESENT ETHEKWINI MUNICIPALITY AT THE ANNUAL DEBATE – BUSINESS COUNCIL FOR AFRICA AND IN OTHER KEY ENGAGEMENTS 2017 (14/1)

(Page 433)

The Democratic Alliance dissented on the basis that authority should be given to reduce the number of Councillors thereby having 1 (One) Councillor to form part of the delegation and reduce costs. This view was not supported by the majority, hence,

COMMITTEE RECOMMENDS:

- 10.1 That authority be granted for the eThekweni Delegation led by Her Worship the Mayor, Councillor ZRT Gumede and including the Deputy Chairperson of the Economic Development and Planning Committee, Councillor N Madlala and Councillor B Ndlovu as well as the Acting Deputy City Manager: Economic Development and Planning, Mr. Phillip Sithole, to travel to London to represent the eThekweni Municipality in the following engagements:

- (i) **Annual Debate – Business Council for Africa 2017:** A platform to showcase the City's investment strength, business development and strengthen government relations under the themes, namely, Is technology capable of transforming Africa? Why is Africa unable to fix its power deficit?, Impact investment - the way forward, Rapid urbanisation: strengths and weaknesses.

- (ii) **National Geographic Society:** To create a platform for the National Geographic, which had a multi-media communication and marketing partnership with eThekweni Municipality, which expired on 31 December 2016, to engage Her Worship the Mayor and the Chairperson of Economic Development and Planning Committee on achievements and future proposals to promote the City of Durban.
- (iii) **Discovery/Eurosport:** To discuss achievements to date under the existing partnership with eThekweni Municipality and ending in June 2017 to promote Durban in its key international source markets and discuss future proposals for the City as a tourism destination.
- (iv) **The South African High Commissioner:** A meeting between the South African High Commissioner and Her Worship the Mayor to prepare for Ebandla Networking events and finalise a list of invitees.

10.2 That Her Worship the Mayor provides feedback to the Executive Committee on the “Annual Debate – Business Council for Africa 2017.

10.3 That the Acting Deputy City Manager: Economic Development and Planning provides feedback to Council on the Meetings with National Geographic, Discovery/ Eurosport and meetings with the SA High Commissioner in the United Kingdom.

10.4 That Councillors and official be regarded as being on Municipal Business during the period of travel to London for engagements as outlined in .1 above.

Financial consideration: R250 000.00

Department	Item	Vote No.	Amount	FC No.
Tourism	Accommodation	26721.22040.12120.0000.MRC01.0010	R35 000.00	22/13
Tourism	Travelling	26721.22115.12120.0000.MRC01.0010	R15 000.00	22/13
Her Worship the Mayor	Accommodation	32601.22040.12120.0000.MRC01.0010	R35 000.00	35/06
Her Worship the Mayor	Travelling	32601.22115.12120.0000.MRC01.0010	R65 000.00	35/06
Councillors	Accommodation	32123.22040.12120.0000.MRC01.0010	R70 000.00	35/06
Councillors	Travelling	32123.22115.12120.0000.MRC01.0010	R30 000.00	35/06

MOTION TO AMEND

In terms of Rule of Order 20(4), Councillor ZM Mncwango, seconded by Councillor S Hoosen, moved as a procedural motion that the above recommendations of the Executive Committee be amended in 10.1 thereof, by the deletion of the words and names “including the Deputy Chairperson of the Economic Development and Planning Committee, Councillor N Madlala and Councillor B Ndlovu” and by the substitution therefor of the words “one Councillor”, to read as follows:

“10.1 That authority be granted for the eThekweni Delegation led by Her Worship the Mayor, Councillor ZRT Gumede and one Councillor as well as the Acting Deputy City Manager: Economic

Development and Planning, Mr. Phillip Sithole, to travel to London to represent the eThekweni Municipality in the following engagements:”

NOT CARRIED

As some Councillors were not in support of the above-mentioned motion to amend, the matter was put to the vote. With 176 Councillors present, 62 Councillors (DA – 57 and EFF – 5) voted in favour and 114 Councillors (ANC – 92, IFP – 8, EFF – 6, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted against. There were no abstentions recorded.

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 recommendations of the Executive Committee, the matter was put to the vote. With 176 Councillors present, 114 Councillors (ANC – 92, IFP – 8, EFF – 6, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH - 1) voted in favour and 57 Democratic Alliance Councillors voted against. 5 EFF Councillors abstained from voting.

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

11. **FILLING OF POSITIONS OF BOARD MEMBERS AT THE INKOSI ALBERT LUTHULI INTERNATIONAL CONVENTION CENTER (2/2/3 & 4/3/2)**

(Page L12)

COMMITTEE RECOMMENDS:

- 11.1 That authority be granted for the Acting Deputy City Manager: Economic Development and Planning to advertise for 4 (four) positions of the Board Members of Inkosi Albert Luthuli International Convention Centre created as a result of the expiry of contracts of 3 (three) members in March 2017 and the resignation of 01 (one) member.
- 11.2 That subject to the approval of .1 above, the Acting City Manager provides an update to the Executive Committee on the applications received, shortlisted candidates with recommendations.

ADOPTED.

12. DURBAN CBD REJUVENATION PROGRAMME (20/1/3/1)

(Page L13)

COMMITTEE RECOMMENDS:

- 12.1 That Council approves the implementation of Phase 1 of the Local Area Plan (LAP) approved by Council on 08 December 2016, which Phase include (i) Safety and Security to roll out visible security policing to monitor and patrol all streets of Durban and invest on security measures in public realm to root out criminal elements; (ii) Engaging Business to take positive and active role in Urban Management; (iii) Finding an alternative use for all bad buildings within the City in line with the Inner City Master Plan while exploring all parameters to maximize benefits of each site; (iv) rationalizing street trading as a positive contributor to the GDP and creating stability in many households; and mobilizing City resources through advertising to fund Urban Regeneration Projects.
- 12.2 That authority be granted for the Acting Deputy City Manager: Economic Development and Planning to establish a City owned entity with representatives in its board of a wide variety of stakeholders including business, dedicated capacity and resources to drive Inner City Urban Regeneration and Management.
- 12.3 That the proposed Inner City dedicated team is deemed to report directly to the City Manager via the Acting Deputy City Manager: Economic Development and Planning and have Her Worship the Mayor of eThekweni as a political champion to drive the Inner City Urban Rejuvenation Programme.
- 12.4 That the Inner City dedicated team be mandated to drive Urban Management Programmes in the Inner City, implement the LAP, and facilitate all catalytic projects that are within the Inner City boundary, creating this refocused and localized team to drive the City towards a common vision and help align budgets to deliver infrastructure to support the vision.
- 12.5 That authority be granted for the Acting Deputy City Manager: Economic Development and Planning to use funding that is already ring-fenced for the Inner City and mobilise Corporate Social Investment (CSI) contributions from the private sector players to drive immediate urban management projects.

Financial Implications:

Project Name	Amount	Duration
Developing an Awareness with different stakeholders	R350k	3 months
Property survey in key precinct	R1.5m	1 month
Rate and utility survey	R1.5m	3 months
Public Consultation	R200 000.00	3-5 meetings
Maintenance and management @R5/m2+ 10% escalation per year	R18m	Over 5 years
Public Realm upgrade and implementation	R30.5m	12 months
Compliance and enforcement	R16m	3 years
Total	R68.05m	12 months

ADOPTED.

13. HEALTH AND SAFETY OF 75 LANGALIBALELE STREET BUILDING;
CITY HALL AND RENNIE HOUSE

(Raised Verbally)

Arising from complaints received and the observations regarding the unacceptable health and safety condition of the Municipal Buildings and the potential hazards to the building users in 75 Langalibalele Street, City Hall; Rennie House and, the need to explore mechanisms to address the aspect of potential health hazards as a result of birds congregating in the City Hall building,

COMMITTEE RECOMMENDS:

That the Executive Committee resolves to mandate the Head: Occupational Health and Safety together with the relevant officials to conduct an investigation into the health and safety issues of 75 Langalibalele Street Municipal Building; City Hall; and Rennie House and report back to the Executive Committee at its future meeting.

ADOPTED.

ZRT GUMEDE
CHAIRPERSON

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

1. NOTICE OF MOTION: MAINTENANCE OF PROVINCIAL ROADS: PROPOSED BY COUNCILLOR GM NOYCE AND SECONDED BY COUNCILLOR GDA PULLAN (25/4/5/1)

The council, noting that:

The less developed areas of the Municipality which tend to lie on the outer peripheries of eThekweni are seriously disadvantaged by the condition of many DOT roads. It is very difficult to get any response from DOT because they always state that they have insufficient funds to maintain these roads.

Statistically it appears that the main users of these roads are residents of eThekweni Municipality.

This issue of the control, management and maintenance of Provincial Roads within eThekweni has been under discussion for some 15 years and no progress appears to be forthcoming.

Hereby resolves that:-

The Executive Committee investigates and report back on whether progress is being made with regard to these deteriorating situation.

Councillor GM Noyce moved her above-mentioned Notice of Motion for consideration by Council and thereafter motivated same. As not all Members were in agreement with such Motion the matter was put to the vote.

With 179 Councillors present 72 Councillors (DA – 57, IFP – 10 and EFF – 5) voted in favour and 107 Councillors (ANC – 99, INDEPENDENT – 3, AIC – 2, TA – 1, APC – 1 and AL-JAMA-AH – 1) voted against. There were no abstentions recorded.

The above-mentioned Notice of Motion by Councillor GM Noyce was, by the majority vote, NOT ADOPTED.

REPORT OF THE MAYOR IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

Her Worship the Mayor, Councillor ZRT Gumede, expressed concern and apologised for some of the debates that took place during today's Council meeting. Such debates had been characterised by intimidation, insults and allegations of sexism. She made the point that whilst robust debate was an integral part of governance in all spheres of Government, it was also based on the understanding that politics was about contesting the various viewpoints. However, such debates needed to be undertaken with respect.

She thereafter expressed her disappointment in the manner the discussion, relative to her leading a delegation to London to represent the Municipality at the annual debate with regard to Business Council for Africa and Other Key Engagements for 2017, ensued. Her Worship emphasized that her visit to London was strictly for Council business.

In conclusion, Her Worship the Mayor advised of a request for funding received from the KZN Wind Band that would be touring New York shortly. She requested the Acting City Manager to submit a report thereon to the relevant Committee for consideration.

REPORT OF COMMITTEE DECISIONS

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

1. **COMMUNITY SERVICES COMMITTEE**

Meeting held on : 2017-01-23

2. **EXECUTIVE COMMITTEE**

Meetings held on : 2017-01-24
: 2017-01-31

NOTED.

ITEMS FOR NOTING

The Items for Noting, reflected on pages 48 to 51 of the Agenda, were NOTED.

The meeting terminated at 20:30.

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2017-03-30

SPEAKER