

No. 24

MINUTES
OF
eThekwini Council

Minutes of proceedings of the Meeting of the eThekwini Council held
at the City Hall Main Auditorium, Church Walk, Durban
on Thursday, 2017-10-26T10:00

PRESENT : Councillors WL Mapena (Speaker), F Peer (Deputy Mayor), MA Ally, J Annipen, S Aslam, A Beetge, S Bhanprakash, MPN Bhengu, MC Bhengu, NC Biyela, T Biyela, M Brauteseth, S Brijmohan, WJD Burne, SS Butelezi, VP Caluza, H Cele, NT Cele, J Chetty, BA Chili, R Cloete, TP Collins, M David, HU De Boer, SV De Boer, GT De Lange, MAK Dladla, CB Dlamini, SB Dlamini, SR Dlamini, MP Dlomo, BA Fortein, VE Gebashe, 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, RC Hlophe, S Hoosen, NB Hoosman, NB Iyir, JA Johnson, M Johnson, SA Kaunda, DM Khanyile, ES Khanyile, KNN Khubone, JS Khuboni, PZ Khumalo, HL Khubisa, NL Khuzwayo, S Khuzwayo, ZW Khuzwayo, SNC Khwela, CJ Laing, CB Langa, P Luthuli, TJ Luthuli, TN Mabanga, MT Mabaso, A Maharajh, B Majola, TG Makhanya, ZP Makhanya, NZ Maluleka, MW Manqele, SD Maphumulo, PM Mbambo, V Mbanjwa, AM Mbele, RD Macpherson, SM Mdlalose, FW Mdletshe, LM Meyer, P Mfeka, TP Mfusi, GN Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, BA Mkhize, HGB Mkhize, KV Mkhize, MM Mkhize, MP Mkhize, S Mkhize, SM Mkhize, SM Mkhwanazi, PS Mncube, ZM Mncwango, E Mngadi, SB Mngadi, SV Mngadi, NE Mnguni, BV Mngwengwe, LN Mngwengwe, SR Moodley, S Moonsamy, B Mpanza, SB Mpanza, SNL Mshengu, B Msomi, LG Mthembu, M Mthembu, MGF Mthembu, MM Mthembu, NE Mthembu, TM Mthethwa, TT Mthiyane, N Munien, AB Mvubu, RM Mzobe, BD Naidoo, J Naidoo, M Nair, X Nala, PL Ncayiyana, BP Ndlela, PB Ndlovu, ZS Ndzoyiya, AS Ngcobo, S Ngema, BS Ngiba, MM Ngiba, TT Ngubane, MS Nkosi, M Nojiyeza, DR Nowbuth, GM Noyce, B Ntshangase, PC Ntshangase, SC Ntshangase, BT Ntuli, PB Ntuli, NP Nxumalo, W Nyaba, MS Nyawose, TT Nzuza, CJ Pappas, BW Phewa, JP Phewa, TK Phohlo, B Phungula, KR Pillay, P Pillay, 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, DM Shozi, HP 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, TV Xulu, NY Young, BM Zulu, GB Zulu, MBR Zuma, TM Zuma, TG Zungu and MH Zwane.

ABSENT Councillors ZRT Gumede (Mayor – on leave - Municipal Business), TJT Cibane (On leave-Indisposed), RJ Crouch (On leave-Personal Commitments), JA Dlamini (On leave-Indisposed), Councillor AN Dlamini

(On leave-Indisposed), HD Goge (On leave-Indisposed), NP Hlomuka (On leave-Personal Commitments), NI Madlala (On leave-Municipal Business), K Mhlaba (On leave-Indisposed), LC Mnguni (On leave-Personal Commitments), ON Mthembu (On leave-Indisposed), AB Ndlovu (On leave-Municipal Business), MK Ndzimbomvu (On leave-Indisposed), SJM Nhlapho, PH Nxumalo (On leave-Indisposed), NN Nyanisa (On leave-Indisposed), D Pillay, DR Pillay, JP Prinsloo, BP Shozi, MC Xulu and C Xesibe (On leave-Indisposed).

AMAKHOSI

PRESENT : Inkosi BF Bhengu, Inkosi VK Cele, Inkosi S Mlaba, Inkosi RF Mthembu, Inkosi JB Shangase and Inkosi EB Shozi.

AMAKHOSI

ABSENT : Inkosi TF Gwala, Inkosi NM Hlengwa, Inkosi PP Luthuli, Inkosi KS Makhanya, Inkosi NC Maphumulo, DZ Mkhize, Inkosi LD Mkhize, Inkosi KT Mkhize, Inkosi TBE Mkhize and Inkosi MB Ngcobo.

OFFICIALS

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

(At the commencement of the meeting 181 Councillors were present, comprising ANC-102, DA-54, IFP-10, EFF-6, INDEPENDENT-2, AIC-1, ACDP -1, MF-0, 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 apologised for having re-scheduled the meeting a day earlier to enable the celebration of the Centenary Birthday of the late ANC stalwart and struggle icon, Mr Oliver Reginald Thambo that would commence on 27 October 2017 and close in Imbizana.

Prior to engaging on the proceedings of the day, a warm welcome was extended to the Deputy Mayor; Members of the Executive Committee; Honourable Councillors and Traditional Leaders; City Manager; Deputy City Managers present; Legal Services and Compliance officials; Media; Distinguished Guests from the Limpopo Delegation, Public Management Students from the Coastal TVET College, Members of the Public and Members of the Administration to this meeting of the Council.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested the Council to observe a moment's silence for all 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 expressed condolences to the families of those who had lost their loved ones during the storm that had devastated parts of the City of eThekweni and extended areas of KwaZulu-Natal on Tuesday, 10 October 2017. On behalf of Council he shared their feelings of grief, holding them in prayer with the hope that in due time the healing would begin.

He thereafter expressed sadness at the devastation the storm had left in its wake, especially in the various wards that had been badly affected. He commended the work carried out by Council's emergency services together with an eThekweni delegation led by Her Worship the Mayor who had given comfort to communities in the face of tragedy and loss of life. They had gone the extra mile to assist in personally cleaning up the southern area of eThekweni and it was acknowledged that such devotion in times of need was greatly appreciated. He further expressed his gratitude to various organizations that had assisted through the handing out of food parcels, blankets and other items, adding that their patriotism was commendable.

The Speaker conveyed his best wishes to all Matriculants who had commenced writing their examinations earlier in the month and was hopeful that their perseverance and dedication would hold them in good stead in whatever career path they pursued.

The Speaker mentioned the festival of Diwali celebrated by the Hindu community on 18 and 19 October 2017 in the hope that it was enjoyable for all those who had celebrated the festival.

The Speaker conveyed his best wished to the KwaZulu-Natal Sharks who would be taking on Western Province in the Currie Cup Final on Saturday, 28 October 2017.

Ward Councillors were advised that the Administration Team would be providing them with Ward Committee Agenda packs at this Council meeting for the November Ward Committee meetings.

The Speaker conveyed his best wishes to all Councillors celebrating their birthdays in the month of October.

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

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

The Speaker was pleased to announce a slight improvement in respect of submission of reports by Councillors for community meetings held in the month of October 2017. Issues discussed at meetings, inter alia, pertained to disaster problems, road maintenance, ID documents, water & electricity, housing, crime, land invasions, high utility bills, Ward Committee meetings, War Room, burials, funeral policy, mobile clinics, soup kitchens, demarcation, unemployment, channel blockage, etc. He submitted statistical information on services rendered by some Ward Councillors to the local communities, also mentioning complaints received from certain Wards that were being attended to.

In terms of the Back to Basics report on Ward Committee meetings for the month of October 2017, it was noted that 50 out of 110 Ward Committees had convened their meetings as scheduled with 26 scheduled to take place during the upcoming weekend, namely; 28-29 October 2017. The presentations held for Councillors as part of information sharing was delivered by an Official from COGTA on Friday, 13 October 2017. Ward Councillors were reminded that in compliance with the Code of Conduct, they would need to ensure regular engagement with community members and for such engagement to be recorded accordingly and for Ward Committees to be functional in terms of their responsibility. As a control measure going forward, the Speaker emphasised that Ward Committees that failed to comply with the submission of required documents would have their out of pocket expenses suspended.

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

Councillor TJT Cibane	: 2017-10-26 (Indisposed)
Councillor RJ Crouch	: 2017-10-26 (Personal Commitments)
Councillor JA Dlamini	: 2017-10-25 to 27 (Indisposed)
Councillor NA Dlamini	: 2017-10-26 to 30 (Indisposed)
Councillor HD Goge	: 2017-10-26 to 27 (Indisposed)
Councillor NP Hlomuka	: 2017-10-26 to 27 (Personal Commitments)
Councillor NI Madlala	: 2017-10-26 (Municipal Business)
Councillor K Mhlaba	: 2017-10-26 to 27 (Indisposed)
Councillor LC Mnguni	: 2017-10-26 to 11-03 (Personal Commitments)
Councillor ON Mthembu	: 2017-10-26 to 27 (Indisposed)
Councillor AB Ndlovu	: 2017-10-26 (Municipal Business)
Councillor MK Ndzimbomvu	: 2017-10 26 to 27 (Indisposed)
Councillor BS Ngiba	: 2017-10-26 (Indisposed)
Councillor HP Nxumalo	: 2017-10-26 (Indisposed)
Councillor NN Nyanisa	: 2017-10 26 to 27 (Indisposed)
Councillor C Xesibe	: 2017-10-26 to 27 (Indisposed)

8. CONFIRMATION OF MINUTES: Meeting held on 2017-09-28 and In-Committee Meeting held on 2017-09-28

RESOLVED:

That the minutes of the meeting of the eThekweni Council held on 2017-09-28 and minutes of the In-Committee meeting of the eThekweni Council held on 2017-09-28, as circulated and taken as read, be and they are hereby confirmed.

9. QUESTIONS IN TERMS OF SECTION 27 OF THE RULES OF ORDER

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

- 9.1 Questions Submitted by Councillor CJ Pappas: Unauthorized Development, Illegal Land Use and Irregular Building (21/12/1/R):

Increasing numbers of residents are raising concerns about unauthorized development, illegal land use and irregular building, construction or demolition taking place in the city. In this regard, the slow response or failure to resolve issue by the Development Planning and Management Department has been criticised.

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

1. **What is the Municipality doing to protect the property values of residents affected by neighbouring properties that are transgressing city planning and development by laws?**
2. **Does the Municipality have sufficient enforcement capacity to ensure a prompt response and resolution to land use and building inspector related violations?**
 - 2.1 **If yes, what percentage of issues reported to the Development Planning and Management Department in the last 12 months have been resolved to finality of the case and what percentage of cases are outstanding?**
 - 2.2 **If no, what are the City's plans to increase enforcement capacity and ensure reported cases are resolved?**
3. **What is the average waiting period for land use and building inspector cases to be heard in court, dating back 2013 (whether the municipal court or magistrate's court)?**
4. **How many cases involving the Development Planning and Management Department (land use management and building inspector) have been reported to the City Integrity Unit over the past 5 years?**

The following response was given:

1. The Municipality is actively engaged in managing the built and natural environment on a daily basis to the best interest of all its citizens. In this regard, this work is monitored on an ongoing basis through the City's IDP and Scorecard.

2. To achieve the end of regulating the built and natural environment, the Municipality works closely with the National Prosecuting Authority and the Department of Justice which are independent institutions. More specifically, land use and building compliance is enforced through a dedicated branch with the Development Planning, Environment & Management Unit working in conjunction with Metro Police, Legal Services & Compliance Unit, the Municipal Court as well as the National Prosecutions Authority. As with any other sector, the combined efforts of these Enforcement Agencies can never be enough within the framework of regulation.

In the 2016/2017 Financial year, as at 30 June 2017, there was a total of 3 842 cases escalated for prosecution, arising out of Land Use and Building violations. Out of the total number of cases escalated, 2 654 were processed for prosecution. This equates to a total of approximately 69% of cases prosecuted and processed via Metro Police for placement on the Court Roll. The balance of the cases, 31% were resolved after intervention by Enforcement and Prosecution staff. The 69% of cases that were escalated to the Courts equated to a total of R4 089 000 in fines receivable. Of this total, R506 000 was paid; 78 cases withdrawn (eg: accused deceased or plan/application to regularize submitted prior to prosecution) and 137 warrants were secured at Court.

Please note that once a case is prosecuted and placed on the Court Roll, that matter is deemed to be attended to within the procedure stipulated in the regulatory framework. Where non-compliance continues, the matter is prosecuted afresh (2nd notice) and other mechanisms activated including but not limited to:

- The illegal/unauthorized rate coding;
- Referring priority cases to the High Court;
- Pursuing applications for contempt and executing warrants of arrest, etc.

3. The waiting period in Court is a difficult question to answer since each case must be viewed on its own merit. Many cases, as we have indicated above, are resolved/or admission of guilt paid prior to appearance. Whilst the charge is resolved the building contravention is still prevalent on site. These cases will then be instituted afresh.

Cases that have been placed on the roll and where appearance is made by or on behalf of the accused may vary in turnaround. These cases may be subject to postponement for further particulars, remand by virtue of accused or witness unavailability, or delay on the basis of some other legal issue. The average turnaround time (guided by the congestion on Court Roll – number of cases) could vary between 60 to 100 days (in some instances longer) bearing in mind that these are external factors linked to legal eventualities.

4. The Development Planning, Environment & Management Unit does not ordinarily escalate matters to the City Integrity Unit unless fraud has been committed with an intention to prejudice the Municipality (example: fraudulent plans submitted to the Municipality is falsified plans). These are very far and few in between. The exact figures could not be obtained in time from the CIU for the specific period in question by the submission deadline.

9.2 Questions Submitted by Councillor EL Singh: Initiative to Turn Dump Sites into Formalised Parks (31/1/1/2):

In 2015/16 the Parks Department tabled a recommendation for an initiative to turn dump sites into formalised Parks. The initiative was welcomed and approved as dumping is a concern throughout the city.

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

1. **Which sites have been identified as per the Draft List of the of the 100 Parks projects?**
2. **What is the projected commencement date for date for project?**
3. **Who are the contractors in each Ward?**
4. **Can the Community Services Committee be updated with a progress report of each Ward?**

The abovementioned questions by Councillor EL Singh were **DEFERRED** to the next meeting of Council

9.3 Questions Submitted by Councillor SE Mhlongo: Use of Municipal Vehicles by Officials (8/3/1/8/R):

Vehicles belonging to the Municipality are important assets that the City must take every precaution to protect. As movable assets they are susceptible to unauthorised use by officials, damage and theft.

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

1. **How many vehicles belonging to the Municipality have been stolen in the past financial year ending 30 June 2017?**
2. **How many vehicles detailed in question 1 above have been recovered?**
3. **How many vehicles were involved in any sort of accident in the past financial year ending 30 June 2017?**
4. **Of the accidents detailed in question 4 above, how many of these accidents were found to be caused through negligence by any of the City's employees?**
5. **How many vehicles have been exposed to unauthorized use by officials in the past financial year ending 30 June 2017?**
6. **How many officials have had disciplinary proceedings instituted against them for such action as detailed in question 5 above?**
7. **What was the outcome of each of these disciplinary hearings as detailed in question 6 above?**

Councillor MM Mthembu provided the following respective responses:-

1. 3
2. 2
3. 1983
4. Not possible as it is technical
5. 24
6. 4
7. 4 concluded

9.4 Questions Submitted by Councillor GDA Pullan: Establishment of Faults Reporting on WhatsApp Groups for all Department (2/3/):

Our City of more than 4 million people, with many municipal departments, has only one WhatsApp number, for Water and Sewerage issues. [Interestingly, the Mayor quoted that number when we had the recent storm - so all sorts of problems could be easily reported.] Normally, residents and Councillors have to report issues through the various call centre numbers. If you have ever tried to do this, it is tedious and frustrating.

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

- 1. When will reporting faults on WhatsApp groups be established for ALL the departments?**

Councillor MM Mthembu provided the following respective responses:-

The City had currently established different Contact Centres within different service Units with only the Contact Centre within Water and Sanitation that has within their communication platforms the WhatsApp line. However, the City would be considering an integrated approach in as far as customer services which include but not limited to an integrated systems approach with the view to having all services and communication platforms (tollfree call line; electronic; social media including WhatsApp; and any other relevant medium of communication) to be co-ordinated and utilised for the benefit of all customers throughout the City regardless of the type of service for which they would like to communicate with the Municipality. Once that process (Customer Relations Management) has been finalised, it will be rolled out accordingly for the benefit of all service Units within the City.

9.5 Questions Submitted by Councillor GJ Hegter: Closure of Montclair Library due to Non-payment of Rental (17/2/2/1/2 & 24/3/2):

In September 2017 the Montclair library was closed due to non-payment of rental. This is the second time in the past six (6) months that this facility has been closed due to the municipality not fulfilling its obligations to the landlords. Over the past year we have seen a number of other libraries being closed due to the same reasons.

1. **How many months was the rental in arrears?**
2. **Why was the rental not paid on time?**
3. **Is the nonpayment of rentals being investigated?**
4. **What action is being taken to ensure that more of our libraries do not suffer the same fate?**

Councillor ZR Sokhabase provided the following respective responses:-

1. August rental was outstanding – landlord locked the library on 22 Sept. The library was closed for 3 days to the public and re-opened on 28th Sept. Payment for outstanding rental was paid on 26th Sept. Reflected in Landlord banking account on 27th Sept.
2. There was no signed lease contract and in the absence of this, Accounts Payable could not process payment of the rental. Authority had to be requested from the Deputy City Manager : Finance to release payment without the signed lease. The negotiations to renew the lease commenced in August 2016. The lease expired in Feb 2017. There were protracted negotiations between the landlord and the Real Estate Department before the lease was finally signed last week. There should not be any delays with the payment of rental as we now have a signed lease agreement.

9.6

Questions Submitted by Councillor JP Prinsloo: eThekweni Sport Club Leases (17/2/1/2/5):

The vast majority of eThekweni sport club leases have been reduced to “month to month”.

Resulting uncertainty on the future of clubs create reluctance from sport clubs to invest with an adverse negative effect on Council property due to vandalism, vagrancy and general lack in maintenance.

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

1. **Is the blanket practice that reduced all leases to month to month” currently under revision?**
 - 1.1 **If the answer is Yes: When will the revision be complete?**
 - 1.2 **If the answer is No: Why is it not being done and when will it commence?**
2. **Who is/will be responsible to facilitate the revision process?**
3. **When last did the sub-committee on sport leases congregate to make recommendations on sport club leases and related matters?**
4. **Does Real Estate have the capacity to negotiate current “month to month” leases for conversion to long term leases?**

5. **Does Real Estate have the capacity to guide and assist sport clubs in terms of best practice to convert to long term leases?**
6. **Will sport clubs that meet the municipality's qualifying criteria for long term leases and that have been waiting for these leases pending a revision decision, be prioritised thus creating capacity to assist other in attaining the required best practice criteria?**

The abovementioned questions by Councillor JP Prinsloo were **DEFERRED** to the next meeting of Council.

9.7

Questions Submitted by Councillor M Johnson: Recreational Sites Being Allocated and Sold to Developers for Housing Purposes in Phoenix (22/7/1/1/2):

As all the land in Phoenix is zoned Special Residential 180 (SR180), recreational sites which have been developed more than 30 years ago are being allocated and sold to developers for housing purposes.

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

1. **How many playlots in total have been allocated for housing development?**
2. **Which ones have already been sold and to which developers?**
3. **Has any sportfield or combi-court been sold, if so, which ones?**
4. **How many of our parks will be affected by these developments?**
5. **Which officials/departments negotiated these deals?**
6. **Are the remaining facilities going to be rezoned recreational, if so when?**

The following responses were provided:

1. The infill housing project is working under the Council resolution that was taken in 2008.
2. Playlots fall under the management of Parks, Recreation and Culture (PRC). If any officially recognized playlot has been developed, it must be reported to Human Settlements by PRC.
3. Developers are allocated sites to develop. These are transferred directly to a beneficiary, so sites are not "sold" to Developers.

9.8

Questions Submitted by Councillor M Nair: Regular Monitoring of Air Quality within the eThekweni Municipal Area (30/2/4/2/2/R):

In order to reduce eThekweni's climate risk and vulnerability and improve our city's resilience, it is vital that we regularly monitor the air quality within the eThekweni Municipal Area.

In light of the above I pose the following questions:

1. **Of the total number of air quality monitors, how many of these are operational?**
2. **Which air quality monitors are not operational?**
3. **How often is each air quality monitoring device serviced?**
4. **When was the last time they were serviced?**
5. **What plans are there to repair broken or malfunctioning air monitoring devices?**

Councillor ZR Sokhabase provided the following respective responses:-

1. The eThekweni Municipality whose mandate includes ambient air quality monitoring, has a total of fourteen (14) monitoring stations.

For the air quality stations to be functional a power supply is needed to the station and the data acquisition system (computers, data loggers, fibre network, servers and the like) must all be in order. In addition the instruments with each station must be in a temperature controlled environment and the stations are therefore fitted with air conditioning units (A/C).

It is therefore possible that on occasions all instruments are functional but where there have been for example an electrical interruption to the area, the air conditioning system has failed (in which case the instruments are switched off to prevent damage), the data acquisition system may also be defective in which case the station would be reported as off line.

The status of each station is consequently recorded as per the discussion above:

- Prospecton - fully functional
- Alverstone - fully functional
- Settlers - fully functional
- New Germany - fully functional
- Amanzimtoti - fully functional
- Hambanathi - Fully functional

Four stations were affected by the recent storm and are currently not functional. Related damage is noted below:

- Southern Works- functional but Electrical outage in area after storm
- Warwick Avenue - functional but Electrical outage in area after storm
- Grosvenor - AC damaged (proforma order to Architectural maintenance for repairs)
- Jacobs - Meteorological mast blown down, AC compressor dislodged. Insurance claim being processed.

Four stations are not reporting due to issues with IS/IT/Network related problems. These are

- Wentworth
- Ganges

- City Hall
- Cato Ridge

As noted above faults are logged with the IS/IT/Networks units when problems occur. All of these faults have been reported. A number of issues have however remained unresolved due to the DAS requiring to be upgraded.

These issues will be resolved through the national DAS project if authorisation is granted by council to "piggy back" on this project.

2. Please see comments under 1 above.
3. Servicing of analysers is conducted on a bi-annual basis in addition to one external multipoint calibration.
4. Analysers were last serviced during the first quarter of the 2017/2018 financial year.
5. The Health Unit has 3 Instrument Technicians and one Chemical Technician together with a Senior Chemist who are responsible for maintenance and repairs of the instruments. On occasions the staff are not able to affect the necessary repairs to defective instruments and these then need to be repaired by outside specialist suppliers via the SCM process. During the last round of servicing certain instruments did not respond well and will require servicing by external service providers.

This was recently advertised via the SCM process however no response was received. This will be re- advertised however the imported instruments can only be repaired by a limited number of external service providers.

The data acquisition systems (DAS) associated with the stations is the responsibility of the IS/IT/Network sections of the municipality. Should the DAS system require repair, a fault is logged with these units. It is recorded that the issue of a uniform system for DAS across the country is currently unfolding and the National Department of Environmental Affairs has appointed a service provider to assist municipalities and provincial government to ensure uniformity of systems and reporting.

The current DAS associated with the eThekweni network requires upgrading and the Health Unit is preparing a report in order to take advantage of the national process.

The instruments within the stations are very temperature sensitive and must operate in a temperature controlled environment. The Air Conditioning units fitted within the stations are serviced and repaired by the Architectural Maintenance unit of the Municipality. This work is conducted on the submission of a pro-forma to that unit.

It is further noted that:

- The availability of capital budget to replace equipment at the end of its service life has proved challenging.

- The Air Quality Management Plan (AQMP) has been completed and is being submitted to Committee for consideration. The report includes discussion on the need to make appropriate operating and capital budget available to the Health Unit so as to ensure the functionality of the network at all times.

9.9

Questions Submitted by Councillor NL Graham: Presentation on the City's Downward Economic Trend (20/1/7/R):

A presentation by the City's Economic Development and Investment Promotion Unit has revealed that eThekweni's economic growth is projected at 0.4% for the current year. This is a steady decline from 3.8% growth in 2010. EThekweni has also moved to fourth place in the cities' ranking behind Tshwane.

Against this backdrop, I ask the following:

1. **What are the municipality's immediate plans to stop this downward economic trend?**
2. **What are the municipality's immediate plans to improve conditions to allow more eThekweni residents to become employed?**
3. **What does the municipality believe are the key reasons for our stagnant economy in eThekweni specifically?**

Councillor AB Ndlovu provided the following respective responses:-

1. It should be noted that we are currently experiencing difficult economic conditions and all metros are facing similar challenges. Notwithstanding that we are executing the following:-
 - Improving the ease of doing business.
 - Attracting investment
 - Creating partnerships for growth with the private sector
 - Promoting a well-managed city
2. Our short term initiatives are:-
 - Fast-tracking catalytic projects
 - Promoting entrepreneurship
 - Public employment schemes, eg. EPWP, Zibambele
 - Job opportunities emanating from implementing the capital budget
 - Proving industry support through the clusters
3. The slow growth in the national economy has impacted the local economy.
 - The manufacturing sector which is a large contributor to the local economy slowed substantially during 2016.
 - Slow rates of private sector investment in land and buildings has played an important role in slowing growth rates in the construction industry, and in the economy generally.

9.10

Questions Submitted by Councillor R Gokool : Rubble and Incomplete Sidewalks, on Berkshire Drive, New Germany (Ward 21) (25/4/10/1/1):

Despite reporting to the eThekweni Engineering Call Centre and continued follow up attempts with various officials within the Engineering cluster, residents of Berkshire Drive in New Germany (Ward 21) remain ignorant of rubble and incomplete sidewalks that necessitates pedestrians to walk within the driving surface of the road.

Against this background the following questions:

- 1. For what reason were the sidewalks along Berkshire Drive dug up?**
- 2. By what date will the sidewalks along Berkshire Drive be re-instated?**
- 3. By what date will all the rubble along Berkshire Drive be removed so pedestrians can again utilize the walkway?**
- 4. What processes were followed in awarding the contract?**
- 5. On whose instruction was the sidewalk work stopped along Berkshire Drive?**
- 6. Being that residents have noted and reported materials being stolen, who will accept responsibility for the replacement thereof in order to complete the work?**

Councillor MG Shange provided the following respective responses:-

1. A new sidewalk is proposed along the current verge of Berkshire Drive as part of the Community Infrastructure Programme (CIP).
2. The new sidewalk will be completed as soon as the dispute between the Main contractor and the Ward based sub-contractors has been resolved.
3. The rubble was cleared on 18 October 2017.
4. The Community Infrastructure Programme contract for the Inner West Region was awarded via a public tender process.
5. The work stopped when a dispute arose between the ward based sub-contractors and the Main contractor. Cllr Qwabe (Ward Councillor) has been approached to resolve this matter.
6. The ownership of materials on site remains the responsibility of the Main contractor until built into the works. The Main contractor has insurance cover for all materials on site.

9.11 Questions Submitted by Councillor SV De Boer: Housing Development in Newlands East Area (21/3/2 & 22/7/1/1/R):

This Council noting that no housing developments have taken place in the Newlands East area for more than 20 years.

I hereby pose the following questions:

1. **How many hectares of vacant land, owned by the city, are situated in Newlands East?**
2. **Does the city have any short or medium term plans to develop housing for people of Newlands East?**
 - 2.1 **If not, why?**
3. **Does this council recognize that there are hundreds of Newlands East residents who need housing opportunities?**
4. **Are there any reasons why the city has systematically failed to develop housing for qualifying residents in Newlands East?**

Councillor PS Ntshangase provided the following respective responses:-

1. 590 vacant sites were identified for infill housing, aimed at the gap market (middle income earners). 24 of these sites could not be allocated to any Developer as they are subject to land claims. 418 sites have been allocated to Developers. The Developers were asked to do a transport management study prior to doing any construction. This was an instruction that was given by our transportation department. We were further asked to conduct soil studies due to the instability of the land in Newlands. We have conducted those two studies and we are busy drawing plans.
2.
 - i) The eThekweni Municipality provides approximately 200 rental units in Newlands East. Residents are encouraged to purchase these units at a steeply discounted rate, subsidized by the Enhanced Extended Discount Benefit Scheme. More than 2 000 families have already taken ownership.
 - ii) The 20 blocks identified by the community as in need of upgrading/repairs have been assessed by an Engineer appointed by the Provincial Department of Human Settlements. Contractors were appointed to refurbish the flats, but the community objected to the contractors and the scope of work. The rectification programme has now been put on hold due to financial constraints.
 - iii) Social housing (affordable rental accommodation) is available in the Lakehaven Social Housing projects. These 592 units are reserved for households whose monthly income falls between R3 000 and R10 000. In close proximity is the Avoca Hills Social Housing project, which comprises 520 rental units.

iv) The projects in feasibility studies and project planning stages in the Central Northern region include Kenville and Avoca. Avoca is currently being planned as a mega/catalytic project with a potential yield of 9 000 units. Allocation guidelines are not yet in place for this project.

3. The housing backlog in eThekweni is defined and estimated as follows:

-	Informal settlements	238 000 hh
-	Backyard shacks	49 000 hh
-	Traditional dwellings	96 000 hh
-	Estimated Total	383 000 hh

The current funding available from KZN Department of Human Settlements supports the construction of less than 5 000 units per annum. While the City is aware that overcrowding of formal housing is also an issue, the priority for fully subsidized housing programmes (as defined in the Housing Sector Plan) is to upgrade informal settlements and eradicate transit facilities.

9.12

Questions Submitted by Councillor S Hoosen: Illegal Electricity Connections in Bottlebrush Informal Settlement, Crossmoor (27/2/5/1):

The Community in Crossmoor has had enough with the daily electricity outages, due to illegal connections. People in the Bottlebrush informal settlement want a legal electricity connection with a pre-paid meter. The municipality is spending millions of rand on transformers, cable theft and new unsuccessful methods to secure non-functional street lighting. The only solution is to implement the resolution that this Council has taken to electrify all settlements that will not be moved. Bottlebrush Informal Settlement must be electrified, to ensure that people live with dignity.

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

- 1. By what date will pre-paid electricity meters be installed at the Bottlebrush Informal Settlement?**
- 2. How many outages due to illegal connections have been reported since 2016 to September 2017?**
- 3. How many adults and children were electrocuted since 2011, due to illegal connections?**

Councillor De Lange provided the following respective responses:-

1. We are unable to establish the date by which the prepaid meters will be installed. We have had suggestions that our Executive including our DCM do a site visit so that they can advise on what needs to be done. This is based on the fact that we seem to be short of ideas when it comes to this area because of the many challenges existing in that area, e.g. flood plain. over population, houses built on servitude areas, etc. (NB: I suggest that Cllr Hoosen be part of that visit).

2. We cannot accurately quantify, however the number of outages has recently risen from 3 per month to almost 2 to 3 per week during this period.
3. Deaths so far which were brought to our attention is two of which one was a child and one adult (i.e. two known deaths).

(At this stage of the proceedings the Members of the Public seated in the Gallery were not satisfied with the responses provided in respect of the afore-mentioned questions by Councillor S Hoosen and therefore became disruptive. In view of the disruption the meeting could not proceed smoothly. The Speaker requested them to leave the meeting. The meeting adjourned to enable Security to escort the Public out of the meeting and thereafter resumed).

9.13 Questions Submitted by Councillor S Sewshanker : Repair of Fishing Related Infrastructure on Central Beachfront Piers (25/2/4):

Since 2010, subsistence fishermen have not been allowed to fish off of certain Central beachfront piers. Much of the fishing-related infrastructure on these piers have been removed. Of the three piers currently allowed for fishing, two (Snake Park pier and Blue Waters pier) have been closed for repairs for some time. The third, Sunkist pier, is too shallow to fish off during low tide. Many fishermen rely on their catch to feed their families and are battling under the current economic circumstances.

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

1. **By what date will the two closed piers be repaired for fishermen to be allowed to access them again?**
2. **What interim plans are in place to allow subsistence fishermen to use the beach front to provide for their families in a sustainable and equitable way?**

Councillor ZR Sokhabase provided the following respective responses:-

1. The (Blue Waters Pier) ie; the Argyle Outfall Pier is currently closed due a dangerous situation as a result of structural damage at the end of the Pier (the sea end of the Pier is unsafe). The department has just received Environmental approval to proceed with the demolition of the end of the Pier. We are currently going out to tender and we expect to have the Pier reopened in the first half of next year.
2. The Parks, Recreation & Culture department (PRC) who are the custodians of the Piers and the Fishing aspect in eThekweni had confirmed that the Snake Park pier is still open and can also comment in terms of item 2. Comments can be obtained from the District Manager, Mr Bruce Blake on 0834435372.

9.14

Questions Submitted by Councillor WJM Burne: Erroneous Billing of the RMS Billing System

It is noted that since the inception and roll out of the RMS billing system, a substantial number of residents have been adversely affected by the erroneous billing and statements based on estimates. This had led to residents being forced to sign installment agreements to avoid being disconnected, alternatively having to pay the amount stated on the said bills.

Following the large number of complaints raised by residents, the Mayor announced, via the media; that she had tasked the City Manager to appoint an independent person or body to investigate the billing complaints in the Municipality.

Against this background, I pose the following questions:

- 1. Has the City Manager appointed the said independent person or body to deal with the billing complaints? If not, why not?**
- 2. If the answer to the above is “Yes”, then please advise.**
 - 2.1 Which independent person or body has been appointed?**
 - 2.2 What are the contact details of the said independent person or body?**
- 3. When will the appointment of the independent person or body be publicised?**
- 4. How many disputes have been logged with the municipality during the period Jan 2016 to 10 October 2017? And, how many of these disputes:**
 - 4.1 were resolved in favour of the consumer?**
 - 4.2 remain unresolved?**
- 5. Is it lawful for the Municipality to disconnect a consumer if there is a pending dispute on an account?**
- 6. Why are bills being produced using estimates and not actual readings?**
- 7. What is being done to ensure that manual monthly readings are taken for every consumer?**

The City Manager provided the following respective responses:-

1. Formal disputes can be lodged via the Credit Control Policy, Section 25. The City Manager’s office may be required to keep a record of this for administration purposes, as the dispute has to be submitted to the “Authorised Official”. I have no record of the quantity during this period, and if there are any unresolved. My view is that we have very few of these formal items lodged for our income department, and pending an outcome. (I will copy Nokulunga here from our compliance aspect). We have a variety of avenues open to customers to do the normal queries, and there is also the Ombuds Office that deal with customer “queries” that may not get the attention it needs via the normal interaction with Officials in the various departments.

2. It would not be lawful to disconnect in regard to disputed amount, until resolved. However an account may have other charges that require normal payment, and the Council can expect payment in full of any other “non-disputed” amount.
3. Estimates are required when a reading is not taken and/or when a reading is not seen to be correct and is not used for the account purposes. Item 4 below sets out the policy. Readings are preferred and are used whenever available, but estimates are still necessary when a reading is not available (not read due to the policy, or is not able to be obtained due to a locked property, etc.).
4. The current policy for the water department is to read all meters on a monthly basis. The existing policy for the electricity department is to read the residential customers on a quarterly basis, with the larger commercial customers read on a monthly basis as far as possible. The customers have questioned the quarterly reading policy and there are discussions in place to change this to monthly. There is an avenue open for readings to be submitted via email and this is working satisfactorily.

9.15 Questions Submitted by Councillor Y Govender: Funding of the Tongaat Hindu Unity Forum, 16 June Celebrations (13/2/1/2/1 & 17/1/1/3):

June 16th, is a national initiative celebrated in all communities. As such the Tongaat Hindu Unity Forum, which comprises several Temples and Hindu organisations, celebrates this day annually. The celebrations include a Fun Run and entertainment aimed at youth.

It has been published in the local newspapers, that the African National Congress partnered with the Tongaat Hindu Unity Forum in this year’s celebrations held at the Outspan Grounds in Tongaat on 16 June 2017. Included in the celebration, was an address by the eThekweni Mayor, the Premier of KwaZulu-Natal, and a performance by KZN youth wind band was scheduled.

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

1. **Was any funding for this event allocated from or used from the eThekweni Municipal budget?**
2. **If the answer to the above is “Yes”, then please advise:**
 - 2.1 **Which department bore the financial cost for the event?**
 - 2.2 **What is the amount of the funding that was allocated to this event?**
 - 2.3 **Has the funding been approved by the relevant Municipal Committee?**
 - 2.4 **If approved by a Municipal Committee, state which Committee and on what date?**
 - 2.5 **On what date were the funds paid and onto whose account, precise details are required?**
 - 2.6 **T-shirts were printed, accordingly please state the amount of the financial implications for the eThekweni Municipality?**
3. **Was the KZN Youth wind band paid out of Municipal funds, to play at this event?**

3.1 If the answer to the above is yes, then,

3.1.1 Has the funding been approved by the relevant Municipal Committee?

3.1.2 If approved by a Municipal Committee, state which Committee and on what date?

3.1.3 On what date were the funds paid and into whose account, precise details are required?

In response Councillor ZR Sokhabase advised that the Parks, Recreation and Culture Unit was unaware of the event.

(At this stage of the proceedings, Councillor Mthiyane of the EFF requested to participate in discussions relative to questions, however the Speaker indicated that in terms of the Rules of Order no discussions were permitted on questions. Councillor Mthiyane thereafter contended that he was being refused to participate in the proceedings and continuously interjected by which time the Speaker requested that he leave the meeting for not abiding and adhering to the Rules of Order. On Councillor Mthiyane's departure, all members of his Party that were present left the meeting with him).

In the absence of Her Worship the Mayor, Councillor ZRT Gumede, the Deputy Mayor, Councillor F Peer presented the First Report of the Executive Committee.

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2017-10-16)

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.

1.1 INCLEMENT WEATHER INCIDENT IN DURBAN: 10 OCTOBER 2017

(Presentation by Disaster Management Unit)

The Executive Committee gave priority to engaging on the matter of the severe storm which has hit the City of eThekweni on 10 October 2017. This is less than a month after the City had survived strong gale force winds on 16 September 2017 which had caused major damages to households and infrastructure. The storm had caused havoc in many parts of the South Region of the eThekweni Municipality resulting in several damages; injuries; and loss of lives.

A total of 28 Wards are affected in the South with the other parts of eThekweni having less than 9 Wards affected by the storm. Facilities affected include shopping malls; electricity; water and sanitation; CCTV fibre route; housing infrastructure; roads and bridges; households; and drowning. The eThekweni leadership intends providing immediate relief to the storm victims and to rehabilitate the facilities forthwith, hence, the decision to concentrate efforts towards addressing the damages.

An overview of the incidents which had occurred and logged with eThekweni Disaster Management Centre has been presented at the Executive Committee level. At the time of reporting to the Executive Committee, the assessment was ongoing to determine the full extent of the damages to households and infrastructure as well as the costs implications thereof. Some of the storm victims are accommodated in the community halls. Great appreciation is extended to the organizations which had been generous in giving a helping hand in various forms including hot meals, clothing; mattresses; and blankets to the storm victims in community halls.

The storm damage assessments done thus far has revealed the following costs implications:

Category	Estimated Costs	Specifications Summary
Water & Sanitation	R2 342 000.00	Reinstatement of water infrastructure. A number of 3 000 households affected.
Roads & Stormwater	-	A number of 1 081 roads & Stormwater damage. The bulk of the work is routine maintenance work to be covered by the operating budget. A programme of work will be prepared when the full extent of the damage is known.
Category	Estimated Costs	Specifications Summary
Electricity	R2 610 000.00	Damages include broken earth wire; water ingress into transformer; damaged perimeter fencing; and trenching collapse
Human Settlements	R250 064 000.00	Damage to retaining walls; RDP Units roofs Construction of semi-temporal structure of prefabs. Subsidy for houses will be provided by the Department of Human Settlements
Cleansing & Solid Waste	R1 398 600.00	Damage to office furniture, equipment, CCTV cameras and infrastructural damage
Fallen Trees	-	230 trees attended thus far on a 24hr standby roster

Whist full damage assessment is due to be finalized, the view is that remedial action be implemented arising from the assessment already undertaken thereby providing immediate relief to the storm victims and rehabilitate the facilities affected.

In that regard,

COMMITTEE RECOMMENDS:

- 1.1.1 That Council notes the incident report on the inclement weather in Durban on 10 October 2017 which has severely affected the South Region of the eThekweni Municipality and the remedial action planned to be undertaken, with service providers to be sourced in compliance with the Supply Chain Management processes where required.
- 1.1.2 That Council notes that upon the finalisation of the assessment on storm damages a report will be consolidated for submission to the Provincial Disaster Management Centre for disaster declaration as per the Provincial Cabinet resolution of 12 October 2017.
- 1.1.3 That Council notes that funding for remedial work would be sourced through reprioritising budget allocations within the affected Units, with a portion of the human settlements funding to be obtained from the Provincial Department of Human Settlements.

NOTED.

ZRT GUMEDE
CHAIRPERSON

The Deputy Mayor, Councillor F Peer presented the Second Report of the Executive Committee.

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Monday, 2017-10-23)

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

1. REPORT OF GOVERNANCE AND HUMAN RESOURCES COMMITTEE:
MEETING HELD 2017-10-12

(Page R1)

1.1 Reprioritization of Capital Budget: Procurement of Security Equipment (7/1/3/2):
(Page 39: Governance and Human Resources Committee - Agenda 2017-10-12)

The Committee was advised that the limited security controls and challenges experienced with access control and security management necessitated the improvement of Security at City Hall. It was noted that the procurement and installation of Security Equipment was approved in November 2016 in terms of Rule of Order 28.

In accordance with the procurement process, a report was submitted to Bid Adjudication Committee in November 2016 recommending the most responsive tenderer for the supply, delivery and installation of Security equipment. The letter of award to the successful tenderer was only issued in April 2017. The five-month delay in issuing a letter of award was due to Bid Committee Meetings being put on hold for some time. As a result, orders for security equipment were only placed late in May 2017. The security equipment was thereafter delivered in July and August 2017. Based on the late placement of orders and delivery of equipment after the financial year end, previously identified savings were no longer available. Arrangements are presently underway to complete installation of the security equipment. However, an estimated amount of R2.5 million (Two Million Five Hundred Thousand Rand) is required to complete the project as the breakdown of funds required indicated below:-

Items Description	Quantity	Estimate Cost Excl. VAT
Bag Scanners / Metal Detectors	4	R2,150,000.00
Bagger Scanner & accessories	4	R 150,000.00
Security Sliding Doors	4	R 200,000.00
Total Estimated Cost		R2,500,000.00

During discussions, it was noted that all members of the Committee were in support of the recommendations. However, a request was made by the Committee that the Security Management Unit be invited to the next meeting of the Governance and Human Resources Committee in order to provide a progress report on the matter.

The Speaker

COMMITTEE RECOMMENDS:

- 1.1.1 That the reprioritisation of the Unit's Capital Budget to cater for the costs of procurement and installation of security equipment at City Hall, be approved.
- 1.1.2 That subject to the approval of .1 above, authority be granted to the Deputy City Manager: Finance to include an amount of R2 500 000.00 (Two Million Five Hundred Thousand Rand) to the capital adjustment budget for 2017/2018 financial year for approval.
- 1.1.3 That authority be granted to the Head: City Administration to incur expenditure in the amount of R2 500.000.00 (Two Million Five Hundred Thousand Rand) in order to finalise the implementation of procurement and installation of security equipment at City Hall.

Financial Implications:-

An amount of R1 400 000.00 (One Million Four Hundred Thousand Rand) has been identified on the Unit's 2017/2018 Capital Budget. This amount is allocated for CCTV upgrade. The CCTV upgrade project has been completed therefore funds initially allocated for CCTV upgrade may be used for the security upgrade project. The additional R1 100 000.00 (One Million One Hundred Thousand Rand) required for security upgrade will be funded from the Unit's plant and equipment budget.

Vote No. : G1021.44340.12120.0000.PC8800.0010 R2 500 000.00
(to be provided in the 2017/2018 financial year Capital Adjustment Budget)
F.C No.: 08/09

ADOPTED.

2. REPORT OF HUMAN SETTLEMENTS AND INFRASTRUCTURE
COMMITTEE: MEETING HELD 2017-10-13

(Page R3)

2.1 Request for Allocation of Funding for the Acquisition of Land for Human
Settlements Development (17/2/1/1):

(Page 16: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

The Committee was advised that eThekweni Municipality is the local authority with the largest number of informal settlements and it is estimated that has the highest backlog in the Province. Most of these informal settlements are spread across various properties which are in private ownership. As part of the City's Informal Settlements Upgrading Programme Strategy, properties have been identified for human settlements development either for interim facilities or outright freehold acquisition to undertake human settlements development. In order to meet the targeted number of strategic land acquisitions for the current financial year a funding of R100 000 000.00 (One Hundred Million Rand) is requested for the acquisition of the properties which are highlighted in the report by Head: Human Settlements dated 2017-08-24.

COMMITTEE RECOMMENDS:

That authority be granted to re-adjust and allocate R100 000 000.00 (One Hundred Million Rand) funding within the Human Settlements Unit for the strategic land acquisition in support of Human Settlements Development from savings identified within the USDG Capital allocation in the adjustment budget.

Financial Implications:

Funding was requested for inclusion for the financial year 2017/2018 but due to conflicting USDG priorities it was not finalized on the approved Council Budget. However, a saving would be realized within the USDG which will enable the Unit to make a provision for Land Acquisition and proceed with the purchase of a Land parcel as required.

MOTION TO AMEND

In terms of Rule 20(4) Councillor LM Meyer, seconded by Councillor SV De Boer, moved as a procedural motion that the above recommendations of the Executive Committee be amended by the addition of the following punctuation and words “, provided that a report be furnished to the Human Settlements & Infrastructure Committee on each specific property, stating the name of the current owner and the basis on which the purchase price has been calculated”, to read as follows:

“That authority be granted to re-adjust and allocate R100 000 000.00 (One Hundred Million Rand) funding within the Human Settlements Unit for the strategic land acquisition in support of Human Settlements Development from savings identified within the USDG Capital allocation in the adjustment budget, provided that a report be furnished to the Human Settlements & Infrastructure Committee on each specific property, stating the name of the current owner and the basis on which the purchase price has been calculated.”

NOT CARRIED

As some Councillors were not in support of the abovementioned Motion to Amend, the matter was put to the vote. With 184 Councillors present, 57 Councillors (DA-56 and ACDP-1) voted in favour and 127 Councillors (ANC-107, IFP-10, IND-3, AIC-1, MF-1, DLC-1, TA-1, MOSA-1, APC-1 and AL-JAMAH-1) voted against.

The abovementioned Motion to Amend was, by the majority vote, **NOT CARRIED.**

Thereafter the above recommendation of the Executive Committee was put to the vote and was **ADOPTED.**

- 2.2 Request for Authority to Transfer Funds - WS2017/109 (23/1/11/2/1/2):
(Page 24: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

With the Committee having been advised that the Unit was requesting authority to transfer funds to an existing project with a view to cater for budget shortfall as a result of savings identified,

COMMITTEE RECOMMENDS:

- 2.2.1 That for reasons stated in this report WS 2017/109, the Head: Water and Sanitation be authorized to proceed with Project Y8607: Installation of two Screw Conveyors at Northern Wastewater Treatment Works at an estimated cost of R1 128 620.00 (One Million One Hundred and Twenty Eight Thousand Six Hundred and Twenty Rand) (excl. VAT).
- 2.2.2 That subject to .1 above, the Deputy City Manager: Treasury be authorized to include in his Adjustment Budget report the transfer of R678 620.00 (Six Hundred and Seventy Eight Thousand Six Hundred and Twenty Rand) (excl. VAT) from Project Y7623 - River Bridge over the Mbokodweni River to Project Y8607 – Installation of two Screw Conveyors at Northern Wastewater Treatment Works.

Cost Centre: R450 000.00 (Excl. VAT) (Provided 2017/2018)
R678 620.00 (Excl. VAT) (to be met by adjustment budget 2017/18)
Project No. : Y8607
FC No.: 365/C41

ADOPTED.

- 2.2.3 Acquisition for Regularisation of Road Servitude: Bul-Bul Drive: Portion 65 (of 7), 112 (of 7), 71 (of 64) and Rem of 64 (of 7) All of Erf 80 Chatsworth Plan SJ 4731/7 and Plan SJ 4731/8) (17/2/1/1/2):
(Page 46: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

COMMITTEE RECOMMENDS:

- 2.2.3.1 *That in order to rectify the resolution adopted by Council on dated 23 February 2017, relative to the regularization of the Road Servitude: Bul Bul Drive, the following resolution adopted by Council on the abovementioned date be rescinded in its entirety.*

- 2.3.1.1 *That in order to regularise the road servitude viz. Portions 65 9 (of 7), 112 (of 7), 71 (of 64) and Rem of 67 (of 7) all of Erf 80 Chatsworth, the Head: Real Estate be authorised to deviate from the Supply Chain Management Regulations and negotiate the acquisition of road servitude as reflected on Plans SJ 431/7 and SJ 4731/8 of the undated report by the Head: Real Estate, utilizing Regulation 36 (1)(a)(ii) of the Supply Chain Management Regulations.*
- 2.3.1.2 *That subject to the adoption of 1. above and approval of the Bid Adjudication Committee pursuant to successful negotiations, the Head: Real Estate be authorised to sign the relevant agreement and all documents necessary to effect registration of the servitude rights to the eThekweni Municipality.*
- 2.3.1.3 *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.*
- 2.3.1.4 *That in the event of negotiations being unsuccessful, the Head: Real Estate be authorised to expropriate the required servitude rights and to sign all documents necessary to give effect to the expropriation.*
- 2.3.2 That subject to the adoption of .1 above the following resolutions, be adopted by Council:
- 2.3.2.1 That in order to regularise the road servitude viz. Portions 65 (of 7), 112 (of 7), 71 (of 64) and Rem of 64 (of 7) all of Erf 80 Chatsworth, the Head: Real Estate be authorised to deviate from the Supply Chain Management Regulations and negotiate the acquisition of road servitude as reflected on Plans SJ 4731/7 and SJ 4731/8, utilizing Regulation 36 (1)(a)(ii) of the Supply Chain Management Regulations;
- 2.3.2.2 That subject to the adoption of .2 above and approval of the Bid Adjudication Committee pursuant to successful negotiations, the Head: Real Estate be authorised to sign the relevant agreement and all documents necessary to effect registration of the servitude rights to the eThekweni Municipality;
- 2.3.2.3 That the City Manager record the reasons for the deviations, and provided a report to Council and include them as a note to the Annual Financial Statements in terms of Section 36(2) of the Supply Chain Management Regulations; and
- 2.3.2.4 That in the event negotiations being unsuccessful the Head: Real Estate be authorized to expropriate the required servitude rights and to sign all documents necessary to give effect to the expropriation.

ADOPTED.

- 2.4 Transfer of Property in Cato Manor: Booth West Business Park: The New Day Trust and Limka Investments CC (17/2/1/2/3):
(Page 59: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

Following an in-loco inspection of the property in question being undertaken by the Multi-Party Task Team and the Members having agreed that an obligation to transfer the property had been incurred,

COMMITTEE RECOMMENDS:

- 2.4.1 That the Municipality declares in terms of Section 14(2)(a) of the Municipal Finance Management Act 56 of 2003 that:

- 2.4.1.1 The properties described as Erf 6122 and Erf 6123 Cato Manor are not required for providing the minimum level of basic Municipal services; and
- 2.4.1.2 The purchase price of R600 000.00 (Six Hundred Thousand Rand) and R985 800.00 (Nine Hundred and Eighty Five Thousand Eight Hundred Rand) respectively, has been paid as per the Cato Manor Development Association purchase and sale agreements dated 24 May 2004 and 30 April 2004.
- 2.4.2 That in terms of Section 40 (2)(b)(i) of the Supply Chain Management Policy Erf 6122 Cato Manor, Registration Division FT, Province of KwaZulu-Natal in extent approximately 1,9857ha as depicted on SJ 671/2000, be transferred to the New Day Trust (IT 1097/96) at the price of R600 000.00 (Six Hundred Thousand Rand).
- 2.4.3 That in terms of Section 40(2)(b)(i) of the Supply Chain Management Policy Erf 6123 Cato Manor, Registration Division FT, Province of KwaZulu-Natal in Extent approximately 3,2202ha as depicted on SJ 671/2000, be transferred to Limika Investments CC at the price of R985 800.00 (Nine Hundred and Eighty Five Thousand Eight Hundred Rand)
- 2.4.4 That the City Manager records the reasons for the deviations and provide a report to Council and includes them it as a note to the Annual Financial Statements in terms of Section 36 (2) of the Municipal Supply Chain Management Regulations.
- 2.4.5 That subject to the adoption of recommendations 1- 4 above, the Head: Real Estate be authorized by the powers vested through the system of delegations to sign all documents to give effect to the transaction.

ADOPTED.

- 2.5 Proposed Sale of Municipal Land to the Adjoining Property Owner at 30 Morrison Street, Durban (17/2/1/1/4):
(Page 64: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

Following an in-loco inspection of the property in question being undertaken by the Multi-Party Task Team,

COMMITTEE RECOMMENDS:

- 2.5.1 That the Municipality declares in terms of Section 14(2)(a) and (b) of the Municipal Finance Management Act 56 of 2003 that:
- 2.5.1.1 The property described as portion [A] of Erf 11328 of land is not required for providing the minimum level of basic Municipal services; and
- 2.5.1.2 The market value of Proposed Portion [A] of Erf 11328 Durban in extent 501m² is currently assessed at a value of R456 000-00 (Four Hundred and Fifty Six Thousand Rand) exclusive of VAT and the economic and community values have been considered.
- 2.5.2 That in terms of Section 40(2)(b)(i) of Supply Chain Management Policy read together with Regulation 7 of the Municipal Assets Transfer Regulations, the area described as Proposed Portion [A] of Erf 11328 Durban in extent approximately 501m² as depicted on Plan No. SJ 4674/6 be alienated to Winning Strike Investments 13 at a purchase price of R456 000-00 (Four Hundred and Fifty Six Thousand Rand) exclusive of VAT, such compensation reflecting the current market value.

- 2.5.3 That the Proposed Portion [A] of Erf 11328 Durban, be consolidated with Erf 11330 Durban, a development site used for general business purposes, to enable the registered owner to utilize the site.
- 2.5.4 That in the event of objections being lodged to the proposed alienation of Proposed Portion [A] of Erf 11328 Durban, in extent approximately 501m² as depicted on Plan No. 4674/6 the matter must be referred for resolution in terms of Section 50 of the Supply Chain Management Policy headed “Resolution of Disputes, Objections, Complaints and Queries”.
- 2.5.5 That authority be granted to the Bid Adjudication Committee to consider the application to deviate from the procurement process in order to sell the Proposed Portion [A] of Erf 11328 Durban in extent approximately 501m² as depicted on Plan No. SJ 4674/6 by private treaty in terms of Section 36(i)(a)(v) of the Supply Chain Management Regulations.
- 2.5.6 That in the event of the alienation not being finalized within Six (06) months from the date of the Bid Adjudication Committee authority being granted, the Head: Real Estate be authorized to review the compensation in line with the current market value of the property where there has been a change in the market value.
- 2.5.7 That the City Manager records the reasons for the deviations and provide a report to Council and includes them as a note to the Annual Financial Statements in terms of Section 36(2) of the Municipal Supply Chain Management Regulations.
- 2.5.8 That subject to the adoption of recommendations 1 - 7 above, and the approval of Bid Adjudication Committee, the Head: Real Estate be authorized to sign all documents necessary to conclude the agreement.

ADOPTED.

- 2.6 Expropriation: Land and/or Servitude Rights for the Verulam 132kV Upgrade (Ref17/2/1/1/26/21-KT/SS) (17/2/1/1/4):
(Page 72: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

Following an in-loco inspection of the property in question being undertaken by the Multi-Party Task Team,

COMMITTEE RECOMMENDS:

- 2.6.1 That the Head: Real Estate Unit be authorised to negotiate the payments of 80% of the municipality’s assessed compensation as reflected below, be paid to the respective Expropriatees or to The Master of The High Court where applicable, in terms of section 11 (1) of the Expropriation Act No. 63 of 1975, plus VAT and interest if applicable (calculated in terms of Section 12 of the Expropriation Act.

MUNICIPALITY’S REQUIREMENTS

Property Description	Property Owner	Extent	Owners Claim	Market Value	Solutium	Total Compensation	80% Assessed Compensation
Erf 487 Trenance Park	N V Mbhabane Id No. 7409091066080	422m ²	R400 000	R231 000	R16 550	R247 550	R198 040
Erf 490 Trenance Park	T E Khumalo Id No. 6903270673089	558m ²	R800 000	R319 000	R20 950	R339 950	R271 960

Property Description	Property Owner	Extent	Owners Claim	Market Value	Solatum	Total Compensation	80% Assessed Compensation
Erf 491 Trenance Park	N S Xaba Id No. 8211231097085	582m ²	R400 000	R231 000	R16 550	R247 550	R198 040
Erf 492 Trenance Park	S J Kunene Id No. 5106215436080	561m ²	R750 000	R308 500	R20 425	R328 925	R263 140
Erf 499 Trenance Park	M B Sibiya Id No. 6607245544081	496m ²	R450 000	R231 000	R16 550	R247 550	R198 040
Erf 500 Trenance Park	N E Ndukuda Id No. 4601011157089	454m ²	R450 000	R231 000	R16 550	R247 550	R198 040
Erf 502 Trenance Park	S Nxasane Id No. 5411120585082	215m ²	Another Dwelling	R231 000	R16 550	R247 550	R198 040
Erf 504 Trenance Park	B W Ngcamu Id No. 6701130392084	436m ²	R300 000	R231 000	R16 550	R247 550	R198 040
Erf 1664 Verulam	S E Mbesa Id No. 5011275651083	236m ²	Not Received	R430 000	R26 500	R456 500	R365 200
Erf 1665 Verulam	G & M Pillay Id No. 3209105077055 & 3612180067059	209m ²	Not Received	R450 000	R27 500	R477 500	R382 000

2.6.2 That subject to adoption of .1 above, the Head: Real Estate be authorised to conclude the relevant compensation agreements and all necessary documents to effect registration in favour of the eThekweni Municipality.

2.6.3 That subject to the adoption of .2 above, the balance of the 20% less any outstanding amounts due to the municipality be paid once the municipality has been provided with vacant occupation of the respective expropriated properties.

Project: HV028

Vote: 55100.1600

Amount: R3 178 175

(provided 2016/2017) FC No. 361/CA0009

ADOPTED.

- 2.7 Proposed Deproclamation and Alienation of Portion of Erf 2924 Tongaat to the Adjoining Owners of 23 Figtree Avenue-Tongaas: MM Ramkisson and BD Ramkisson (Ref 21/8/2/23/14) (17/2/1/2/3):
(Page 90: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

Following an in-loco inspection of the property in question being undertaken by the Multi-Party Task Team and the Members having requested that the encroachment penalty be tightened,

COMMITTEE RECOMMENDS:

- 2.7.1 That the Municipality declares in terms of Section of 14(2) of the Municipal Finance Management Act No. 56 of 2003 that.
- 2.7.1.1 The property described as portion Erf 2924, Tongaat is not needed to provide the minimum level of basic Municipal services;
- 2.7.1.2 The fair market value of the land is R90 500.00 (Ninety Thousand Five Hundred Rand) exclusive of VAT, and the economic and community values to be received have been considered; and
- 2.7.1.3 An occupational levy of 10% of the purchase price be paid by Manikchand Mundhoss Ramkisson and Bina Devi Ramkisson in respect of the unlawful occupation of Proposed Portion [A] of Erf 2924 Tongaat Ext 24.
- 2.7.2 That in terms of Section 212 of Ordinance 25 of 1974 Proposed Portion [A] of Erf 2924 Tongaat Ext 24 of the Public Open Space in extent approximately 201 m² depicted on Plan SJ 4527/9 be permanently closed and rezoned by and at the cost of the Purchaser within two (2) years of Council authority being granted.
- 2.7.3 That in terms of Section 40 (2)(b)(i) of the supply Chain Management Policy read together with regulation 7 of the Municipal Assets Transfer Regulations, Proposed Portion [A] of Erf 2924 Tongaat Ext. 24, Registration Division FU in the Province of KwaZulu-Natal in Extent approximately 201m² depicted on Plan SJ4527/9 be sold in freehold by private treaty to Manikchand Mundhoss Ramkisson (I.D No. 720219 5043 08 4) and Bina Devi Ramkisson (ID No. 670217 0173 05 3) at a price of R90 500.00 (Ninety Thousand Five Hundred Rand) exclusive of VAT, such purchase price reflecting the market value of the land as assessed by a registered Valuer.
- 2.7.4 That in the event of objections being lodged to the proposed disposal of Proposed Portion [A] of Erf 2924 Tongaat, 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."
- 2.7.5 That in the event of objections being lodged to the proposed deproclamation of Portion [A] of Erf 2924 Tongaat Ext 24 when 24 when it is statutorily advertised, the matter be referred to the MEC, Co-Operative Governance and Traditional Affairs for consent.
- 2.7.6 That subject to the adoption of recommendations 1 - 5 above, the Head: Real Estate be authorized to sign all documents to give effect to the transaction.

ADOPTED.

- 2.8 Proposed Closure and Sale of Proposed Portion [A] of Erf 5599 Tongaat to CEDAR Point Trading 20 (Pty) Ltd (17/2/1/2/3):
(Page 96: Human Settlements and Infrastructure Committee - Agenda 2017-10-13)

Following an in-loco inspection of the property in question being undertaken by the Multi-Party Task Team,

COMMITTEE RECOMMENDS:

- 2.8.1 The Municipality declares in terms of Section 14 of the Municipal Finance Management Act 56 of 2003:
- 2.8.1.1 That the said properties are not needed to provide the minimum level of basic Municipal services; and
- 2.8.1.2 That the current market value of the land is R320 000 (Three Hundred and Twenty Thousand Rand) exclusive of VAT, and the economic and community values to be received have been considered.
- 2.8.2 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, a portion of a road area described as Proposed Portion [A] of Erf 5599 Tongaat, Registration Division FT in the Province of KwaZulu-Natal in extent 648 m² depicted on Plan SJ4675/7 be sold in freehold by private treaty to Cedar Point (Pty) Ltd at a price of R320 000.00 (Three Hundred and Twenty Thousand Rand) exclusive of VAT, such purchase price reflecting the market value of the land as assessed by a registered Valuer.
- 2.8.3 That authority be granted to the Bid Adjudication Committee to consider a report to deviate from the procurement process in terms of Section 36(1)(a)(v) of the Supply Chain Management Regulations in order to formally sell Proposed Portion [A] of Erf 5599 Tongaat depicted on hand plan SJ 4675/7 to Cedar Point Trading 20 (Pty) Ltd.
- 2.8.4 That in terms of Section 211 of Ordinance 25 of 1974 the road area in extent approximately 648m² depicted on Plan SJ 4675/7 be permanently closed and rezoned by and at the cost of the Purchasers within two (2) years of the Council authority being granted.
- 2.8.5 The rezoning of Proposed Portion [A] of Erf 5599 Tongaat from Existing Road purposes to General Residential 2 purposes shall be undertaken by and at the cost of the Purchaser.
- 2.8.6 That in the event of objections being lodged to the proposed deproclamation of Proposed Portion [A] of Erf 5599 Tongaat when it is statutorily advertised, the matter be referred to the MEC, Co-Operative Governance and Traditional Affairs for consent.
- 2.8.7 That in the event of objections being lodged to the proposed closure, and sale of Proposed Portion [A] of Erf 5599 Tongaat, in extent approximately 648m² as depicted on Plan No. SJ 4675/7, when it is statutorily advertised, the matter be referred for resolution in terms of Section 50 of the Supply Chain Management Policy headed "Resolution of Disputes, Objections, Complaints and Queries",

- 2.8.8 That in the event of the sale not being finalised within Six (06) months from the date of Council authority being granted, that a report be submitted by the Head: Real Estate to the Bid Adjudication Committee to review the purchase price in line with the current market value of the property where there has been a change in the market value.
- 2.8.9 That subject to the adoption of recommendations 1 – 8 above, and approval of the Bid Adjudication Committee, the Head: Real Estate be authorised to sign all the documentations necessary to conclude the agreement.

ADOPTED.

3. REPORT OF ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE:
MEETING HELD 2017-10-17

(Page R10)

3.1 Automotive Industry Development Programme (20/1/6/3):
(Page 8 Economic Development and Planning Committee - Agenda 2017-10-17)

At the Economic Development and Planning Committee meeting, the Democratic Alliance (DA) abstained on the basis that the Memorandum of Agreement and the budget statement should have outlined the manner in which monies were spent and been attached on the report.

At the Executive Committee meeting the Democratic Alliance recorded their abstention as indicated above.

Thereafter

COMMITTEE RECOMMENDS:

- 3.1.1 That the Head: Economic Development and Investment Promotion be duly authorised to ensure the continued participation of the eThekweni Municipality in the Automotive Industry Development Programme for the development of the sector.
- 3.1.2 That subject to approval of .1 above, the City Manager be authorised to conclude a new Memorandum of Agreement between the eThekweni Municipality and the Durban Automotive Cluster to give effect to the Automotive Industry Development Programme for the next two and half year period starting 2018-01-01 to 2020-06-30
- 3.1.3 That subject to the approval of .1 and .2 above, the Head: Economic Development and Investment Promotion be duly authorised in accordance with the Memorandum of Agreement, to disburse funding to the Durban Automotive Cluster amounting to R1 042 318.00 (One Million and Forty Two Thousand, Three Hundred and Eighteen Rand) (Excl. VAT) for the 2017/218 financial year; R2 188 868.00 (Two Million One Hundred and Eighty Eight Thousand Eight Hundred and Sixty Eight Rand) (Excl. VAT) for the 2018/2019 financial year and R2 407 755 (Two Million Four Hundred and Seven Thousand Seven Hundred and Fifty Five Rand)(excl. VAT) for the 2019/2020 financial year, in terms of Section 67 of Municipal Finance Management Act and in accordance with the Memorandum of Agreement.

- 3.1.4 That the Head: Economic Development and Investment Promotion be authorised to provide progress reports on the initiative to the committee on an annual basis.

VOTE NUMBER	AMOUNT	FINANCIAL YEAR
26102.25445.200.12120.0000.38871.0010	R1 042 318 (Excl. VAT)	2017/2018
26102.25445.200.12120.0000.38871.0010	R2 188 868 (Excl. VAT)	2018/2019
26102.25445.200.12120.0000.38871.0010	R2 407 755(Excl. VAT)	2019/2020

FC No.: 18/25

ADOPTED.

- 3.2 Chemicals Industry Development Programme (20/1/6/3):
(Page 22: Economic Development and Planning Committee - Agenda 2017-10-17)

With the DA abstaining on the basis that the Memorandum of Agreement and the budget statement which would outline how monies were spent should have been attached on the report,

COMMITTEE RECOMMENDS:

- 3.2.1 That the Head: Economic Development and Investment Promotion be duly authorised to ensure the continued participation of the EThekweni Municipality in the Durban Chemicals Cluster programme for the development of the sector.
- 3.2.2 That subject to approval of .1 above, the City Manager be authorised to conclude a new Memorandum of Agreement between the EThekweni Municipality and the Durban Chemical Cluster to give effect to the Chemicals Industry Development Programme for the next two and half year period starting 2018-01-01 to 2020-06-30.
- 3.2.3 That subject to the approval of .1 and .2 above, the Head: Economic Development and Investment Promotion be duly authorised in accordance with the Memorandum of Agreement, to disburse funding to the Durban Chemical Cluster amounting to R1 125 253.00 (One Million One Hundred and Twenty Five Thousand Two Hundred and Fifty Three Rand) (excl. VAT) for the 2017/218 financial year; R2 430 546.00 (Two Million Four Hundred and Thirty Thousand Five Hundred and Forty Six Rand) (Excl. VAT) for the 2018/2019 financial year and R2 624 990 (Two Million Six Hundred and Twenty Four Thousand Nine Hundred and Ninety Rand) (Excl. VAT) for the 2019/2020 financial year, in terms of Section 67 of Municipal Finance Management Act and in accordance with the Memorandum of Agreement.
- 3.2.4 That the Head: Economic Development and Investment Promotion be authorised to provide progress reports on the initiative to the committee on an annual basis.

VOTE NUMBER	AMOUNT	FINANCIAL YEAR
26102.25445.240.12120.0000.38874.0010	R1 125 253 (Excl. VAT)	2017/2018
26102.25445.240.12120.0000.38874.0010	R2 430 546 (Excl. VAT)	2018/2019
26102.25445.240.12120.0000.38874.0010	R2 624 990(Excl. VAT)	2019/2020

FC No. 18/22

ADOPTED.

3.3 Reprioritisation of the Economic Development and Planning Cluster's Capital Budget (7/2/7):

(Page 47: Economic Development and Planning Committee – Supplementary Agenda 2017-10-17)

The Committee noted that a total of R95 371 000.00 (Ninety Five Million Three Hundred and Seventy One Thousand Rand) saving was identified and will be declared in the 2017/2018 adjustment budget. It was also noted that a total sum of these savings will be reprioritized in order to complete projects with existing contractual obligations and new implementable projects with an estimated expenditure of R77 827 000.00 (Seventy Seven Million Eight Hundred and Twenty Seven Thousand Rand) and R17 544 000.00 (Seventeen Million Five Hundred and Forty Four Thousand Rand) respectively.

At the Economic Development and Planning Committee the DA and IFP abstained on the basis that a detailed implementation plan should have been included in the report.

At the Executive Committee meeting the DA and IFP recorded their abstention as indicated above.

Thereafter

COMMITTEE RECOMMENDS:

That the re-prioritisation of funds in order to meet the contractual obligations and the proposed allocation of funds to new projects during the 2017/2018 financial year be approved.

As some Councillors were not in support of the above-mentioned recommendation of the Executive Committee in view of it being contended that communities were given false promises and such a decision could have a detrimental effect on areas much in need of development, the matter was put to the vote. With 183 Councillors present, 106 Councillors (ANC) voted in favour and 67 Councillors (DA-56, IND-3, AIC-1, ACDP-1, MF-1, DLC-1, TA-1, MOSA-1, APC-1 and Al JAMA-AH-1 voted against. The IFP-10 abstained from voting.

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

3.4 Proposed Informal Trading Amendment By-Law (1/1/3/1/37):

(Page 52: Economic Development and Planning Committee – Supplementary Agenda 2017-10-17)

COMMITTEE RECOMMENDS:

That the eThekweni Municipality: Informal Trading Amendment By-Law 2017, be approved for public participation with the notice published for comment in the Ezasegagasini Metro, the Mercury and Isolezwe and copy of the By-law to be placed on the City Hall notice board and the eThekweni Municipality website (www.durban.gov.za) for a period of not less than 30 days to allow the public an opportunity to make representations with regards to the proposed By-law.

ADOPTED.

- 3.5 Transfer of Funds from Business Support, Tourism and Market Unit to SEDA-eThekweni (20/1/5/3):
(Page 66: Economic Development and Planning Committee–Supplementary Agenda 2017-10-17)

COMMITTEE RECOMMENDS:

- 3.5.1 That the Head: Business Support, Markets and Tourism Unit be authorised to transfer the sum of R3 327 008.92 (Three Million Three Hundred and Twenty Seven Thousand and Eight Rand and Ninety Two Cents) to SEDA – eThekweni for the implementation of programmes in terms of the Section 67 of Municipal Finance Management Act No. 56 of 2003.
- 3.5.2 That subject to approval of .1 above, the Head: Business Support, Markets and Tourism Unit be authorised to monitor the work and report back to the Economic Development and Committee in terms of the Memorandum of Agreement and Section 67 of Municipal Finance Management Act No. 56 of 2003.

ADOPTED.

- 3.6 Community Tourism Organisations (20/1/4/R):
(Page 100: Economic Development and Planning Committee – Supplementary Agenda 2017-10-17)

At the Executive Committee meeting the DA requested that consideration be given to increasing the budget for Community Tourist Organisations (CTO's), especially those outside of the Central Business District, taking cognizance of their pivotal role in fostering tourism.

In response thereof, confirmation was given that the budget is allocated in terms of priority by Council in respect of certain projects, depending on the objectives to be achieved.

Thereafter

COMMITTEE RECOMMENDS:

- 3.6.1 That the Head: Business Support, Tourism and Markets Unit be duly authorised to ensure the continued participation of the eThekweni Municipality in the Community Tourism Organisations' development programme in accordance with the adopted Visitor Marketing Strategy.
- 3.6.2 That subject to approval of .1 above, the City Manager be authorised to conclude a Memorandum of Agreement with each Community Tourism Organisation for the period July 2017 to 2020-06-30.
- 3.6.3 That subject to the approval of .1 and .2 above, the City Manager be duly authorised to disburse funds as per tables 1, 2 and 3 below to the Community Tourism Organisations amounting to R5 958 225 (Five Million Nine Hundred and Fifty Eight Thousand Two Hundred and Twenty Five Thousand Rand) for the financial years 2017/2018, 2018/2019 2019/2020 in terms of the Memorandum of Agreement and Section 67 of Municipal Finance Management Act.

Table 1 - 2017/2018

Name of CTO	TOTAL ALLOCATION
Umlazi CTO	R210 000
Clermont CTO	R210 000
Inanda CTO	R210 000
Durban West CTO	R210 000
Durban Central CTO	R210 000
Umhlanga CTO	R210 000
1000 Hills CTO	R210 000
Sapphire Coast CTO	R210 000
South Durban (Sodurba)CTO	R210 000
TOTAL	R1 890 000

Table 2 - 2018/2019

Name of CTO	TOTAL ALLOCATION
Umlazi CTO	R220 500
Clermont CTO	R220 500
Inanda CTO	R220 500
Durban West CTO	R220 500
Durban Central CTO	R220 500
Umhlanga CTO	R220 500
1000 Hills CTO	R220 500
Sapphire Coast CTO	R220 500
South Durban (Sodurba) CTO	R220 500
TOTAL	R1 984 500

Table 3 - 2019/2020

Name of CTO	TOTAL ALLOCATION
Umlazi CTO	R231 525
Clermont CTO	R231 525
Inanda CTO	R231 525
Durban West CTO	R231 525
Durban Central CTO	R231 525
Umhlanga CTO	R231 525
1000 Hills CTO	R231 525
Sapphire Coast CTO	R231 525
South Durban (Sodurba) CTO	R231 525
TOTAL	R2 083 725

- 3.6.4 That the Head: Business Support, Markets and Durban Tourism be authorised to report progress on this initiative on an annual basis.

FC No.: 13/05

ADOPTED.

- 3.7 Land Acquisition through Donation: from Wildlife and Environmental Society of South Africa to eThekweni Municipality – Rem of Portion 1025 Kloof (17/2/1/1/1):
(Page 157: Economic Development and Planning Committee – Supplementary Agenda 2017-10-17)

COMMITTEE RECOMMENDS:

- 3.7.1 That authority be granted for the acceptance of donation of Remainder of Portion 1025 Kloof from Wildlife and Environmental Society of South Africa to eThekweni Municipality.
- 3.7.2 That subject to approval of .1 above, the Head: Real Estate be delegated to sign the relevant donation agreements; and all documents necessary to effect transfer to the eThekweni Municipality.

ADOPTED.

4. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD ON THURSDAY, 2017-10-19

(Page L9)

- 4.1 Moses Mabhida Stadium (MMS) Events Update (31/2/1/5/2):
(Page 9: Community Services Committee - Agenda 2017-10-19)

COMMITTEE RECOMMENDS:

That the report of planned events to be held at the Moses Mabhida Stadium for the period September 2017 and December 2017, be noted.

NOTED.

- 4.2 Community Based Planning Report for 2017 Financial Year: 21 August 2017 (19/R):
(Page 17: Community Services Committee - Agenda 2017-10-19)

Being in support of the project, the DA however requested that the same approach be adopted when undertaking costing on all 60 wards. The Deputy Head: CPAS responded that similar amounts as reflected on the report were estimates, advising that Wards in receipt of free services such as a public address system would result in savings.

The amendments as highlighted were agreed upon in terms of total exclusion of Wards 80, 81, 90 and 94 as well as including 85 for October 21st, 22nd & 28th in the CBP schedule for 11 Outstanding Wards on page 20 of the agenda.

COMMITTEE RECOMMENDS:

- 4.2.1 That the report on the implementation of the 2017/2018 Community Based Planning Programme dated 2017-09-18, be approved, based on budget availability and in line with the Supply Chain Management Policy and the process of procurement of goods and services. It being noted that the programme would be implemented in January 2018.
- 4.2.2 That subject to the approval of item .1 above, the Head : Community Participation and Action Support be authorised to incur cost for the implementation of the Community Based Programme as outlined in the report of the City Manager dated 2017-08-21 and as reflected below:

Details of Expense	Business Unit	Item	Fund	Costing	Project	Region	Amount
Hire of Sound	32311	11760	12120	0000	38300	0010	274 000
Catering	32311	11400	12120	0000	38300	0010	330 000
Hire of Marquee	32311	18950-10	12120	0000	38300	0010	100 000
Venue Hire	32311	27999.7051	99000	7051	PD001	0010	162 000
Fruits	32311	14105-19	12120	0000	38300	0010	37 500
Total							903 500

F.C.NO: 06/20

ADOPTED.

- 4.3 Masakhane Outreach Programme Report for 2017/2018 Financial Year:
(Page 25: Community Services Committee - Agenda 2017-10-19)

Being in support of the programme, the DA however noted that some were duplicated and that such error should be amended and that the Masakhane schedule for 2017/18 as contained in page 34 of the report be deleted.

The ANC advised that the programme was directed mainly to Wards affected by Service Delivery protests in response to issues raised by communities. It was also emphasised that based on the importance of this programme, the necessary budget should be readily available.

COMMITTEE RECOMMENDS:

- 4.3.1 That the Head : Community Participation and Action Support be authorised to incur cost for the implementation of Masakhane Programmes to 50 Wards as proposed in the schedule contained in the report of the City Manager dated 2017-09-18, be approved.
- 4.3.2 That the Head : Community Participation and Action Support be authorised to identify relevant vote to fund the cost in respect of outreach programmes implemented in 4 Wards during the month of August 2017 which came to a total cost of R200 000.00 (Two Hundred Thousand Rand) as reflected on page 35 of the above report.

Details	Bus. Unit	Item	Fund	Costing	Project	Region	Amount
Venue/ Marquee	32306	18950-10	12120	0000	38300	0010	R640 000
Transport	32306	21805	12120	0000	38300	0010	R138 000
Sound Hire	32306	11760	12120	0000	38300	0010	R302 000
Catering	32306	11400	12120	0000	MRC01	0010	R165 600
Fruits	32306	14105-19	12120	0000	38300	0010	R54 415
Total							R1 300 015

FC. No.: 06/13

As some Councillors were not in support of the above-mentioned recommendation of the Executive Committee on the basis that service delivery required engagement with all communities, the matter was put to the vote. With 178 Councillors present, 122 Councillors (ANC-102, IFP-10, IND-3, AIC-1, MF-1, DLC-1, TA-1, MOSA-1, APC-1 and Al JAMA-AH-1) voted in favour and 56 DA Councillors voted against. There were no abstentions recorded.

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

- 4.4 Request for the Approval to Exchange Birds between UMngeni River Bird Park and Bester Birds in Pretoria (31/1/1/1/1):
(Page 36: Community Services Committee - Agenda 2017-10-19)

COMMITTEE RECOMMENDS:

- 4.4.1 That approval be granted to the Head: Parks, Recreation and Culture to arrange for the exchange of Birds of equal value between Council's UMngeni River Bird Park and Bester Birds to the value of R62 950.00 (Sixty Two Thousand Nine Hundred and Fifty Rand) as per the list attached in the report of the City Manager dated 2017-09-05.
- 4.4.2 That upon approval of item .1 above, the list of birds in terms of Zoological Information Management System (ZIMS) be updated to reflect the birds received from Bester Birds by UMngeni River Bird Park and vice versa.
- 4.4.3 That upon approval of item .1 and Item .2 above, the Head: Parks, Recreation and Culture be authorized to obtain the necessary permit in terms of transportation and keeping of live birds in cages.

ADOPTED.

4.5 Request to Change Project Site : from Intersection Node of KE Masinga Road and OR Tambo Parade to Promenade, OR Tambo Parade Opposite Serridge Square (35/1/1/4):

(Page 42: Community Services Committee - Supplementary Agenda 2017-10-19)

It was noted that the matter in respect of the eThekweni Art Project had been previously adopted by Council in 2011 and was being re-submitted to advise Council of a request to change the project site.

COMMITTEE RECOMMENDS:

That the change of the second eThekweni Art Project site from intersection node of KE Masinga Road and OR Tambo Parade to City Promenade, OR Tambo Parade, opposite Serridge Square, be noted.

NOTED.

4.6 Motivation for the Transfer of Barn Owls from Umngeni River Bird Park to Raptor Rescue (31/1/1/1):

(Page 54: Community Services Committee - Supplementary Agenda 2017-10-19)

COMMITTEE RECOMMENDS:

4.6.1 That Parks, Recreation and Culture Unit be granted authority to implement the breeding of Barn Owls as conservation project in UMngeni Bird Park

4.6.2 That the donation of excess Barn Owls to the organisations listed in the report of the City Manager dated 2017-09-18 at no cost subject to the organisations acknowledging Council for such good gesture, be approved.

ADOPTED.

4.7 Report on Closed Swimming Pools (31/2/1/3):

(Page 59: Community Services Committee - Second Supplementary Agenda 2017-10-19)

COMMITTEE RECOMMENDS:

That due to major repairs, the closure of Rachel Finlayson Pool, Umlazi BB Pool, Newlands Pool, Firwood Pool and Kings Park Indoor Pool, be noted.

NOTED.

4.8 Authority to Acquire Erf Rem of Portion Six Extent 334H – Inanda Farm, and 12747 of Broadvale Farm (Vulamehlo) for the Establishment of New Cemeteries (17/2/1/1/2):

(Page 63: Community Services Committee - Second Supplementary Agenda 2017-10-19)

COMMITTEE RECOMMENDS:

4.8.1 That authority be granted to the Head: Parks, Recreation & Culture and Acting Head: Real Estate to acquire two land portions namely; 334 H Verulam (Inanda Farm) and Lot No 12747 of Broadvale Farm of Vulamehlo (South) described as follows: Portion 3 of Buffels Draai No. 829; Remainder of Portion 7 of Inanda No. 818; Portion 105 of Inanda 818; Portion 130 of Inanda No. 818; Portion 137 of Inanda No. 818; Remainder of Portion 46 of Inanda 818; Portion 15 of Inanda No. 818 and Remainder of Portion 6 of Inanda No. 818, in its entirety by private treaty negotiations or expropriation at a value to be confirmed and verified by a private evaluator.

- 4.8.2 That subject to adoption of .1 above, the private evaluator be employed to verify the difference between the Real Estate estimated price against the sellers estimated value.
- 4.8.3 That subject to adoption of .1 and .2 above, Council be requested to approve authority to fund land acquisitions of Inanda Farm, named as Buffels Draai and Broadvale Farm.
- 4.8.4 That in the event of negotiations being unsuccessful due to financial constraints, the Head: Real Estate be authorised to expropriate the required land portions and to sign all documents necessary to give effect to the expropriation.
- 4.8.5 That Council be requested to grant authority to the Head: Parks; Recreation and Culture to initiate the Acquisition and ensure that all Supply Chain Management Policies and Regulations are adhered to.

ADOPTED.

- 4.9 Authority to Develop a new Crematoria in Phoenix (31/8/6/2/3):
(Page 72: Community Services Committee - Second Supplementary Agenda 2017-10-19)

COMMITTEE RECOMMENDS:

- 4.9.1 That the Head: Parks, Recreation and Culture be granted authority to proceed with the process of pursuing public proposals in respect of the development of a new Crematorium, which shall adhere to the approved procurement policy.
- 4.9.2 That the City should enter into a lease agreement that shall make provision for the inclusion of all Funeral and Crematorium businesses in support for equitable service delivery
- 4.9.3 That the approval of plans for the development of the facility be provided by Town Planning Offices within 12 months of submission.

ADOPTED.

- 4.10 Implementation of Various Programmes within the Community Participation Unit in Terms of 2017/18 Business Plan and 2017/18 Budget Allocation for the Period October 2017 to June 2018 (19/R):
(Page 80: Community Services Committee - Second Supplementary Agenda 2017-10-19)

During discussion of the matter, a request was made for reports to be submitted to this Committee prior to the implementation of each programme. A presentation was requested in respect of the process being followed to approve Grant-in Aid applications. It was further requested that additional programmes of NGOs and NPOs dealing with women, children, people with disabilities and Adhoc Grants, be funded.

COMMITTEE RECOMMENDS:

- 4.10.1 That project authority be granted to the Head: Community Participation Unit to co-ordinate and implement the programmes as outlined in the report of the City Manager dated 201710-02.

- 4.10.2 That to ensure the availability of funds, a Financial Certificate number be obtained from the Finance Unit prior to the projects/programme being implemented.
- 4.10.3 That a close-out report for each completely implemented project be submitted to the Community Services Committee in order to exercise its oversight role.
- 4.10.4 That all procurement of goods and services be undertaken strictly in accordance with the Supply Chain Management Policy and for the Municipal Finance Management Act Circular No. 82 to be taken into cognizance with a view to control and reduce expenditure.
- 4.10.5 That budget provision for any shortfalls on expenditure on any specific listed programmes be made available from savings virement transfers in the current financial year.

ADOPTED.

- 4.11 Request for Project Authority – Ablution Facilities – Community Participation and Action Support – KwaMashu and Westville Regional Offices (17/2/2/2/1):
(Page 94: Community Services Committee – Second Supplementary Agenda 2017-10-19)

COMMITTEE RECOMMENDS:

- 4.11.1 That the Head: Community Participation and Action Support be granted project authority to provide ablution facilities at the KwaMashu and Westville Regional Offices.
- 4.11.2 That subject to the adoption of .1 above, an amount of R150 000 00 (One Hundred and Fifty Thousand Rand) be transferred from vote 32302.42760.CPAS05.0000.12120.0010.PC8900 to fund the ablution facility project at KwaMashu and Westville Regional Offices.

ADOPTED.

- 4.12 Councillors’ Sports Programme to Include Various Sporting Codes:
(Raised verbally: Community Services Committee Meeting 2017-10-19)

Committee member, Councillor B Ntshangase presented a verbal report, seeking authority to establish a sports programme for Councillors to enable their active participation in the various codes of sport.

She highlighted that Councillors were currently active participants in different sporting events in terms of playing an oversight role as well as being players, especially in soccer matches with various teams, some from within the City. The establishment of such sporting programmes to enable the expansion and inclusion of such sporting codes was emphasized.

COMMITTEE RECOMMENDS:

- 4.12.1 That Councillors be given full authority to actively participate in the Councillors’ Sports Programme and that the allocation of budget be provided and approved for the running of the overall programme in order to fund playing equipment and related apparel.

- 4.12.2 That Councillors be permitted to travel to enable their participation in future tournaments they would be invited to, including those hosted outside of the jurisdiction of the eThekweni Municipality.
- 4.12.3 That coaches designated for the Councillors' Sports Programme be appointed and provided with stipends for coaching and other related costs.

As some Councillors were not in support of the abovementioned recommendations of the Executive Committee on the basis that a verbal presentation with no budget had been presented at Support Committee level, the matter was put to the vote. With 175 Councillors present, 120 Councillors (ANC-100, IFP-10, IND-3, AIC-1, MF-1, DLC-1, TA-1, MOSA-1, APC-1 and AL JAMA-AH-1) voted in favour and no Councillors voted against. 55 DA Councillors abstained from voting.

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

5. REPORT OF SECURITY AND EMERGENCY SERVICES COMMITTEE:
MEETING HELD 2017-10-20

(Page L10)

5.1 Motivation to Attend 3rd World Congress on Disaster Management:
Vishakhaptanam, Andhra Pradesh, India (14/1/1):
(Page 24: Security and Emergency Services Committee - Agenda 2017-10-20)

It was advised that the financial implication for this program would be funded at R5 200,00 (Five Thousand, Two Hundred Rand) per delegate including registration fee, hospitality on arrival at Vishakhaptanam, covering local transport, accommodation lunches and dinners for the entire period of the event, Conference Kit and Participation Certificate.

At the Executive Committee meeting the recommendation was amended to include two Councillors instead of three and for an additional Official to accompany the delegation, if required.

Thereafter,

COMMITTEE RECOMMENDS:

That the Head: Disaster Management & Emergency Control Unit and, if required, his nominated Official, together with 2 (two) Councillors, be delegated to attend the 3rd World Congress on Disaster Management at Vishakhaptanam, Andhra Pradesh, India from the 6th to 10th November 2017.

Votes: various: R92 800

ADOPTED.

6. WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT IN TERMS OF MUNICIPAL FINANCE MANAGEMENT ACT FOR THE QUARTER ENDED 30 SEPTEMBER 2017 (7/13/R & 11/1/2)

(Page 14)

COMMITTEE RECOMMENDS:

6.1 That the report on withdrawals from the Municipal bank account as at 30 September 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.

6.2 That Council notes that the report on withdrawals will also be submitted to Provincial and National Treasury as well as the Auditor-General, in line with the statutory requirement.

NOTED.

7. REPORT ON INVESTMENTS AS AT 30 SEPTEMBER 2017 (7/11/4)

(Page 16)

In response to the DA regarding claims on personal accidents it was advised that an individual claim had been excessive and the Acting DCM: Finance undertook to provide a report thereon.

Consequently,

COMMITTEE RECOMMENDS:

That the report on investments for the eThekweni Municipality as at 2017-09-30, which records the total funds invested at financial institutions as R5 963 Million at an average rate of return on investments of 7.73%, as submitted by the City Manager and detailed in his report dated 2017-10-19, in line with the requirements of the Municipal Cash Management and Investment Regulations of the Municipal Finance Management Act, 2003, be noted.

NOTED.

8. CONSENT REVIEW COMMITTEE REPORT (4/8/2)

(Page 22)

Following clarity being provided on certain aspects of the report, viz; number of cases forwarded to CIU, the current status of employees undertaking business with Council and employees deregistered,

COMMITTEE RECOMMENDS:

That the outcomes for the Consent Review Committee for the 2013/14, 2014/15 and 2015/16 and 2016/17 financial years, as contained in the report of the City Manager dated 2017-10-17, be noted.

NOTED.

9. ETHEKWINI MUNICIPALITY – RULES OF ORDER AMENDMENT BY-LAW 2017 (1/1/3/1/R)

(Page 33)

During a lengthy discussion of the Rules of Order Amendment By-law Opposition Parties voiced their discontent to some aspects of the report, especially as Council was the custodian of by-laws and it was questionable who the “drivers” of the by-laws were. Being of the view that the process was not adequately addressed, it was requested that consideration of the matter be deferred to enable proper input in particular the drafting of legislations that require much consultation. They further contended that the by-law was not constitutional, practical and fair to all concerned and made a request for the amendments from Party Caucuses as approved by the Speaker to be outlined in the report.

In response it was advised that timeframes for the process relative to the approval of the by-laws had been adopted by Council with the public participation process being fully completed and relevant input received from Political Parties and public alike. It was also pointed out that the process had been undertaken upon a benchmarking exercise having been carried out with other Metropolitan Municipalities. Therefore, based on the various input received the process could not be readdressed but taken on review once adopted.

In that regard with Executive Committee Members ZM Mncwango, HU De Boer and S Hoosen dissenting,

COMMITTEE RECOMMENDS:

9.1 That the eThekweni Municipality : Rules of Order Amendment By-law, 2017, be approved for final publication and promulgation in the Provincial Gazette, with the By-law taking effect on the date of publication therein, it being recorded that in general, the Principal By-law has been amended to:

- (a) insert certain definitions;
- (b) provide for clarity in respect of dissolution of the Council;
- (c) provide for circumstances in terms of which the Executive Committee may close its meeting to the public and media;
- (d) provide clarity on matters pertaining to the attendance of Councillors at meetings;
- (e) provide for the order of business for a special meeting;
- (f) allow the Speaker to make a ruling in the event of an unforeseen eventuality;
- (g) provide a procedure for the removal of a person from a meeting where such person is directed by the Speaker to leave;
- (h) extend the types of conduct which are not permitted by Councillors, Officials and public at meetings;

- (i) provide the Speaker with guidance when considering an application for an urgent motion;
- j) provide how matters requiring an immediate decision may be dealt with during recess and emergencies; and
- (k) provide for matters connected therewith.

9.3

That the Promulgation Notice for the eThekweni Municipality Rules of Order Amendment By-law, 2017, be published in the Ezasegagasini Metro.

During discussion of this item the Democratic Alliance requested that a legal opinion be obtained on the bylaws and that it be referred back to Party Caucuses and the Executive Committee for further consideration. The point was also made that Councillors did not have the opportunity to scrutinize such bylaws due to the late delivery of the agenda. It was argued that Councillors required an opportunity to peruse the bylaws especially in respect of clauses that excluded the public and media from Full Council meetings. It was further pointed out that a bylaw was not a theoretical idea and the one before Council was a drastically edited document and Councillors had not been afforded the opportunity to engage on the dictates of the bylaw, an issue that could have serious Constitutional repercussions. They thereafter requested a reference back quoting Section 160(4)(a) of the Constitution that pertained to reasonable notice being given to the final proposed Rules of Order amendment bylaw.

Councillors were advised that it was an initial process and that Council was within the Constitution in terms of the Section quoted by the DA, hence there was no reason for a reference back. The Constitution was quoted in terms of Section 160, Subsection 4, wherein it is stated that “No bylaw can be passed until all Councillors were given reasonable notice” and in this instance such notice and the proposed amendments to the by-law had been submitted to Council in May 2017 and also submitted for public consultation, hence reasonable notice had been given.

REFERENCE BACK

In terms of Rule of Order 20(1)(c), Councillor ZM Mncwango, seconded by Councillor NL Graham, moved as a procedural motion that the above recommendations of the Executive Committee be referred back to that Committee as reasonable notice of the final proposed Rules of Order amendment bylaw in terms of Section 160(4)(a) of the Constitution had not been given. Further, the response to submissions and final document were only received the previous day and members of the Public had been requested to leave this meeting. However it was pointed out that under Section 20(a) of the Municipal Systems Act a draft bylaw could not be tabled at a closed meeting.

NOT CARRIED

As some Councillors were not in support of the reference back and with the point being made that members of the Public had been requested to leave this meeting because of their disruptive behaviour, the matter was put to the vote. With 169 Councillors present, 63 Councillors (DA-55 and IFP-8) voted in favour and 103 Councillors (ANC-100, AIC-1, TA-1 and AL-JAMA-AH-1) voted against. 3 Councillors (IND-2 and MF-1) abstained from voting.

The above-mentioned motion to refer back was, by the majority vote, NOT CARRIED.

MOTION TO AMEND

In terms of Rule 20(4), Councillor MS Nkosi, seconded by Councillor NB Iyir, moved as a procedural motion that the above recommendations of the Executive Committee be amended by the withdrawal of Rule 7(b)3 and Rule 7(b)4 for further deliberation by the Executive Committee and Party Caucuses.

NOT CARRIED

As some Councillors were not in support of the above-mentioned motion to amend, the matter was put to the vote. With 173 Councillors present, 67 Councillors (DA-55, IFP-10, MF-1 and AL-JAMA-AH-1) voted in favour and 104 Councillors (ANC-100, IND-2, AIC-1, TA-1) voted against. There were no abstentions recorded.

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

During discussion and in an endeavor to afford Councillors additional time to scrutinize the amendments to the Rules of Order By-law, Councillor MM Mthembu moved that consideration of the above recommendations of the Executive Committee be deferred to the next meeting of Council.

As some Councillors were not in support of a deferral, the matter was put to the vote. With 173 Councillors present, 118 Councillors (ANC-102, IFP-10, IND-2, AIC-1, MF-1, TA-1 and AL-JAMAH-1) voted in favour and 55 DA Councillors voted against. There were no abstentions recorded.

The motion to defer the matter was **CARRIED**, whereafter it was

RESOLVED:

That in an endeavor to afford Councillors additional time to scrutinize the amendments to the Rules of Order By-law, consideration of the recommendations of the Executive Committee relative thereto be **DEFERRED**.

10. **SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
QUARTELY REPORTING: 30 SEPTEMBER 2017 (2/10/1/1/9)**

(Page 66)

Being in support of the Plan, the DA however expressed much concern that the issue of Title Deeds to owners were long outstanding and made a request for the process to be fast tracked.

In response the magnitude and challenges that pre dated to 1994 were outlined, however it was unfortunate that Her Worship the Mayor was away on Municipal Business as the forthcoming weekend had been earmarked to launch the Title Deeds Programme.

In the circumstances,

COMMITTEE RECOMMENDS:

10.1 That the Service Delivery and Budget Implementation Plan for the quarter ended 2017-09-30, which reveals noticeable achievements with the overall performance of 68.11% with the breakdown as follows:

- Plan 1: Develop and Sustain Spatial, Natural and Built Environment having achieved 95.00%;
- Plan 2: Developing Prosperous, Diverse Economy and Employment Creation: 78.65%;
- Plan 3: Creating Quality Living Environment: 26.53%;
- Plan 4: Fostering Socially Equitable Environment: 73.91%;
- Plan 5: Creating a platform for Growth, Empowerment and Skills Development: 89.13%;
- Plan 6: Embracing our Cultural Diversity, Arts and Heritage: 80.77%;
- Plan 7A: Good Governance and Responsive Local Government: 44.68%;
- Plan 7B: Good Governance and Responsive Local Government: 73.53%;
- Plan 8: Financially Accountable and Sustainable City: 62.50%,

be noted.

10.2 That the Service Delivery and Budget Implementation Plan for the quarter ended 2017-09-30 be submitted to the respective Support Committees to perform oversight role and monitor the performance of Departments in order to take steps to ensure set targets of projects are achieved in the upcoming quarters.

Recommendation 10.1 NOTED and Recommendation 10.2 ADOPTED.

11. BUDGET STATEMENT REPORT FOR THE MONTH ENDING 30 SEPTEMBER 2017 (7/1/4)

(Page 132)

The Committee scrutinized the Budget Statement Report with concerns being raised on the challenges of the Revenue Management System (RMS) and electricity distribution losses not being quantified accordingly.

Suitable responses were submitted whereby it was clarified that the RMS matter was currently being addressed with solutions to be provided to resolve such challenges. On the issue of electricity distribution that was undertaken upon reconciliation of the figures.

Thereafter,

COMMITTEE RECOMMENDS:

That the Budget Statement Report for the month ended 2017-09-30, submitted by the City Manager as per his report dated 2017-10-13, in compliance with Section 52(d) of the Municipal Finance Management Act and Section 28 of the Municipal Budget and Reporting Regulations in terms of Government Notice 32141 dated 17 April 2009, relating to the "Local Government: Municipal Finance Management Act 2003, be noted.

NOTED.

12. REVIEW OF VALUATION ROLL TARIFFS (7/6/1/5 & 17/1/4)

(Page 268)

COMMITTEE RECOMMENDS:

- 12.1 That the Council of the eThekweni Municipality resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 2018-07-01 the tariffs set out in Annexure A of the report by the City Manager dated 2017-10-19, be levied.
- 12.2 That subject to the adoption of .1 above, the City Manager be directed to comply with the provisions of Section 75A (3) and (4) of the said Act.

ADOPTED.

13. BACK TO BASICS REPORT FOR THE PERIOD ENDING 31 AUGUST 2017

(Page 271)

COMMITTEE RECOMMENDS:

That the Back-to-Basics report, dated 2017-09-15, outlining progress by the eThekweni Municipality in achieving its performance indicators for the month ended 31 August 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.

14. BACK TO BASICS REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2017

(Page 291)

COMMITTEE RECOMMENDS:

That the Back-to-Basics report, dated 2017-10-16, outlining progress by the eThekweni Municipality in achieving its performance indicators for the month ended 30 September 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.

15. UPDATED REPORT ON STORM INCIDENT (29/2/R)

(Page L11)

COMMITTEE RECOMMENDS

- 15.1 That authority be granted to the Heads of various Units to commence the planning and rehabilitation of infrastructure on a short and long term basis.

- 15.2 That the Head: Disaster Management & Emergency Control conduct an evaluation of all flood prone areas within the City as an emergency exercise and update the disaster management plan accordingly.
- 15.3 That the Head: Engineering to assess the roads infrastructure and drainage systems capacity, taking into consideration the roads affected by flash floods as an emergency exercise.
- 15.4 That subject to funding being made available by KwaZulu-Natal Provincial Department of Human Settlement, the Head: Human Settlement be requested to rehabilitate and construct damaged low cost Housing, Community Residential Units (CRUs) and informal settlements as an emergency exercise.
- 15.5 That subject to .4 above, the Head: Human Settlement to submit a report to the KwaZulu-Natal Provincial Department of Human Settlement to request Human Settlement Development Grant (HSDG) funding for the damaged houses.
- 15.6 That based on the extent of damages, Council declares a local state of disaster as per Section 55 of the Disaster Management Act 57 of 2002 and a detailed report be prepared and submitted to the Provincial and National Government for funding.
- 15.7 That the Deputy City Manager: Finance identify funding for emergency relief and rehabilitation as per .1, .2 and .3 above and in addition he be requested to reprioritize the Urban Settlements Development Grant (USDG) funding in order to fund Human Settlement projects that require such funding.
- 15.8 That Council notes that subject to approval by the City Manager, Section 36 of the Supply Chain Management Policy be utilized in order to fast track the rehabilitation of some of the reported damages as indicated above.

ADOPTED.

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

1. Mobile Data Allowance for Students and Job seekers: Proposed by Councillor CJ Pappas and Seconded by Councillor PB Ntuli (10/2/3):

This Council noting:

Access to the internet is one of the most important methods for young people to gather information, apply for jobs, study, start businesses and connect. Adversely, lack of affordable access to the internet severely restrict young people from competing in the job market and participating in the information technology society that we live in. In this regard, 4.6% of household income is being spent on data charges.

Hereby resolves that the Executive Committee investigate:

The possibility of offering a mobile allowance of 500MB free data every month for:

1. NSFAS registered and missing middle tertiary students.
2. Matric learners registered at government schools; and
3. Jobseekers registered on a jobseekers database.

Councillor CJ Pappas moved his Notice of Motion and thereafter motivated same. As not all Councillors were in support of the Motion the matter was put to the vote.

With 166 Councillors present, 54 DA Councillors voted in favour and 112 Councillors (ANC-99, IFP-7, IND-2, AIC-1, MF-1, TA-1 and ALJAMA-AH-1) voted against. There were no abstentions recorded.

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

2. Call Centre Feedback Mechanism for calls logged on Water and Electricity Outages: Proposed by Councillor Y Govender and Seconded by Councillor GDA Pullan (2/3/3):

This Council noting:

Most, if not all wards, within the Municipality have experienced water and electricity outages. Councillors are expected to follow up, escalate and provide accurate feedback to residents. Councillors usually have two lines of communication to solicit information i.e. the call centre or the Councillor liaison. The call centre agents are not regularly appraised of progress or reasons for delays on a fault by the supervisor of the call centre alternatively the control room.

Hereby resolves that the Executive Committee be mandated to:

1. Recommend that the complaint is notified via sms or email when the job card is created.
2. Recommend that a mandatory two-hourly report be provided by the control room to the call centre, regarding all logged faults.
3. That a 24 hour Councillor liaison be appointed in respect of water and electricity faults.

Councillor Y Govender moved her Notice of Motion and thereafter motivated same. As not all Councillors were in support of the Motion the matter was put to the vote.

With 172 Councillors present, 54 DA Councillors voted in favour and 118 Councillors (ANC-103, IFP-9, IND-2, AIC-1, MF-1, TA-1 and ALJAMA-AH-1) voted against. There were no abstentions recorded.

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

REPORT OF COMMITTEE DECISIONS

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

1. **COMMUNITY SERVICES COMMITTEE**

Meeting held on : 2017-09-21

2. **EXECUTIVE COMMITTEE**

Meetings held on : 2017-09-19
: 2017-09-27

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

Meeting held on : 2017-09-14

4. **SECURITY AND EMERGENCY SERVICES COMMITTEE**

Meetings held on : 2017-09-07

5. **SPEAKER'S COMMITTEE**

Meeting held on : 2017-09-26

NOTED.

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 25 to 26 of the Agenda were
NOTED.

The meeting terminated at T17:00

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2017-12-06

SPEAKER