

No. 15

MINUTES

OF

eThekwini Council

Minutes of proceedings of the Meeting of the eThekwini Council held
at the Durban Exhibition Centre, Hall 2 West & Central area, Durban
on Thursday, 2017-05-25T10:00

PRESENT : Councillors WL Mapena (Speaker), F Peer (Deputy Mayor), MA Ally, J Annipen, S Aslam, A Beetge, MPN Bhengu, MC Bhengu, NC Biyela, T Biyela, M Brauteseth, WJD Burne, SS Butelezi, H Cele, J Chetty, BA Chili, TP Collins, RJ Crouch, M David, HU De Boer, SV 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, PJC Graham, BR Gumede, NP 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, ES Khanyile, KNN Khubone, JS Khuboni, PZ Khumalo, HL Khubisa, NL Khuzwayo, S Khuzwayo, ZW Khuzwayo, SNC Khwela, CJ Laing, CB Langa, P Luthuli, TJ Luthuli, TN Mabanga, MT Mabaso, NI Madlala, A Maharajh, B Majola, TG Makhanya, ZP Makhanya, MW Manqele, SD Maphumulo, PM Mbambo, V Mbanjwa, AM Mbele, RD Macpherson, FW Mdletshe, LM MeyerK Mhlaba, GN Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, HGB Mkhize, KV Mkhize, MP Mkhize, S Mkhize, SM Mkhize, SM Mkhwanazi, PS Mncube, SV Mngadi, NE Mnguni, BV Mngwengwe, LN Mngwengwe, SR Moodley, S Moonsamy, B Mpanza, SB Mpanza, SNL Mshengu, LG Mthembu, M Mthembu, MGF Mthembu, MM Mthembu, ON Mthembu, TM Mthethwa, N Munien, AB Mvubu, RM Mzobe, BD Naidoo, J Naidoo, M Nair, X Nala, PL Ncayiyana, BP Ndlela, AB Ndlovu, MK Ndzimbomvu, ZS Ndzoyiya, AS Ngcobo, MM Ngiba, TT Ngubane, SJM Nhlapho, MS Nkosi, M Nojiyeza, DR Nowbuth, GM Noyce, B Ntshangase, PC Ntshangase, PH Nxumalo, NP Nxumalo, W Nyaba, NN Nyanisa, MS Nyawose, TT Nzuzza, CJ Pappas, BW Phewa, JP Phewa, TK Phohlo, D Pillay, DR Pillay, P Pillay, JP Prinsloo, GDA Pullan, BR Qhantsi, MD Qwabe, A Ramkissoo, A Rampersad, S Ryley, S Sewshankar, B Shabane, MG Shange, SG Shange-Dlamini, ES Shezi, MC Shezi, VH Shezi, DM Shozi, M Sibisi, N Sibiya, PN Sikhosana, B Singh, EL Singh, Sagar Singh, Samier Singh, PS Sishange, NI Sithole, AD Snyman, ZR Sokhabase, M Tembe, JB Thabethe, S Thango, WM Thring, JC Van den Berg, SM Windvogel, C Xesibe, MC Xulu, TV Xulu, BM Zulu, GB Zulu, MBR Zuma, TM Zuma, TG Zungu and MH Zwane.

ABSENT : Councillors ZRT Gumede (Mayor) (on leave – Municipal Business), S Bhanprakash (on leave – Personal Commitments), S Brijmohan, VP Caluza (on leave - Personal Commitments), NT Cele (on leave – Municipal business), TJT Cibane (on leave - Personal Commitments), R Cloete, NL Graham (on leave - Personal Commitments), NC Gumede (on leave - Personal Commitments), TR Gumede, DM Khanyile (on leave - Personal Commitments), NZ Maluleka (on leave - Personal Commitments), SM Mdlalose (on leave - Personal

Commitments), P Mfeka (on leave - Indisposed), TP Mfusi (on leave - Personal Commitments), BA Mkhize, (on leave - Indisposed) MM Mkhize (on leave - Personal Commitments), ZM Mncwango (on leave - Personal Commitments), E Mngadi (on leave - Personal Commitments), SB Mngadi (on leave - Indisposed), LC Mnguni (on leave - Indisposed), B Msomi, NE Mthembu (on leave - Indisposed), TT Mthiyane (on leave - Indisposed), PB Ndlovu (on leave – Municipal Business), S Ngema (on leave – Municipal Business), BS Ngiba (on leave - Personal Commitments), SC Ntshangase (on leave - Personal Commitments), BT Ntuli (on leave - Personal Commitments), PB Ntuli (on leave - Personal Commitments), B Phungula, KR Pillay (on leave - Indisposed), AN Shabalala (on leave - Indisposed), MT Shelembe, BP Shozi (on leave - Personal Commitments), HP Shozi and NY Young.

AMAKHOSI

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

AMAKHOSI

ABSENT : Inkosi KS Makhanya, Inkosi DZ Mkhize, Inkosi LD Mkhize, Inkosi TBE Mkhize, Inkosi S Mlaba, Inkosi MB Ngcobo and Inkosi JP Shangase.

OFFICIALS

PRESENT : Messrs/Mesdames SC Nzuzza (City Manager), M Mthiyane (Deputy Head Legal Support, Legal Services and Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), KR Ramsunder (Chief Committee Officer) and P De Bruin-Shange (Principal Committee Officer).

(At the commencement of the meeting 164 Councillors were present, comprising ANC – 97, DA - 50, IFP - 5, EFF - 0, INDEPENDENT - 2, AIC - 3, ACDP – 1, MF - 1, DLC - 1, TA- 1, MOSA – 1, APC - 1 and AL JAMA-AH - 1).

1. NOTICE CONVENING THE MEETING

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

2. OPENING

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

3. AFRICAN UNION AND NATIONAL ANTHEM

At the request of the Speaker the meeting stood to sing the African Union and the South Africa 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 he extended a warm welcome to the newly appointed City Manager, Mr Sipho Nzuzo, to his first meeting of the Council. He thereafter paid tribute and expressed sincerest condolences to the families of Karabo Mokoena and Courtney Pieters, who were the victims of gender based violence. In that regard he expressed sadness in respect of the on-going violence against women and urged the Public to be observant of suspicious individuals. He also paid tribute and expressed condolences to the families of the following persons who had passed on:-

- Actor and Radio Personality Mandla Hlatshwayo and his colleague Oupa Duma who were killed whilst assisting women who were being robbed at gunpoint in Soweto.
- An unnamed 21 year old male who had been killed in Durban by six men as he attempted to protect his partner from being attacked.
- ANC Stalwart Russel Mapanga who had passed on recently.

The Speaker advised that the Municipality had successfully held inaugural meetings of the Ward Committees where Ward Committee Secretaries and nine Portfolio Committee Chairpersons had been elected. Thanks and appreciation were conveyed to officials who had dedicated their time and effort to ensure that the Ward Committee meetings had been successfully convened. Few outstanding Wards would be finalised over the weekend of 27th and 28th May. He further expressed his gratitude to Ward Councillors for their professionalism and effectiveness in assisting the officials in co-ordinating such meetings.

The Speaker appreciated the participation of Councillors and Officials in the Public Regional Hearings on the Budget. He also thanked the Public for their participation in the "Peoples Budget" and assured them that their views would be consolidated and taken into account.

Congratulations was extended to the eThekweni Municipality on the successful hosting of the Tourism Indaba and also winning the bid to host the Indaba for the next five years.

The Speaker requested Councillors to switch their microphones off after speaking to avoid interference with the sound system and to talk slowly and clearly in an endeavour to enable the Interpreters to be accurate in their interpretation of the proceedings.

Birthday wishes were extended to all Councillors who were celebrating their birthdays this month.

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 his report the Speaker advised of the functions of the Ward Committee Secretaries who had already been elected, viz, to finalise the Committee agenda in consultation with the Ward Councillor; take minutes of the committee meetings; keep records of the minutes and attendance registers for the meetings. Almost 105 wards have had inaugural meetings.

The Speaker advised that his Office had received the Democratic Alliance's Notice of Motion to the High Court applying for the eThekweni Municipal Ward Committee elections held on 20 and 27 November 2017 to be set aside.

He indicated that all 110 Ward Councillors, in their capacity as Chairpersons of the Ward Committees, have been sighted as respondents to the said Motion. Copies of the Motion have been available for the said Ward Councillors and they would be notified when to collect same from the Office of the Speaker.

The Speaker expressed concern in that it had been brought to his attention that Proportional Representative (PR) Councillors were indicating a number of Wards in their Proof of Residence letters. In that regard he reminded PR Councillors that that practise was illegal and that they were only formally deployed in 1 ward, especially for the purposes of Office space and proof of address letters.

With regard to the terms of delegations Councillors were reminded that they did not have authority to grant permission for the use of any land within the Wards, nor to authorise any allocations as this was the responsibility of the Council.

The Council noted that as the City Hall Auditorium was not in use due to part of the ceiling having fell, upcoming Council meetings would not be held in such Auditorium and would be held at venues externally.

In terms of his Back-to-Basics report and requirements, the Speaker expressed concern at the huge decline in the number of monthly reports received from Councillors, detailing how they made themselves available to their constituencies. He indicated that for the month of May 2017, only 22 reports had been received.

In concluding his report the Speaker reminded Councillors that the Back to Basics report, which also included Councillor Community meetings, Ward Committee meetings, etc, was reported to COGTA, and eventually discussed at MEC: COGTA's MUNIMEC meetings. As such Her Worship the Mayor, who attend such meetings, felt embarrassed when reports with bad connotations were considered. The Speaker therefore reminded Councillors of the adverse implications of not complying with the said submissions and urged Councillors to comply.

6. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

Councillor S Bhanprakash	: 2017-05-18 to 31 (Personal Commitments)
Councillor M Brauteseth	: 2017-06-17 to 07-10 (Overseas Trip)
Councillor VP Caluza	: 2017-05-25 (Personal Commitments)
Councillor NT Cele	: 2017-05-25 to 28 (Municipal business)
Councillor TJT Cibane	: 2017-05-25 (Personal Commitments)
Councillor AN Dlamini	: 2017-05-29 to 06-02 (Municipal business)
Councillor SB Dlamini	: Request to leave at 12:00 (Personal Commitments)
Councillor SR Dlamini	: 2017-05-25 (Indisposed)
Councillor MP Dlomo	: Request to leave at 14:00 (Personal Commitments)
Councillor G Govender	: 2017-05-25 (Indisposed)
Councillor NL Graham	: 2017-05-23 to 26 (Personal Commitments)
Councillor NC Gumede	: 2017-05-25 (Personal Commitments)
Councillor CR Hlophe	: 2017-05-24 to 26 (Personal Commitments)
Councillor S Hoosen	: 2017-05-25 (Indisposed)
Councillor NB Iyir	: Request to leave at 11:00 (Personal Commitments)
Councillor SA Kaunda	: 2017-05-29 to 30 (Municipal business)
Councillor DM Khanyile	: 2017-05-19 to 26 (Personal Commitments)
Councillor JS Khuboni	: Request to leave at 12:00 (Personal Commitments)
Councillor TN Mabanga	: Request to leave at 14:00 (Indisposed)
Councillor NZ Maluleka	: 2017-05-25 (Personal Commitments)
Councillor WL Mapena	: 2017-06-01 to 09 (Study leave)
Councillor SM Mdlalose	: 2017-05-25 to 26 (Personal Commitments)
Councillor P Mfeka	: 2017-05-22 to 26 (Indisposed)
Councillor TP Mfusi	: 2017-05-25 to 26 (Personal Commitments)
Councillor K Mhlaba	: Request to leave at 14:00 (Personal Commitments)
Councillor BA Mkhize	: 2017-05-25 (Indisposed)
Councillor MM Mkhize	: 2017-05-24 to 29 (Personal Commitments)
Councillor ZM Mncwango	: 2017-05-25 (Personal Commitments)
Councillor LC Mnguni	: 2017-05-19 to 26 (Indisposed)
Councillor E Mngadi	: 2017-05-25 (Personal Commitments)
Councillor SB Mngadi	: 2017-05-25 (Indisposed)
Councillor LN Mngwengwe	: Request to leave at 12:00 (Indisposed)
Councillor EN Mthembu	: 2017-05-25 (Indisposed)
Councillor TT Mthiyane	: 2017-05-19 to 26 (Indisposed)
Councillor BD Naidoo	: Request to leave at 13:00 (Personal Commitments)
Councillor M Nair	: 2017-05-29 to 06-02 (Personal Commitments)
Councillor B Ndlovu	: 2017-05-23 to 26 (Municipal business)
Councillor MK Ndzimbomvu	: Request to leave at 13:00 (Indisposed)
Councillor S Ngema	: 2017-05-23 to 26 (Municipal business)
Councillor BS Ngiba	: 2017-05-23 to 26 (Personal Commitments)
Councillor GM Noyce	: 2017-05-30 to 06-06 (Personal Commitments)
Councillor B Ntshangase	: 2017-05-23 to 26 (Personal Commitments)
Councillor SC Ntshangase	: 2017-05-25 (Personal Commitments)
Councillor BT Ntuli	: 2017-05-18 to 06-06 (Personal Commitments)
Councillor PB Ntuli	: 2017-05-24 to 29 (Personal Commitments)
Councillor DR Pillay	: 2017-05-25 (Indisposed)
Councillor KR Pillay	: 2017-05-25 (Indisposed)

Councillor AN Shabalala	:	2017-05-25 (Indisposed)
Councillor NV Shezi	:	Request to leave at 14:00 (Personal Commitments)
Councillor JB Thabethe	:	2017-05-25 (Personal Commitments)
Councillor BP Shozi	:	2017-05-23 to 26 (Personal Commitments)
Councillor S Windvogel	:	2017-05-25 (Indisposed)
Councillor C Xesibe	:	Request to leave at 14:00 (Personal Commitments)

7. CONFIRMATION OF MINUTES : MEETING HELD ON 2017-04-26

RESOLVED:

That the minutes of the meeting of the eThekweni Council held on 2017-04-26, as circulated and taken as read, be and they are hereby confirmed, subject to the amendment to the voting details in item 6 of the First Report of the Executive Committee, relative to Relocation of Staff From 75 Dr Langalibalele Dube Building : Leasing of Alternative Space and Associated Matters, to indicate that the Democratic Alliance had not voted thereon.

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 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, I therefore ask the following questions.

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?**

In order to enable the newly appointed City Manager to acquaint himself with the issues of the Municipality, the Speaker advised that answers to the above-mentioned questions would not be provided until the City Manager was au-fait with matters. He also indicated that he had communicated same to the author of the questions.

8.2

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 above-mentioned, 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 many Court interdicts have been applied for in order to ban new occupants from entering buildings profiled as problem buildings?**
7. **How many 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 following respective responses were provided:-

1. The new problem Building Bylaws have not been implemented and therefore the number will be 0. However we have 95 buildings on our schedule of Problem Buildings that we are working with.
2. As from 1 July 2016 to 31 March 2017, 71 notices have been served in total.
3. As eluded to in question 1, problem building Bylaws not being used and normal Bylaws are being used.
4. Currently 5 are Council in the Inner City we also have buildings that are out of the inner city in the North South and Inner West. There are also Government owned buildings that are problem buildings.
5. For this financial year 3 Buildings have been rehabilitated however over the years we have had 30 Buildings either closed down or rehabilitated.

6. None.
7. None in terms the problem building bylaws, however we had one in a joint application for Umgeni Road which we had been successful. Matter went to High Court and occupants were evicted.
8. None in terms of problem Building Bylaws.
9. The core challenges in effecting the problem Building Bylaws are as follows:-
 - 9.1 iTRUMP does not have human resources to deal with problem buildings effectively. Currently iTRUMP plays a co coordinating role with line departments. In the past iTRUMP had 2 metro Police Officers and 4 Environmental Health Practitioners seconded to ITRUMP which ran a very successful program with Problem Buildings. Subsequently all the members have been recalled. This needs to be addressed urgently.
 - 9.2 The institutional location of Problem Buildings need to be looked into since iTRUMP is an ABM and not an Entity from a legal point of view.
 - 9.3 iTRUMP is an inner city ABM and problem buildings are eThekweni wide therefore the location for this is also important.
 - 9.4 Tracing owners is a huge challenge and so is the legal process and therefore there cannot be overnight solutions. Considering the fact that there is one person in the Department dealing with this issue every endeavour is made in addressing problem buildings in the City, working with Various line Departments, SAPS and the Department of Home Affairs.

8.3 Questions submitted by Councillor M Nair : Mariannahill Mission Institute (7/2/R & 17/2/1/2/1):

The Atlantis project has yet to be finalised. The Mariannahill Mission Institute is still being billed for rates on land that the Institute has donated to the City, approximately 18 years ago.

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

1. **Who is tasked with the responsibility of dealing with the Atlantis project?**
2. **What are the reasons for the delay in transfer of the land donated?**
3. **Has the City initiated any steps to fast-track the finalisation of this project?**
4. **If yes to the above, then what steps were initiated?**
5. **Upon transfer of the land donated, who will be liable for the outstanding rates amount that has accumulated over the years?**

The following respective responses were provided:-

1. This was a Provincial Housing Department's Project and there is no record of anyone from the Municipality having been tasked with dealing with it.
2. The process of the transfer of the property to the Municipality has not started. According to the relevant minutes, the Marianhill Institute was tasked with initiating the process but it never did.
3. The Project has not been handed over to the City so there are no steps to finalise the project required from the City.
4. The Mission had to offer the land to the City in order to resolve the issue of rates which was preventing the finalisation of the project on the affected land.
5. The Municipality has a discretion to either claim the outstanding rates from the township dwellers who are benefitting from the Municipal services or it could waive the rates claim. The Rates Department can confirm this point.

Her Worship the Mayor, Councillor ZRT presented the First Report of the Executive Committee which is recorded in the next page of these minutes.

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on 2017-05-16)

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

1. **AUTHORITY TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH THE BILL AND MELINDA GATES FOUNDATION TO CONDUCT FIELD TRIALS ON NEW SANITATION TECHNOLOGIES : WS 2017/057 (23/2/R)**

(Page 132 : Executive Committee Agenda: 2017-05-11)

The Executive Committee was in support of granting authority to enter into a Memorandum of Agreement with the Bill and Melinda Gates Foundation to conduct field trials on new sanitation technologies. The background to this project, with the Municipality having to provide facilitation services, management support and some Community liaison with no additional financial input being required was noted together with the suggestion that additional junior Officials from the City be included to participate the project.

In that regard

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into a formal agreement with the Bill and Melinda Gates Foundation to conduct engineering testing of new sanitation technologies for the poor, which will be extremely beneficial to the Council for the following reasons:

- (a) Innovative toilets that would meet the aspirational needs of the poor will be tested in communities in eThekweni Municipality for the first time.
- (b) The toilets will significantly reduce water consumption and pressure on the environment.
- (c) All technology testing funding will be provided by the Bill and Melinda Gates Foundation – the Municipality will need to provide local liaison expertise and access to community sites.
- (d) The Municipality's Water and Sanitation Unit will achieve further recognition in the water and sanitation sector following on from its World Water Award in Stockholm as technology successes will be rolled out to other parts of Africa and Asia.
- (e) The innovative research achieved by Bill and Melinda Gates Foundation and eThekweni Water and Sanitation over the past few years will be continued.

Financial Implications:

The Municipality will need to provide some community liaison, facilitation services and management support i.e. no additional financial input will be required from the Municipality.

ADOPTED.

2. CONCLUSION OF TWO AGREEMENTS : PER SECOND BILLING VOICE DISCOUNT PLAN AGREEMENT AND ISDN 30 PRA SERVICE AGREEMENT AS AN INTERIM MEASURE AND PROPOSED CONCLUSION OF A MASTER SERVICE AGREEMENT WITH TELKOM SA SOC LIMITED (8/2/1/1)
(Page 180: Executive Committee Agenda: 2017-05-11)

With the Executive Committee supporting the conclusion of a Per Second Billing (PSB) and an ISDN 30 PRA Service (PRA) agreement with Telkom SA SOC Limited (Telkom) for a fixed short term duration, pending the conclusion of a Master Service Agreement and the necessary ancillary documentation,

COMMITTEE RECOMMENDS:

- 2.1 That the extension of the Per Second Billing Voice Discount Plan Agreement and ISDN 30 PRA Service Agreement entered into with Telkom SA SOC Limited in 2013, beyond the initial period of 3 years, on a month to month basis and subject to a maximum period of 6 (six) months as envisaged in the Agreements, be noted.
- 2.2 That the proposal to conclude a new Per Second Billing Voice Discount Plan Agreement and a new ISDN 30 PRA Service Agreement with Telkom SA SOC Limited, upon expiry of the 6 (six) month extension period of the existing Agreement, on substantially the same terms and conditions as the original contracts, but subject to a maximum duration of 2 (two) years, in order to facilitate finalization of negotiations relating to a single corporate contract (Master Service Agreement) and migration from the ISDN 30 PRA Service Agreement to a SIP trunk solution contract with Telkom, be approved.

Budget Implications relating to the PSB and PRA Agreements:

Sufficient budget has been provided for to meet the expenditure arising from the conclusion of the new PSB and PRA Agreements. It is anticipated that there will be further cost reductions when concluding the master Service Agreement.

For the current financial year provision has being made: R47 668 499.67 for 2016/17; R50 036 465.43 for 2017/18 and R52 778 782.70 for 2018/19.

ADOPTED.

3. AUTHORITY FOR THE ERECTION OF BILLBOARDS, STREET POLE POSTERS AND T-SHIRTS FOR VISIBILITY PURPOSES: WS 2017/44 (23/1/4)
(Page 183: Executive Committee Agenda: 2017-05-11)

Executive Committee Members Mncwango, De Boer and Hoosen of the Democratic Alliance dissented on the basis that they considered the request to be wasteful expenditure taking into account that the money could be utilized to increase the water loss budget.

Accordingly,

COMMITTEE RECOMMENDS:

- 3.1 That the Committee notes that despite all efforts and endeavours undertaken by eThekweni Water & Sanitation, it has become critical to extend and expand its awareness-raising drive as part of its multi-pronged information-dissemination approach.
- 3.2 That in view of .1 above and in an endeavour to visibly alert communities on water conservation, authority be granted to the Head: Water and Sanitation to commence the campaign of erecting billboards, street pole posters and printing of T-Shirts for a period of 6 (six) months at an estimated cost of R4 025 000.00 (Four Million and Twenty Five Thousand Rand) excluding VAT, the breakdown of which is as follows:

Item	Requirement	Budget
Outdoor Advertising	• Billboards	R3 Million
	• Street Pole Posters	R800 000.00
T-shirt @R45.00 each x 5000	5000 T-shirts	R225 000.00
TOTAL		R4 025 000.00

- 3.3 That savings be identified from Vote : 60120.10380.11500.0000.MRC01.0010; F.C. : 364/57.

As some Councillors were not in support of the above-mentioned recommendations of the Executive Committee on the basis that they considered the request to be wasteful expenditure taking into account that the money could be utilized to increase the water loss budget, enhance the education at schools and the public on the value of water and repairing and replacing old pipes, the matter was put to the vote. With 169 Councillors present 117 Councillors (ANC – 100, IFP – 5, IND – 4, AIC – 3, DLC – 1, TA – 1, MOSA – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 52 Councillors (DA – 51 and ACDP – 1) voted against. There were no abstentions recorded.

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

- 4. LAMONTVILLE MINISTERIAL HOUSING PROJECT: REQUEST TO INCREASE CONTRACT AUTHORITY OF PROFESSIONALS VIA SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) FOR STAGES 1 AND 2 OF THE PROJECT (22/7/1/1/3 & 9/1/3)
(Page 194: Executive Committee Agenda: 2017-05-11)

It was noted that the request to increase contract authority of Professionals via Section 116(3) of the MFMA for the abovementioned housing project was due to the following reasons:

- There have been delays in the finalization of land acquisition processes, which had to be finalized before professionals could execute any work.
- The adoption of high density housing typologies in projects delayed the preparation of suitable Town Planning layouts and approvals and also changes in Governmental Regulations and Laws.

- Delays in obtaining Town Planning approvals and also changes in Governmental Regulations and Laws i.e. from LFTEA to PDA and now SPLUMA which necessitate approval.
- Compliance with new Environmental Legislations i.e. WULA (Water Use Licence), necessitated additional studies to comply with the Act.

From the start of the project in 2007 the Municipality appointed the professionals at various fees as per their letters of award. Therefore, the amendment of the appointments should be in accordance with fee structure that was already approved during the appointment of the professionals many years ago. The Municipality already extended the appointment of the team for another three years. However, the fees were not extended accordingly. The fees already approved as per the original appointments should apply to the amendment in order to cover the entire project. Both Municipality and professionals accepted the fees, and this amendment cannot reduce but only maintain those fees.

Responding to clarity being sought on whether the time lapse to advertise the contract authority via Section 116(3) of the MFMA could result in an appeal to the process, the Acting Head: Legal & Compliance advised that it was highly unlikely due to it being an existing contract in terms of its duration and scope.

Accordingly,

COMMITTEE RECOMMENDS:

- 4.1 That, in terms of Section 116(3) of the Municipal Finance Management Act, authority be granted to amend the appointments of the following professionals appointed in the Lamontville Ministerial Housing Project (a) 1H6771: Geotechnical Engineer; (b) 1H8969: Environmentalist; (c) 1H2171: Land Surveyor; (d) 1H2171: (Subject to acceptance of the Engineer); (e) 1H12690: Social Facilitator and (f) 1H6528 Project Manager to cover the extended scope of works and programme which include approximately 400 serviced sites and professional fees for Stage 1 and 2 houses which include planning, design and infrastructure, as submitted to the KwaZulu-Natal Department of Human Settlements, for the project to end in March 2019 at the additional total costs of R5 381 520.00 (Five Million Three Hundred and Eighty One Thousand Five Hundred and Twenty Rand).
- 4.2 That HSDG funding authority be granted for R1 744 656.00 (One Million Seven Hundred and Forty Four Thousand Six Hundred and Fifty Six Rand) for 2016/17/18 years. USDG funding for the amount of R3 719 264.00 (Three Million Seven Hundred and Nineteen Thousand Two Hundred and Sixty Four Rand) for planning and construction of infrastructure in the 2016/17 and 2017/18/19 financial years. Further approval will be sought at the stage for fees applicable to Stage 3: Construction of houses.
- 4.3 That it be noted that the amendment to the appointment of professionals on the Lamontville Ministerial Housing Project are due to the following reasons:
 - 4.3.1 There have been delays in the finalization of land acquisition processes, which had to be finalized before professionals could execute any work.

- 4.3.2 The adoption of high density housing typologies in projects delays the preparation of suitable Town Planning layouts and approvals and also changes in Governmental Regulations and Laws.
- 4.3.3 Delays in obtaining Town Planning approvals and also changes in Governmental Regulations and Laws i.e. from LFTEA to PDA and now SPLUMA which necessitate approval.
- 4.3.4 Compliance with new Environmental Legislations i.e. WULA (Water Use Licence), necessitated additional studies to comply with the Act.
- 4.4 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 Contract number 1H6771, 1H8969, 1H2171, 1H2171, 1H12690 and 1H6528 as per the requirements in terms of Section 116 (3) of the Municipal Finance Management Act.
- 4.5 That subject to the adoption of .1 to .4 above, the City Manager record the reasons for any deviations and report back to the next meeting of Council, in the case of a Municipal Entity, and include it as a note to the Annual Financial Statements.

Financial Implications:

Table below depicts the fees to be applied to this amendment for Stages 1 and 2: Professional fees for Construction of Infrastructure with a shortfall in the Engineering cost that should be covered by USDG Funding.

Professional fees required for stage 1 & 2: Planning and Construction of Infrastructure:

Service Provider	Original Appointment	Extension Estimate Serviced Sites	Total Fees/ Sites	Value of Fees to be extended by: (R)	KZN DOHS Budget 400 sites	Additional Funding Required from USDG
Civil/ Structural Engineer	1H2171 R9 100 000.00	400	Design & Contract Administration R2 256.17 Site Supervision R480.00 Structural R2 100.00	R1 934 468.00	R180 492.00	R1 753 976.00
Land Surveyor	1H2171 R702 114.60	400	Survey and General Plans, Setting out Boundaries, Topographical Survey: R1 550.00	R620 000.00	R158 000.00	R462 000.00
Environmentalists/ Preplanning	1H8969 R100 000.00	400	EIA, Environmental Control Officer: R692.00	R276 800.00	R359 200.00	R0.00
Geotechnical Engineer	1H6771 R200 000.00	400	R950.22	R380 088.00	R42 000.00	R338 088.00
Social Facilitator	1H12690 R500 000.00	400	R316.41	R126 564.00	R126 564.00	R0.00
Project Manager	1H6528 R4 000 000.00	400	R5109.50	R2 043 600.00	R878 400.00	R1 165 200.00
				R5 381 520.00	R1 744 656.00	R3 719 264.00

Total Fees required for construction of infrastructure: R5 381 520.00
(HSDG): R1 744 656.00 BU H4096
(USDG): R3 719 264.00 P5126

[Please note that the above fees exclude fees applicable to Stage 3 Construction of houses.]

The shortfall of R3 719 264.00 is largely Engineering Infrastructure related and will be covered by USDG.

ADOPTED.

5. APPROVAL FOR BUDGET TRANSFER FOR THE UTILISATION OF STATIC TANKS AND STAND PURCHASES AS A DROUGHT RELIEF MEASURE (23/1/10)
(Page 1: Executive Committee Agenda : 2017-05-16)

The Executive Committee was advised that the impact on water supply had necessitated the utilization of static tanks and stands as a drought relief measure and consequently this request was for the approval of a budget transfer for the purchase of the said tanks.

Accordingly,

COMMITTEE RECOMMENDS:

- 5.1 That the initiatives by the Head: Water & Sanitation to utilize static tanks and stands as a drought relief measure be noted.
- 5.2 That authority be granted to the Head: Water & Sanitation for the purchase of static tanks and stands to service drought affected areas as indicated in the report of the City Manager, dated 2017-05-11, at an estimated cost of R1 100 000,00 (excluding VAT).
- 5.3 That subject to .2 above the Deputy City Manager: Finance be requested to include in his Adjustments Budget Report, the transfer of R1 100 000,00 to Vote 60610.45478 from savings identified on X4632 (R 1 100 000,00) and X7225 (R100 000).

(Vote : 60610.45478 R1 100 000 (To be met from savings via the Adjustments Budget); F.C. 364/C17).

ADOPTED.

6. APPROVAL TO UTILISE PROPOSED BUDGET FOR THE LAUNCHING OF UMNINI THUSONG SERVICE CENTRE (2/3/3)
(Page 3: Executive Committee Agenda: 2017-05-16)

The formation of multi-purpose Community Centres initiated by Government as a primary vehicle for the implementation of development communication, thus ensuring that Communities travelled shorter distances to access much needed services was noted by the Committee.

However, Executive Committee Members Mncwango, De Boer and Hoosen of the Democratic Alliance recorded their dissension on the abovementioned request on the basis that the budget was being submitted for approval after the launch had taken place and this could therefore be regarded as an irregular expenditure.

Thereafter,

COMMITTEE RECOMMENDS:

- 6.1 That the launching of the Umnini Thusong Service Centre as part of the Ministerial Imbizo to be held in Ward 105 and as indicated in the report of the City Manager dated 2017-04-28, be noted.
- 6.2 That authority be granted to the Head: Sizakala Customer Service Centre to utilize a budget of R112 000.00 (One Hundred and Twelve Thousand Rand) with the financial implications as reflected below, for the launch.

Financial Implications

ITEM	UNIT PRICE
Hall decorations and 50 chair covers	R 15 000.00
Catering for 100 VIPS	R 20 000.00
Catering for 300 people	R 35 000.00
Sound and Generator	R 20 000.00
Umnini Thusong Plaque	R 20 000.00
Ambulance	R 2 000.00
TOTAL	R 112 000.00

(Vote No : 32501.16325).

(At this stage of the proceedings Councillor S Hoosen entered the meeting and withdrew her Application for Leave of Absence from this meeting).

Prior to discussion of the above-mentioned matter, a report by the City Manager dated 2017-05-25 relative hereto, amending the above mentioned recommendations of the Executive Committee in its entirety as follows was Laid on Table:-

- “6.1 That Council condones the event and all related expenditure, relative to the launch of the Umnini Thusong Service Centre as part of the Ministerial Imbizo which was held in Ward 105, and as indicated in the report of the City Manager dated 2017-04-28, as this event had occurred without having received prior authority.
- 6.2 That the Head : Sizakala Customer Service Unit be authorised to effect necessary payments to service providers in terms of the following budget:-

ITEM	UNIT PRICE
Hall decorations and 50 chair covers	R 15 000.00
Catering for 100 VIPS	R 20 000.00
Catering for 300 people	R 35 000.00
Sound and Generator	R 20 000.00
Umnini Thusong Plaque	R 20 000.00
Ambulance	R 2 000.00
TOTAL	R 112 000.00

(Vote No: 32501.16325 ; F.C. Number : 26/05).

During discussion of the item some Councillors were not in support thereof on the basis that the budget was being submitted for approval after the launch had taken place. In that regard the matter was put to the vote. With 169 Councillors present, 116 Councillors (ANC – 98, IFP – 5, IND – 4, AIC – 3, MF – 1, DLC – 1, TA – 1, MOSA – 1, APC – 1, AL JAMA-AH – 1) and 52 Democratic Alliance Councillors voted against. 1 ACDP Councillor abstained from voting.

It was thereafter, by majority vote,

RESOLVED:

- 6.1 That Council condones the event and all related expenditure, relative to the launch of the Umnini Thusong Service Centre as part of the Ministerial Imbizo which was held in Ward 105, and as indicated in the report of the City Manager dated 2017-04-28, as this event had occurred without having received prior authority.
- 6.2 That the Head : Sizakala Customer Service Unit be authorised to effect necessary payments to service providers in terms of the following budget:-

ITEM	UNIT PRICE
Hall decorations and 50 chair covers	R 15 000.00
Catering for 100 VIPS	R 20 000.00
Catering for 300 people	R 35 000.00
Sound and Generator	R 20 000.00
Umnini Thusong Plaque	R 20 000.00
Ambulance	R 2 000.00
TOTAL	R 112 000.00

(Vote No: 32501.16325 ; FC Number : 26/05).

(At this stage of the proceedings Councillor G Govrender entered the meeting and withdrew his Application for Leave of Absence from this meeting).

7. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO EXTEND COMMUNITY BASED CONTRACTS AND CO-OPERATIVES: SW2011/038 (24/2/6 & 9/1/3)
(Page 6: Executive Committee Agenda: 2017-05-16)

It was noted that the request to extend Community Based Contracts and Co-operatives in terms of Section 116(3) of the MFMA was due to the following reasons:

- The Unit had in 2013, advertised community based contractors tender and 4 000 tenderers had applied for 160 project areas.
- Due to the high volume of applicants the evaluation took longer as in this case the project areas to be advertised were 500 and the Unit was of the opinion that the number of applicants will be tripled.
- It must be noted that the contracts are highly contested due to poverty and a high level of unemployment.
- The contracts will expire on 30 June 2017 and the replacement contracts with new specification requirements are planned to be tabled at the beginning of April 2017.
- It is anticipated that the evaluation process will be finalized in six (6) weeks after the closing date of tender, hence the Unit seeks to extend these contracts.

In the circumstances,

COMMITTEE RECOMMENDS:

- 7.1 That in terms of Section 116(3) of the Municipal Finance Management Act, the extension of Contract SW2011/038 for Community Based Contracts and Co-operatives at a cost of R239 231 075.00 (Two Hundred and Thirty Nine Million, Two Hundred and Thirty One Thousand and Seventy Five Rand) be approved for the following reasons:-
- 7.1.1 The Unit had in 2013, advertised community based contractors tender and 4 000 tenderers had applied for 160 project areas.
- 7.1.2 Due to the high volume of applicants the evaluation took longer as in this case the project areas to be advertised were 500 and the Unit was of the opinion that the number of applicants will be tripled.
- 7.1.3 It must be noted that the contracts are highly contested due to poverty and a high level of unemployment.
- 7.1.4 The contracts will expire on 30 June 2017 and the replacement contracts with new specification requirements are planned to be tabled at the beginning of April 2017.

- 7.1.5 It is anticipated that the evaluation process will be finalized in six (6) weeks after the closing date of tender, hence the Unit seeks to extend these contracts.
- 7.2 That the extension of contracts SW2011/038 for a period of six months (01 July 2017 to 31 December 2017) or until the new contract is awarded, whichever comes first, be approved.
- 7.3 That subject to 1 and 2 above, the Head Cleansing & Solid Waste be authorized to publish notices in terms of Section 116(3) requesting comments and/or objections to the proposed amendments be advertised in the relevant print media.

Financial Implications

	Original Sum	Previous Authority granted	Authority Required	Revised Contract Amount
CBC's	R172 178 647.00	R29 701 274.00	R29 701 274.00	R268 838 291.00
Cops	R3 278 980.00	R2 185 450.00	R2 185 450.00	R9 836 427.00
	R175 457 627.00	R31 886 724.00	R31 886 724.00	R239 231 075.00

(Cost Centre : 79285, 79290 and 79224.04883; F.C. 366/27)
 (Amount R31 886 724.00 (Provided 2016/17))

ADOPTED.

- 8. AUTHORITY TO UTILISE SECTION 116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT TO EXTEND COMMUNITY BASED CONTRACTS: WS.6209 (24/2/6 & 9/1/3)
 (Page 9 : Executive Committee Agenda: 2017-05-16)

It was noted that the request to extend Community Based Contracts and Co-operatives in terms of Section 116(3) of the MFMA was due to the following reasons:

- The Unit had in 2013, advertised community based contractors tender and 4 000 tenderers had applied for 160 project areas.
- Due to the high volume of applicants the evaluation took longer as in this case the project areas to be advertised were 500 and the Unit was of the opinion that the number of applicants will be tripled.
- It must be noted that the contracts are highly contested due to poverty and a high level of unemployment.

In the circumstances,

COMMITTEE RECOMMENDS:

- 8.1 That in terms of Section 116(3) of the Municipal Finance Management Act, the extension of Contract WS.6209 for Community Based Contracts and Co-operatives at a cost of R114 190 642.00 (One Hundred and Fourteen Million, One Hundred and Ninety Thousand, Six Hundred and Forty Two Rand) be approved for the following reasons:
 - 8.1.1 The Unit had in 2013, advertised community based contractors tender and 4 000 tenderers had applied for 160 project areas.

- 8.1.2 Due to the high volume of applicants the evaluation took longer as in this case the project areas to be advertised were 500 and the Unit was of the opinion that the number of applicants will be tripled.
- 8.1.3 It must be noted that the contracts are highly contested due to poverty and a high level of unemployment.
- 8.2 That the extension of contracts WS.6209 for a period of six months (01 July 2017 to 31 December 2017) or until the new contract is awarded, whichever comes first, be approved.
- 8.3 That subject to .1 and .2 above, the Head Cleansing & Solid Waste be authorized to publish notices in terms of Section 116(3) requesting comments and/or objections to the proposed amendments be advertised in the relevant print media.

Financial Implications:

	Original Sum	Previous Authority Granted	Authority Required	Revised Contract Amount
CBC's	R86 747 579	R12 955 131.00	R14 457 932.00	R114 190 642.00

(Cost Centre : 79285, 79290 & 79224.04883; F.C. 366/27)

(Amount : R14 457 932 (Provided 2016/2017))

ADOPTED.

(At this stage of the proceedings Councillor SM Windvogel entered the meeting and withdrew her Application for Leave of Absence from this meeting).

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on 2017-05-23)

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

ABSENT : Executive Committee Member ZM Mncwango (On leave).

1. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD ON 2017-05-19

(Page R1)

1.1 Donation of Outdoor Gym by Comrades Marathon Association to City (31/3/1/4):
(Page 28 : Community Services Committee Agenda : 2017-05-19)

The Community Services Committee considered a report by the Acting City Manager dated 2017-04-04 in the above regard, the purpose of which was to seek authority to accept the donation of Outdoor Gym by the Comrades Marathon Association to the City and it be erected on the beachfront. It was noted that it would be accepted as part of the Council's asset and that on-going maintenance will be included into a Departmental maintenance schedule as per other Council assets.

Being in agreement,

COMMITTEE RECOMMENDS:

1.1.1 That the report by the Acting City Manager dated 2017-04-04, regarding the Donation of Outdoor Gym by the Comrades Marathon Association to the City be approved.

1.1.2 That the Parks, Recreation and Culture Unit be granted authority to accept the donation of Outdoor Gym by the Comrades Marathon Association to the City and erect same on the beachfront.

1.1.3 That the Head: Parks, Recreation and Culture be requested to prepare the necessary paperwork for acquisition of the Asset.

ADOPTED.

1.2 Support for Sponsorship for the South African National Cemeteries Association (SACA) and South African Local Government Association (SALGA) Pan African Cemeteries Conference 27th – 30th August 2017 to be held at the Chief Albert Luthuli International Convention Centre (7/14/1 and 13/2/2/2/1):
(Page 31 : Community Services Committee Agenda : 2017-05-19)

The Community Services Committee considered a report by the Acting City Manager dated 2017-03-28 in the above regard. The purpose of report was a request for the Head: Parks, Recreation and Culture to be granted authority to assist with the funding and co-ordination of the Pan African Cemeteries Conference. It was noted that funding would include booking and paying for the conference venue and to host the Gala Dinner on the 27th – 30th August 2017 on behalf of the eThekweni Municipality together with the South African Cemeteries and Crematoria Association and South African Local Government Association.

Being in concurrence,

COMMITTEE RECOMMENDS:

- 1.2.1 That the report by the Acting City Manager dated 2017-03-28 regarding Support for Sponsorship for the South African National Cemeteries Association (SACA) and South African Local Government Association (SALGA) Pan African Cemeteries Conference from 27th – 30th August 2017 to be held at the Chief Albert Luthuli International Convention Centre, be approved.
- 1.2.2 That authority be granted to the Head : Parks, Recreation and Culture to assist with the co-ordination of the Pan African Cemeteries Conference by funding the conference venue and the Gala Dinner to be held on the 27th – 30th August 2017 on behalf of the eThekweni Municipality, the South African Cemeteries and Crematoria Association and South African Local Government Association.
- 1.2.3 That subject to the adoption of .2 above, the cost to Council should not exceed R350 000.00 (Three Hundred and Fifty Thousand Rand), to be funded from the Parks, Leisure and Cemeteries 2017/2018 Budget as illustrated below:

Financial Implication:

An amount of Three Hundred and Fifty Thousand Rand (R350 000) be made available towards the sponsorship of the Venue and Catering from the Awareness Campaign. It being noted that the field trip will be funded by the South African Cemeteries Association (CASA).

Vote Number:

Business Unit	Project	Item	Costing	Funds	Region	Budget
17501	37110	11750	0000	12120	R001	R472 500

ADOPTED.

- 1.3 Ad Hoc Grant in Aid Application : KwaZulu-Natal (KZN) Youth Wind Band Carnegie Hall Tour in New York (7/14/1):
(Page 55 : Community Services Committee Agenda : 2017-05-19)

The Community Services Committee considered a report by the Acting City Manager dated 2017-02-21 in the above regard, the purpose of which was to obtain approval to support the KZN Youth Wind Band, to perform at Carnegie Hall in New York, with R500 000 towards travelling costs.

The Executive Committee noted that Her Worship the Mayor, Councillor ZRT Gumede, had raised the above matter at the Council meeting on 2017-02-23 whereby she had requested the Acting City Manager to submit a report thereon to the relevant Committee.

In that regard,

COMMITTEE RECOMMENDS:

- 1.3.1 That the report by the Acting City Manager dated 2017-02-21 regarding the Ad Hoc Grant In Aid Application: KZN Youth Wind Band Carnegie Hall Tour: New York, be approved.
- 1.3.2 That the Durban Music School be supported with R500 000 towards travelling costs to perform at Carnegie Hall in New York as the KwaZulu-Natal Wind Band.

As some Councillors were not in support of the above-mentioned recommendations of the Executive Committee as it was contended that due process in the approval of the Grant-in-Aid had not been followed. The matter was thereafter put to the vote. With 168 Councillors present 115 Councillors (ANC – 97, IFP – 5, IND – 4, AIC – 3, MF – 1, DLC – 1, TA – 1, MOSA – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 52 Democratic Alliance Councillors voted against. 1 ACDP Councillor abstained from voting.

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

- 1.4 Review of Stipends Payable to Volunteers of Identity Documents (ID) Project (4/3/5/1 and 19/1/1/5):
(Page 68 : Community Services Committee Agenda : 2017-05-19)

The Community Services Committee considered a report by the Acting City Manager dated 2017-04-05 in the above regard, the purpose of which was to seek authority to review the stipend being paid to volunteers being engaged by the Unit for the National Population Registration Campaign (ID Campaign).

In the circumstances

COMMITTEE RECOMMENDS:

- 1.4.1 That the report by Acting City Manager dated 2017-04-05 regarding the Review of Stipends Payable to Volunteers of Identity Document (ID) Project, be approved.
- 1.4.2 That the review of the stipend payable to the Identity Documents Campaign Volunteers from R150.00 (One Hundred and Fifty Rand) to R175.00 (One Hundred and Seventy Five Rand) with effect from 2017-05-01, be approved.
- 1.4.3 That subject to the adoption of .2 above, the Head: Community Participation Unit be authorised to incur an additional cost of R198 000.00 (One Hundred and Ninety Eight Thousand Rand) to implement the reviewed stipend payable to the Identity Documents Campaign Volunteers.
- 1.4.4 That approval be granted for the annual review of the stipends payable to volunteers commencing 2018-07-01 and that they be increased by the same percentage increase awarded to the municipality staff on annual basis.

Vote Number:

Details	Business Unit	Item	Fund	Costing	Project	Region	Amount
Honoraria	32305	19000	12120	0000	37190	0010	R198 000.00

ADOPTED.

2. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD ON 2017-05-19

2.1 Motivation for Approval of the eThekweni Biodiversity Stewardship Policy (32/P):
(Page 14 : Economic Development and Planning Committee Agenda : 2017-05-19)

Committee noted the following salient points prior recommending approval of the aforementioned Policy:-

- The Stewardship Policy stems from the National and Provincial legislation and the eThekweni Municipality's Integrated Development Plan (IDP).
- Biodiversity Stewardship is a voluntary approach of entering into agreements with private and communal landowners to protect and manage land in biodiversity priority areas in order to ensure a continuous supply of ecosystem services such as water provision, recreational services and food production.
- Biodiversity Stewardship is a cost effective approach that assists all levels of Government to fulfill its mandate of conserving biodiversity outside of state-owned protected areas.
- A significant percentage of priority conservation areas are under the administration of the Ingonyama Trust Board and currently, Biodiversity Stewardship is the only means of conserving biodiversity in those areas.
- The Policy does not have direct financial implications, however, specific projects from the Policy may have budget implications, which will be budgeted for in the yearly budgetary process.

Therefore,

COMMITTEE RECOMMENDS:

That the use of the eThekweni Biodiversity Stewardship Policy, circulated under cover of the report by the City Manager dated 2017-05-11, be approved as the adopted Policy for all biodiversity stewardship projects undertaken by eThekweni Municipal Departments.

ADOPTED.

2.2 Motivation for Durban Tourism to Extend its Partnership with the KZN Sharks Rugby Team for Another 36 Months Commencing 2017-07-01 (20/1/4/3):
(Page 59 : Economic Development and Planning Committee Agenda : 2017-05-19)

Committee considered the following strategic benefits of partnering with the KZN Sharks Rugby Team for an additional three (3) years:

- The partnership presents Durban Tourism with abundant marketing opportunities through which potential tourists can be engaged, as rugby is a sport that is watched in most of the key source markets.
- The “away” matches, particularly in Europe and Australia will afford eThekweni the opportunity to conduct in-market activation programs through which Durban can be profiled as a tourist attraction by engaging potential visitors.
- The media value of the placement of Durban logo on players jerseys for the season is modestly estimated at R25 000 000.00 (Twenty Five Million Rand).

Having noted the strategic benefits that could be derived,

COMMITTEE RECOMMENDS:

- 2.2.1 That the partnership funding of R4 000 000.00 (Four Million Rand) (excluding VAT) per annum for the financial years 2017/18, 2018/19 and 2019/2020 for the partnering of Durban Tourism with the KZN Sharks Rugby Team, be approved.
- 2.2.2 That the City Manager, through the Head-Business Support, Tourism and Markets, be granted authority to negotiate benefits and rights to leverage the destination and profile Durban through the KZN Sharks Partnership.
- 2.2.3 That the City Manager be granted the authority to conclude the contract with the KZN Sharks before 2017-06-30.

BU	ITEM SUB	FUND	COSTING	PROJECT	REGION
26723	24860.21	12120	0000	85520	0010

F.C No.: 13/35

ADOPTED.

- 2.3 Motivation for Durban Tourism to Partner with Discovery Channel UK for Another 24 Months Commencing 2017-07-01 (20/1/4/3):
(Page 66 : Economic Development and Planning Committee Agenda : 2017-05-19)

Committee noted the following benefits of eThekweni Municipality partnering with Discovery Channel UK for a further two (2) years:

- Durban would be positioned as a global City to the international visitor and tourism industry.
- More information would be made available in order to attract the tourist markets in Eastern Europe and Asia, the citizens of whom are interested in sport, lifestyle and culture, and who have the financial means to take holidays to destinations like Durban.
- The digital on-line component will have a dedicated link to the Durban Tourism website through which viewers can access eThekweni’s content pages and an electronic Durban City guide.

COMMITTEE RECOMMENDS:

- 2.3.1 That the partnership funding of R5 000 000.00 (Five Million Rand) per annum for the financial years 2017/18 and 2018/19 for the partnering of Durban Tourism with Discovery Channel UK, be approved.
- 2.3.2 That the City Manager, through the Head: Business Support, Tourism and Markets, be granted authority to negotiate further the benefits and rights to leverage the destination and profile Durban through the global Partnership with Discovery.
- 2.3.3 That the Head-Business Support, Tourism and Markets report back to the Economic Development and Planning Committee on the outcomes of partnering with Discovery Channel UK.

BU	ITEM SUB	FUND	COSTING	PROJECT	REGION
26723	16315	12120	0000	85520	0010

F.C No.: 13/36

ADOPTED.

- 2.4 Motivation for the City Manager to Sign Service Level Agreement: Kings Estate: Wewe Driefontein Development: Northern Region (21/3 & 21/5/1):
(Page 72 : Economic Development and Planning Committee Agenda : 2017-05-19)

Committee noted that Kings Estate (WEWE) development is a mixed use development located in the North, within a 10km radius of the King Shaka Airport and Dube Trade Port. The site straddles two Municipalities viz. eThekweni Municipality and KwaDukuza Municipality, and is the first cross-border development, and a Catalytic Project, in the City.

Having further noted that the development is in keeping with the City’s Vision of a liveable City, which will create a substantial number of jobs, whilst attracting a substantial rates base for the City, and the fact that it complies with the planning principles of spatial equality and sustainability, and spatial resilience,

COMMITTEE RECOMMENDS:

- 2.4.1 That Council support collaboration with the Developer (KDC Projects and Developments (Pty) (Ltd)), so as to allow the Developer (KDC Projects and Developments (Pty) Ltd) to commence with the development of the project known as Kings Estate and allow the Developer (KDC Projects and Developments (Pty) (Ltd) to construct municipal infrastructure required for this development.
- 2.4.2 That subject to the adoption of .1 above, authority be granted to the City Manager to enter into a Service Level Agreement with the Developer (KDC Projects and Developments (Pty) Ltd).
- 2.4.3 That the Council reserves its right to collaborate, if and when necessary with the KwaDukuza/ILembe Municipality, when the aforementioned Developer undertakes the phase of development within that Municipality’s jurisdiction.

- 2.5 Motivation for Adoption of the Final Draft 2017/2018 Spatial Development Framework (21/5/1):
(Page 77 : Economic Development and Planning Committee Agenda : 2017-05-19)

With Committee having noted that The Spatial Development Framework is the spatial response to the development context, needs and development vision of the Municipality,

COMMITTEE RECOMMENDS:

- 2.5.1 That the Municipal Spatial Development Framework 2017/2018, be adopted, in line with the requirements of the Municipal Systems Act No. 32 of 2000 and the Spatial Planning and Land Use Management Act No. 16 of 2013, it being recorded that public stakeholder comments have been taken into account when finalising the Framework.
- 2.5.2 That the Municipal Spatial Development Framework 2017/18 be adopted by Council and thereafter the notice of Council resolution to adopt the Municipal Spatial Development Framework 2017/2018 be Gazetted in terms of Section 20(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
- 2.5.3 That the adopted Spatial Development Framework 2017/2018 be submitted to the MEC for Co-operative Governance and Traditional Affairs (COGTA) for final assessment.

ADOPTED.

3. BACK TO BASICS REPORT FOR THE MONTH ENDED 28 FEBRUARY 2017 (2/3/2/1/2)
(Page 18)

Concern was expressed at the number of violent service delivery protests that were taking place in eThekweni. It was noted that such protests had centred around the provision of infrastructure such as housing, electricity and water and sanitation.

The Chairperson of the Human Settlements and Infrastructure Committee advised of critical interventions that was taking place in respect thereof.

In an endeavour to speed up service delivery the need to fill critical vacancies was also raised.

Thereafter,

COMMITTEE RECOMMENDS:

That the Back-to-Basics report, dated 2017-03-15, outlining progress by the eThekweni Municipality in achieving its performance indicators for the month ended 28 February 2017, compiled as per the requirements in terms 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.

4. BACK TO BASICS REPORT FOR THE MONTH ENDED 31 MARCH 2017
(2/3/2/1/2)
(Page 22)

COMMITTEE RECOMMENDS:

That the Back-to-Basics report, dated 2017-04-18, outlining progress by the eThekweni Municipality in achieving its performance indicators for the month ended 31 March 2017, compiled as per the requirements in terms 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.

5. BACK TO BASICS: PROVINCIAL QUARTERLY BACK TO BASICS REPORT
FOR QUARTER 3 OF 2016/17 (2/3/2/1/2)
(Page 28)

COMMITTEE RECOMMENDS:

That the eThekweni Municipality's Back to Basics report for the third quarter of the 2016/17 financial year, submitted in compliance with Circular No. 3 of 2017 from the Provincial Department of Co-operative Governance and Traditional Affairs, and for use to measure progress of the Municipality against the five pillars of the Back to Basics programme, be noted.

NOTED.

6. STATUS REPORT ON RENTAL STOCK (22/8/2/1)
(Page 39)

With Executive Committee Members HU De Boer and S Hoosen of the Democratic Alliance dissenting on the basis of the poor state of condition of the rental units and the need for this matter to be referred back to the Human Settlements and Infrastructure Committee for further deliberation,

COMMITTEE RECOMMENDS:

That in terms of Section 24(2)(c)(ii) of the Municipal Finance Management Act No. 56 of 2003, Council approves the review of rentals of the leased Municipal residential Units by an increase of 15% per annum for all upgraded rental units and an increase of 10% per annum for all non-upgraded units with effective from 2017-07-01, as indicated in the rental schedules as attached in Annexures A and B to the report of the City Manager dated 2017-05-10.

Financial Implications:

The proposed increase in rentals of 15% per annum for upgraded rental units and 10% per annum for non-upgraded units will result in an average increase of approximately R4.5 Million per annum.

As some Councillors were not in support of the above-mentioned recommendations of the Executive Committee on the basis of the poor state of condition of the rental units and the Community not being able to afford such increases, the matter was put to the vote. With 167 Councillors present 108 Councillors (ANC – 99, IND –3, AIC – 3, TA – 1, APC – 1 and AL JAMA-AH – 1) voted in favour and 53 Councillors (DA - 49, ACDP – 1, MF – 1, DLC -1 and MOSA – 1) voted against. 6 Councillors (IFP – 5 and IND – 1) abstained from voting.

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

7. COLLABORATION WITH THE NATIONAL CLEANER PRODUCTION CENTRE IN THE INDUSTRIAL ENERGY EFFICIENCY PROJECT (27/1/1/6)
(Page 70)

In view of the need to rectify the typographical error in respect of the period of the Memorandum of Agreement between the eThekweni Municipality and the National Cleaner Production Centre (NCPC), which should be from 2016-04-01 to 2019-03-31, and not 2016-04-01 to 2016-03-31 as adopted by Council on 2016-03-31,

COMMITTEE RECOMMENDS:

That the recommendations adopted by Council on 2016-03-31, relative to the collaboration with the National Cleaner Production Centre in the Industrial Energy Efficiency Project, be rescinded and that the following recommendations, reflecting the correct implementation date for the project be approved:-

- 7.1 That the collaboration between the eThekweni Municipality and the National Cleaner Production Centre (NCPC) for the Industrial Energy Efficiency Project, be supported.
- 7.2 That subject to the approval of .1 above, the Energy Office be the key collaborator with the National Cleaner Production Centre.
- 7.3 That subject to the approval of .1 above, the City Manager be authorized to conclude a Memorandum of Agreement with the National Cleaner Production Centre for 3 (three) years, from 2016-04-01 to 2019-03-31, to implement the Industrial Energy Efficiency in the eThekweni Municipality.

Financial Implications:

Activity	Total	Sub-Total	From	To
	R250 000.00		July 2016	June 2017
Consulting services to identify companies in eThekweni Municipality, set up and maintain database of companies		R200 000.00		
Venue and other costs of seminars		R 50 000.00		

ADOPTED.

8. BUDGET STATEMENT REPORT FOR THE MONTH ENDING 2017-04-30
(7/1/4)
(Page 78)

COMMITTEE RECOMMENDS:

That the Budget Statement Report for the month ending 2017-04-30, submitted in compliance with Section 71 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 30 April 2017, be noted.

Some Councillors expressed concern that the monthly budget statement reports of the Municipality, which contained pertinent information with regard to the Municipality’s overall financial situation, were not being circulated to all Councillors. A plea was made for such reports to be distributed to all Councillors. Thereafter the above-mentioned statement report was NOTED.

URGENT NOTICE OF MOTION
IN TERMS OF SECTION 22 OF THE RULES OF ORDER

It was noted that the undermentioned Notice of Motion by Councillor S Ryley and seconded by Councillor M Meyer, which had not been included on the Council Agenda, had been raised as a matter of urgency in terms of Rule of Order 22.

THE AGREEMENT BETWEEN MTN AND THE DISASTER MANAGEMENT UNIT FOR THE FORMER TO MAKE USE OF MUNICIPAL INFRASTRUCTURE FOR TELECOMMUNICATIONS PURPOSES: PROPOSED BY COUNCILLOR S RYLEY AND SECONDED BY COUNCILLOR M MEYER (21/7/11)

The Council, noting that:

A recent media report that a number of supposed CCTV masts which have been erected across the city materialised from an agreement between MTN and the Disaster Management Unit (DMU) of the eThekweni Municipality. This has brought into question the validity of the erection of these masts and the processes followed which have effectively removed any opportunity for interested and affected parties to be involved in the process. It has transpired that these towers have been primarily erected for the purpose of transmitting cellphone signals and only secondarily for CCTV.

Hereby resolves that the Executive Committee investigate:-

Institutes an investigation into the process which unfolded in authorising the erection of these masts as well as the validity of the alleged agreement between MTN and the DMU for the former to make use of municipal infrastructure for telecommunications purposes.

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

With 163 Councillors present 56 Councillors (DA – 50, IFP – 5 and ACDP – 1) voted in favour and 105 Councillors (ANC – 97, INDEPENDENT – 2, AIC – 3, MF – 1, TA – 1 and MOSA – 1) voted against. 2 Councillors (APC – 1 and AL JAMA-AH – 1) abstained from voting.

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

REPORT OF COMMITTEE DECISIONS

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

1. **COMMUNITY SERVICES COMMITTEE**

Meeting held on : 2017-04-19

2. **EXECUTIVE COMMITTEE**

Meeting held on : 2017-03-28
: 2017-04-25

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

Meeting held on : 2017-04-05

4. **SECURITY AND EMERGENCY SERVICES COMMITTEE**

Meeting held on : 2017-04-20
NOTED.

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 19 to 22 of the Agenda were NOTED.

The meeting terminated at 14:30.

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2017-06-29.

SPEAKER