

No. 14

MINUTES
OF
eThekwini Council

Minutes of proceedings of the Meeting of the eThekwini Council held
at the City Hall Main Auditorium, Durban
on Wednesday, 2017-04-26T10:00

PRESENT : Councillors WL Mapena (Speaker), ZRT Gumede (Mayor), F Peer (Deputy Mayor), MA Ally, J Annipen, S Aslam, SV Asbury, A Beetge, S Bhanprakash, MPN Bhengu, MC Bhengu, NC Biyela, T Biyela, M Brauteseth, S Brijmohan, WJD Burne, VP Caluza, H Cele, NT Cele, J Chetty, BA Chili, TJT Cibane, R Cloete, TP Collins, RJ Crouch, M David, HU De Boer, GT De Lange, MAK Dladla, AN Dlamini, 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, ZD Gushu, 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, MT Mabaso, NI Madlala, A Maharajh, B Majola, TG Makhanya, ZP Makhanya, NZ Maluleka, 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, 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, BV Mngwengwe, LN Mngwengwe, SR Moodley, S Moonsamy, B Mpanza, SB Mpanza, SNL Mshengu, B Msomi, LG Mthembu, M Mthembu, MGF Mthembu, NE Mthembu, ON Mthembu, TM Mthethwa, TT Mthiyane, N Munien, AB Mvubu, RM Mzobe, BD Naidoo, J Naidoo, M Nair, PL Ncayiyana, BP Ndlela, AB Ndlovu, PB Ndlovu, MK Ndzimbomvu, ZS Ndzoyiya, AS Ngcobo, S Ngema, BS Ngiba, MM Ngiba, TT Ngubane, SJM Nhlapho, MS Nkosi, M Nojiyeza, DR Nowbuth, GM Noyce, B Ntshangase, PC Ntshangase, SC Ntshangase, BT Ntuli, PB Ntuli, PH Nxumalo, NP Nxumalo, W Nyaba, NN Nyanisa, MS Nyawose, TT Nzuzza, CJ Pappas, BW Phewa, JP Phewa, TK Phohlo, B Phungula, D Pillay, KR Pillay, P Pillay, JP Prinsloo, GDA Pullan, BR Qhantsi, MD Qwabe, A Ramkissoon, A Rampersad, S Ryley, S Sewshankar, AN Shabalala, B Shabane, MG Shange, SG Shange-Dlamini, MT Shelembe, ES Shezi, MC Shezi, VH Shezi, BP Shozi, DM Shozi, HP Shozi, M Sibisi, N Sibiya, PN Sikhosana, B Singh, EL Singh, Sagar Singh, Samier Singh, NI Sithole, AD Snyman, ZR Sokhabase, M Tembe, JB Thabethe, S Thango, WM Thring, JC Van den Berg, SM Windvogel, C Xesibe, MC Xulu, TV Xulu, NY Young, BM Zulu, GB Zulu, MBR Zuma, TM Zuma, TG Zungu and MH Zwane.

ABSENT : Councillors SS Buthelezi (On leave - Indisposed), MY Dlamini (On leave - Indisposed), TN Mabanga (On leave - Indisposed), M Mkhize (On leave - Indisposed), BA Mkhize (On leave - Indisposed), NE Mguni (On leave - Indisposed), MM Mthembu (On leave - Indisposed), X Nala (On leave - Municipal Business), DR Pillay (On leave), PS Sishange (On leave)

AMAKHOSI

PRESENT : Inkosi BF Bhengu, Inkosi VR Cele, Inkosi TF Gwala, Inkosi NM Hlengwa, Inkosi PP Luthuli, Inkosi KS Makhanya, Inkosi NC Maphumulo, Inkosi DZ Mkhize, Inkosi TBE Mkhize, Inkosi RF Mthembu, Inkosi MB Ngcobo, Inkosi JP Shangase and Inkosi EB Shozi.

AMAKHOSI

ABSENT : Inkosi KT Mkhize (On leave - Indisposed), Inkosi S Mlaba (On leave - Indisposed)

OFFICIALS

PRESENT : Messrs/Mesdames D Nene (Acting City Manager), M Mthiyane (Deputy Head Legal Support, Legal Services and Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), T Ndlovu (Senior Manager : Secretariat), M Lelosa (Manager: Council Committees).

(At the commencement of the meeting 208 Councillors were present, comprising ANC – 115, DA - 57, IFP – 9, EFF - 7, INDEPENDENT - 4, AIC - 2, ACDP – 0, MF - 1, DLC – 1, TA – 1, MOSA – 0, 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 Her Worship the Mayor; Deputy Mayor; Members of the Executive Committee; Honourable Councillors; Acting City Manager; Deputy City Managers present; Legal Services and Compliance Officials; Media; Distinguished Guests and Members of the Administration to this meeting of the eThekweni Municipality Council.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

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, the Speaker alluded to the scheduled Freedom Day celebrations and urged Councillors to remember those who had paid for the freedom of others by their blood and sweat. He paid tribute and expressed his sincerest condolences to the families of Councillor MF Adam, a member of the eThekweni Council and Truly Alliance PR Councillor who passed away on 5 April 2017 and Councillor Khaya Thobela, the Speaker of Umzimkhulu Municipality who was called to rest on 23 April 2017.

The Speaker indicated that a formal inauguration for all elected Ward Committees was held on 8 April 2017 where members had been sworn in and the Ward Committee members were inducted on 22 and 23 April 2017. He then thanked the municipal officials for ensuring that these meetings had been held successfully. It was also reported that the elected Ward Committees were operational and that the inaugural meetings had been scheduled for May 2017.

The Speaker extended congratulations and best wishes to all Councillors celebrating their birthdays in April with a special birthday wish to Cllr GJ Hegter who was celebrating his birthday today.

The Speaker referred the Council to Section 24 of the MFMA and indicated that in terms thereof, the Municipal Council must, at least 30 days before the start of the budget year, consider approval of the budget. In that regard he advised that Council would be convened twice during May 2017, with a Special Meeting scheduled for 31 May 2017 to consider the 2017/2018 budget.

The Speaker referred the Council to the Rules of Order By Law and drew attention to Rules 16(1) (a)-(e) and (4),(5),(6),(7) and (9) relative to Councillors Conduct at Meetings. He reiterated that such Rules would be applied to manage the proceedings.

In respect of the April 2017 Back to Basics Report, the Speaker highlighted that a total of 62 Sectoral Meetings were convened, a total of 25 049 confirmation of address letters were issued and 451 issues were raised by the community and of those, 320 were resolved.

The Speaker welcomed Cllr Aslam Shaheed, the new member of Council and Truly Alliance PR Councillor. Her Worship the Mayor Cllr ZRT Gumede and Cllr Thring then expressed their sincerest condolences to the family of Cllr Adam.

6. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS:

Councillor J Annipen	: Request to leave at 15:00
Councillor S Bhanprakash	: Request to leave at 13:30
Councillor SS Buthelezi	: 2017-04-26 (Indisposed)
Councillor MY Dlamini	: 2017-04-25 to 05-02 (Indisposed)
Councillor CR Hlophe	: Requested to leave at 14:00
Councillor TN Mabanga	: 2017-04-26 (Indisposed)
Councillor M Mkhize	: 2017-04-26 (Indisposed)
Councillor BA Mkhize	: 2017-04-25 to 2017-05-02 (Indisposed)
Councillor NE Mnguni	: 2017-04-26 (Indisposed)
Councillor SR Moodley	: Request to leave at 14:30
Councillor MM Mthembu	: 2017-04-26 to 2017-05-03 (Indisposed)
Councillor X Nala	: 2017-04-26 to 27 (Municipal Business)
Councillor DR Pillay	: 2017-04-26 (Personal Commitments)
Councillor P Pillay	: Request to leave at 14:30
Councillor VS Shezi	: Request to leave at 12:00
Councillor M Sibisi	: Request to leave at 15:00
Councillor PS Sishange	: 2017-04-26 to 2017-05-04 (Personal Commitments)

AMAKHOSI

Inkosi KT Mkhize	: 2017-04-26 (Indisposed)
Inkosi S Mlaba	: 2017-04-26 (Indisposed)

7. CONFIRMATION OF MINUTES: Meeting held on 2017-03-30 and In-Committee Meeting held on 2017-03-30

RESOLVED:

That the minutes of the meeting of the eThekweni Council held on 2017-03-30 and In-Committee minutes of the meeting of the Council held on 2017-03-30, as circulated and taken as read, be and they are 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 R Gokool: Municipality owned House 16A and 16B on Sander Road New Germany (22/8/2):

Municipality owned House 16A and 16B on Sander Road New Germany have been vacant for a couple of years. With residents bearing the cost of security and maintenance to the house. Correspondence between Real Estate and the Housing Department have not been forthcoming regarding these two houses.

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

1. **How long have these two houses been vacant?**
2. **Why have these two houses vacant?**
3. **What has been the cost in maintaining these houses?**
4. **What has been the cost in security for these houses?**
5. **What is the Municipality's intention regarding these houses?**

The following respective responses were provided:-

1. The two houses have been vacant for 3 years.
2. House 16A is vacant as the tenant is deceased and House 16B is vacant as it was abandoned by the tenants.
3. The cost of maintaining the houses was R 140 000.00 .
4. The cost of security is R 25 000.00 per month.
5. The municipality intends to lease the two houses to new tenants.

8.2

Questions submitted by Councillor Sathasivan (Tony) Govender : The residents in Chatsworth have long awaiting the opening of the newly renovated Bayview Community Hall (17/2/2/6):

The residents in Chatsworth have long awaiting the opening of the newly renovated Bayview Community Hall. But major delays due to poor quality workmanship, has resulted in more delays.

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

1. **When was the contract awarded?**
2. **What is the name of the Contractor?**
3. **Did the Contractor have the correct CIDB grading to complete the renovations?**
4. **What was the total cost of the entire renovation?**
5. **What time frame was given to the Contractor for the completion of these renovations?**
6. **Who was responsible in ensuring that this hall gets completed timeously with the right quantity of material, together with the quality of workmanship?**

Councillor Sokhabase in her capacity as the Chairperson of the Community Services Committee provided the following respective responses:-

There were three (3) scope of works that were undertaken in the Bayview Community Hall,

i) Painting

1. The contract was awarded on 14 March 2016.
2. The contractor was Khukhulela Construction CC.
3. Yes, the contractor had the correct CIDB grading to complete the renovations.
4. The total cost was R165 590.00.
5. The time frame for the completion of the renovations was 4 weeks.
6. Christie Pillay and Mandla Dumiso from Architectural Maintenance.

ii) Plumbing

1. The contract was awarded on 16 May 2016.
2. The contractor was Siyabusela Trading Enterprise 289
3. Yes, the contractor had the correct CIDB grading to complete the renovations.
4. The total cost was R85 000.00
5. The time frame for the completion of the renovations was 2 weeks.
6. Christie Pillay and Mandla Dumiso from Architectural Maintenance.

iii) Installation of aluminium doors and windows.

1. The contract was awarded on 11 May 2016.
2. The contractor was TG Zwane Construction.
3. Yes, the contractor had the correct CIDB grading to complete the renovations.
4. The total cost was R45 000.00.
5. The time frame for the completion of the renovations was 2 weeks.
6. Christie Pillay and Mandla Dumiso from Architectural Maintenance.

8.3 Questions submitted by Councillor TM Mthethwa : Irregular Expenditure and some form of Financial Misconduct (2/10/2/1):

Noting that eThekweni Municipality is still experiencing irregular expenditure and some of financial misconduct, with the findings of Manase report as an example.

In relation to the above, I pose the following questions:

1. **How many cases resultant from Manase report were opened with South African Police Services (SAPS)?**
2. **Of those cases how many have been finalised?**
3. **How many are still outstanding?**
4. **How many of those implicated have been convicted?**
5. **Are there any implicated individuals still employed by the Municipality?**

The Speaker the indicated that the responses to the questions submitted by Councillor Mthethwa would be provided at the next Council meeting.

8.4

Questions submitted by Councillor S Hoosen : 2 Children drowned and 2 Adults were missing when trying to cross a river in the Bottlebrush Informal Settlements (22/6/4/2):

Exactly a year ago, 2 Children drowned and 2 adults were missing when trying to cross a river in the Bottlebrush Informal Settlements. Parts of this settlement, is alleged to be on a floodplain.

1. **What is the policy on relocating residents in the informal settlements, living in the flood plain zones?**
2. **If there is no policy, why not?**
3. **How many people have lost their lives in eThekweni since 2006, due to flooding incidents in the Informal Settlements?**
4. **How many Informal Settlements in flood plain zones, have been relocated?**
5. **When will the Bottlebrush Informal Settlements, living in flood plain areas as identified by the Municipality, be relocated?**
6. **If no relocation plan, why not?**
7. **Is there a future relocation plan for the flood plain areas of Bottlebrush Informal Settlements?**

Councillor Sithole provided the following respective responses:-

1. That Informal Settlements located in dangerous areas (including floodplains, under electricity pylons or on unstable soils) are earmarked for relocation. The more dangerous the situation for residents, the higher the prioritization of the settlement.
2. Councillor then referred to the response above.
3. The Human Settlements Unit does not have these records.
4. Several Informal Settlements in dangerous locations have been relocated. Availability of affordable well located land is a key constraint to Greenfields and Relocation Projects.
5. Less than 2% of the total households in the Bottlebrush informal settlement are located within the 100 year floodplain and the settlement has not been identified by the Coastal Engineering Unit as one of those with a high frequency of flooding.

The relocation of a small percentage of a settlement is unlikely to prevent people from living in the designated area as previous experience shows that where there is a partial relocation, there is often an influx of new residents or the return of relocated residents who want to remain close to the amenities which brought them to that area initially.

A project was designed and packaged for the relocation of Bottlebrush residents. Land was acquired for this purpose in Welbedagt. This land has been invaded and substantial informal structures constructed. This has delayed the relocation of Bottlebrush residents.

6. Refer to 5. above.
7. A solution to the ongoing land invasion in the area must be found before residents can be relocated.

8.5 Questions submitted by Councillor Ganas Govender: Major backlog on delivery of Housing (22/8/4/1):

With housing having a major backlog on delivery. People are fast becoming very desperate and are committing illegal activities. Many of Council's rental stock within eThekweni have been illegally sold or invaded and are owing on municipal service charge.

1. **How many of the Council's rental stock in Bayview, were illegally invaded and sold?**
2. **How many of the illegal tenants in .1 above, have been served with a notice of eviction in Bayview?**
3. **What is the process to regularise illegal tenants?**
4. **When was the last regularization of rental stock, approved by Council?**
5. **When will the next regularization of rental stock be adopted?**
6. **What is the process used by this Municipality to identify such empty flats in terms of the housing asset register?**
7. **What is the process to apply for a Council flat?**
8. **When will the next audit be done on the status of the legal and illegal tenants?**

Councillor Ndlovu provided the following respective responses:-

1. 10 flats were illegally invaded in the Bayview area. There is no information regarding flats that were allegedly sold.
2. None of the residents of the flats mentioned above have been served with eviction notices due to the stipulations of the Prevention of Illegal Evictions Act which requires that if such people are evicted, alternative accommodation be provided.
3. The process of regularisation of illegals is always spelt out in the regularisation of illegals report which gets approved by Council before the implementation. The process normally takes the following into account:-

- a) The illegal tenant should have been in occupation prior to a stipulated date.
 - b) Should not earn more than R3 500.00.
 - c) There should be proof of illegal occupation as per the stipulated date of occupation.
 - d) Written confirmation of illegal occupation from next door neighbours, in the form of affidavits are required.
4. The last regularisation of illegals of the Rental Stock was on 16 July 2007
 5. The report on the regularisation of illegals was presented to Council within the financial year 2016/17 but was not approved, citing it as the promotion of queue jumping. The report will be presented again in the oncoming financial year, where it will be recommended for approval and adoption.
 6. Housing supervisors are the only people on the ground to identify vacant units, which are hardly identified due to illegal invasions or illegal tenant allocations.
 7. Applications for flats have long been scrapped due to the sale of flats to residents through the extended Enhanced Discount Benefit Scheme (EEDBS).
 8. There is a survey that is currently underway to take stock of all people that are in occupation of Council flats. The survey team are currently working in the Westcliff area.

8.6

Questions submitted by Councillor Sathasivan (Tony) Govender: Implementation of Water Restrictors (23/1/4):

Ever since the implementation of water restrictors, the communities are burdened with the repetition of the same pipes continuously being repaired almost every second month.

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

1. **Are all contractors and sub-contractors accredited to do their job?**
2. **Who is responsible to ensure that all contractors and sub-contractors are compliant?**
3. **How many contractors and or sub-contractors responsible for water repairs have been blacklisted for poor workmanship?**
4. **What is the turnaround time for water leaks?**
5. **What is the total spent on contractors installing water restrictors?**
6. **Who is supervising the turnaround time on water repairs?**
7. **When will the change from Asbestos to PV piping be complete?**
8. **Is the imminent 15% increase in water tariff to residential households, and the 17% increase to the business houses are being implemented to recoup the huge loss of water through continuous bursting pipes?**

The following respective responses were provided:-

1. All Contractors and sub-contractors go through an assessment in order for them to be accredited to work for and on behalf of the city.
2. Our operational teams have Supervisors and Technicians who amongst their responsibilities is to ensure that work done by Contractors and sub-contractors complies with the prescribed technical standards.
3. Approximately 200 over a 5 year period for various reasons and including fraud.
4. For the period of 16 to 22 April 2017 63% of leaks were repaired within 24 hours and 89% of leaks were repaired within 48 hours. 86% of bursts were repaired within 24 hours and 96% were repaired within 48 hours.
5. R19.4 million over a 12 month period.
6. Each of our operational teams has superintendents who supervise the turnaround times for their respective teams.
7. Phase 1 is complete, Phase 2 has started this financial year and is currently at the design stage.
8. The requirement of MFMA is for Trading Services to be self-sustained, the increase in tariff to residential households is to ensure that the revenue collected by the Water and Sanitation Department covers departmental costs.

The increase in staff costs due to labour bargaining, the 15% imposed by Umgeni Water as our bulk water supplier, a dire need to repair the ageing infrastructure, the costs of providing Free Basic Services not covered by equitable share from National Government necessitated these increases. However the impact of water loss cannot be ignored as there is a portion of costs of water purchased from Umgeni Water that is lost due to burst pipes, vandalism of infrastructure and illegal connections.

8.7 Questions submitted by Councillor M Nair: Criminal Activity and Illegal Dumping, leading to the Degradation of the City (21/2/2R):

Problem buildings across this City present themselves as hideouts for criminals, Criminal activity and illegal dumping, leading to the degradation of the City.

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

1. **How many buildings have been declared as problem buildings since the commencement of the Problem Buildings By-law?**
2. **How many compliance notices have been served to date?**
3. **How many combined notices in terms of Chapter 5 Section 16 of the Problem Buildings By-law have been served?**

4. **Of the total number of problem buildings identified, how many of these belong to the Municipality?**
5. **To date how many problem buildings have been successfully rehabilitated?**
6. **In terms of Chapter 3 Section 8 of the Problem Buildings By-law; how court interdicts have been applied for in order to ban new occupants from entering buildings profiled as problem buildings?**
7. **How many property applications for evictions have been made, in terms of Chapter 4 Section 11 of the Problem Buildings By-law?**
8. **How many property owners were convicted of offences in relation to the Problem Buildings By-law?**
9. **What are the core challenges faced in effectively enforcing the Problem Buildings By-law?**

The Speaker then indicated that the responses to the questions submitted by Cllr Nair would be provided at the next Council meeting.

8.8

Questions submitted by Councillor S Sewshanker: Ordinary Zoning exists in Clairwood (21/7/R):

Clairwood is zoned residential (SR 400) and some plots have been zoned commercial. This out of the ordinary zoning only exists in Clairwood

It is on this background, I pose the following questions:

1. **What is reason behind the zoning?**
2. **Which official signed off on this zoning?**
3. **Are all the commercial businesses operating within the SR 400 zone legitimate? If yes, how many businesses have been granted operating permits?**
4. **What measures has the Municipality got in place for preservation of the heritage of early settlers in Clairwood and what plans are being taken to protect the diverse religious sites that exist within Clairwood?**
5. **Is it a contravention of the By-law by allowing the container depots and the heavy duty trucks operating next to the residential area? If yes, which By-law?**
6. **Has the City decided on the fate of the lives of people living in the Clairwood are? If not, why not?**
7. **If yes, when would the community be communicated on their future?**

Councillor Shezi provided the following respective responses:-

1. Clairwood is not just zoned Residential, in Clairwood there's Noxious Industry Zone, General Industry Zone Commercial and Shopping Zone and Residential Zone.
2. The Clairwood Structure Plan and associated zoning maps were adopted by Council in March 1991
3. Residential areas in close proximity to the Port of Durban are currently experiencing the impact and loss of amenities due to port related industrial activity. The Back of Port Area Plan adopted by Council in 2015 has revealed that volumes of freight passing through Clairwood and surrounding areas are projected to increase seven-fold in the next 30 years. As a result, the Clairwood residential area is now invaded by a mix of industrial logistics and commercial issues some of which are not authorized. The Development Planning Department has processed ten rezoning applications from Residential to Industrial in the last financial year and this is clear indication that market forces will continue to dictate in this matter.
4. The Back of Port Local Area Plan acknowledges that there is a historical and social connection to the Clairwood area and the remaining small Residential component with the associated set of social facilities. As a result, the study that was done recommended that the existing social facilities including listed buildings be preserved and incorporated into any new layout for the area.
5. Any container depots used that is not in line with the applicable zoning for the property is in contravention of the planning scheme. The department concerned is currently pursuing no less than 6 cases.
6. The Back of Port Local Area Plan which also covers the Clairwood area was adopted by Council in 2015 following rigorous public participation process that lasted more than a year. This plan makes specific recommendations regarding the future of the area which will be taken into implementation over a period of time.
7. All stakeholders in the area were engaged and are aware of the recommendations of the study that was undertaken and adopted.

At this stage of proceedings, the time being 11:25, the Democratic Alliance requested a caucus. This was agreed to and the meeting was accordingly adjourned. When the Council resumed at 12:00 Her Worship the Mayor, Councillor ZRT Gumede presented the First Report of the Executive Committee.

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2017-04-25)

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 HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE : MEETING HELD ON 2017-04-19

(Page R1)

During consideration of the report from the Human Settlements and Infrastructure Committee at the Executive Committee level, the Democratic Alliance recorded its abstention on R6, item 20 and R7, item 24 until the issues are discussed in its caucus.

1.1 Work in Excess of R500 000: Reinforcement of Electricity Supply in Road 749, Chatsworth (Ward 72): Drawing No: 3330560 (27/2/1/3/R):
(Page 14 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R660 100 (Six Hundred and Sixty Thousand One Hundred Rand) through the normal goods and services procurement process to install 750 metres of medium voltage electricity cables and a 500 kVA miniature electricity substation, in order to reinforce the electricity supply in Road 749, in Ward 72, Chatsworth.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL3330560 : R660 100

To be provided in the 2016/2017 Capital Estimates

FC 361/CA0028

ADOPTED.

1.2 Work in Excess of R500 000: Electrical Reinforcement of Etafuleni Area, Inanda, Ward 56 (DL 3304723) (27/2/3/2):
(Page 15 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R1 934 295 (One Million Nine Hundred and Thirty Four Thousand Two Hundred and Ninety Five Rand) through the normal goods and services procurement process in order to reinforce the existing medium voltage network in order to be able to provide electricity an efficient supply of electricity in Ward 56, Amatata/Emaphetheni area, Inanda.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL3304723 : R1 934 295

To be provided in the 2016/2017 Capital Estimates

FC 361/CA0025.

ADOPTED.

1.3

Work in Excess of R500 000: Electrical Reticulation: Dakota Informal Settlement: Ernest Clokie Road: Isipingo: Ward 90: Drawing Number 3173143 (27/2/3/2):
(Page 16 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R1 677 000 (One Million Six Hundred and Seventy Seven Thousand Rand) through the normal goods and services procurement process in order to provide a supply of electricity to the 551 customers at the Dakota Informal Settlement in the Umlazi area, by Commissioning four pole transformers and constructing a new underground and overhead reticulation system in Ward 90, Ernest Clokie Road, Isipingo.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL3173143 : R1 677 000

To be provided in the 2016/2017 Capital Estimates

FC 361/CA0030

ADOPTED.

1.4

Work in Excess of R500 000: Electrical Reticulation: Liberty Road: Illovu: Ward 98: Drawing Number: 2555219 (27/2/R):
(Page 17: Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R1 943 000 (One Million Nine Hundred and Forty Three Thousand Rand) through the normal goods and services procurement process in order to supply electricity to a new customer in Liberty Road, Illovu area, by Commissioning and equipping a distributor substation in Ward 98, Liberty Road, Illovu.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL2555219 : R1 943 000

To be provided in the 2016/2017 Capital Estimates

FC 361/CA0029

ADOPTED.

- 1.5 Work in Excess of R500 000: Electrical Reticulation of Informal Settlement at 83 Umgudulu Informal Settlement, Reservoir Hills, Ward 23, Drawing Number 2691225 (27/2/3/2):
(Page 18: Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R1 642 740 (One Million Six Hundred and Forty Two Thousand Seven Hundred and Forty Rand) through the normal goods and services procurement process to carry out construction of the medium and low voltage reticulation in order to provide a supply of electricity to approximately 150 customers in Ward 23, at 83 Umgudulu Road Informal Settlement, Reservoir Hills.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL2691225 : R1 642 740
To be provided in the 2016/2017 Capital Estimates
FC 361/CA0027

ADOPTED.

- 1.6 Work in Excess of R500 000: Electrical Reinforcement of Etafuleni Area, Inanda, Ward 56 (DL 3138008) (27/2/3/2):
(Page 19 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R11 083 900 (Eleven Million Eighty Three Thousand Nine Hundred Rand) through the normal goods and services procurement process in order to reinforce the existing medium voltage network in order to be able to provide electricity in Ward 56, Etafuleni Housing Project, Inanda.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL3138008 : R11 083 900
To be provided in the 2016/2017 Capital Estimates
FC 361/CA0001

ADOPTED.

- 1.7 Work in Excess of R500 000: Electrical Reinforcement of 5 Premier Place, Phoenix Industrial Park Area, Phoenix, Ward 48 (DL 2750820) (27/2/R):
(Page 20 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R1 954 150 (One Million Nine Hundred and Fifty Four Thousand One Hundred and Fifty Rand) through the normal goods and services procurement process in order to reinforce the existing medium voltage reticulation system in Ward 48, in the Phoenix Industrial Park area, Phoenix

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL2750820 : R1 954 150
To be provided in the 2016/2017 Capital Estimates
FC 361/CA0002

ADOPTED.

- 1.8 Work in Excess of R500 000: Electrical Reinforcement of 154 Aberdare Drive, Phoenix Industrial Park Area, Phoenix, Ward 48 (DL 3215166) (27/2/R):
(Page 21 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R10 606 750 (Ten Million Six Hundred and Six Thousand Seven Hundred and Fifty Rand) through the normal goods and services procurement process in order to reinforce the existing medium voltage reticulation system in Ward 48, Phoenix Industrial Park area, Phoenix.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL3215166 : R10 606 750
To be provided in the 2016/2017 Capital Estimates
FC 361/CA0015

ADOPTED.

- 1.9 Work in Excess of R500 000: New Electricity Supply at 2 Chestnut Crescent, Marianhill (Ward 13): Drawing No. 3346108 (27/2/R):
(Page 22 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R2 618 875 (Two Million Six Hundred and Eighteen Thousand Eight Hundred and Seventy Five Rand) through the normal goods and services procurement process to install medium voltage switchgear in a substation, which is to be provided by the customer, at 2 Chestnut Crescent, Marianhill, in order to provide an 800A 400V electricity supply for a new commercial development at 2 Chestnut Crescent, Marianhill and to reinforce the electricity supply in Ward 13, Chestnut Crescent, Marianhill.

This project will be funded from the 2016/2017 Capital Budget, which has sufficient funds.

DL3346108 : R2 618 875
To be provided in the 2016/2017 Capital Estimates
FC 361/CA0026

ADOPTED.

- 1.10 Work in Excess of R500 000: Medium and Low Voltage Electrical Reticulation: Demat Road Phase 1 Informal Settlement, Dewat (Ward 72) Drawing No. 3125301 (27/2/3/2):
(Page 23 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R642 675 (Six Hundred and Forty Two Thousand Six Hundred and Seventy Five Rand) through the normal goods and services procurement process to install approximately 2 300 metres of low voltage overhead conductors and 1 pole transformer in order to supply electricity to approximately 260 potential customers in Ward 72, Demat Road Phase 1 Informal Settlement, Demat.

DL0039 : R642 675

To be provided in the 2016/2017 Capital Estimates

FC 361/CA0062

ADOPTED.

- 1.11 Work in Excess Of R500 000: New Electricity Supply at 20 Highwood Road, Silverglen (Ward 70): Drawing No.3553921 (27/2/R):
(Page 25 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R604 750 (Six Hundred and Four Thousand Seven Hundred and Seventy Five Rand) through the normal goods and services procurement process to install a miniature substation at 20 Highwood Road, Silverglen, in order to provide a 120A 400V electricity supply for a residential development in Ward 70, 20 Highwood Road, Silverglen.

DL0040 : R604 750

To be provided in the 2016/2017 Capital Estimates

FC 361/CA0063

ADOPTED.

- 1.12 Work in Excess of R500 000: New Electricity Supply at 46 St Ives Road, Bellair (Ward 65): Drawing No. 3335047 (27/2/3/1):
(Page 27 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R10 911 400 (Ten Million Nine Hundred and Eleven Thousand Four Hundred) through the normal goods and services procurement process to install 17 600 meters of medium voltage electricity cables from Hillary to Bellair and medium voltage switchgear in a substation, which is to be provided by the customer, at 46 St. Ives Road, Bellair, in order to provide an 80A 11000V electricity supply for a new social housing development at 46 St. Ives Road, Bellair and reinforce the electricity supply in Ward 65, Bellair and the surrounding areas.

DL0035 : R10 911 400

To be Provided in the 2016/2017 Capital Estimates : R6 568 200

To be Provided in the 2017/2018 Capital Estimates : R4 343 200

F.C 361/CA0058

ADOPTED.

- 1.13 Proposed Novation of Sale Agreement: Portion 141 of Erf 443 Zeekoe Vallei in Favour of Estate Late PJ Gorrie (REF 599/101A/4A/75) (17/2/1/2/3):
(Page 34 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 1.13.1 The Municipality declares in terms of Section 14(2) of the Municipal Finance Management Act No. 56 of 2003 that:
- 1.13.1.1 The Portion described as 141 of Erf 443 Zeekor Vallei is not needed to provide the minimum level of basic Municipal services; and
- 1.13.1.2 That the balance of the purchase price owing, extended with interest is approximately R3 600 as at 28 February 2017, and the economic and community values to be received have been considered.
- 1.13.2 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, Portion 141 of Erf 443 Zeekoe Vallei, Registration Division FU in the Province of KwaZulu-Natal in extent 360 m² be sold in freehold by private treaty to Estate Late Pearl Jean Gorrie at a price to be determined at date of adoption, such purchase price being the balance owing and accrued interest.
- 1.13.3 That in the event of objections being lodged to the proposed disposal of Portion 141 of Erf 443 Zeekoe Vallei, 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."
- 1.13.4 That subject to the adoption of 1 to 3 above, the Head: Real Estate be authorized to sign all documents to give effect to the transaction.

ADOPTED.

- 1.14 Application for Consent to Alienation Erven 3183 and 3186 Durban and to the Removal of Restrictive Conditions in Title Deed T5357/1954 Over Erf 3183 Durban: St Aidan's Hospital (17/2/1/2/3):
(Page 38 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That the Municipality consents to the removal of restrictive conditions of title d (6), d (7) and endorsement of Notarial Deed K596/1979S relating to title deed T5357/1954 over Erf 3183 Durban, to the sale and transfer of Erven 3183 and 3186 Durban from TACSA to the Provincial Government of the Province of KwaZulu-Natal (administered by the Department of Public Works KZN), on condition that TACSA pays the Municipality an amount of R3 037 500.00 (Three Million and Thirty Seven Thousand Five Hundred Rand) excluding VAT being the market value of the land over Erf 3183 Durban and is due to the Municipality upon consent to alienate as

stated in condition (d) 6 in title deed T5357/1954. The restrictive condition of title relating to the use over Erf 3186 Durban will still apply as the land shall continue to be used as a hospital.

ADOPTED.

- 1.15 Grant Funding from International Finance Corporation for eThekweni Water and Sanitation Projects: WS 2017/033 (7/4/1):
(Page 44 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 1.15.1 That the collaboration between eThekweni Municipality and International Finance Corporation (IFC), be approved.
- 1.15.2 That subject to the approval of .1 above, the City Manager be authorized to enter into a Memorandum of Understanding (MOU), on behalf of eThekweni Municipality with the International Finance Corporation (IFC).

ADOPTED.

- 1.16 Request for Authority to Transfer Funds Project Number: Y8639 WS 2017/019: (23/1/11/2/1/2):
(Page 61 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 1.16.1 That authority be granted for the supply, installation, and commissioning of new motor control center at Finnemore Crescent Wastewater Pumpstation.
- 1.16.2 That subject to .1 above, the Deputy City Manager : Treasury be authorised to include in his adjustment budget report, the transfer of R200 000.00 (Two Hundred Thousand Rand) from project Y8138 to project Y8639 in 2016/2017 year.

Project No.: Y8639 R200 000 (To be met by savings via an Adjustment Budget from Y8138, in 2016/2017)

FC No.: 365/C24

ADOPTED.

- 1.17 Request for Transfer of Funds from Sanitation Projects for Vehicle and Plant Purchases for eThekweni Water and Sanitation Unit- WS 2017/011:
(Page 107 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 1.17.1 That for the reasons stated in the report by the Head: Water and Sanitation dated 14 March 2017, authority be granted for the transfer of funds of R75 043 200 (Seventy Five Million Forty Three Thousand Two Hundred Rand) as per Annexure A to action the EWS vehicle purchases of R75 021 000 (Seventy Five Million Twenty One Thousand Rand) as outlined in Annexure B of the report.
- 1.17.2 That subject to .1 above the Deputy City Manager: Treasury be requested to include in his adjustments Budget Report, the additional estimated budget of R75 043 200 (Seventy Five Million Forty Three Thousand Two Hundred Rand) to fund purchases as outlined as per Annexure B from savings identified in Annexure A of the report by the Head: Water and Sanitation dated 2017-03-14.

Vote: 60610.42770 R75 043 200 (To be met via an adjustments budget)
FC : 64/038

ADOPTED.

- 1.18 Approval of Agreements Related to Government Led Human Settlements Catalytic Projects (22/7/1/1/2):
(Page 177 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 1.18.1 That an in principle approval for the eThekweni Municipality to conclude a Cooperation Agreement, relating to the approval of Government led Human Settlement Catalytic Projects, between the National Minister of Human Settlements, the member of the Executive Council for The Provincial Government of KwaZulu-Natal : Human Settlements and the Mayor of eThekweni Municipality, be granted.
- 1.18.2 That the proposed Draft Implementation Protocol, relating to the approval of government led Human Settlement Catalytic Projects, between the National Department of Human Settlements, the Provincial Department of Human Settlements and the eThekweni Municipality, be noted.

ADOPTED.

- 1.19 Review of Tariffs: Human Settlements Administration (7/6/1/2):
(Page 211 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

With the Democratic Alliance not in support of the recommendations,

COMMITTEE RECOMMENDS:

- 1.19.1 That in terms of Section 75 A of Local Government Municipality Systems Act of 2000 (Act 32 of 2000) approve effectively the tariffs relating to administration as set out in the attached Annexure A on the report of the Head : Human Settlements dated 2017-01-24, with effect from 01 July 2017.
- 1.19.2 That the City Manager comply with the requirements of Section 75 A of Government Municipality Systems Act of 2000 (Act 32 of 2000) as follows:-
- 1.19.2.1 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,
- 1.19.2.2 To seek to convey the information referred to in the said notice to the public through the relevant Radio Stations.
- 1.19.2.3 To send a copy of the notice to the KZN Member of the Executive Council (MEC) responsible for Co-operative Government and Traditional Affairs.
- 1.19.2.4 To publish in the Ezasegagasini Metro a notice in the following format:-

- 1.19.2.5 A copy of the said resolution and annexed tariff of charges is available for inspection at City Hall, Pixley kaIsaka Seme (West) Street, Durban.

ADOPTED.

- 1.20 Capital Funding for DSW Vehicle & Plant Replacement SW2017/001 (8/3/P1/3):
(Page 226 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

That additional capital funding in the amount of R138 150 000.00 (One Hundred and Thirty Eight Million One Hundred and Fifty Thousand Rand) be made available to DSW in the 2017/2018 financial year capital allocations to enable the fleet replacement schedule to be brought up to parity subject to funding being identified in the first instance.

The IFP indicated that they were not in support of the above recommendations of the Executive Committee as it was not clear where the savings identified were being sourced from. With 198 Councillors present, 189 Councillors (ANC – 115, DA – 57, EFF – 7, INDEPENDENT – 4, MF – 1, DLC – 1, TA – 1, APC – 1) voted in favour, 9 Councillors (IFP – 9) voted against and 2 Councillors (AIC – 2) abstained.

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

- 1.21 Request for Authority to Write off and Demolish the Mt Edgecombe Transfer Station & Garden Refuse Site: SW2017/015 (24/2/1):
(Page 230 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 1.21.1 That for the reasons stated in the report of the Head: Cleansing and Solid Waste dated 01 March 2017, retrospective authority be granted to the Head: Cleansing and Solid Waste to hand over the Mt. Edgecombe Transfer Station to Tongaat-Hulett Group for demolition.

- 1.21.2 That subject to adoption of 1.above, authority be given to write off the net book value of R2 915 734.86 (Two Million Nine Hundred and Fifteen Thousand Seven Hundred and Thirty Four Rand Eighty Six Cents) and to accept the donation of a new transfer station to the value of approximately R17 500 000 (Seventeen Million Five Hundred Thousand).

ADOPTED.

- 1.22 Authority to Move Capital Funding for the Purchase of Computers: SW 2016/032 (8/1/6/1)
(Page 232 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

With the Democratic Alliance not in support of the recommendations,

COMMITTEE RECOMMENDS:

That for the reasons stated in this report of the Head: Cleansing and Solid Waste dated 2017 02 20 that the Deputy City Manager: Treasury be authorized to include in his adjustment budget report the transfer of R300 000 (Three Hundred Thousand Rand) from concrete litter bin vote number 79252.45325.11300.0000.pc5790.0010 to vote 79100.44115.11300.000.pc530.0010.
79100.44115.11300.000.pc530.0010 R300 000 (To be provided via adjustment budget transfer)
FC No.: 366/C09

As some Councillors were not in support of the above recommendations of the Executive Committee, the matter was put to the vote. With 197 Councillors present, 132 Councillors (ANC – 112, IFP – 9 , INDEPENDENT – 4 , AIC – 2 MF – 1 , DLC – 1 , TA – 1 , MOSA – 1 , APC – 1) voted in favour, 57 Councillors (DA – 57) voted against and 8 Councillors (EFF – 7 , ACDP – 1) abstained.

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

- 1.23 Review of Tariffs: Surveying and Land Information Department: 2017/2018 (File Ref. 7/6/1/2):
(Page 237 : Human Settlements and Infrastructure Committee - Agenda 2017-04-19)

With the Democratic Alliance not in support of the recommendations,

COMMITTEE RECOMMENDS:

- 1.23.1 That the tariffs applicable to the eThekweni Municipality's Copying Fees for Plans and Photographs be amended as reflected in the attached Annexure of the report of the Head: Engineering Unit dated 2017-01-11.
- 1.23.2 That the City Manager be instructed without delay:-
- 1.23.2.1 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,
- 1.23.2.2 To publish in the Ezasegagadini Metro 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, Pixley kaIsaka Seme (West) 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.....

- (iii) To seek to convey the information referred to in the said notice to the public on East Coast Radio and Ukhozi Radio, and
- (iv) To send a copy of the notice to the Provincial Minister of Local Government

ADOPTED.

2. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD ON 2017-04-19

(Page R9)

2.1 Draft Spatial Development Framework (SDF) Review : 2017/2018 (21/5/1):
 (Page 9 : Community Services Committee - Agenda 2017-04-19)

The Committee raised concerns around the revitalisation of township and it was mentioned that more focus should also be given to rural areas. A concern regarding certain areas being referred to as high priority areas and others low level priority nodes was raised coupled with a suggestion that areas should be treated equally. In response, the Committee was advised that the SDF was planned in terms of the high level priority nodes but also look at lower level priority nodes. It was mentioned that information of Smaller nodal areas was not reflected on the SDF. The request was that such information should be attached on the SDF.

It was advised that plans for the entire areas within the Municipality were available for viewing at the Development Planning and Environmental Management Offices and that there was a link on the website.

It was noted though that not all citizens were able to access the internet and therefore a request that Members be provided with a report consolidating the entire Municipality.

COMMITTEE RECOMMENDS:

That the comments submitted by the Community Services Committee on draft Spatial Development Framework Review (SDF) 2017/2018 be noted on the basis that these will be taken into account when input and comments from the public stakeholder consultation are consolidated into a final draft to be tabled for adoption at Council Meeting in May 2017.

ADOPTED.

2.2 Request for Approval of Assistance for the Durban Surf Pro from 21 to 23 April 2017 and the Volkswagen SA Surfing Open Championship from 14 to 18 June 2017 (33/2):

(Page 20 : Community Services Committee - Agenda 2017-04-19)

In presenting the report, the Committee was advised that the above project was aimed at empowering kids to enable them to grow into being respected citizens of eThekweni. It was further advised that the project would be funded by private partners since the Provincial Government was not able to fund the shortfall of R471 000.00 (Four Hundred and Seventy One Thousand Rand) as highlighted in the report. The Municipality was requested to fund the shortfall which included the Mayoral Welcome Cocktail.

It was requested that at the implementation stage of the programmes, Councillors and specifically the Committee members, be invited to attend and participate as recognised and respected leaders.

With Members unanimously supporting the recommendations,

Pillay DLC supports, important to revitalize sport on the beachfront request councillors to participate and support

COMMITTEE RECOMMENDS:

2.2.1 That the report of the Acting City Manager dated 2017-02-10 relative to the Request for Approval of Assistance for the Corona Rides Durban Surf Pro and the Volkswagen SA Surfing Open Championship, be approved.

2.2.2 That the Parks, Recreation and Culture Unit be authorised to assist and support the hosting of the Corona Rides Durban Surf Pro and Volkswagen SA Open Surfing Competitions to be held from 21 to 23 April 2017 (Corona Rides Durban Surf Pro) and from 14 to 18 June 2017.

Year	Proposed Activities	Brief Description	Value in Kind	Actual
2016/2017	PR and Marketing	City cladding and street pole banners, Pier boards, Township tour for VIPs, Electronic media to 500 000 members, Incorporated in marketing for city winter launch. Media Coverage, Press Release, Local Radio Stations, Durban City Website, Twitter handle branding	R100 00	R300 000
2016/2017	VIP and Civic	Mayoral Welcome cocktail Responsibilities	Event for 100 guests x2	R150 000

Year	Proposed Activities	Brief Description	Value in Kind	Actual
2016/2017	Support Service	Use of Pumphouse and beach for 8 days Medical x 7 days Registration VIP Management Insurance Cover	R32 000 R5m per incident	
TOTAL				R471 000

Durban Tourism

(Vote : 26723.16335.12120.0000.85410.0010; Amount: R300 000; F/C No. 31/074)

Parks, Recreation and Culture Unit

(Vote : Venue Hire – 34552.15200.0000.12120.0010.1400-26 Amount: R171 000; FC. No. 31/074)

ADOPTED.

- 2.3 Request for Authority to Compete at the United World Games 2017 in Austria from 20 to 26 June 2017 (33/2):
(Page 38 : Community Services Committee - Agenda 2017-04-19)

The report by the Acting City Manager dated 2017-02-10 relative to the request for authority for a young under 18 female rugby team to compete at the United World Games 2017 in Austria from 20 to 26 June 2017 was discussed.

An amendment to send (3) Councillors as a delegation to attend the games was proposed with a view to replacing original recommendation of (1) Councillor. As the Democratic Alliance was not in support of the amendment, the matter was put to the vote and by majority vote the delegation of (3) Councillors was supported. The DA abstained and one (1) other member voted against the amendment.

At the Executive Committee level the DA felt it was unnecessary for 3 Councillors to form part of the delegation given that the team was small. Therefore, 01 Councillor was again proposed to participate in the games. This proposal was not supported, hence, the DA did not support this item.

COMMITTEE RECOMMENDS:

- 2.3.1 That the report of the Acting City Manager dated 2017-03-23 regarding the Request for Authority to Compete at the United World Games 2017 in Austria from 20 to 26 June 2017, be approved.
- 2.3.2 That authority be granted for Team eThekweni consisting of ten (10) players, one (1) coach plus one (1) team Manager/Head to attend the United World Games Sport and Culture Tournament in Austria from 20 to 26 June 2017.
- 2.3.3 That Mr Xolani Mthembu, staff number 6922503 be authorised to travel as Head of Delegation and Team Manager (as mentioned above in .2).
- 2.3.4 That three (3) Councillors from the Community Services Committee be authorized to accompany the team with costs to be paid by the Speakers Office.

Financial Implications:

It being recorded that accommodation costs for the team are subsidised by the United World Games to the value of approximately €2880 (R40 320) and the KwaZulu-Natal Rugby Union will subsidise the uniform, playing kit and provide the training in preparation of the games at an approximate value of R85 000.

Following is an Approximate Costs to Council, as budgeted for by the Sport Development and Recreation Departments are as follows:

	Item	Amount
1.	Airfares, Visa, Passports and Insurance Durban, Johannesburg, Vienna return x 12 at R17 000 per person	R204 000
2.	Subsistence: Sports and Cultural Package deal of €145 per person x 12 people at R14/€	R24 360
3.	Playing Kit, Uniform and Training: Provided by partner : KwaZulu-Natal Rugby Union	
4.	Contingency: emergency pharmaceutical products, medical services, transport, petty cash, powerade, meals if necessary at €20 pd x R14/€ x 6 days x 12 people.	R30 340
	Total Cost to Council	R258 700

(Vote : 34552. Various. 12120.0000.81400-26.0010; Amount: R 258 700 F/C31/075)

ADOPTED.

- 2.4 Authority to Conclude a Lease Agreement with the Mpumalanga Peace and Development Trust: Mpumalanga Heritage Site: Erf 1937 Mpumalanga C (17/2/1/1/3):
(Page 53 : Community Services Committee - Agenda 2017-04-19)

The Head: Parks, Recreation and Culture presented the report regarding the Authority to conclude a Lease Agreement with the Mpumalanga Peace and Development Trust.

COMMITTEE RECOMMENDS:

- 2.4.1 That authority be granted to conclude a Lease Agreement of the Mpumalanga Heritage Centre Site: Erf 1937 Mpumalanga C, with the Mpumalanga Peace and Development Trust as per the details contained in the report by the Acting City Manager dated 2017-02-03.
- 2.4.2 That the lease shall be for a period of three (3) years commencing on the commencement date at the rental indicated in the schedule reflected in .3 below and escalating at 9% per annum for the ensuing 2 years with rights of renewal.
- 2.4.3 That the Head : Real Estates be authorised to conclude and sign the Lease Agreement with the current less or of the property as per schedule below:

Item	Monthly (R)	Annual (R)	Comments
Lease / Rental	1, 000	12, 000	Trust
Service Levies	0	0	Municipality
Cleaning: 1 general worker	4, 000	48, 000	Trust
Repair & Maintenance	1, 300	15, 600	Trust
Site Guide / Administrator	3, 700	44, 400	Trust
Admin fee	2, 000	24, 000	Trust
Total	R12, 000.00	R144, 000.00	Excl. VAT
Grand Total	R13, 680.00	R164, 160.00	Incl. VAT

1st year: 2016/2017 = R164, 160.00

2nd year: 2017/2018 = R178, 934.40

3rd year: 2018/2019 = R195, 038.49

Grand Total: = R537, 132.89

Vote No. 15604.15200.12120.0000. MRC01.W006

F.C. No. 33/599

ADOPTED.

2.5 Donation of Education Centre Within the Mitchell Park Zoo (31/1/1):
(Page 57 : Community Services Committee - Agenda 2017-04-19)

The Acting Deputy Head: Parks, Leisure and Cemeteries presented a report regarding the Donation of Education Centre within the Mitchell Park Zoo to appraise the Committee about the donation of an Education and Environmental Learning Centre in the form of a pre-fabricated wooden structure.

COMMITTEE RECOMMENDS:

2.5.1 That the eThekweni Municipality accepts the donation by the Mitchell Park Trust of the pre-fabricated wooden structure as an Education and Environmental Learning Centre in Mitchell Park Zoo, as per the details contained in the report by the Acting City Manager dated 2016-11-28.

2.5.2 That the proposed name “The Sivananda King Goodwill Zwelithini Education Centre” for the Education and Environmental Learning Centre to be donated in Mitchell Park Zoo, be approved.

2.5.3 That subject to the approval of .1 and .2 above, the construction of the pre-fabricated structure in the Mitchell Park Zoo commence immediately in the location indicated in the site plan attached to the report by the Acting City Manager dated 2016-11-28.

ADOPTED.

2.6 Ad Hoc Grant-In- Aid Application: Natal Action Netball Association (7/4/1):
(Page 63 : Community Services Committee - Agenda 2017-04-19)

The Committee discussed an adhoc grant in aid application to sponsor the three female employees selected to participate in the KwaZulu-Natal Ladies Action Netball Team in the 2017 Inter-Provincial Action Netball Tournament.

Having advised that all players were supposed to finance their own kit, tournament fees, travelling and accommodation to a total cost of R7 000.00 (Seven Thousand Rand) per player, it was noted that the Metro Police Unit has budget provision for requests of this nature.

COMMITTEE RECOMMENDS:

- 2.6.1 That the ad hoc Grant-in-Aid Application by Natal Action Netball Association for three female employees from the Metro Police Unit, namely, Sanele Shezi, Nelisiwe Biyela and Mbali Nkambule, selected to represent KwaZulu Ladies Action Netball in the 2017 Inter-Provincial Action Netball Tournament from 01 to 06 May 2017 in Meyersdal, be approved.
- 2.6.2 That each player mentioned in .1 above be financed with R7 000.00 (Seven Thousand Rand) for kit, tournament fees, travelling and accommodation costs thus a total of R21 000.00 (Twenty One Thousand Rand).

Vote No. 32301.25040.12120.0000.38870.0010; R21 000.00 F.C. No. 06/43

ADOPTED.

- 2.7 Magabheni and Mpumalanga Thusong Centres – Occupation by Tenants (17/2/2/5/2):
(Page 68 : Community Services Committee - Agenda 2017-04-19)

Following presentation of the above report,

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Real Estate to negotiate and enter into lease agreements with all duly authorized tenants by private treaty for Magabheni and Mpumalanga Thusong Centres.

ADOPTED.

- 2.8 Sector-Based Councillor Induction/Training for Community Services by SALGA on Friday, 2017-04-28:
(Page 70 : Community Services Committee - Agenda 2017-04-19)

The report on the Sector-Based Councillor Induction/Training for Community Services by SALGA scheduled to take place on Friday, 2017-04-28 was presented. It was stated that the induction was focused on the specific roles of Councillors who are responsible for the following programmes: Mainstreaming of transversal issues relating to HIV & AIDS, Gender, Children, Youth, Elderly and Disability, Art, Culture, Disaster Management, Municipal Health Services, Community Safety and Security, and Cemetery Management.

COMMITTEE RECOMMENDS:

That Council notes that SALGA has planned to conduct the Sector-Based Councillor Induction/Training on Friday, 2017-04-28, which training will focus on Mainstreaming of transversal issues relating to HIV & AIDS, Gender, Children, Youth, Elderly and Disability, Art, Culture, Disaster Management, Municipal Health Services, Community Safety and Security, and Cemetery Management.

ADOPTED.

2.9 Progress of Community Based Planning (CBP) Roll Out and Integrated Development Plan (IDP) Linkage (2/1/5/1):
(Page L20 : Community Services Committee - Agenda 2017-04-19)

Progress on the roll out of Community Based Planning Programme and Integrated Development Plan linkage was discussed. Consideration was also given to the recommendation to incorporate CBP Ward Plans into the draft 2017/2018 IDP.

It was advised that in terms of the Finance Municipal Management Act (Act 56 of 2003), the IDP should be influenced by the views of communities, therefore the CBP was an approach to participatory planning designed to promote community action which is linked directly to the Municipality's implementation plan as contained in the Eight Point Plan of the IDP.

It was noted that the Department of Co-operative Governance and Traditional Affairs (COGTA) viewed the CBP process as one of the best techniques to develop a credible IDP which was based on the views of people. The Committee noted the report in terms of the assessed 45 Ward priorities.

Members acknowledged the programme and requested that Councillors be engaged on all community based programmes.

COMMITTEE RECOMMENDS:

- 2.9.1 That progress on the roll out of CBP and IDP linkage be noted as contained in the report by the Acting City Manager dated 2017-03-23.
- 2.9.2 That Council approves the forwarding of the Ward plans to the Department of Co-operative Governance and Traditional Affairs (COGTA) as per the Integrated Development Plan.
- 2.9.3 That the Integrated Development Plan Office incorporate Ward projects into the draft 2017/2018 Integrated Development Plan.
- 2.9.4 That all Units be directed to scrutinise Ward priorities and incorporate them into their Departmental Annual Business Plans over a five (5) year period.
- 2.9.5 That the Inter-Governmental Relations (IGR) Unit to advise and lead on the process of facilitating dialogue with National and Provincial Sector Departments where Ward projects fall outside of the municipal mandate.

ADOPTED.

2.10 South African Local Government Association (SALGA) Games : King Cetshwayo District Municipality From 07th to 11th December 2017 (13/7):
(Page L21 : Community Services Committee - Agenda 2017-04-19)

During consideration of this matter a concern around the issue of Councillors not previously provided with sports gear of SALGA Games was raised. It was emphasised that Councillors should be provided with such gear and treated as respected leaders. The non-attendance of games by Councillors who were previously delegated to attend SALGA Games was raised as a concern and it was requested that sports fanatic Councillors be delegated to attend these games.

COMMITTEE RECOMMENDS:

- 2.10.1 That authority be granted for eThekweni Municipality to participate in 2017 SALGA Games scheduled to take place from 07 to 11 December 2017 at King Cetshwayo District Municipality.
- 2.10.2 That an amount of R5 460 000.00 (Five Million Four Hundred and Sixty Thousand Rand) for logistics plus R930 000 (Nine Hundred and Thirty Rand) for team selection participating at the SALGA Games and provided for on the draft operating budget 2017/2018, be approved.

Category	Estimated Amount
Selection of Players from ward level	930 000
SALGA Accommodation	1 700 000
SALGA Transport	950 000
SALGA Catering	650 000
SALGA Clothing	1,100 000
SALGA Games Preparations	850 000
SALGA Contingences	210 000
Total Amount	6 390 000

Vote No. 34552. Various. 12120.0000.81110.0010.
19010.81400 – 7. Various.12120.0000.R005
F.C. No. 31/077

ADOPTED.

- 2.11 Launch of KwaMuhle Museum as the Provincial Heritage Site, Mpumalanga Heritage Centre and Cato Manor Museum (Phase 1B) (35/2/R):
(Page L22 : Community Services Committee - Agenda 2017-04-19)

The Committee was advised of the proposed launch of KwaMuhle Museum as the Provincial Heritage Site, Mpumalanga Heritage Centre and Cato Manor Museum (Phase 1B). The launch is scheduled to take place on 01, 27 and 28 May 2017. It was submitted that a need exists to rename the Cator Manor Museum.

It was noted that, amongst the guest to attend the launch on 27 and 28 May 2017 is His Majesty, ISilo SabaBandla Goodwill Zwelithini Zulu, KZN Premier, Honourable Willies Mchunu, Umntwana wakaPhindangene, Dr MG Buthelezi, African National Congress, National Freedom Party and other relevant stakeholders.

COMMITTEE RECOMMENDS:

- 2.11.1 That the report by the Acting City Manager dated 2017-04-08, relative to the Launch of KwaMuhle Museum as the Provincial Heritage Site, Mpumalanga Heritage Centre and Cato Manor Museum (Phase 1B), be approved.
- 2.11.2 That subject to .1 above, the key stakeholders be engaged especially the Mayor of eThekweni Municipality and His Majesty, ISilo SabaBandla Goodwill Zwelithini kaBhekuzulu on the new name of the Cato Manor museum.

- 2.11.3 That subject to .1 and .2 above, the renaming of the museum with the name agreed upon by all key and relevant stakeholders, be authorised.

MOTION TO AMEND

In terms of Rule 20(4), Councillor Ashbury, seconded by Councillor EL Singh moved as a procedural motion that the second paragraph to the preamble to the above recommendations of the Executive Committee be amended to read as follows : “ It was noted that, amongst the guest to attend the launch on 27 and 28 May 2017 is His Majesty, ISilo SamaBandla Goodwill Zwelithini Zulu, KZN Premier, Honourable Willies Mchunu, Umntwana wakaPhindangene, Dr MG Buthelezi, political parties and other relevant stakeholders.”

NOT CARRIED

Discussion thereafter reverted to the above-mentioned recommendation of the Executive Committee. As some councillors were not in support thereof, the matter was put to a vote. With 190 Councillors present, 59 Councillors (DA – 57, AIC – 2) voted in favour, 124 Councillors (ANC – 108, IFP – 8 , INDEPENDENT – 3 , MF – 1 , DLC – 1 , TA – 1 , APC – 1, AJA – 1) voted against and 7 Councillors (EFF – 7) abstained.

The above-mentioned motion to amend was, by majority vote, NOT CARRIED.

As some Councillors were not in support of the above-mentioned motion to amend, the matter was put to the vote. With 188 Councillors present, 122 Councillors (ANC – 109, IFP – 7 , INDEPENDENT – 2 , MF – 1, TA – 1 , APC – 1, AJA – 1) voted in favour, 59 Councillors (DA – 57, AIC – 2) voted against and 7 Councillors (EFF – 7) abstained.

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

- 2.12 Social Cohesion Conference 29 -31 May 2017 (13/2/2/1/1):
(Page L23 : Community Services Committee - Agenda 2017-04-19)

The Head : Parks, Recreation and Culture circulated a report, relative to the Social Cohesion Conference 29 – 31 May 2017 as the City Manager Circular, Circular 15/2015.

COMMITTEE RECOMMENDS:

- 2.12.1 That Council approves the hosting of the Social Cohesion Conference scheduled to take place from 29 to 31 May 2017 at Inkosi Albert Luthuli International Convention Centre.
- 2.12.2 That authority be granted for the Head: Parks, Recreation and Culture to coordinate and implement the Social Cohesion Conference referred to above at an estimated costs of R2 120 700.00 (Two Million One Hundred and Twenty Thousand Seven Hundred Rand) as per the breakdown in the table below:

Event Name: 3rd Social Cohesion Conference	Amount
Venue : Durban ICC	R740 700
Speakers and Facilitators	R300 000
Travel and Accommodation	R135 000
Branding and Conference Packages	R180 000
Public Relations and Marketing	R570 000
Photography and Videography	R150 000
Technical Support	R45 000
Total Estimated Budget	R2 120 700

Vote No. 34552. Various.12120.0000.53500 – 30.0010
Amount: R2 120 700 Provided 2016/2017

ADOPTED.

- 2.13 Under-19 International Football Tournament (33/2):
(Page L24 : Community Services Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 2.13.1 That Council approves the hosting of the under 19 International Football Tournament at the Moses Mabhida Stadium as per the details contained in the report by the Acting City Manager dated 2017-04-18.
- 2.13.2 That subject to the approval of .1 above, the Deputy City Manager: Community & Emergency Services be authorized to administer all financial implications to this programme as reflected below and it be noted that the financial support is only provided for the 2017 Tournament.
- 2.13.3 That subject to the approval of .1, the Head : Parks, Recreation and Culture be authorised to provide the relevant support in “services and kind” for this programme.

Items	Vote No	Responsible Unit	Estimated Cost
Venue Hire Costs Including Moses Mabhida Stadium	34552.22710.30.12120. 0000.53500.30.0010.	Community and Emergency Services Cluster	R1, 600 000.00
Venue Preparation Costs	34552.22710.30.12120. 0000.53500.30.0010.	Community and Emergency Services Cluster	R300 000.00
Security for Events	34552.22710.30.12120. 0000.53500.30.0010.	Community and Emergency Services Cluster	R300 000.00
Contribution towards opening ceremony	34552.22710.30.12120. 0000.53500.30.0010.	Community and Emergency Services Cluster	R300 000.00
Total			R2,500 000.00 (VAT included)

F.C. No. 32/102.

ADOPTED.

- 2.14 Exchange Event Partnership with ZAKIFO Musik Festival (13/2/1/2/1):
(Page L25 : Community Services Committee - Agenda 2017-04-19)

COMMITTEE RECOMMENDS:

- 2.14.1 That Council approves the City's partnership with the ZAKIFO Musik Festival to the value of R1m (One Million Rand), be approved.
- 2.14.2 That the partnership through the event PR and Communications and Accommodation 2016/2017 financial year, be approved
- 2.14.3 That subject to the adoption of .2 and 3. Above, the Deputy City Manager : Community and Emergency Services be mandated to engage the ZAKIFO Music Festival in consultation with other relevant Council Departments where necessary in order to develop a Memorandum of Agreement for the financial year 2016/2017.
- 2.14.4 That subject to the approval of .2, .3 and .4 the Deputy City Manager: Community and Emergency Services reports to the City Manager the progress and ultimate outcome.

ADOPTED.

- 2.15 Direction on Statues, Memorials and Monuments (21/8/R):
(Page L26 : Community Services Committee - Agenda 2017-04-19)

Council is requested to rescind the portion of the decision taken on 2016-02-24 to enable the allocation of a new possible site at Umlazi for the Victoria and Griffiths Mxenge statues as well as to deliberate and provide guidance on possible sites for new statues to be erected in the City.

COMMITTEE RECOMMENDS:

- 2.15.1 That the under-mentioned portion of the Council decision taken at its meeting held on 2016-02-24 with regard to the location of the Victoria and Griffiths Mxenge statues, be rescinded:-

“1.1.6 Authority to Provide Possible Sites for New Statues to be Erected within eThekweni Municipality – Request from the KwaZulu-Natal Office of the Premier (21/8/R)

The Community and Emergency Services Committee considered a report by the City Manager dated 2015-10-20, the purpose of which was to seek authority to provide possible locations or sites to erect new statues as per the request from the KwaZulu-Natal Office of the Premier and to be the custodians of such statues, through the Libraries and Heritage Department, in future

COMMITTEE RECOMMENDS

- 1.1.6.1. That approval be granted to the following proposed sites to be used as per request from the KwaZulu-Natal Office of the Premier.*

<i>Name</i>	<i>Motivation</i>	<i>Proposed Site</i>
<i>Dorothy Nyembe</i>	<i>Dorothy Nyembe is originally from uMkhumbane so it would be fitting for her statue to be located there</i>	<i>uMkhumbane in new Cato Maor site in Monuments Garden (corner Mary Thipe and Francois Roads)</i>
<i>Dr Monty Naicker</i>	<i>The family has been engaged on the matter and they have made proposals which we are putting forth. Other relevant stakeholders have also been consulted and all proposed two possible sites subject to Council's approval</i>	<ol style="list-style-type: none"> <i>1. Along Monty Naicker Road, exact location to be determined.</i> <i>2. New Mahatma Gandhi Museum Precinct</i>
<i>Victoria Mxenge</i>	<i>The statue has already been installed or erected in the Mxenge House it needs to be unveiled</i>	<i>Mxenge House (uMlazi)</i>
<i>Griffiths Mxenge</i>	<i>The statue would be ideal if it can be erected in the house together with that of Victoria Mxenge this proposal has the support of the Mxenge family. This would serve as attractions and exhibits for future purposes as this house is currently being converted into a museum by the City</i>	<i>Mxenge House (uMlazi)</i>
<i>Dr Pixley kaIsaka Seme</i>	<i>The statue has been erected at Inanda at Dr Pixley kaIsaka Seme's home it needs to be unveiled</i>	<i>Inanda (Dr Pixley kaIsaka Seme House)</i>
<i>Moses Mabhida</i>	<i>There have been engagement with various stakeholders on this issue, together with the family the proposal was made and Moses Mabhida has been engaged on the matter.</i>	<i>Moses Mabhida Stadium (North Entrance – off Isaiah Ntshangase Road)</i>

1.1.6.2 That, subject to adoption of 1. Above, the City Manager be granted authority to sign a Memorandum of Understanding (MOU) with the KwaZulu-Natal Office of the Premier addressing custodianship of statues”.

2.15.2 That subject to the adoption of .2 above, the new location at Umlazi Township next to Mega City for the Victoria and Griffiths Mxenge statues, be approved.

2.15.3 That subject to the adoption of .1 and .2 above, all proposals stated in the report of the Acting City Manager dated 2017-04-08, be noted.

2.15.4 That subject to the adoption of .1, 2 and .3 above, the Libraries and Heritage Department, through the Head: Parks, Recreation and Culture, be authorised to liaise with all relevant stakeholders as custodians of all statues, sculptures and monuments in the City, be approved.

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor B Ntshangase seconded by Councillor T Zungu moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Community Services Committee to enable further consultation with local and provincial stakeholders.

CARRIED

The above-mentioned Motion to Refer Back was CARRIED.

Thereafter, it was

RESOLVED:

That the recommendations of the Executive Committee relative to the Direction on Statues, Memorials and Monuments, be referred back to the Community Services Committee to enable further consultation with local and provincial stakeholders.

2.16 Mpumalanga Community Learning Precinct (20/1/3/1):
(Page L27 : Community Services Committee - Agenda 2017-04-19)

Authority was requested to proceed with the development of Mpumalanga Community Learning Precinct. Strategic objectives of the project were highlighted which included for the project to form part of the revised Mpumalanga New Town Centre Precinct Plan (Council Resolution, 2014-10-30 and 2016-06-22). This was in line with the strategic objectives contemplated in Plan six (6) of the Integrated Development Plan. The Committee was also informed of the concept co-design community workshop and the master plan.

It was noted that to date a significant amount of funding has been allocated to the project from eThekweni Municipality and the United States Developmental Grant funding.

COMMITTEE RECOMMENDS:

- 2.16.1 That Council grants project authority to proceed with the development of the Mpumalanga Community Learning Precinct for eThekweni Municipality as per the details contained in the report of the Acting City Manager dated 2017-04-07.
- 2.16.2 That subject to the adoption of .1 above, the Deputy Head: Architecture be authorised to proceed with all actions necessary to design, procure and construct the Mpumalanga Community Learning Precinct.
- 2.16.3 That the capital amounts secured on the 2016/2017, 2017/2018, 2018/2019 and 2019/2020 budget cycles, totalling R86.9 million, for Phase 2 of the Precinct, be noted.
- 2.16.4 That additional funding be secured within Capital budget scheduling within the Medium Term Expenditure Framework (MTEF) planning of 2020/2021 and 2021/2022 for the development of Phase 2 of the Precinct.

Building Cost		131, 208, 500.00
Preliminaries	10%	13,120,850.00
Contingencies	10%	14,432,935.00
Pre-Tender Escalation Allowance	6 months x 0.6% / month	5, 715,400.00
Post-Tender Escalation Allowance	55 months x 0.6% / month	32, 566,600.00

Fees & Establishment Costs	15%	29, 556,600.00
Departmental Services Charges		39,000.00
Cost to Council (Excluding VAT)		266,639,885.00
VAT	14%	31, 729, 584.00
Cost to Council (Incl. VAT)		258,369,469.00

2.16.5

That the cash flows received on estimates for Phase 2 of the Precinct (Zones 1, 2 and 4, the development of a Science Centre and Performance Auditorium, and the extensions to and linkage to the existing Mpumalanga Library, be noted as outlined below:-

	Anticipated	Anticipated	Anticipated	Anticipated	Anticipated
Financial Yrs. / Cost Centres	2016/2017	2017/2018	2018/2019	2019/2020	Totals
Free Payments	2.500,00	195,000	8,560,000	4,720,000	15,975,000
Contract Payments	-	1,205,000	44,940,000	24,780,000	70,970,000
Estimated Total	2,500,000	1,400,000	53,500,000	29,500,000	86,945,000

Vote No. N1935A.55100.1010.51080.0000.N1935A.W091.

F.C. No. 34/299

ADOPTED.

3. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE: MEETING HELD ON 2017-04-20
(Page R21)

3.1 Authority to Enter into Partnership Agreement with Private Sector and other Willing Parties for the Implementation of the Artisan Development Programme and Approval for Proposed Stipends for Apprentices (6/1) and (4/3/5/2):
(Page 43 : Governance and Human Resources Committee - Agenda 2017-04-20)

The Head: eThekweni Municipal Academy conducted a brief presentation on this matter and advised the Committee that the report was also considered by the Governance and Human Resources Committee at a previous meeting held on 2017-03-02 and thereafter recommendations were submitted to the Executive Committee and Council meetings which were held in March 2017, respectively. He further advised the Committee that at its Council meeting held on 2017-03-30, the matter was referred back to the Governance and Human Resources Committee on the basis that there were no financial implication provided in terms of proposed payment of stipends to the Artisan Development Learners engaged for a period of three (3) year.

On 2017-04-20, the matter was brought back to the Governance and Human Resources Committee for further consideration with all information required in terms of proposed payment of stipends to learners and vote number to be used for the implementation of programme which were supported by most members of the Committee.

With 37 Councillors present, 27 Councillors (ANC -20, IFP - 01, EFF - 02, Independent - 01, AIC - 02) voted in support of the recommendations and 10 - DA Councillors voted against the recommendations

The recommendations were, by the majority vote, adopted.

COMMITTEE RECOMMENDS:

- 3.1.1 That authority be granted to the Head: eThekweni Municipal Academy to facilitate and enter into partnership through a Memorandum of Agreement/Understanding with individual companies in the private sector and other willing parties for the implementation of the Artisan Development Programme for a period of three (3) years in phases.
- 3.1.2 That authority be granted to the Head: eThekweni Municipal Academy to process the following proposed stipends aligned to trades for ease administration of payment for learners engaged in the programme and that the proposed rate be applicable to only external Artisan Development Learners:

Trades	Proposed Stipend		
	Year 1	Year 2	Year 3
Bricklaying, Carpentry and Plumbing	R2 500.00	R2 670.00	R2 830.00
Electricity, Auto Electrical, Motor Mechanic, Aircon and Refrigeration and Riggings	R3 000.00	R3 204.00	R3 396.00
Boilermaking, Fitting, Turner and Welding	R5 505	R6 076.00	R7 236.00

- 3.1.3 That subject to the adoption of .1 and .2 above, authority be granted to the Head: eThekweni Municipal Academy to monitor the project and provide regular updates to the Committee on the progress made.

Vote Number:

Business	Projects	Items	Costing	Funds	Region
33240	34400-7	16315	0000	12120	0010

ADOPTED.

- 3.2 Naming of Street in Ward 106 Covering Waterloo (25/4/15/1):
(Page 46 : Governance and Human Resources Committee - Agenda 2017-04-20)

COMMITTEE RECOMMENDS:

That the following proposed and reviewed names for the unnamed Streets in Ward 106, covering Waterloo, as contained in the report of the Deputy Head: Corporate Geographic Information Systems dated 2017-02-01 and as indicated on Plan STN 01/02/17 GDC, be approved:-

Street Code	Proposed Name	Reviewed Name	Meaning/Motivation
20261 STR	Bluebell	Bluebell Road	Bluebell is a bulbous spring flowering plant. They are arranged in clusters of 4-16 on flower spikes which have drooping tips.
20263 STR	Buttercup	BUTTERCUP WAY	Buttercup has shiny yellow petals and is poisonous on humans and animals.
20264 STR	Hollyhock	HOLLYHOCK ROAD	Hollyhocks grow with heart-shape leaves. The overlapping petals provide the flower with a funnel-form shape. The flower comes in purple, yellow, copper, pink, red and white.
20265 STR	Erica	ERICA PLACE	Erica is a low growing, semi-sprawling woody shrub. It comes in pink, purple, white, red, orange, yellow and green flowers.
20266 STR	Carnation	CARNATION LANE	Carnations feature several flowers on one stem. Colours include white, yellow, pink, red fuchsia, deep purple, light green, bi-colours and flecked.
20267 STR	Magnolia	MAGNOLIA CLOSE	Magnolia is an evergreen tree with large, lemon citronella-scented flowers and white and shades of pink.
20268 STR	Sunflower	SUNFLOWER CLOSE	Sunflower have a large head, usually black in the centre and the petals are bright yellow, orange or red.
20270 STR	Marigold	MARIGOLD CLOSE	Marigold flowers are made up of multiple layers of overlapping petals with the colours yellow, orange, red and maroon.
20271 STR	Daisy	DAISY CLOSE	A daisy is made up of disk florets and petal-like white ray florets. It is composed of white petals and a yellow, pink or rose colour centre.
20272 STR	Heather	HEATHER CLOSE	Heather is an evergreen shrub. The flower comes in white, through pink, a wide range of purples and red.
20273 STR	Rosewood	ROSEWOOD GROVE	The rose is a type of flowering shrub. It grows in red, yellow, white, pink, purple and peach. Roses also bear thorns.
20274 STR	Wisteria	WISTERIA GROVE	Wisteria is full of purple blossoms ranging from tiny roadside weeds to massive trees. It comes in shades of purple and pink.
20275 STR	Cyclamen	CYCLAMEN LANE	Cyclamen is a plant that has flowers with large white, purple, pink or red petals that hang downwards.

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor B Majola seconded by Councillor WF Mdletshe 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 consultation with the affected community to take place.

CARRIED

As some Councillors were not in support of a reference back, the matter was put to the vote. With 188 Councillors present, 124 Councillors (ANC – 110, EFF – 7, INDEPENDENT – 2, AIC – 2, MF – 1, TA – 1, AJA – 1) voted in favour, 57 Councillors (DA – 57) voted against and 7 Councillors (IFP – 7) abstained.

The above-mentioned Motion to Refer Back was CARRIED.

Thereafter, it was

RESOLVED:

That the recommendations of the Executive Committee relative to the Naming of Street in Ward 106 Covering Waterloo be referred back to the Governance and Human Resources Committee to enable further consultation with the affected community to take place.

3.3 Organisational Development and Human Resources Learning Exchange (2/1/2/2):
(Page L28 : Governance and Human Resources Committee - Agenda 2017-04-20)

The Committee was advised that the purpose of the report was to seek the approval of the Corporate and Human Resources Cluster wide international benchmarks and learning exchange with a view to reposition the cluster as a business partner in the radical economic transformation path of the government and implementation of all mega projects within eThekweni Municipality, in line with the Urban Network Strategy developed by the National Treasury as well as the austerity measures introduced by the government.

The Democratic Alliance recorded its abstention on the basis that the report was laid on table and indicating that the matter should be referred to the Party Caucuses in the first instance.

With the majority supporting the recommendation,

COMMITTEE RECOMMENDS:

3.3.1 That authority be granted to the Head: Human Resources to implement the benchmark project and learning exchange to be undertaken by the Corporate and Human Resources Cluster in the field of Organisational Development and Human Capital Transformation (Towards an Integrated Development Approach for Local Government) as contained in Annexure "A" of the report of the Head : Human Resources dated 2017-04-19.

- 3.3.2 That subject to adoption of .1 above, authority be granted to the Head: Human Resources incur expenditure in the amount of R250 000.00 (Two Hundred and Fifty Thousand Rand Only) for the benchmarking project and learning exchange to be undertaken by the Corporate and Human Resources Cluster.
- 3.3.3 That, it be noted that the following representation is proposed subject to confirmation of names by the Chairperson of the Governance and Human Resources Committee and the Deputy City Manager : Corporate and Human Resources:
- 3.3.3.1 Councillors (including the Chair : Governance and Human Resources Committee);
 - 3.3.3.2 Deputy City Manager : Corporate and Human Resources Cluster;
 - 3.3.3.3 Officials from Organisational Development and Change Management Unit;
 - 3.3.3.4 Officials from Human Resources Unit;
 - 3.3.3.5 Officials from eThekweni Municipal Academy Unit; and
 - 3.3.3.6 Officials from Inter-Governmental Relations Unit.

Funds have been made available in the 2016/2017 financial year Cluster Budget.

ADOPTED.

4. REPORT OF SECURITY AND EMERGENCY SERVICES COMMITTEE:
MEETING HELD 2017-04-20
(Page R25)

- 4.1 Draft Spatial Development Framework Review : 2017/2018 (21/5/1):
(Page 27 : Security and Emergency Services Committee - Agenda 2017-04-20)

The Committee noted that the Draft Spatial Development Framework Review (SDF) 2017/2018 was noted by Council on 2017-02-23 and that be referred to the respective Portfolio Committees for presentation in order for Committee members to understand all implications associated therewith prior to final adoption in May 2017. During consideration the Committee was advised that further details on identified areas and plans were available on the website for Councillors to view.

COMMITTEE RECOMMENDS:

That the comments submitted by the Community Services Committee on draft Spatial Development Framework Review (SDF) 2017/2018 be noted on the basis that these will be taken into account when input and comments from the public stakeholder consultation are consolidated into a final draft to be tabled for adoption at Council Meeting in May 2017.

ADOPTED.

- 4.2 Major Hazard Installation : Unilever South Africa (Pty) Ltd, 166 Hunslett Road,
Phoenix Industrial Complex, Durban, KwaZulu-Natal (29/1/2/5):
(Page 38 : Security and Emergency Services Committee - Agenda 2017-04-20)

The Committee noted that the Major Hazard Installation Risk Assessment, on behalf of Unilever South Africa (Pty) Ltd which was 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 thereafter advised that the report thereon had been subsequently 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 having concurred with the conclusion of the Major Hazard Installation (MHI) Technical Task Team, that there is no valid reason to advise against the continued operation of Unilever South Africa (Pty) Ltd, 166 Hunslett Road, Phoenix Industrial Complex, Durban, Kwazulu-Natal, since the operation of the company will not exceed acceptable levels of risk and the MHI Task Team consequently found no justifiable reason to advise against the continued operation of the company, such operation be approved.

ADOPTED.

- 4.3 Adoption of Social Development Strategy and Implementation of Homeless Study Recommendations (Drop in Centres, Shelters and Policy Development) (28/1/4):
(Page 51 : Security and Emergency Services Committee - Agenda 2017-04-20)

The Committee noted that social development challenges commonly known as social ills have dominated the city's strategic platforms for the past few years without any concrete integrated plan to address the problem. It was advised that ad hoc and piecemeal interventions such as Qalakabusha Social Intervention programme commenced in April 2014 to deal with issues of homelessness and drug abuse within the inner city particularly around the Albert Park area. It was noted that the programme identified a range of plans that required the city's direct intervention on homelessness particularly in the provision of shelters.

Subsequently, it was noted that the Office of the Deputy City Manager : Community and Emergency Services (currently known as Security and Emergency Services) have facilitated the development of the Integrated Social Development Strategy within the City in partnership with different stakeholders such as Safer Cities Unit, Area Based Management, Human Settlements Department, Health Unit, Metro Police, Parks Recreation and Culture, Governance Cluster Units and Organisational Development and Change Management. It was highlighted that the Metro Police Unit had constantly raised concerns regarding the lack of shelter accommodation in order to facilitate effective removal, rehabilitation, reunification and reintegration of those who were willing to deal positively with their drug addiction as well as those who are homeless.

Following discussion, with the Democratic Alliance abstaining,

COMMITTEE RECOMMENDS:

- 4.3.1 That Council approves the Social Development Strategy aimed at consolidating social development interventions throughout the City to deal with issues of homelessness, drug abuse, street begging and crime.
- 4.3.2 That Council approves the implementation of the three recommendations of the Homeless Study, it being Shelters, Drop-In Centres and Policy Development.

- 4.3.3 That the review of the Safer Cities Organisational structure to incorporate the extended functions linked to the provision of oversight responsibilities and in line with the implementation of the Social Development Plan, be approved.
- 4.3.4 That the financial implications associated with the implementation of the Social Development Plan be provided separately for each intervention and submitted to the Community Services Committee once the strategy has been adopted by Council.

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor S Ryley, seconded by Councillor S Hoosen, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Security and Emergency Services Committee to enable the members of the committee to obtain further information thereon.

NOT CARRIED

As some Councillors were not in support of a reference back, the matter was put to the vote. With 186 Councillors present, 55 Councillors (DA – 55) voted in favour, 124 Councillors (ANC – 111, IFP – 7, INDEPENDENT – 2, AIC – 2, TA – 1, AJA – 1) voted against and 7 Councillors (EFF – 7) abstained.

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 187 Councillors present, 125 Councillors Councillors (ANC – 111, IFP – 8, INDEPENDENT – 2, AIC – 2, TA – 1, AJA – 1) voted in favour and 62 Councillors (DA – 55, EFF – 7) abstained from voting.

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

- 4.4 Motivation to Host Disaster Management Workshop to be Facilitated by Director Colin Deiner from Western Cape Provincial Government (29/2/4):
(Page 96 : Security and Emergency Services Committee - Agenda 2017-04-20)

The Committee noted that incidents from natural and technological hazards occur regularly in the City and they are required to be attended by a number of agencies and may present complex solutions. It was therefore highlighted that emergency operations would be most effective when all emergency personnel are trained to be fully competent in the utilisation of the Incident Management System.

For the purpose of training emergency personnel and their knowledge in the above regard, Mr. Colin Deiner (Chief Directorate: Disaster Management and Fire Brigade Services) of the Western Cape Provincial Government was invited to run a one day training workshop for senior staff from Disaster Management, Fire and Emergency Services, Metro Police, South African Police Services and Ambulance and Emergency Services. It was mentioned that the Workshop would be an overview of the Incident Management System as well as looking into aspects dealing with Major incidents and/or catastrophic events.

COMMITTEE RECOMMENDS:

- 4.4.1 That the request to host a Disaster Management Workshop to be facilitated by Mr Colin Deiner (Chief Directorate: Disaster Management and Fire Brigade Services) of the Western Cape Provincial Government be approved to run a one day training workshop for senior staff from Disaster Management, Fire and Emergency Services, Metro Police, South African Police Services and Ambulance and Emergency Services, be approved.
- 4.4.2 That a total amount of R6 200, 00 (Six Thousand and Two Hundred Rand Only) be incurred to cover the costs of the Workshop, it being recorded that the Workshop be an overview of the Incident Management System as well as looking into aspects dealing with major incidents and/or catastrophic events.

Financial Implications:

Details	Account number									
	BU	ITEM	FUND ING	COST ING	PROJE CT	REGI ON	BUDGET FOR THE YEAR	SPENT TO DATE	BALANCE UNSPENT	EXPENDITURE PROPOSED
Accommodation	22020	21920	12120	0000	MRC01	0010	R80 000	R32657.86	R47342.14	R1 500
Car Hire	22020	21965	12120	0000	MRC01	0010	R10 000	R6331.89	R3668.11	R 700
Flights	22020	22005	12120	0000	MRC01	0010	R80 000	R20633.36	R59366.64	R4 000

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor S Moonsamy seconded by Councillor B Thabethe moved as a procedural motion that the above recommendations of the Executive Committee be referred back to the Security and Emergency Services Committee to enable further discussion to take place.

CARRIED

As some Councillors were not in support of a reference back, the matter was put to the vote. With 178 Councillors present, 124 Councillors (ANC – 103, IFP – 8, EFF – 7, INDEPENDENT – 2, AIC – 2, TA – 1, AJA – 1) voted in favour, 54 Councillors (DA – 54) voted against. There were no abstentions recorded

The above-mentioned Motion to Refer Back was CARRIED.

Thereafter, it was

RESOLVED:

That the recommendations of the Executive Committee, relative to the Motivation to Host Disaster Management Workshop to be facilitated by director Colin Deiner from Western Cape Provincial Government, be referred back to the Governance and Human Resources Committee to enable further discussion

5. REPORT OF ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE:
MEETING HELD ON 2017-04-20
(Page R29)

5.1 Request to Retain 2015/2016 Unspent Grant by Durban Marine Theme Park
(31/1/1/1 & 7/4/2):
(Page 4 : Economic Development and Planning Committee – Agenda 2017-04-20)

Committee was advised that the Durban Marine Theme Park (DMTP) wanted to retain and utilise savings identified from the grant allocated to South African Association for Marine and Biological Research (SAAMBR) for the upgrade of the Cargo Hold Restaurant.

Following discussion the DA and ACDP abstained on this matter as they were of the view that a written response to the following concerns, should be provided by the Chief Executive Officer of uShaka Marine Theme Park:-

- (i) That taking into account an amount of R 3 000 000 (Three Million Rand) was being requested for the upgrade of the Cargo Hold Restaurant, whether the balance of R401 557 000 (Four Hundred and One Million Five Hundred and Fifty Seven Thousand Rand), which was not reflected in the breakdown, would be returned to eThekweni Municipality.
- (ii) Whether the total amount of R63 442 840 (Sixty Three Million Four Hundred and Forty Two Thousand Eight Hundred and Forty) (excl. VAT) paid to the service provider, South African Association for Marine and Biological Research (SAAMBR), and the amount of R3 401 557 (Three Million Four Hundred and One Thousand Five Hundred and Fifty Seven Thousand Rand) (excl. VAT) would be the remaining balance/savings.

With the majority views being in support of the recommendation,

COMMITTEE RECOMMENDS:

That Durban Marine Theme Park (DMTP) be granted authority to retain R3 401 557(Three Million Four Hundred and One Thousand Five Hundred and Fifty Seven Thousand Rand) from the 2015/2016 grant to fund the initiatives, indicated below including any unexpected expenditure that may arise. With the DMTP estimating a number of social and economic returns to the city and people of Durban in the form of job creation, tourism and also increase of 10% in estimated revenues resulting from the upgrade.

ARGO HOLD UPGRADE WORK BREAKDOWN STRUCTURE	
ITEM	ITEM
Design and Engineering Fee	Design and Engineering Fee
Construction	Construction
IT Requirements	IT Requirements
Contingencies	Contingencies

**(TOTAL ESTIMATED COST : R3 000 000.00 (Excl. VAT))
ADOPTED.**

- 5.2 Proposed Sale of Portion 1 of Erf 1965 Umlazi D to Ingonyama Trust Board (17/2/1/2/3):
(Page 19 : Economic Development and Planning Committee – Agenda 2017-04-20)

COMMITTEE RECOMMENDS:

- 5.2.1 That Council declares in terms of Section 14 (6) of the Municipal Finance Management Act 56 of 2003, read together with Regulation 20[1] [e] of the Municipal Asset Transfer regulation that Portion 1 of Erf 1965 Umlazi D in extent 2790 square meters be sold to the Ingonyama Trust Board at a current market value to be determined.
- 5.2.2 That the Head: Real Estate be authorised to conclude the requisite agreement and all documents necessary to effect transfer of Portion 1 of Erf 1965 Umlazi D to the Ingonyama Trust Board.
- 5.2.3 That all costs incidental to passing transfer be borne by the Ingonyama Trust Board.
- 5.2.4 That 1, 2 and 3 above be approved, subject to assurance being obtained from the Ingonyama Trust Board that Portion 1 of Erf 1965 Umlazi D in extent 2790 square meters would be sold to Mr. Mdleko, for the reasons stipulated in the report by the Acting City Manager appearing on the agenda of the Economic Development and Planning Committee for the meeting held on 2017-04-20, and not retained by the Ingonyama Trust Board for any other purpose.

ADOPTED.

- 5.3 Lease Agreement of Erf 1965 Umlazi D to KwaMnyandu (Pty) Ltd (17/2/1/2/1):
(Page 30 : Economic Development and Planning Committee – Agenda 2017-04-20)

COMMITTEE RECOMMENDS:

- 5.3.1 That Council enter into a long-term lease agreement with KwaMnyandu (Pty) LTD in respect of Erf 1965 Umlazi D for future development of the land, subject to the requisite terms and conditions for long term lease agreement.
- 5.3.2 That subject to approval of .1 above, that the Head: Real Estate be authorised to conclude the requisite long term lease agreement and all documents necessary to effect the lease agreement of Erf 1965 Umlazi D to the KwaMnyandu (Pty) LTD, it being recorded that the lease agreement will be based on a market value to be determined by a registered valuer at the time of concluding the agreement.
- 5.3.3 That all costs incidental to the long-term lease agreement alluded to in .1 above, be borne by KwaMnyandu (Pty) Ltd.

ADOPTED.

- 5.4 Request to Authorise the City's Partnership with Vero Motor Sport Promotions in the Durban World Challenge Race and Exhibition Event for 2017, 2018 and 2019 (13/2/1/2/1 & 20/1/4/3):
(Page 36 : Economic Development and Planning Committee – Agenda 2017-04-20)

COMMITTEE RECOMMENDS:

- 5.4.1 That authority be granted for the staging of the Durban Challenge Race and Exhibition within Durban for the years 2017, 2018 and 2019, with the 2017 event scheduled for 2017-06-22 to 25, and the proposed dates for the 2018 and 2019 events being in accordance with the International Race Day calendar, mutually agreed upon between the City and Vero Motor Sports Promotions (Pty) Ltd.
- 5.4.2 That the City Manager be authorised to enter into a Memorandum of Agreement with the Vero Motor Sport Promotions (Pty) Ltd in staging the Durban World Challenge Race and Exhibition Event.
- 5.4.3 That subject to the approval of .1 and .2 above, the Acting Head Business Support, Tourism and Markets Unit be authorised to monitor the partnership and provide progress reports to Council thereon.

ADOPTED.

- 5.5 Authority to Acquire Portion 278 (of 275) of the Farm Uitkomst and Doornrug No. 852 (17/2/1/1/2):
(Page 41 : Economic Development and Planning Committee – Agenda 2017-04-20)

The Committee noted that the acquiring of the RCL Foods consumer (Pty) Ltd. would be in line with the indigenous free range chicken value chain project that local communities, including the Rainbow Chicken retrenched workers, who would be encouraged to form economic entities and participate in the project.

With the Democratic Alliance abstaining as they were of the view that the matter should have been discussed in detail at Caucus level in the first instance,

COMMITTEE RECOMMENDS:

- 5.5.1 That the Head; Real Estate be authorised to deviate from the Supply Chain Regulations and negotiate the acquisition of the property described as Portion 278 (of 275) of the Farm Uitkomst and Doornrug No.852 utilizing Section 36 (1) (a) (ii) of the Municipal Supply Chain Management Regulations for an amount not exceeding R15 000 000 (Fifteen Million Rand) in order to implement the Indigenous Free Range chain project;
- 5.5.2 That subject to the adoption of 1 above and approval of the Bid Adjudication Committee pursuant to successful negotiations, the Head: Real Estate be authorized to sign the relevant agreements and all documents necessary to effect transfer/registration of the said property to the eThekweni Municipality;
- 5.5.3 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.

- 5.5.4 That in the event of negotiations being unsuccessful the Head: Real Estate be authorized to expropriate Porto 278 (of 275) of the Farm Uitkomst and Doornrug No.852 and to sign all documents necessary to give effect to the expropriation.

As some Councillors were not in support of the above recommendations of the Executive Committee as the Poultry Industry was seen to be in decline and the eThekweni Municipality would be seen to be overstepping its mandate as Local Government, the matter was put to a vote. With 181 councillors present, 123 Councillors (ANC – 102, IFP – 8, EFF – 7, INDEPENDENT – 2, AIC – 2, TA – 1, AJA – 1) voted in favour and 58 Councillors (DA – 58) voted against. There were no abstentions recorded.

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

6. RELOCATION OF STAFF FROM 75 DR LANGALIBALELE DUBE BUILDING: LEASING OF ALTERNATIVE SPACE AND ASSOCIATED MATTERS (17/2/2/2/1)

(Page 37)

The above matter was dealt with by the Executive Committee at its meeting held on 30 March 2017 noting the intention by the Head: Real Estate to submit a report to the Bid Evaluation Committee to use Section 36 (1)(a)(i) of the Supply Chain Management Regulations to negotiate and procure office space at Embassy Building and Old Mutual Towers. The report included a request for an adjustment budget to cover the costs of lease and therefore this warrants Council approval.

The importance of securing office space was acknowledge, however, the Democratic Alliance alleged that the rates quoted by the Embassy Building for the Municipality were high compared to the going market rates. Meanwhile, Management was requested to submit a report on plans for the building in 75 Dr Langalibalele Dube and explore the possibility of securing a piece of land to accommodate strategic Municipal offices given that most of the Municipal offices are located in dilapidated buildings.

Given that the Democratic Alliance was not satisfied with the rates being charged by the Embassy Building, it voted against the adjustment budget as recommended. With the matter being officially put to the vote, 03 Members of the Democratic Alliance voted against the adjustment budget, 06 Members of the African National Congress and 01 Member of Inkatha Freedom Party voted in support of the adjustment budget given the need to speed up the process of securing office space in close proximity to the City Hall.

Therefore,

COMMITTEE RECOMMENDS:

- 6.1 That Council notes the prohibition order issued by the Department of Labour for an immediate evacuation of 75 Dr Langalibalele Dube Building as it is posing health hazards to the occupants, hence, the urgent need to relocate staff which then necessitated procuring office space at Embassy Building, 199 Anton Lembede Street and Old Mutual Towers, Dorothy Nyembe Street at an approximate rental of

R665 000.00 (Six Hundred and Sixty Five Thousand Rand) per month, plus 100 parking bays at R850.00 (Eight Hundred and Fifty Rand) per month per bay, and at Old Mutual Building at an approximate rental of R410 000.00 (Four Hundred and Ten Thousand Rand) plus 50 (Fifty) parking bays at R850.00 (Eight Hundred and Fifty Rand) per month per bay, excluding VAT, utilities and other charges, for a period of 3 years with effect from 01 April 2017 escalating at 7.5% per annum for the ensuing 2 years, it being recorded that an approximate overall total is R1 202 500.00 (One Million Two Hundred and Two Thousand Five Hundred Rand).

- 6.2 That Council approves an adjustment of R4 112 550.00 (Four Million One Hundred and Twelve Thousand Five Hundred and Fifty Rand) to the 2016/17 financial year, provision of R16 758 641.00 (Sixteen Million Seven Hundred and Fifty Eight Six Hundred and Forty One Rand) for the 2017/18 financial year, R18 015 538.00 (Eighteen Million and Fifteen Thousand Five Hundred and Thirty Eight Rand) for the 2018/19 financial year and R14 257 696.00 (Fourteen Million Two Hundred and Fifty Seven Thousand Six Hundred and Ninety Six Rand) for the 2019/20 financial year, including VAT but excluding operating costs.

At this stage of proceedings, Councillor S Hoosen indicated to the Council that in her opinion the transaction was suspicious and that important information was being deliberately withheld from Council. She alluded to a report by the Engineering Unit that set out the time required for the refurbishments to the 75 Dr Langalibalele Dube Building as 6 months and stated that the prohibition notices that were previously issued had been withdrawn.

MOTION TO AMEND

In terms of Rule of Order 20(4) Her Worship the Mayor Councillor ZRT Gumede, seconded by The Speaker Councillor WL Mapena, moved that the above recommendations of the Executive Committee be amended as follows:

“ 6.3 That the Office of the Speaker be mandated to conduct a full investigation into the reasons why the Dr Langalibalele Dube Building was not properly maintained and the contents of the alleged Engineering Report alluded to by Councillor Hoosen.”

As some Councillors were not in support of the above recommendations of the Executive Committee and the motion to amend presented by Her Worship Councillor ZRT Gumede, the matter was put to the vote. With 173 Councillors present, 109 Councillors (ANC – 99, IFP – 7, INDEPENDENT – 2, TA – 1) voted in favour, 55 Councillors (DA – 55) voted against and 9 Councillors (EFF – 7, AIC – 2) abstained.

The above-mentioned motion to amend was, by majority vote, CARRIED and the recommendations of the Executive Committee were, by majority vote, ADOPTED.

At this point in the proceedings, the Acting City Manager presented the next item but the meeting was not able to proceed due to the interjections made by Councillor Hoosen who was then asked to leave the meeting. The Democratic Alliance Councillors protected Councillor Hoosen to prevent the Security Team from removing her. To manage the situation, Her Worship the Mayor appealed to all Councillors to refrain from disruptive behavior. Councillor Hoosen then ended up not leaving the meeting. The Speaker then indicated that the matter

on the conduct of Councillor Hoosen would be referred to the Ethics Committee.

7. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO EXTEND PROFESSIONAL SERVICES CONTRACTS FOR THE AMENDMENT OF SCOPE WITHIN THE CORNUBIA INTEGRATED HUMAN SETTLEMENT DEVELOPMENT TO COMPLETE PHASE 1B (22/7/1/1/3 & 9/1/3)

(Page 69)

- (a) 1H-5939: PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN AND IMPLEMENTATION OF CIVIL ENGINEERING SERVICES FOR PORTION OF CORNUBIA
- (b) 1H-5940: PROFESSIONAL SERVICES CONTRACT FOR THE TOWN PLANNING AND ARCHITECTURAL SERVICES FOR CORNUBIA
- (c) 1H-7212: CORNUBIA INTEGRATED HOUSING PROJECT: PROVISION OF PROFESSIONAL PROJECT MANAGEMENT SERVICES FOR THE ETHEKWINI MUNICIPALITY

The Democratic Alliance did not support a proposal to amend the contract scope since it viewed this as the opportunity to empower and enrich one and the same companies. Therefore, the view was to open the contract for the public tender process.

The matter was therefore put to the vote and 03 Members of the Democratic Alliance voted against the recommendations with 06 Members of the African National Congress and 01 Member of Inkatha Freedom Party voted in favour of the recommendation to extend the contract.

Therefore,

COMMITTEE RECOMMENDS:

- 7.1 That, in terms of Section 116(3) of the Municipal Finance Management Act, authority be granted for the Head: Human Settlements to amend the scope of the Cornubia Integrated Human Settlement Development to complete Phase 1B and the extension relates to 3 (three) contracts, namely, (a) Contract 1H-5939: Professional Services Contract for the Design and Implementation of Civil Engineering Services for Portion of Cornubia; (b) Contract 1H-5940: Professional Services Contract for the Town Planning and Architectural Services for Cornubia; and (c) Contract 1H-7212: Cornubia Integrated Housing Project: Provision of Professional Project Management Services for the eThekweni Municipality, due to the following reasons:-
 - 7.1.1 The implementation of the project was delayed due to delayed installation of electrical infrastructure thus delaying the completion of the civil infrastructure
 - 7.1.2 The cancellation of top structure contracts due to poor time management, resulting in delayed product delivery.
- 7.2 That subject to the adoption of .1 above, public notices be advertised in the relevant print media requesting comments and/or objections to the proposed amendments of

scope within Cornubia Integrated Human Settlement Development to complete Phase 1B, i.e. Contracts 1H-5939, 1H-5940 and 1H-7212, as per the requirements in terms of Section 116 (3) of the Municipal Finance Management Act.

7.3 That feedback report on whether comments and/or objections have been received be submitted to Council for consideration.

Financial Implications:

On appointment of the new top structure contracts to complete the cancelled contracts scope, the extent of any remedial works will be established together with its cost implication. This cost together with the additional monitoring costs will then be reviewed for recovery from the cancelled contracts guarantees held.

Existing Financial Authority:

Existing Authority	Excluding VAT	VAT	Including VAT
Civil & Structural Engineers	R17 300 033.23	R2 422 004.65	R19 722 037.88
Town Planners and Architects	R9 950 493.76	R1 393 069.13	R11 343 562.89
Project Managers	R9 547 541.38	R1 336 655.79	R10 884 197.18

Requested Extension to Existing Financial Authority and Time Extension:

Additional Authority	Time Extension Cost	VAT	Total Extension Including VAT	Total Value of Appointment Including VAT	% Extensions
Civil & Structural Engineers	R1 641 622.46	R229 827.14	R1 871 449.61	R21 593 487.49	9.49%
Town Planners and Architects	R2 707 500.00	R379 050.00	R3 086 550.00	R14 430 112.89	27.21%
Project Managers	R1 750 000.00	R245 000.00	R1 995 000.00	R12 879 197.18	18.33%

ADOPTED.

8. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO EXTEND THE CONTRACT OF EXISTING CONTRACTORS WITHIN THE CORNUBIA INTEGRATED HUMAN SETTLEMENT DEVELOPMENT TO COMPLETE PHASE 1B (22/7/1/1/3 & 9/1/3)

(Page 75)

The Democratic Alliance raised similar concerns that the contract should be open for a public tender process to benefit different companies. As such, this matter was not supported. With the matter having been put to the vote, 03 Members of the Democratic Alliance voted against the recommendation to extend scope of contract, 06 Members of the African National Congress and 01 Member of Inkatha Freedom Party voted in support of the contract extension.

COMMITTEE RECOMMENDS:

8.1 That, in terms of Section 116(3) of Municipal Financial Management Act, Council approves the extension of contract 1B2A to include the remaining scope of sub-phase

1B-3B at a cost of R21 662 657.23 (Twenty One Million Six Hundred and Sixty Two Thousand Six Hundred and Fifty Seven Rand Twenty Three Cents) excluding VAT, contingency and pre-contract escalation, it being recorded that the contractor has produced acceptable workmanship and has completed their scope timeously.

8.2 That in terms of Section 116(3) of Municipal Financial Management Act, Council approves the extension of contract 1B2B to include the remaining scope of sub-phase 1B-3A at a cost of R23 712 658.29 (Twenty Three Million Seven Hundred and Twelve Thousand Six Hundred and Fifty Eight Rand Twenty Nine Cents), excluding VAT, contingency and pre-contract escalation, it being recorded that the contractor has produced acceptable workmanship and has completed their scope timeously,

8.3 That the contracts in .1 and .2 above are extended due to the following reasons:

8.3.1 Contracts 1B-3A and 1B-3B were cancelled due to delays in delivery of the top structures thus leaving these units incomplete.

8.3.2 Contracts 1B2A and 1B2B have completed their scope thus delivering 470 and 309 units on sub-phase 1B2A and 1B2B respectively and have achieved acceptable quality deliverables within the project budget and time schedule.

8.4 That subject to the adoption of .1 above, public notices be advertised in the relevant print media requesting comments and/or objections to the proposed amendments of scope for the construction of the remaining Portions of the cancelled contracts of Contracts No. 1H-13087 Sub-Phase 1B-3A and 1B-3B, as per the requirements in terms of Section 116 (3) of the Municipal Finance Management Act.

Financial Implications:

A contingency of 15% has been allowed as the quantum of remedial works required per house will be established once new contractors are appointed and the extent of remedial works will only then be agreed upon, between the principal agent and the contractor.

Existing Financial Authority:

Existing Authority	Excluding VAT	VAT	Including VAT
Sub Phase 2A	R73 898 898.08	R10 345 845.73	R84 244 743.81
Sub Phase 2B	R53 717 336.46	R7 520 427.10	R61 237 763.56

Requested Extension to Existing Financial Authority and Time Extension:

Additional Authority	Time Extension Cost	VAT	Total Value of Extension Including VAT, Escalation & Contingency	% Extensions
Sub Phase 2A	R28 519 876.93	R3 992 782.77	R116 757 403.51	38.59%
Sub Phase 2B	R31 218 796.89	R4 370 631.56	R96 827 192.02	58.12%

ADOPTED.

9. BACK TO BASICS REPORT FOR THE MONTH ENDED 28 FEBRUARY 2017
(2/3/2/1/2)

(Page 101)

COMMITTEE RECOMMENDS:

That the Back-to-Basics report outlining progress by the eThekweni Municipality in achieving its performance indicators for the month ended 28 February 2017, compiled as per the requirements of Circular No. 47 of 2014 from the Department of Co-operative Governance and Traditional Affairs, with a view to analysing the state of local governance and making an informed assessment to support and intervene where required, be noted.

NOTED.

10. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE
MANAGEMENT ACT FOR AN EXTENSION OF CONTRACTS WS6438,
WS6197, WS6198, WS6199, WS6335, WS6336, WS6337, WS6338, WS6339,
WS6340, WS6341, WS6200, WS6429, WS6430, WS6431, WS6432, WS6433,
WS6434, WS6435, WS6436, WS6437, WS6476, WS6477, WS6478, WS6479,
WS6480, WS6481 FOR REFUSE COLLECTION AND STREET SWEEPING
WITHIN ETHEKWINI MUNICIPAL AREAS FROM JUNE – DECEMBER 2017
(24/2/1 AND 9/1/3)

(Page 119)

The Democratic Alliance did not support the matter on the basis that the reason for extension is considered not justifiable. The matter was then put to the vote and 03 Members of the Democratic Alliance voted against, 06 Members of the African National Congress and 01 Member of Inkatha Freedom Party voted in favour of contract extension.

COMMITTEE RECOMMENDS:

10.1 That, in line with Section 116(3) of the Municipal Finance Management Regulations, Council approves the extension of Contracts WS6438, WS6197, WS6198, WS6199, WS6335, WS6336, WS6337, WS6338, WS6339, WS6340, WS6341, WS6200, WS6429, WS6430, WS6431, WS6432, WS6433, WS6434, WS6435, WS6436, WS6437, WS6476, WS6477, WS6478, WS6479, WS6480, WS6481 for refuse collection and street cleaning to all Townships within the eThekweni Municipality for a period of 6 (Six) months with effect from 01 June 2017 to 31 December 2017, on a month to month basis until new appointments are finalised, at an amount of R53 927 690.00 (Fifty Three Million Nine Hundred and Twenty Seven Thousand Six Hundred and Ninety Rand) excluding VAT, due to the following reasons:

10.1.1 Major disruptions of refuse collection services in Umlazi, KwaMashu, Ntuzuma and in other township areas by local businesses and other interested parties demanding to be awarded contracts.

10.1.2 A mandate for the Cleansing and Solid Waste Unit to provide uninterrupted refuse removal service to all households within eThekweni Municipal areas in compliance with the Waste Management Act 2008 and the recently gazetted Municipal Waste Bylaws.

- 10.2 That subject to the adoption of .1 above, public notices be advertised in the relevant print media requesting comments and/or objections to the proposed amendments to Contracts WS6438, WS6197, WS6198, WS6199, WS6335, WS6336, WS6337, WS6338, WS6339, WS6340, WS6341, WS6200, WS6429, WS6430, WS6431, WS6432, WS6433, WS6434, WS6435, WS6436, WS6437, WS6476, WS6477, WS6478, WS6479, WS6480, WS6481, in line with the requirements of Section 116 (3) of the Municipal Finance Management Act.

Financial Implications:

Amount: R53 927 690.00 (Excluding VAT) – Funding Available
FC No.: 366/25

As some Councillors were not in favour of the above recommendations of the Executive Committee on the basis that the reasons for the extension were not justifiable, the matter was put to the vote. With 178 Councillors present, 117 Councillors (ANC – 105, IFP – 7, INDEPENDENT – 2, AIC – 2, TA – 1) voted in favour, 54 Councillors (DA – 54) voted against and 7 Councillors (EFF – 7) abstained.

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

11. HOSTING OF TOURISM INDABA FOR THE NEXT 5 YEARS FROM 2018 TO 2022 (13/2/1/1/1 AND 20/1/4/3)

(Page 121)

COMMITTEE RECOMMENDS:

- 11.1 That authority be granted to the Acting Head: Business Support, Tourism and Markets to prepare a bid proposal to host Tourism Indaba from 2018 to 2022 together with the other Bid Parties for submission to the South African Tourism.
- 11.2 That authority be granted to the Acting City Manager to sign the completed bid proposal as the Accounting Officer of the eThekweni Municipality.
- 11.3 That authority be granted for the Acting Deputy City Manager: Economic Development and Planning to prepare a Host City Contract together with the Bid Parties and South African Tourism should we be successful with the Tourism Indaba bid.
- 11.4 That the Acting Head: Business Support, Tourism and Markets be authorized to facilitate and coordinate the implementation of Tourism Indaba should the City is successful with the bid.
- 11.5 That the Acting Head: Business Support, Tourism and Markets keep Council regularly informed on progress on Tourism Indaba.

Financial Implications of Hosting Indaba 2018:

The eThekweni Municipality has budgeted and amount of R15 956 250.00 in the 2017/18 financial year. This amount includes Durban Tourism’s own Indaba stand and marketing costs. The estimated future costs will escalate by 6% annually.

Vote No.: 26724.16315.12120.0000.52500.0010

ADOPTED.

12. WORLD ECONOMIC FORUM PROGRESS REPORT (13/2/1/1/1)

(Page 124)

The Democratic Alliance felt the expenditure involved to participate in this Forum is huge, which costs could be used for other worthy causes. The matter was therefore put to the vote and 03 Members of the Democratic Alliance voted against the recommendation to participate in the Forum, 06 Members of the African National Congress and 01 Member of the Inkatha Freedom Party voted in favour of the recommendation.

COMMITTEE RECOMMENDS:

- 12.1 That Council notes that the World Economic Forum taking place from 03 to 05 May 2017 at Inkosi Albert Luthuli International Convention Centre has restricted access, therefore eThekweni Municipality’s participation will be limited to Her Worship the Mayor and 3 (three) others.
- 12.2 That the Acting City Manager: Economic Development and Planning continues to co-ordinate the work with the Province and National Government to successfully stage the event.
- 12.3 That the City contributes its 50% of the now reduced economic budget calculated at R1,75 Million and a further R350 000.00 (Three Hundred and Fifty Thousand Rand) towards the MADE in Africa initiative.
- 12.4 That authority be granted to the City Manager to enter into a Memorandum of Agreement (MOA) with the organizing parties to implement the additional activities linked to the conference and to disburse funding to the relevant service providers or entities.

Financial Implication:

- 1. It is noted that for the KwaZulu-Natal Provincial Government and eThekweni Municipal elements, an amount of R3.5 Million for local execution is to be provided. EThekweni Municipality is expected to make a 50% contribution towards these costs below, namely R1.75 Million

Activity	Estimated Costs
City and Airport Branding	R500 000.00
Media and Communications Campaign	R700 000.00
Welcome/Hospitality Activation at KSIA	R300 000.00

Activity	Estimated Costs
Cultural and City Tour	R200 000.00
Media Tour	R100 000.00
Youth Breakfast Discussion	R300 000.00
Welcome Reception	R500 000.00
KZN Thought Leadership Breakfast	R300 000.00
Team SA Hub at the ICC	R600 000.00
TOTAL	R3 500 000.00

2. In addition the Municipality will contribute R350 000.00 towards the MADE in Africa initiative, which will cover the costs of the venue and costs associated with the hosting of designers.
3. Funds amounting to R2.1 Million will be made available from the savings within the Cluster.

Various Vote; R3 500 000.00; Provided 2016/17 Financial Year

MOTION TO AMEND

In terms of Rule 20(4), Councillor Graham, seconded by Councillor H Shozi moved as a procedural motion that the above recommendations of the Executive Committee be amended to remove the intangible benefits with no impact on the economy

NOT CARRIED

As some councillors were not in support of the above-mentioned motion to amend, the matter was put to the vote. With 175 Councillors present, 54 Councillors (DA – 54) voted in favour, 114 Councillors (ANC – 102, IFP – 7, INDEPENDENT – 2, AIC – 2, TA – 1) voted against and 7 Councillors (EFF – 7) abstained.

The above-mentioned motion to amend was, by majority vote, NOT CARRIED.

Discussion thereafter reverted to the substantive motion and as some councillors were not in support thereof the matter was put to the vote. With 175 Councillors present, 168 Councillors (ANC – 102, DA – 54, IFP – 7, INDEPENDENT – 2, AIC – 2, TA – 1) voted in favour and 7 Councillors (EFF – 7) abstained.

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

13. AMENDMENT TO THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS (3/5/4)

(Page 131)

COMMITTEE RECOMMENDS:

13.1 That the recommendations adopted by Council on 2017-01-31, relative to the amendment to the determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils, be rescinded:-

“6.1 That Government Notice No. 1600 placed in Government Gazette No. 40519 dated 21 December 2016, citing conditions upon which the new limits for salaries; allowances; and benefits are to be implemented, be and is hereby noted.

6.2 That the Minister of Co-operative Governance and Traditional Affairs' Determination of the upper limits of salaries, allowances and benefits as stipulated in Government Gazette No. 40519 dated 21 December 2016, be approved.

6.3 That the provisions of Government Notice No. 40519, referred to in .2 above, be implemented at the upper limit.

6.4 That the concurrence of the MEC for Co-operative Governance and Traditional Affairs be sought prior to giving effect to item .3 above.”

13.2 That Council approves the amendment to the determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils.

13.3 That the Government Notice No. 313 placed in Government Gazette No. 40763 dated 03 April 2017, be and is hereby noted.

13.4 That the amended Notice published on 03 April 2017 retains most of the provisions of the notice published in December 2016, with few amendments which are summarized as follows:

- (i) A new definition of “Pension Fund” has been included in the notice.
- (ii) There are no increases for Mayors, Deputy Mayors, Speakers, Executive Committee Members and Whips as per previous notice.
- (iii) A 4% increase for Chairpersons of Section 79 Committees as per previous notice.

(iv) Ordinary part-time Councillors' use of Council vehicles.

(v) There is no longer specific provision for Municipal owned vehicles for Mayors, Deputy Mayors and Speakers; such allocation and usage will have to be regulated in terms of a Council Policy on the Use of Municipal Motor Vehicles.

- (vi) The use of Municipal vehicles by Councillors who have structured their packages to provide for a travel allowance will only be allowed in exceptional circumstances; good cause having been shown and subject to the approval of the Mayor or Speaker.
- (vii) Amendment to Cell-phone allowances – the earlier provision for Councillors to be reimbursed for usage has been changed to provide, once again, for it to be an allowance; with the amounts contained in the previous notice being retained (this will reduce the administrative burden):
 - Grade 6 Mayors, Deputy Mayors and the Speakers – up to R3400
 - Grade 4 and 5 Mayors, Deputies Speakers – up to R2400
 - All other Councillors – up to R1900
- (viii) Amendments to Pension Fund Membership – compulsory membership which was contained in the notice of December 2016 has been removed. Revised provisions are applicable from 01 June 2017.
- (ix) Municipalities are obliged to make provision in the budget for capacity building for Councillors.
- (x) The date by which Municipal Managers are required to submit certain information to the MEC for Co-operative Governance and Traditional Affairs has been changed to 01 July 2017.

ADOPTED.

14. REPORT ON AWARDS MADE BY THE CITY FOR THE MONTH OF MARCH 2017 (9/1/3)

(Page 146)

COMMITTEE RECOMMENDS:

- 14.1 That the monthly report of the Acting City Manager dated 2017-04-06, relative to awards made by the City for the month of March 2017, as presented, be noted.
- 14.2 That it be noted that where the information is available for wards and registration numbers, it be included in the report, as information used to compile the report is taken from submissions made by the Units.
- 14.3 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.
- 14.4 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being noted that the City Manager can only respond when the reports are available.

Recommendation 6.1, 6.2 and 6.3 NOTED and Recommendation 6.4 ADOPTED.

15. GENERAL VALUATION ROLL 2017 IN TERMS OF THE MUNICIPAL PROPERTY RATES ACT NO 6 OF 2004: EXTENSION OF THE OBJECTION PERIOD (17/1/4)

(Page 172)

The Property Rates Act No. 6 of 2004 stipulates that Municipalities should revalue properties every four years for rating purpose. This process is advertised and members of the public being given a 30-day period within which to inspect the valuation roll.

The Real Estate Unit has experienced challenges in that the Department of Labour has condemned the 75 Dr Langalibalele Building which it occupies. This has resulted in the members of the public being unable to inspect the valuation roll as per the statutory requirement. The initial closing date for the submission of objections was 31 March 2017 and subsequently extended to 02 May 2017. A further extension is warranted given the relocation of the Real Estate Unit.

COMMITTEE RECOMMENDS:

That in view of the challenges experienced as a result of the relocation of the Real Estate Unit from 75 Dr Langalibalele building which has been condemned by the Department of Labour due to safety hazards, and the resultant interruptions in the process to view the Valuations Roll as per the statutory requirement when properties are being revalued, the closing date for the submission of objections to the General Valuation Roll 2017, be extended from 02 May to 16 May 2017.

ADOPTED.

16. WOODGLAZE INFILL SITES (22/7/1/1/3)

(Page 177)

COMMITTEE RECOMMENDS:

16.1 That a letter attached to the report by the Acting City Manager dated 2017-04-24 allowing Woodglaze Trading (Pty) Ltd (t/a Ladybrick) to undertake the development of infill sites in the City be revoked by Council with immediate effect, for the following reasons:

16.1.1 It transgresses the new Supply Chain Regulations as it binds the Municipality for over three years and this agreement encourages anti-competitiveness. Moreover Council is required to review all contracts after three years and this needs to be regularized.

16.1.2 It transgresses Section 14 of the Municipal Finance Management Act as the correct process in respect of the transfer or disposal of an asset was not followed in terms of obtaining Council authority.

16.2 That authority be granted to the Head: Legal & Compliance to communicate the decision in .1 above to the developer, Woodglaze Trading (Pty) Ltd (t/a Ladybrick).

- 16.3 That an urgent letter be issued by the Head: Legal & Compliance instructing Woodglaze Trading (Pty) Ltd (t/a Ladybrick) to stop any further development on the said properties for the reasons detailed in .1 above.
- 16.4 That authority be granted to the Acting City Manager to regularize all existing occupation of land where all Town Planning and National Housing and Building Regulations Council (NHBRC) compliance requirements and regulations have been met, as well as to recover all monies due at a value confirmed by Treasury as per the Executive Committee resolution.
- 16.5 That, with regard to properties where there are non-compliance issues in respect of Legal, Town Planning or NHBRC regulations, authority be granted to the Acting City Manager to form a Multidisciplinary Task Team to determine how such sites will be regularized, it being noted that further reports in this regard will be submitted to the Executive Committee in due course.
- 16.5.1 Exemption in matters that are not in keeping with SANS Part XA in the following:
- (i) That in terms of Section 18 of the National Building Regulations and Building Standards Act 103 of 1997,
 - (ii) The 120 plans that do not meet the energy efficient requirements of the National Building Regulations be exempt from complying with Regulation XA.

MOTION TO AMEND

In terms of Rule 20(4), Councillor Johnson, seconded by Councillor D Pillay moved as a procedural motion that the above recommendations of the Executive Committee be amended by the addition of the following recommendations 16.5.2; 16.5.3; 16.5.4; 16.5.5 and 16.5.6 to read as follows:-

- 16.5.2 That this Council calls for a full enquiry as to how this Municipality entered into an agreement with Woodglaze that transgresses the Supply Chain Regulations as well as Section 14 of the MFMA.**
- 16.5.3 That this Council calls for a full enquiry as to how the values of the infill sites were determined between officials and Woodglaze.**
- 16.5.4 That appropriate disciplinary action be taken against anyone implicated in the above.**
- 16.5.5 That this investigation also include Madupha Enterprises and Reddy Homes.**
- 16.5.6 That Madupha Enterprises and Reddy Homes contracts also be revoked with immediate effect.**

NOT CARRIED

As some councillors were not in support of the above-mentioned motion to amend, the matter was put to a vote. With 177 Councillors present, 63 Councillors (DA – 56, IFP – 7) voted in favour, 109 Councillors (ANC – 103, INDEPENDENT – 2, AIC – 2, TA – 1, AJA – 1) voted against and 5 Councillors (EFF – 5) abstained.

The above-mentioned motion to amend was, by majority vote, NOT CARRIED.

Discussion thereafter reverted to the substantive motion and as some councillors were not in support thereof the matter was put to the vote. With 176 Councillors present, 171 Councillors (ANC – 103, DA – 55, IFP – 7, INDEPENDENT – 2, AIC – 2, TA – 1, AJA – 1) voted in favour and 5 Councillors (EFF – 5) abstained.

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

17. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT FOR ADDITIONAL CONTRACT AUTHORITY OF CONTRACT 1H-7210 TO NTUZUMA D, PHASE 2 AND 3 HOUSING PROJECT (22/7/1/1/3 & 9/1/3)

(Page 184)

COMMITTEE RECOMMENDS:

- 17.1 That in terms of Section 116(3) of the Municipal Finance Management Act, authority be granted for the Head: Human Settlements to amend contract 1H-7210 with the subsidy approved by the Provincial Department of Human Settlements for material supply and wage disbursements at Ntuzuma D, Phase 2 and 3 Housing Project within the eThekweni Municipality from R 54 751.51 (Fifty Four Thousand Seven Hundred and Fifty One Rand Fifty One Cent) per site R76 191.50 (Seventy Six Thousand One Hundred and Ninety One Rand Fifty Cents) per site due to the following reason.
 - 17.1.1 The Provincial Department of Human Settlements has approved the increase in the subsidy quantum for the construction of top structure and therefore a need to amend the contract authority of material supplier with the increased approved subsidy quantum.
- 17.2 That subject to the adoption of .1 above, public notices in terms of Section 116(3) requesting comments and/or objections to the proposed amendment to the contract be advertised in the relevant print media for the prescribed period of time.

Financial Implications

Description	Amount	No of sites
Balance of Contract Value	R30 929 236.16	465
Re-alignment value	R44 119 391.34	520
Revised Contract amount	R75 048 627.50	985

ADOPTED.

18. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT FOR THE EXTENSION OF THE RENTAL AGREEMENT AT SHELL HOUSE, 221 ANTON LEMBEDE STREET, DURBAN (17/2/2/1/2 & 17/2/2/5/1)

(Page 188)

COMMITTEE RECOMMENDS:

- 18.1 That in terms of Section 116(3) of the Municipal Finance Management Act, authority be granted for the Head: Human Settlements to extend the rental agreement contract at Shell House, 221 Anton Lembede Street, Durban, for a further period of five (5) years at the discretion of Council due to the following reasons:
- 18.1.1 Whilst the Shell House Building is in a state of disrepair and has inherent structural problems as well as occupational health and safety violations, the new owners are more responsive to queries and have always kept to the turnaround times in dealing with queries, hence, the decision to renew the lease
- 18.1.2 Future plans have been presented by the new owners to ensure the building is restored to a "B" grade and that all health and safety issues will be remedied through upgrade and renovations.
- 18.1.3 Previous attempt to procure accommodation via the tender route did not achieve the desired results and it was evident that there is no available office space of the extent required to accommodate Municipal support offices in the extent required within the vicinity of the current building and City Hall.
- 18.2 That subject to the adoption of 1. above, a public notice in terms of Section 116(3) requesting comments in respect of the proposed amendments be advertised in the print media for the prescribed time.
- 18.3 That subject to .1 above, and on consideration of feedback from .2 above, the Head: Real Estates be authorized to negotiate the final terms and conditions of the extended lease agreement, taking into account the market rates, and sign all documents necessary to conclude the matter.

ADOPTED.

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

(Page 199)

COMMITTEE RECOMMENDS:

That the report on withdrawals from the Municipal bank account as at 31 March 2017, submitted in terms of Section 11(4) of the Municipal Finance Management Act, be noted, it being recorded that the withdrawals relate to the following:

- Section 11(f): To refund money incorrectly paid into a bank account.
- Section 11 (g): To refund guarantees, sureties and security deposits

- Section 11(h): Investment of money not immediately required
NOTED.

20. REPORT ON INVESTMENTS FOR THE MONTH OF MARCH 2017 (7/11/4)

(Page 202)

COMMITTEE RECOMMENDS:

That the report on investments of the eThekweni Municipality as at 2017-03-31, submitted by the Acting City Manager as per her report dated 2017-04-24 and as per the requirements of the Municipal Cash Management and Investment Regulations of the Municipal Finance Management Act 2003, be noted.

NOTED.

21. INTEGRATED DEVELOPMENT PLAN (IDP) 2016/2017 MID-TERM AMENDMENTS TO THE ORIGINAL ORGANISATIONAL SCORECARD AND SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) (2/10/1/1/9)

(Page 208)

COMMITTEE RECOMMENDS:

That in terms of Section 5(c) of the Local Government Municipal Finance Management Act, the Mid-Term amendments to the original Organisational Scorecard and Service Delivery and Budget Implementation Plan (SDBIP), together with the public participation process linked to the amendment of the IDP, be adopted.

ADOPTED.

22. SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) QUARTERLY REPORTING: 31 MARCH 2017 (2/10/1/1/9)

(Page 231)

COMMITTEE RECOMMENDS:

That the Quarterly Service Delivery and Budget Implementation Plan and the Organisational Scorecard for the 2016/2017 Financial Year which reflects an overall achievement of 77.72% with the breakdown contained in the table below, be noted, it being recorded that the report would be audited by the Auditor General and that the Municipal Public Accounts Committee would deal with the findings thereof and recommend accordingly to Council.

Plan No	Plan Name	Achievement Rate
1	Develop and sustain our Spatial, Natural and Built Environment	86%
2	Developing a Prosperous, Diverse Economy and Employment Creation	86.25%
3	Creating a Quality Living Environment	63.33%
4	Fostering a Socially Equitable Environment	81.58%

5	Creating a Platform for Growth, Empowerment and Skills Development	86.49%
6	Embracing our Cultural Diversity, Arts and Heritage	95.65%
7A	Good Governance and Responsive Local Government	69.70%
7B	Good Governance and Responsive Local Government	60.56%
8	Financially Accountable and Sustainable City	81.40%
	Overall Achievement	77.72%

NOTED.

23. BUDGET STATEMENT REPORT FOR THE QUARTER ENDING 31 MARCH 2017 (COMPARATIVE STATEMENT REPORT) (7/1/2/1)

(Page 293 and letter dated 2017-04-24, circulated separately, respectively)

COMMITTEE RECOMMENDS:

That the Budget Statement Report for the month ending 2017-03-31, submitted in compliance with Section 52(d) of the Municipal Finance Management Act 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”, as at 31 March 2017, be noted.

NOTED.

24. 2017/2018 BUDGET HEARING AND IDP CONSULTATION ROADSHOWS (2/1/6/1)

(Page L29)

The Democratic Alliance acknowledged the importance of conducting public hearings but that the amount of R7 702 000.00 (Seven Million Seven Hundred and Two Thousand Rand) is huge for this purpose. The matter was thereafter put to the vote and 03 Members of the Democratic Alliance voted against the expenditure to be incurred to conduct budget and IDP roadshows, 06 Members of the African National Congress and 01 Member of the Inkatha Freedom Party voted in favour.

Therefore,

COMMITTEE RECOMMENDS:

24.1 That in line with Section 16 of the Local Government: Municipal Systems Act the public consultation process for budget and Integrated Development Plan for the 2017/18 financial year be conducted to afford the local communities to contribute input and comments into these processes which is categorised as follows:

- (i) Ward based hearings in all 110 Wards from 24 April to 11 May 2017
- (ii) Regional IDP Budget Hearings from 03 May to 18 May 2017
- (iii) Sectors, including Traditional Leadership, Community stakeholders (Religions, NPOs and NGOs) and business community from 28 April to 05 May 2017

- 24.2 That authority be granted for the Acting Head: Mayoral Parlour to incur expenditure in the total estimated cost of R7 702 000.00 (Seven Million Seven Hundred and Two Thousand Rand) to roll out the budget and IDP roadshows and hearings, with the Deputy City Manager: Finance to identify savings for this purpose.
- 24.3 That due to the shortage of human resources in the Youth Office, Council approves the appointment of the Events Organiser to facilitate programme related to the roll out of budget and IDP roadshows and hearings.

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 – 105, IFP – 7 , INDEPENDENT – 2 , AIC – 2, TA – 1 , AJA – 1) voted in favour, 57 Councillors (DA – 57) voted against and 7 Councillors (EFF – 7) abstained.

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

ZRT GUMEDE
CHAIRPERSON

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

11. 30 YEAR BACKLOG ON THE DELIVERY OF HOUSES: PROPOSED BY COUNCILLOR S HOOSEN AND SECONDED BY COUNCILLOR S GOVENDER (4/5/1/8/3):

The council, noting that:

The Housing Department has a 30 year backlog on the delivery of houses, added to that pressure, land grab or land invasion is fast becoming a common norm. The Land Invasion Department, has been unable to successfully resolve this situation. As such every effort should be made to ensure that the enforcement departments are available to stop any illegal activity at any time. Therefore, proper restructuring of the relevant enforcement departments must to be considered.

Hereby resolves that the Executive Committee investigate:-

1. To extend the land invasion department working hours to a 24 hour service.
2. The land invasion contact number, to be a toll free line.

Clarity was sought from the Legal Advisor to Council whether Councillor Hoosen could be allowed to table her motion. It was then indicated that the Speaker had not rescinded his decision for her to leave the meeting but had only allowed her to remain seated so the meeting could proceed. It was the view of the Legal Advisor to Council that Councillor Hoosen did not have a standing in the meeting and therefore she could not move on any motion and could not participate in any voting. It was then highlighted that the fact that she had participated in the votes subsequent to the ruling of the Speaker was of no consequence because her votes did not sway any of the decisions made by the Council.

As Councillor S Hoosen had been requested by the Speaker to leave the meeting earlier in the proceedings, the motion was not moved and the Notice of Motion LAPSED.

At this stage of proceedings, the time being 17:57, the Democratic Alliance boycotted the meeting since they were not satisfied with the ruling that Councillor Hoosen should not present her motion.

12. **REPORT OF THE MAYOR IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT**

Her Worship the Mayor thanked all Councillors for ensuring that the meeting concluded its business. She also expressed a word of gratitude to the Acting City Manager, Ms D Nene for ensuring that the processes around the appointment of the City Manager were completed successfully. The Acting City Manager was then commended for successfully holding the fort in the Office of the City Manager. That she had exercised responsible leadership and assisted the municipality to achieve set goals during this interim arrangement.

Her Worship the Mayor then announced that Mr Sipho Nzuza had been appointed as the City Manager from 1 May 2017.

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 : 2017-03-15

2. **EXECUTIVE COMMITTEE**

Meeting held on : 2017-03-30

3. **LOCAL LABOUR FORUM: COMMUNITY AND EMERGENCY CLUSTER**

Meetings held on : 2017-03-16
: 2017-03-31

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

Meeting held on : 2017-03-22

5. **UNIT LOCAL LABOUR FORUM: FIRE AND EMERGENCY SERVICES AND DISASTER MANAGEMENT AND EMERGENCY CONTROL**

Meeting held on : 2017-03-28

NOTED.

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 15 to 18 of the Agenda were NOTED.

The meeting terminated at 17:59.

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2017-05-25.

SPEAKER