

No. 30

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Tuesday, 2023-02-28T12:00, streamed from
Inkosi Albert Luthuli International Conventional Centre, Durban.

PRESENT : Councillors TE Nyawose (Speaker), TM Kaunda (Mayor), ZP Myeni (Deputy Mayor), A Abdul, J Annipen, AD Beesley, A Beetge, M Billy, T Biyela, JM Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, R Cloete, SV De Boer, Z Dzanibe, BA Fortein, SN Gabela, GM Gasa, DM Gcabashe, FO Gcabashe, NBC Godlwana, G Govender, S Govender, Y Govender, SV Govender, BR Gumede, NC Gumede, S Gumede, BM Gwala, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, F Ismail; MF Ismail, LBS Jali, DM James, MA Jokweni, K Khambule, MN Khubisa, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kisson, BG Kubheka, V Kunju, CJ Laing, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, MA Madlala, NI Madlala, SR Madlala, A Maharajh, RP Maharaj, S Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Mangele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, WM Mazibuko, M Mbambo, KT Mbhele, RP Mbonambi, JL Mchunu, BA Mchunu, NP Mchunu, SW Mcineka; RL McKenzie, X Mdlazi, FW Mdletshe, SP Mfeka, K Mhlaba, GN Mhlongo, NM Mhlongo, SE Mhlongo, MH Khan, AZ Mkhize, KV Mkhize, MA Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, E Mngadi, BR Mngadi, DF Mngadi, S Mngadi, SV Mngadi, MR Mngonyama, TJ Mnguni, ZM Mncwango, BV Mngwengwe, PB Mnikathi, ZO Mnomiya, S Mnyandu; T Mohamed, MB Mjadu, SR Moodley, R Moses, SB Mpanza, NP Msibi, LI Msomi, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, SK Mzimela, BD Naidoo; J Naidoo, V Ncukana, WP Ndiweni, NB Ndlela, MF Ndlovu, AB Ndlovu; NS Ndlovu, PB Ndlovu, PC Ndlovu, V Ndlovu, SG Nene, TH Nene, SB Ngcongo, DB Ngubane, LE Nkomeni, MS Nkosi, DR Nowbuth, XM Nqweniso, DM Nsundwane, SH Ntombela, PC Ntshangase, PB Ntuli, N Ntuli, NZ Ntuli, B Nxumalo, MR Nxumalo, PH Nxumalo, NN Nyanisa, MV Nzimande-Madlala, AAK Paruk, BW Phewa, DT Pillay, DR Pillay, P Pillay; GDA Pullan, A Rampersad, T Sabelo, S Sewshanker, A Shaheed, LP Shange; BH Shange, MG Shange, TE Shezi, HP Shozi, IM Shinga, JN Sibisi, KS Sibisi, N Sibiya, LC Sikhakhane, BSB Sindane, EL Singh, J Singh, S Singh; PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZA Solomon, ZR Sokhabase, ZN Tshazela, BB Thusi, M Thusi, ME Thusi, VG Reddy, NT Tyelinzima, JC Van den Berg; HM Van Der Ryst, NB Vilakazi, NI Webster, SM Windvogel, TV Xulu, T Xuma, M Zondi, N Zondi, ON Mthembu -Zondi; TG Zungu and there being (02) vacancies.

ABSENT : Councillors GD Clarivette (Overseas Trip); J Essop (Indisposed); R Gokool (Indisposed); M Johnson, (Indisposed); ME Mkhize (Personal Commitments);

ND Motseke (Personal Commitments); T Miya (Indisposed); NP Msomi; DV Msweli; S Ngema, MM Ngiba; BT Ntuli (Indisposed); I Syed (Indisposed); GN Zondi (Indisposed) and NY Young (Indisposed).

AMAKHOSI

PRESENT : Inkosi EB Shozi and JJ Shangase.

AMAKHOSI

ABSENT : Inkosi S Mlaba.

OFFICIALS

PRESENT : Messrs/Mesdames TB Mbhele (City Manager), M Mthandeni (Deputy Head: Legal Support), A Seheri (Head: City Administration & Secretariat); BM Mhlongo (Deputy Head: Office of the Speaker), T Ndlovu (Senior Manager: Secretariat) and SC Zondi (Chief Committee Officer).

At this stage of the proceedings, time being 12h09, the Speaker requested Secretariat and the Whip of Council, Councillor PS Sishange to confirm the number of Councillors present at this meeting to ascertain if the meeting was quorate.

(Thereafter, it was verified that at the commencement of the meeting; 196 Councillors were present, comprising of ANC - 91, DA - 50, EFF - 21, IFP - 15, ASA - 03, ABC - 01, ACC - 01, ACDP - 00, AIC - 02, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 00, DLC - 01, JEP - 00, KZNI - 01, MF - 01, MOSA - 01, NFP - 01, PFP - 01, PRM - 01, TA- 00, UIM - 01 and VF Plus - 01).

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 at 12h17 and extended a warm welcome to Councillors; Traditional Leaders; City Manager; Deputy City Managers; Head Legal and Compliance and other Unit Heads; Members of the Administration; Media; and Members of the Public viewing on social media live streaming.

3. AFRICAN UNION AND NATIONAL ANTHEM

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

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested Council to observe a moment's silence for everyone to meditate.

5. OFFICIAL ANNOUNCEMENTS

5.1 The Speaker presented the following announcements for the attention of the Members of Council:

5.1.1 That eThekweni Municipality mourned the passing on of its Member of Council, Councillor Sithembile Memela who was a PR Councillor from the EFF, the late Councillor was called to rest after a short illness on Saturday, 18 February 2023. Condolences were extended to the family; friends; and her political party. The Speaker also reported on untimely passing of the former Deputy Mayor Belinda Scott's husband and extended condolences to the entire Scott family and friends.

5.1.2 On behalf of the Municipality, the Speaker congratulated Mr Zakhele Madida popularly known as Zakes Bantwini, Ms Nomcebo Zikode and Mr Wouter Kellerman for bagging the Grammy Award in an event held in California, Los Angeles.

5.1.3 Councillors were kindly requested to mind the cables passing in between the tables and also to avoid lifting up the delegates microphones when talking as this destabilized the entire sound system.

5.1.4 Council Members were further reminded to switch off their microphones once finished with addressing Council, since the system shuts off if there are more than three (03) microphones simultaneously being opened, and this also destabilised the entire sound system.

5.1.5 Councillors were reminded that in line with the Municipality's Information Management Policy, every user had to change log in details after thirty (30) days for cyber security related reasons. It has been noted that most Councillors experience challenges with this updating their log ins, where they have to bring their laptops to City Hall for such updates, and they end up being locked out of the system if not updated.

5.1.6 It was noted that there was a password self-service option that Councillors may utilise to update such logging on details rather than bringing laptops to the City Hall monthly, and those requiring assistance with that self-service option may approach Speaker's Office to arrange assistance thereof with IMU Officials.

5.1.7 Councillors were reminded to conduct themselves in line with the provisions of the Councillors' Code of Conduct to ensure that this meeting was conducted in a dignified manner and portraying a good leadership image to the residents of eThekweni.

5.1.8 Best wishes were extended to all Councillors who celebrated their birthdays this month.

6. SPEAKER'S REPORT

Purpose

In presenting his Report, the Speaker submitted that the purpose was to report the activities undertaken by the Municipal Council during the month of February 2023, in line with the provision of Section 13(f) of the Rules of Order By-Law 2014, as amended.

6.1.1 COMMUNITY ENGAGEMENTS/MEETINGS

6.1.1 In compliance with the Councillor’s Code of Conduct, Council Members were required to hold constituency meetings at least quarterly, however the Back-to-Basics strategy encouraged that community engagements be held monthly to keep members of public updated of all community development initiatives.

6.1.2 In the month of February, only fourteen (14) out of 111 community meetings were held and reported to Speaker of Council. Councillors were reminded of the above-mentioned compliance and to strive that by month end of March, which was end of the 3rd quarter, that they had to hold at least one (01) community engagement.

6.1.3 Members were reminded that not holding a community engagements at least once in a quarter amounts to a breach of the Councillor’s Code of Conduct. At the end of the 3rd quarter (January – March), a report will be referred to the Ethics Committee on the general conduct of Councillors, and those that would not have had community meetings over the said quarter will be reflected accordingly.

6.2 WARD COMMITTEES

6.2.1 The Speaker was not pleased to note that the number of Ward Committee meetings being held and reported that this was declining. In the month of February only the following Ward Committee meetings were held:

Month	Meetings held	Evidence submitted	Evidence not submitted	No Meeting held
January 2023	No Meetings due to Council recess			
February 2023	78	19	59	33
TOTAL	78	19	59	33

6.2.2 The above is not very encouraging, and Ward Councillors were urged to ensure that in the month of March, Ward Committee meetings are convened accordingly.

6.2.3 Councillors were requested to note that for ease of identification, Ward Committee identity tags were being arranged through Human Capital, a few Members have already received them, and the rest will receive by March and/or April 2023.

6.3 MEMBERSHIP CHANGE IN THE EXECUTIVE COMMITTEE: ECONOMIC FREEDOM FIGHTERS (EFF)

6.3.1 In terms of the proportional allocation, the Economic Freedom Fighters (EFF) Party has one (01) seat in the Executive Committee (EXCO), which it allocated to Councillor Thabani Miya.

6.3.2 It was noted that the Speaker has since received a resignation letter from Councillor Thabani Miya dated 27 February 2023, resigning as a Member of the Executive Committee, with immediate effect, thus creating a vacancy in EXCO.

6.3.3 The EFF having a vacancy in the Executive Committee, its Party Whip, Councillor Jimmy Khambule advised the Speaker that the Party resolved that the said vacancy be filled by Councillor Bhekithemba Otto Mvubu.

6.3.4 Council noted the determination of Councillor Bhekithemba Otto Mvubu as an Executive Committee Member representing the Economic Freedom Fighters (EFF) in the EXCO, replacing Councillor Thabani Miya.

6.4 MUNICIPAL COUNCIL MEMBERSHIP

6.4.1 In the month of February 2023, there was communication received that Council Member from the People's Revolutionary (PRM) had been removed from the Party, which then created a vacancy. Such a vacancy was declared with IEC, and the Municipal Council welcomed Councillor Dennis Vusi Msweli as a Member of Council replacing erstwhile Cllr Mnikathi.

6.4.2 Council further noted that eThekweni Council currently had two vacancies from the resignation of erstwhile Councillors P.G. Mavundla, PR Councillor from the Abantu Batho Congress (ABC) Party and Councillor D.R. Pillay, Ward Councillor from the Democratic Alliance (DA).

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

COUNCILLORS

Councillor J Annipen	:	Requested to leave at 16h00.
Councillor S De Boer	:	Requested to leave at 16h30.
Councillor N Bollman	:	Requested to leave at 16h30.
Councillor GD Clarivette	:	2023-02-24 To 2023-03-24 (Overseas Trip)
Councillor J Essop	:	2023-02-28 (Indisposed)
Councillor R Gokool	:	2023-02-28 (Indisposed)
Councillor I Ismail	:	Requested to leave at 15h00.
Councillor M Johnson	:	2023-02-28 (Indisposed)
Councillor MH Khan	:	Requested to leave at 14h30.
Councillor ZW Khuzwayo	:	Requested to leave at 16h30.
Councillor RD Macpherson	:	Requested to leave at 16h30
Councillor A Maharaj	:	Requested to leave at 16h30.
Councillor S Maharaj	:	Requested to leave at 16h30.
Councillor ME Mkhize	:	2023-02-27 To 2023-03-03 (Personal Commitments)
Councillor ND Motseke	:	2023-02-28 (Personal Commitments)
Councillor T Miya	:	2023-02-28 (Indisposed)
Councillor J Naidoo	:	Requested to leave at 15h30.
Councillor MS Nkosi	:	Requested to leave at 15h00.
Councillor BT Ntuli	:	2023-02-28 (Indisposed)
Councillor VG Reddy	:	Requested to leave at 14h00.
Councillor I Syed	:	2023-02-28 (Indisposed)
Councillor GN Zondi	:	2023-02-28 (Indisposed)
Councillor NY Young	:	2023-02-28 (Indisposed)

8. DECLARATION OF INTEREST

It was noted that none of the Members had declared interest on the matter that appeared on the Agenda.

9. CONFIRMATION OF MINUTES: MEETINGS HELD ON 2022-12-13 (In-committee); 2023-01-31; 2023-02-03 (Special) and 2023-02-03 (Ordinary)

9.1 Councillor VG Reddy moved for the adoption of the Minutes for the Meeting held on 2023-01-31 and was duly seconded by Councillor LE Nkomeni.

9.2 In respect of the Minutes for the Meeting held on 2023-02-03 (Special), Councillor Syed made a correction was on Page 1347, item 7, paragraph 1; to remove ActionSA and insert ACC. The amendment was noted accordingly.

Subsequently, Councillor PS Sishange moved for the adoption of the Minutes for the Meeting held on 2023-02-03 (Special) and was duly seconded by Councillor DB Ngubane.

9.3 Councillor NL Khuzwayo moved for the adoption of the Minutes for the Meeting held on 2023-02-03 (Ordinary) and was duly seconded by Councillor BW Phewa.

RESOLVED:

That the minutes of the meetings of the eThekweni Municipal Council held on 2022-12-13 (In-committee); 2023-01-31; 2023-02-03 (Special) and 2023-02-03 (Ordinary), as circulated and amended, be and they are hereby confirmed.

10. MATTERS ARISING

It was noted that there were no matters arising in respect of items appearing on the Minutes.

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

Prior to consideration of the below questions, the Speaker reminded Council that five (5) minutes was allocated for each question to be responded to. That, upon exhaustion of the allocated time, the responses would be emailed to the author of the questions.

Subsequently, some members made an appeal that information be disseminated regularly to Councillors, as opposed to Councillors utilising this platform to obtain responses and/or clarity on various matters. In this regard, a proposal was submitted for the amendment of the Rules of Order, By-Law, to empower the Speaker to provide responses to questions submitted in terms of Rule 27.

However, the Speaker advised that the matter relative to responses on questions was previously discussed at length during the Speaker's Party Whip Committee. He mentioned that his office together with the Legal and Compliance Unit was still looking at various options to address the manner in which responses to questions submitted in terms of Rule 27 were being managed. In the interim, it was advised that responses to questions would be considered in line with the Council approved Rules of Order, By-Law.

Thereafter, the following Questions in terms of Section 27 of the Rules of Order By-Law were submitted:

11.1 Questions submitted by Councillor M Ismail: Protests (2/3/4):

A serious floundering of communication and an even greater deficiency of service delivery, we find ourselves in a space as a City that is lacks both. This becomes the foundation of rising widespread protests that we regularly witness within the borders of the eThekweni Municipality.

Therefore, we, the Active Citizens Coalition, rise to present the following questions for a concise response:

1. **What is the City doing to address the rampant criminality of protests where such action results in damage to roads and infrastructure?**
2. **What is the response plan for service delivery protests; and is the plan working and in place 24 hours?**
3. **In several instances we note that numerous protests have ulterior motives. This includes the strategic blocking of roads and holding the City to ransom, sometimes for the reinstatement of illegal electricity connections. We find that while the Metro Police are responsive, no arrests are effected and neither do we see any implementation of a sustained plan to prevent these protests from recurring. Are we responsive as a City, or are we engaged in managing the problem without surging protests?**
4. **What is the estimated cost of damage to infrastructure resulting from the protests?**
5. **When the call is logged, how long should it take for a responses and the dispatch of Metro Police, and other emergency services relevant to dealing with protests?**
6. **We note that the “new normal” is protests by DSW staff as well as Water and Electricity Units.**
 - 6.1 **Have been issues been adequately addressed and resolved?**
 - 6.2 **What was the resultant outcome and were these issues resolved to prevent a recurrence?**
 - 6.3 **May we get a detailed report on email on how many protests affected the CSW Unit and which department exactly?**
 - 6.4 **How many protests were perpetuated by DSW, Electricity and Water Departments within the last 12 months?**

Councillor SV Mngadi provided the following respective responses:

1. It was advised that Metro Police and South African Police Services (SAPS) respond to protests that take place within EThekweni Municipality in line with conditions as set out in the South African Police Service National Instruction 4 of 2014 for Public Order Police: Crowd Management During Public Gatherings

and Demonstrations. Where criminality is identified during the protests, arrests are made following the procedures for Crowd Management and the Criminal Procedure Act.

2. Metro Police has four (4) platoons of members that are trained in Crowd Management and perform the functions of crowd management together with the SAPS members. The four (4) platoons are on different shifts to cover 24 hours.
3. The right to hold public protests and gathering is enshrined in the Constitution of South Africa as well as the Regulation of Gatherings Act 205 of 1993, hence the guidelines for the policing of public protests requires that the policing approach to protest do not generate the very violence it seeks to control in public protests however, where criminality is identified police make arrests accordingly in line with the offence committed.
4. The response to this question was not readily available and would be referred to the DCMs responsible for infrastructure.
5. It was advised that the response time is between 6 to 8 minutes for any protest march. It depends on the availability of manpower and how many protests the City has going around the same time. Metro police also act proactively when they receive information before hand, and members are deployed early to a reported location to disrupt any protest action before they can take place.
- 6.1 The issues have been resolved. The issues were mainly around overtime, the recruitment of permanent supervisor drivers and operational differences between management and labour.
- 6.2 The issues were resolved. Management undertook interventions to restore stability by implementing internal rotations of Managers and improved management processes. Employees who participated in the February 2023 illegal work stoppage are currently undergoing the disciplinary process and employees who participated in the August 2022 illegal work stoppages have undergone the disciplinary process and sanctioned with a final written warning and 4 (four) days unpaid suspension.
- 6.3 In total the Unit had three (3) public protests in 2022. The first strike took place between 14 and 18 February 2022 regarding the removal of a Manager due to internal human resources matters.
- 6.4 It was mentioned that at Durban Solid Waste, there were (three) 3 strikes. eThekweni Water & Sanitation: EWS employees had only one (01) protest during the last 12 months. The Head resolved it instantly and shop stewards accepted the intervention made.

11.2 Questions submitted by Councillor A Abdul: Building Plans at 1 Terrance Durban North (21/12/1/1):

The development at 1 Terrence Place Durban North has been questionable since the very beginning. Despite numerous attempts to get answers regarding this development we have been ignored. Emails go unanswered and questions regarding this development are not forthcoming.

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

1. **Have building plans for the proposed development on Erf 3232 Durban North (1 Terrence Place) been approved? If so, what is the plan number?**
2. **Does the coverage of the proposed development exceed the permitted coverage of 50% (of the 752m² extent of the Property)?**
3. **Has the development on the Property deviated from the approved plan. If so, has a deviation plan been submitted and approved?**
4. **If so, does the deviation plan permit an internal wall to be built onto the boundary wall?**
5. **Has the existing state of construction been inspected in this regard?**
6. **If so, what rectification measures have been instituted?**
7. **The current zoning allows for two dwellings to be built. Using the generally accepted definition that a “dwelling” has one kitchen, how many dwellings are approved for this property? Also, how many dwellings are being built currently?**

Councillor B Ndlovu provided the following respective responses:

1. Yes, Building Plans have been approved. The plan number is: 21040115.
2. No, the coverage of 50% of the property has not been exceeded. This has been confirmed by the Building Inspectorate.
3. There have been deviations to the approved plans and a deviation plan was submitted on the Land Use Management portal in August 202, PA Plan No.: PA202208005/CN.

The PA Plan for the deviations has been cleared as it complies with the land use scheme. However, it is not an approved Building Plan and the full assessment in terms of the National Building Regulations still needs to be done by the Development Applications Assessment Branch.

4. There is no internal wall built onto the boundary shown on either plan.
5. The construction on the property has been continually monitored.
6. The monitoring of the construction resulted in the submission of the deviation plan and also the illegal construction has attracted enforcement penalties.
7. The current zoning of the property is Special Residential 400 which given the size of the property permits two (2) dwelling units and an ancillary unit.

The approved plan and the cleared deviation plan currently shows two dwelling units. The assessment is based on what has been submitted by the registered plan drawer.

11.3 Questions submitted by Councillor J Annipen: Title Deeds for New Home Owners (22/2):

Over the last several years eThekweni's Human Settlements Department has offered council tenants, i.e. Leasehold, Formal Housing, Housing Rental customers, the opportunity to purchase these properties. Many of these customers have taken advantage of this offer and have either paid the purchase price or invoked the Housing Subsidy and Discount Programme. However, a significant number of those mentioned above are yet to receive their Title Deeds. In view of the above, I pose the following questions:

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

1. **How many residents within the municipality have been offered the opportunity to purchase or take ownership of their council homes since 2011?**
2. **How many of those mentioned in 1 above, have paid for their homes or invoked the discount/subsidy programme(s) and have been issued with their Title Deeds?**
3. **What are the delays in processing the remaining Title Deed applications?**
4. **How long does it ordinarily take for customers to receive their Title Deeds after one pays the purchase and associated transfer costs?**
5. **If there are delays in processing transfers, which delays are no fault of the customer, what mechanisms are in place to ensure that the customer is not billed for rental over a protracted period while awaiting the conveyancing outcome?**
6. **How many council tenants, specifically in Phoenix, have in the last 15 years:**
 - 6.1 **Applied for ownership of their council homes?**
 - 6.2 **Had their transfers successfully processed?**
 - 6.3 **Been issued with their Title Deeds?**
 - 6.4 **Why has the balance of these Title Deeds not been issued?**
7. **How many customers, specifically in Phoenix, are awaiting Title Deeds?**
 - 7.1 **What are the delays in issuing the above?**
8. **In case of Sectional Title Schemes, does the municipality apply for the Scheme Name registered with the Deeds Office and the sectionalization of the scheme before issuing notices of purchase/ownership to customers?**
 - 8.1 **If not, why not?**
9. **In case where the lessee is deceased prior to an application for ownership:**
 - 9.1 **How does the City determine the next beneficiary of the property?**
 - 9.2 **How long will the subsequent beneficiary have to wait before he/she can apply for ownership?**
10. **In case where the lessee is demised while the application is being processed:**
 - 10.1 **What process must be followed to access the Title Deed once application has been completed?**

Councillor R Cloete provided the following respective responses:

1. As at 2011, 13 048 out of 19 533 properties had been sold.
2. 13 048 beneficiaries have received their title deeds.
3. The major issue was that the Municipality was unable to sell some of these units as tenants demand that these be upgraded prior to them taking transfer. Other reasons were stated as follows:-
 - Tenants that are married but separated with their spouse and some are going through divorce.
 - Sibling rivalry over succession of leaseholder.
 - Tenants that still have significant capital balances as purchase prices after effecting the discount.
 - Tenants that are constantly reminded but still have not submitted pending documents required to complete sale paperwork i.e. Proof of income or unemployment letter, divorce decree.
4. It was noted that it takes about 3 months.
5. There was currently no mechanism in place not to bill the tenants. The main components of the rental that is currently charged from tenants are insurance, administration, and a small fraction towards maintenance costs. The rental charged is basically a cost recovery exercise.
- 6.1 6500.
- 6.2 Yes.
- 6.3 5900.
- 6.4 There are 36 units that have been recently discovered not to have been sectionalized. The 564 units exist within the sectionalized schemes and are coming in on an individual basis to take transfer. Reasons vary but may include those in paragraph 3 above.
7. There are about 600, it being noted that this was a moving target as registrations occur daily at the Deeds Registry Office.
8. Yes, it does.
- 8.1 Not Applicable.
- 9.1 The next beneficiary becomes the spouse as appearing on the list of original allottees on file. If both spouses are deceased, one of the children takes over the responsibility of the unit as the head of the household.
- 9.2 At least 3 months.
10. This was dependent on the stage of the registration process. Where most of the work has been completed, the registration will go ahead on the deceased's name and the family member appointed as an executor will have to wind up the estate.

11.4

Questions submitted by Councillor SV De Boer: The Kenneth Kaunda Drive and Waterkant Road Relay Switch project in Ward 36 (23/1/11/1/1/2):

The Kenneth Kaunda Drive and Waterkant Road Relay Switch project in Ward 36 started in 2021. These projects were instituted as a result of the continual bursts in the existing pipe system. As a result of budget constraints the projects are incomplete and have been since March 2022. Residents continue to suffer water outages due to bursts in the ageing pipe system despite the institution of this project.

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

1. **What is the water department doing about the completion of these projects?**
2. **Budget for the continuation of these projects were approved on 6 September 2022. Why has the project not resumed after approval of budgets?**
3. **What is the water departments plan to procure the pipe to complete these projects?**
4. **When can residents expect to see the end of the continual outages?**
5. **What has happened to the budget which was approved for these projects?**
6. **How many water bursts were reported along Kenneth Kaunda Drive since March 2022?**
7. **How many water bursts were reported along Waterkant Road since March 2022?**
8. **May I have a full cost and expenditure report on these projects?**

Councillor NC Sisoka provided the following respective responses:

1. This project commenced late in the year 2021, the City had attempted to fast track certain portions of the project by utilizing trenchless technologies i.e. Certain important pipework and sleeves were constructed using auger boring methods. Owing to mass shortages of MPVC pipe and all associated fittings the Unit attempted to use HDPE pipe. However, there is no available fittings to join the pipes and install other mechanical parts to the system. The Department's Manager has had frequent meetings with Supply Chain Management (SCM) to procure unavailable material however their processes to procure material have been slow and at times unresponsive. The Department's Manager has also done WQ contracts to purchase pipes however the financial limits on these contracts are low and items that are purchased are few in number. Currently SCM was awaiting City Manager's signature to procure pipes and fittings and the Unit has been advised by SCM that this is in progress and will be completed shortly. No action date has been given.

2. The budget was approved late September 2022 however; with the challenges described in .1, progress has been slow and apart from piping, the Council has a shortage of plant and machinery for example TLBS, breakers etc.
3. Refer to 1 above.
4. Residents are expected to see significant expedited improvements in the completion of these projects within the next 3 - 4 months.
5. The budgets are available and some savings have been declared.
6. The matter would be referred to the Water Customer Services to respond on the number of bursts at Waterkant Road since March 2022.
7. The matter would be referred to the Water Customer Services to respond on bursts at Kenneth Kaunda Road since March 2022.
8. The costs are as follows:

Waterkant: Budget was R2 000 000.00 & Expenditure is R1152956.33.
Kenneth Kaunda: Budget was R1 500 000.00 & Expenditure is R152075.1.

11.5 Questions submitted by Councillor BP Ntuli: Investment Portfolio of the City (7/11/4):

The state of the City is tremendously discouraging to encourage domestic investors to keep their money locally in this City and there is very minimal appetite for foreign investors to come and invest in eThekweni. Such, can be attributed to many problems, which the City is responsible for except Load Shedding.

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

1. **How big is the current investment portfolio of the City?**
2. **How much investment was accrued between 2016 - 2021?**
3. **How much investment has been accrued since 2021 November to date?**
4. **What is the current investment grade of the City (global scale, local scale)?**
5. **What was the current investment grade of the City between the financial years of 2016 – 2021 (global scale, local scale)?**
6. **Compared to all other Metros in RSA, what is the current rating of the investment grade of eThekweni?**

Councillor B Mkhwanazi provided the following respective responses:

1. The current investment portfolio of Direct Foreign Investment (DFI) and Direct Domestic Investment (DDI) are not yet quantified in the past quarter. Invest Durban will commission research on them. The city's DFI portfolio is made up

of billions invested over decades: The Municipality's DFI source countries are United Kingdom, Europe, United States of America, China, Japan, and India.

2. The amount reported was R381,9 Billion.
3. The amount report was R79,6 Billion.
4. There was no investment grade, but the Municipality has a credit rating of AA+.
5. Same response as question 4.
6. In terms of credit rating, the City was rated highest of three (03) Metros.

Thereafter, Councillor Ntuli drew the attention of Council to Rule 27(12) and requested elucidation to question 1 above. Subsequently, the Speaker advised that comprehensive responses be sent directly to the author.

11.6 Questions submitted by Councillor TM Mthethwa: Contract Authority and Expenditure Authority (9/1/5):

In the interest of good financial management, contract authority and expenditure transparency, I pose the following questions:

1. **Does the Municipality have valid contracts with any of the following entities?**
 - 1.1 **Ikhambi Trading**
 - 1.2 **Ekene**
 - 1.3 **Isiwengu**
 - 1.4 **Khoshu**
 - 1.5 **The Rest follows**
2. **If yes, what are these entities contracted to deliver to the Municipality?**
3. **What was the inception date of these contracts with the Municipality?**
 - 3.1 **Ikhambi Trading**
 - 3.2 **Ekene**
 - 3.3 **Isiwengu**
 - 3.4 **Khoshu**
 - 3.5 **The Rest follows**
4. **Does the Municipality have valid contracts with any of the following entities?**
 - 4.1 **Ikhambi Trading**
 - 4.2 **Ekene**
 - 4.3 **Isiwengu**
 - 4.4 **Khoshu**
 - 4.5 **The Rest follows**

- 5. If yes, what are these entities contracted to deliver to the Municipality?**
- 6. What was the inception date for contracts to commence?**
 - 6.1 Ikhambi Trading**
 - 6.2 Ekene**
 - 6.3 Isiwengu**
 - 6.4 Khoshu**
 - 6.5 The Rest follows**
- 7. When do these contracts draw to an end?**
 - 7.1 Ikhambi Trading**
 - 7.2 Ekene**
 - 7.3 Isiwengu**
 - 7.4 Khoshu**
 - 7.5 The Rest follows**
- 8. What was the date of the last invoice presented to the Municipality by these entities?**
 - 8.1 Ikhambi Trading**
 - 8.2 Ekene**
 - 8.3 Isiwengu**
 - 8.4 Khoshu**
 - 8.5 The Rest follows**
- 9. What was the date of the invoices being settled?**
 - 9.1 Ikhambi Trading**
 - 9.2 Ekene**
 - 9.3 Isiwengu**
 - 9.4 Khoshu**
 - 9.5 The Rest follows**
- 10. What was the total amount paid towards services rendered by these entities for the period 1 December 2022 – 31 January 2023?**

Councillor SM Mkhize provided the following respective responses:

1. Yes, there are valid contracts for all, except Isiwengu.
2. Water tankers.
3. Beginning of November 2022.
4. Same as Question 1.
5. Same as Question 2.
6. Same as Question 3.

7. The contracts are being implemented on a month-to-month basis until the legal process is completed and a new tender is awarded.
8. The matter is subjudice and was not responded to until court processes were completed.
9. Same answer as in number 8 above.
10. Same answer as in number 8 above.

11.7 Questions submitted by Councillor F Ismail: Erratic Water Supply for Chatsworth 4 and Klaarwater Reservoirs (9/1/5):

Chatsworth 4 and Klaarwater Reservoirs both serve the communities of eThekweni Wards 17/71/72.

Since the April 2022 floods, these Wards and adjacent areas have been subject to erratic water supply and especially so during the last quarter of 2022.

It is against this background that we pose the following questions of clarity:

1. **In comparison to the last quarter of 2021, were the Chatsworth 4 and Klaarwater Reservoir levels lower in the same period of 2022?**
2. **If yes, has the Municipality been able to isolate and identify the cause of these Reservoirs running low to the point of empty?**
3. **If yes, elaborate the cause and indicate what measures of resolve are being considered?**
4. **Has the City since the April floods to date implemented any measures of water shading to the 3 Wards (17/71/72) in particular?**
5. **If yes, was the community and Councillors ever informed of such initiatives?**
6. **How many water tankers does the Municipality own?**
7. **How many of these tankers are full operational and able to supply water at the time of formulating a response to this question?**
8. **What is the latest that a tanker is dispatched to a distressed area?**
9. **How many shifts do tankers operate in a 24-hour cycle?**
10. **At what time does the last tanker shift for the day draw to an end?**

Councillor NC Sisoka provided the following respective responses:

1. Recovery of historical reservoir levels going this far back may be a challenge for the current FIX32 system.

2. These reservoirs going empty or running low could have been due to a variety of factors i.e. low supply or pressure head to the Northdene “command” reservoir from Durban Heights, system balancing initiatives i.e. pushing water to other southern aqueduct dependent reservoirs that could have been struggling for other reasons or similar reasons, which then in turn affects supply to the Northdene “command” reservoir, bursts on the supply lines, air locks and other operational issues that do crop up. Please bear in mind that bulk water supply from Umgeni has been challenged due to April storm damage on their raw water aqueducts. Though they have been able to supply the contracted volumes, pressure head has been a challenge that has affected the hydraulic supply to Northdene reservoir which supply/pumps to Chats 4 and Klaarwater reservoir (via. Shallcross res).
3. Bulk Telemetry to comment/confirm. Elaboration has been provided above. Further, Umgeni Water have recommissioned Res 3 (supplying our northern areas) and Res 2 supply through the southern aqueduct has been more stable in terms of pressure head and flow though we still have systems further down south that are still struggling. Due to the this and in an effort to assist with system balancing and getting water to other constrained systems, water rationing of reservoirs of Chats 4, and Klaarwater reservoirs continues to take place.
4. With reference to 3. above, water shedding (or rationing) was a measure implemented in an effort to conserve water for supply to customers under constrained situation like those highlighted in point 2. above. Public service announcements are issued by the City through it Communications Unit to that effect.
5. As stated in 4. above.
6. Number of tankers owned by Municipality was reported to be 130.
7. 100 are fully operational as some are old and not road worthy.
8. Latest time to dispatch Tanker - it can be any time even after the 22h00 shift.
9. Two shifts (6am to 14h00 and 14:00 to 22h00).
10. Last shift ends at 22h00.

11.8

Questions submitted by Councillor I Syed: Customer Interaction (2/3/3):

In an ever-growing City the need to engage with its customers is paramount. We see basic services deteriorate across the City with no sense of urgency or importance of relaying information to the masses.

In line with this, we, the Active Citizens Coalition, rise to present the following questions in Council for an informed response:

1. **Where are all the Call Centers located and what is the staff compliment?**
2. **Who is the head of the department that oversees the Call Centers?**

3. **Email addresses like “eservices@durban.gov.za” never has a response forthcoming. Why?**
4. **The WhatsApp fault reporting platform for water and electricity are functional but it gives no update on the fault or a timeframe to a repair after a fault has been logged. Can this be addressed where residents get an update to the fault that was logged?**
5. **Customer interaction is of utmost importance. Communication is key to ease the concerns of Ratepayers. Timeframes need to be addressed and likewise communicated to the customer. Can this be done?**
6. **The reality and sometimes perception, of the lack of service delivery clearly lies in most parts on a lack of communication on the side of the Municipality. Can clear standard operating procedure be developed to communicate with customers from the initiation of a complaint until the time that it is resolved?**
7. **One of the reasons that this Council sits is to provide basic services timeously to the City’s Ratepayers and non-ratepayers alike. The concerns of citizens directly are that of a non-sympathetic and non-responsive Municipality. Can this be addressed, and if so, how?**

THE ABOVE QUESTIONS WERE NOT RESPONDED TO, AS THE AURTHOR, COUNCILLOR SYED WAS NOT PRESENT AT THE MEETING.

11.9

Questions submitted by Councillor NJ Bollman : Permits for Removal of Sludge/Waste from Sewage Pump Stations and Wastewater Treatment Plants (23/2/R):

According to the minimum requirements, wastewater sludge is, per the Environmental Conservation Act (Act No. 73 of 1989) classified and legally viewed as “waste” and thus which cannot be repurposed, is required to be disposed of a legitimate waste disposal site.

The Waste Management Act also refers to the relevant permits giving authorization for the removal and disposal of waste.

It is noted that the eThekweni Municipality Wastewater Department has been removing the sludge/waste from sewage pump stations and wastewater treatment plants, bagging the waste and either burying or stockpiling the waste for disposal at a later stage.

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

1. **Have the relevant permits been awarded in terms of the removal and disposal of waste outside of a wastewater treatment plant?**
2. **If no, permits are in place, why not?**

3. **Is there a contract currently in place, with a legitimate disposal site/landfill, dealing with the removal and disposal of waste from pump stations and wastewater treatment works?**
 - (a) **If not, what are the mitigating factors inhibiting this contract to take place/proceed?**
 - b) **If yes:**
 - (i) **Who is the current contract held by?**
 - (ii) **When was the contract awarded?**
 - (iii) **What is the duration of the contract?**
4. **Regarding waste management and the bags which have been buried around the City, what are the short, medium, and long-term plans to uplift and dispose these bags correctly as per the Act?**
5. **Regarding waste management and the bags which have been stock-piled around the City, what are the short, medium, and long-term plans to uplift and dispose of these bags correctly as per the Act?**
6. **What are the cities plans to deal with the issue of removal and disposal of waste going forward?**

Councillor SB Ngongo provided the following respective responses:

1. There are no permits required for the removal and disposal of waste outside wastewater treatment plants (WWTP). The disposal of such waste is stipulated in the different plant authorizations.
2. Most plants are authorized under a WUL, permit or general authorization. There are six WWTP that are not authorized, and these outstanding authorizations have been applied for.
3. There is currently no contract in place for the disposal of waste from WWTP and pumpstations. The previous contract for this function was held by the Cleansing and Solid Waste Unit until the Shongweni landfill was shut down a couple of years back. This contract ended and the new contract being put in place by eThekweni Water and Sanitation Unit is at Bid Specification Committee stage. The challenge with getting this contract in place was initially the cost of moving waste to DCLM landfill in KwaDukuza whilst Shongweni landfill was closed. When Shongweni re-opened, the Bid Specification Committee indicated their concern that Enviroserv, who operates the Shongweni landfill were also bidders in the new contract, thus giving them a monopoly on the transportation and disposal of waste from these sites.
4. The burial of the bagged waste on various WWTWP is the short-term measure that has been put in place to limit the nuisance caused by this waste. The medium to long-term solution will be to ensure that the removal and disposal contract is in place. The appointed contractor will be required to dig up the buried waste and dispose at the landfill.

5. Same as question 4. above.
6. The removal and disposal contract is required to deal with the waste going forward.

11.10 Questions submitted by Councillor RD Macpherson : Blue Crane Projects (19/1/2/2):

Motivation

Containing costs for future senior citizens voucher purchases.

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

1. **Are Blue Crane Projects a complaint service provider to the eThekweni Municipality?**
2. **What is the address of Blue Crane Projects Physical office?**
3. **What is the CK registration number or Pty Ltd registration number of Blue Crane Projects?**
4. **The number 031-261 8869 that appears on the Blue Crane Projects letter head does not exist. Were questions ever asked why this might be?**
5. **How many senior citizen vouchers in total were procured from Blue Crane Projects for the recent senior citizen relief programme?**
6. **What retail service providers were involved in this project and how many vouchers were purchased from each?**
7. **Who decided which retail service providers would be used and the allocation of vouchers to be purchased and what data were these decisions based on?**
8. **What was the total value of the vouchers purchased?**
9. **Were discounts negotiated with the retail service providers and if not, why not?**
10. **If discounts were negotiated were the savings passed on to the eThekweni Municipality?**
11. **Did the process of the voucher purchases go to tender?**
12. **How much was Blue Crane Projects paid for this service?**
13. **Given the in-house skills that eThekweni has, why was this rather simple process of voucher purchases outsourced?**

Councillor ON Mthembu-Zondi provided the following respective responses:

This matter relating to Blue Crane Projects and the senior citizen vouchers was subject to an investigation by the City Integrity & Investigations Unit. Accordingly, in order not to prejudice the investigation, these questions were not answered at this point in time. Once the investigation was concluded and if these questions still remain unanswered by the outcome of the investigation, a response will then be provided.

In addition, many questions relate to information in files that are with the investigators and to which Councillors do not have access.

Moreover, in terms of the Protection of Private Information Act, the City cannot provide the personal information of a company without their permission. An application can be made to the Information Officer of the Municipality for access to this information.

Thereafter, Councillor Macpherson requested further details as a result of the above response. He requested reasons for the investigation to be instituted, timeframe as well as the amount involved.

The Speaker then advised that the relevant Committee had to provide comprehensive responses in writing directly to the author.

11.11

Questions submitted by Councillor M Ismail : Maintenance of DSW Trucks (24/2/1):

In recent weeks residents have complained that domestic refuse was not being collected. We subsequently learned that as many as four, or more, DSW trucks were broken down and that trucks had to be rotated to maintain schedule.

Therefore, we, the Active Citizens Coalition, rise to present the following questions for a concise response:

1. **How many trucks do we have as a City that picks up domestic refuse from residents in bin bags or green bins daily?**
2. **How many trucks are parked off due to tyres being unavailable?**
3. **How many DSW trucks are out of commission say for the last six months?**
4. **How many trucks are presently in workshops awaiting spares for repairs or service?**
5. **Are there any relief vehicles to cover the gap when one is in for service?**
6. **What should be the effective turn-around time for such a truck to be serviced. In other words, how long should a service take once a truck is booked into workshop?**
7. **How much overtime has the Unit incurred due to trucks being unavailable during regular working hours?**
8. **We find that street sweeping is not presently happening in the suburbs. How many staff are employed to sweep the streets and where ae they allocated to? How does the roster work?**

Councillor NC Sisoka provided the following respective responses:

1.

REFUSE COMPACTOR R.E.L 19m ³ 6X4 (C200)	15
REFUSE COMPACTOR R.E.L 10m ³ 4X2 (M150)	127
REFUSE COMPACTOR R.E.L 12m ³ 4X2 (M150)	44
	186

2. Approximately 40% of trucks that are down are attributed to no tyre stock available at Stores.
3. The downtime on average is between 25-30%.
4. There are forty three (43) Refuse Collection Trucks that are down and 40 light vehicles and other categories.
5. No - herewith lies the challenge as there is no pool capacity. All pool units were absorbed into collection areas. This has been identified as critical area for improvement. A round balancing task team has been actioned to assess the truck utilisation and productivity to recall under utilised units into a pool capacity.
6. A - service + 4 hours - provided all spares and maintenance contracts in place
B - service +- 3 hours - provided all spares and maintenance contracts in place
C - service +- 7 hours - provided all spares and maintenance contracts in place
7. The Overtime Management System in the Unit was monitored based on the overtime standard operating procedure and the Overtime Policy. The capturing of overtime on Time and Attendance reflect time worked beyond a specified number of hours in a day. Planned overtime is approved prior to being worked and is captured as such. Unplanned overtime is captured as hours worked at the pay office without capturing the causes of overtime. Thus, at this point we are currently unable to do a reconciliation to further determine the overtime worked because of breakdowns.
8. All regions have street sweepers allocated to areas which includes the Central Business District, Main Roads, residential roads/streets, industrial areas. A schedule of street cleaning is prepared weekly prioritizing the roads requiring daily cleansing and the ones which need to be cleaned periodically. Street sweepers are rotated according to the schedule in all areas.

The CBDs and Main Roads are cleaned on daily basis while most of the residential routes are cleaned once to 3 times a week depending on the level of traffic on those routes.

The allocation of street sweepers in Regions are as follows:

REGION	AREAS/STREETS	NUMBER OF STREET SWEEPERS
SOUTH REGION	<p>Isipingo CBD: Athlone Park; Isipingo Rail; Orient Hill & Lotus Park, Isipingo Beach; Prospecton & Isipingo Hills.</p> <p>UMLAZI: A, B, S, K, N, Y, G Zone1, Malukazi D, Q, BB, E-north, J- Stocks, G zone2, W, U, F, R, E-south, J, Madamini, C, H, Z, P, K-Ko 7, V, M, CC, AA, Zamani, J-Zwelibanzi, V-South, C, H, Z, P, K-Ko 7, V-NORTH W, U, F, R, E-SOUTH, J-Madamini, Malukazi</p> <p>Rosslyn Rd, Seadoone Road, Wanda Cele Road, School Road, Link Road, Nelson Road, Pipeline, Beach Road to Shoprite, Rosslyn Road, Ridge Road, Wanda Cele Road, Kritzinger Street, Nelson Road, Pipeline, Beach Road to Shoprite, Nyoni Rocks, Carlye Road, Rosslyn Road, Ntombeni Road, Khotho Mukhunya Road, Riverside Road, Peacehaven Road, Cato Cress Road, Riverside Road, Arbutnot Street, Lewis Road, Riverside Road, Usundu Drive, Beach Road to Shoprite, Inyoni, Farwell, Ross, Gardinia Road, Sharewood, Robin Hood, Viden, Pollock Road, Dan Pienaar Drive, Bernadotte Street, R603, Winkelspruit, Illovo Beach, Karridene.</p>	235

REGION	AREAS/STREETS	NUMBER OF STREET SWEEPERS
	Umgababa, Lower Illovo, Craigieburn, Shulton Park, Mbumbulu, Folweni, Nsimbin, Doonside, Folweni, Nsimbini, St Winfred, Winkelspruit, Warner Beach, Umkomaas Res, Umkomaas CBD, School Road Civic Road.	
SOUTH CENTRAL	Foklstone Road, Tilbury Road, Thomas Alstead street, Victor lane, Kingslane Road, Umhlatuzana road, Malton Road, Ramford Road, Malton Road, Parkvier Road, Monument Road Victor lane, Mobeni heights, Jupiter, Kingsbury walk, Mirranti unit 1 shopping center Tophem Crossmoor drive, High terrace, Train road, Bottlebrush, Billberry lane, Cashew streetmobeni heights/Impala Road, Silverglen dr, Wittiklip, 501 shopping center, Road 501/Road 502, corner of 701 and 702, Road736, Road719 Welbedutch road, Crossmoor drive, Cashew Road, Billberry, Summerfield Road, Skylark Road, Bottlebrush circle, Train road, Havenside drive 2 shopping center	145
INNER WEST	New Germany CBD, Taxi Ranks, Sanlam, Westville CBD, Shall Cross, Pinetown South, KwaNdengezi, Queensburgh, Crompton Street, School Road, Park Lane, Club Lane, Brightmet Lane, Windsor Road Railway Street, Imperial Lane, Chapel Street, Hill Street, Dales Avenue, Moodie Street, Link Road, Ford Lane, Stamfield Lane, Kings Road, Anderson Road, Union Lane, Glenugie Road, Oppenheimer, Suffert, Valleyview, Eskom Rank, Eskom Road, Bus Rank, New Germany- CBD Westville Road, Westville Villagers market, Dawncliff Road, St James Salisbury, Jan Hofmeyer Road, Blaire Atholl, Pavillion Mall, Kings Road, Rockdale Road, Buckingham Terrace, Syringa Road, Queen Elizabeth, Westbrook Road, Ntsiba Road Zazi Road, Main Avenue / Induduma Clermont Rank, Clermont and Kings Road, MR468, Alpine Street, Blundell Road, Link Road, Chiltern Road, Granada Street, Queensburgh, Khululeka Drive	40
OUTER WEST	Wyebank, Kloof, Gillits, Winston Park, Hillcrest, Waterfall, Botha's Hill, Polo pony, Harmmarsdale, Cato Ridge, KwaXimba	126
NORTH CENTRAL	Springfield Road, Musgrave Road, Essenwood Road, Florida Road, Lambeert Road, Wallace Road, Sir Arthur, Rapson Burman Drive, Ross Gardens, Hawthorne Lane, Daisy Lane, Innes Road, Windermere Road, Goble Road, Goodwin Road, Umgeni Road & Holden Lane, Overport Road, Ridge road – essenwood, Vause Road, St Thomas Road, Juniper Road, Coronation rd, Riley Road, Sydneham Road, Currie Rd, Berea Park, Stirling Lane, Rothesay Lane, Bonair Lane, Norfolk Road, Umhlanga Rocks Drive, Ashley Avenue, Maryland Avenue, Doreen Crescent, Rinaldo Road, Spathodia Pl, Allamanda Drive, Bougainvillaea, Daphney Pl, Longwoods Dr Northway, Chelsea Dr, Kensington, St Andrews Drive, Terence Place, Girvan Avenue, Blackburn Road, Belvedere Road, Connyingham Avenue, Kensington Drive, Beachway, Stirling Crescent, Mackeurtan, James Place, Newport Avenue, Lindsay, Middlebrooke Avenue, Kentucky Drive, Laughton Avenue, Aubrey Drive, Adrienne Road, Bill Simpson Road, The Promenade, St Andrews, Balmoral Drive, Roehampton Way, Eastview Road, Church Road Windermere Road, Goodwin Road, Umgeni Road, Musgrave Road, Essenwood Road, Overport Drive, Ridge Road & Juniper Road, St Thomas, Hurst Lane, Clifton Road, Mansfield Road and Musgrave Road, Stone bridge, Rain ham & Centenary Park area. Rainham, New cottage area Rydalevale, &Starwood area Clayfield Area Riverdene, Bearchfield, Sparfield, Steelcastle. Centre Road, Deepdele, Avoca Road, Devshi, Mill Road, Belmont, Dessai	57
NORTH	Plane Street, Catherine Street, Sucrose Lane, Metcalfe Road; Maharaj Drive, Tesco Drive, Daffodil Street, Daffodil Circle, Mitha Road, Temple Drive, Stocker Drive, Brake Drive, Hambanathi Road, Thandukwazi Road, Nkosibomvu Road, Todd Street, Wick Street, Ireland Street, George Sewpersard, Court Lane, Madressa Lane, Bus Rank, Groom Street, Russom Street, Thompson Lane, Beach RD, Bellamount, 1 st Avenue, Villa Ladera, St Malo House, R 103, Old North Coast Road, Flanders Drive, Umdloti Siphosethu Road (Wens only), Lagoon Drive, Chartwell Drive, Umhlanga Rocks Drive/ Lighthouse (Manors), Mc Causiland, Ridge Road, La Lucia Taxi Rank, Whitehouse Cypress Road, Glani Str, Highdale Road, NPA, Chris Hani Road	21

11.12

Questions submitted by Councillor I Syed : City Fleet (8/3/1/7):

The City manages and runs a high number of vehicles in its varied fleet. At any given time, there are many vehicles either out of commission, or damaged and laying in the workshop for repairs.

In line with this, we, the Active Citizens Coalition, rise to present the following questions in Council for an informed response:

1. **How many vehicles does the City Fleet manage per department, for example, electricity, water and parks, among others?**
2. **What is the actual turnaround time for a vehicle to be serviced?**
3. **Why does the City not have stock of tyres on the shelves at its depot in Mobeni?**
4. **The tyre depot does not have functional wheel alignment or balancing machines. Why and when will this be resolved?**
5. **The tyre depot has no capacity to repair punctures because of a lack of stock of tyre plugs, mushroom plugs and patch kits. When will this be resolved?**
6. **Why are service parts unavailable in the stores at City Fleet Mobeni?**
7. **BMW motorbikes lay abandoned in the rain as there are no spares or service contracts in place with BMW. When will this be resolved?**
8. **Tools of trade are seriously lacking in the heavy truck workshop, including jacks. Has this been addressed, if not, why, and when will it be remedied?**
9. **We understand that theft from vehicles as well as that of tyres not being accounted for and are a problem at the depot. Have any cases been addressed?**
10. **We believe that there are presently 130 (one hundred and thirty) vehicles in the workshop for clutch repairs. Why is this so, and which Unit contributed proportionally towards this issue of driver negligence?**
11. **Does City Fleet inspect vehicles and report back to the respective Unit managers regarding negligence and driver faults? If so, what is the consequence management for such drivers?**
12. **Many vehicles lay smashed and damaged due to accidents. How long does it take to resolve the assessment to decide to repair or replace such vehicles?**

THE ABOVE QUESTIONS WERE NOT RESPONDED TO, AS THE AURTHOR, COUNCILLOR SYED WAS NOT PRESENT AT THE MEETING.

12. **REPORTS:**

It was noted that none of the Members have declared interest on items appearing in the Agenda.

(His Worship the Mayor, Councillor TM Kaunda presented the First Report of the Executive Committee).

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-01-24)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), A Beetge, Y Govender, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, BT Ntuli, ZR Sokhabase and there being one (01) vacancy.

1. **RATIFICATION OF APPROVAL MADE IN TERMS OF RULES 28 (1) (b) OF THE RULES OF ORDER BY-LAW 2014, AS AMENDED, WITH RESPECT TO THE CIVIC FUNERAL ACCORDED THE LATE MUSIC ARTIST, MR M MAPHUMULO, IN TERMS OF THE CIVIC FUNERAL POLICY (13/6)**

(Page 20)

As per the standard compliance requirement, during a period where Council is in recess and there are matters that require urgent approval, these are dealt with in terms of Rule 28 of the Rules of Order By-Law 2014, as amended. This gives authority to the City Manager, with the approval from the Mayor, to take the necessary action.

Therefore, as the Council has been on recess during the festive season, the City of eThekweni lost a prominent Artist on the 24th December 2022 who played a role in promoting the City of Durban. A decision was then taken, in terms of Rule 28(1) (b) of the Rules of Order By-Law 2014, as amended, to allocate an amount of R100 000.00 (One Hundred Thousand Rand) towards the funeral costs of the late music artist, Mr Mandlenkosi Maphumulo, affectionately known as Mampintsha, in line with the requirements of the Civic Funeral Policy. It being noted that the Civic Funeral is accorded to political office bearers, Councillors and high-profile public members.

In this regard, this report serves to ratify this decision taken in terms of Rule 28(1)(b) of the Rules of Order By-Law, 2014, as amended.

The Executive Committee extended condolences to the Maphumulo family in bereavement, also acknowledging the significant role played by the late Mr Maphumulo in the entertainment industry, which also benefitted the Arts and Culture sector.

During discussion, some of the Members expressed reservations, citing prevailing inconsistencies in the implementation of the Civic Funeral Policy. That, in some instances, the Policy appeared to be in favour of some Members of the Council while neglecting others. Clarity was sought on the criteria being used to determine those eligible for such burial assistance, mention being made of one of the late Democratic Alliance Councillor whose family has not been offered any assistance to date and there has been no communication given to explain the reasons for not providing the funeral assistance, as per the requirements of the Civic Funeral Policy, and in consistence with the decisions having been taken previously every time a Councillor has passed on, to contribute towards the funeral costs.

In this regard, Members expressed the need to revisit the decision that was taken by the Executive Committee to thoroughly review the Civic Funeral Policy and address some of the gaps identified and also to ensure fairness and transparency. That for this to be possible, the other spheres of government be involved for their inputs on the matter.

Also, that reports emanating from the departments should indicate why a particular individual is eligible for burial assistance and that a clause be included outlining that eligibility exclude those accused of Gender-Based-Violence.

With regard to the funeral assistance under discussion, the Committee was advised that no cash was given to the Maphumulo family. However, the amount of R100 000.00 (One Hundred Thousand Rand) went towards venue hire. It being advised that the funeral service was held at the Inkosi Albert Luthuli International Convention Centre. That a total amount of R250 000.00 (Two Hundred and Fifty Thousand Rand) was invoiced for the overall venue hire, excluding catering services.

With the balance of R150 000.00 (One Hundred and Fifty Thousand Rand) being provided by the Office of the Premier and the Provincial Department of Economic Development, Tourism and Environmental Affairs.

The Office of the Mayor and the Office of the Speaker were then requested to expedite the process of reimbursing the family of the late DA Councillor against the invoices raised by the service providers, and with the reimbursement to follow the requirements of the Civic Funeral Policy.

With the Committee noting all the comments made and the action of the City Manager, in consultation with the Mayor, in terms of Rule 28(1)(b) of the Rules of Order By-Law 2014, as amended,

COMMITTEE RECOMMENDS:

- 1.1 That the action of the City Manager in consultation with His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive Committee, in approving as a matter of urgency, in terms of Rule 28(1)(b) of the Rules of Order By-law 2014, as amended, to allocate an amount of R100 000.00 (One Hundred Thousand Rand), to contribute towards the burial costs of the late South African and the Umlazi based Artist, Mr. Mandlenkosi Maphumulo, affectionately known as Mampintsha, and who was part of the Kwaito trio Big NUZ, in line with the Civic Funeral Policy, be ratified.

1.2

That, in order to achieve consistency in the implementation of the Civic Funeral Policy, the process of reviewing the Policy be expedited to address prevailing gaps and achieve a clear understanding of eligible beneficiaries and the amount to be allocated per category of the beneficiary.

Financial implications:

Description	Costs	Vote Number
Civic Burial Assistance	R100 000.00	32601.19110.10.12120.0000.MRC01.0010
TOTAL COSTS	R100 000.00	

MOTION TO AMEND

In terms of Rule of Order By-Law 20(4), Councillor WJD Burne, seconded by Councillor A Kisson, moved as a procedural motion to amend the above recommendations of the Executive Committee by the substitution of the word “...noted...” for the word “... ratified ...” in the recommendations to read as follows:

“1.1 That the action of the City Manager in consultation with His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive Committee, in approving as a matter of urgency, in terms of Rule 28(1)(b) of the Rules of Order By-law 2014, as amended, to allocate an amount of R100 000.00 (One Hundred Thousand Rand), to contribute towards the burial costs of the late South African and the Umlazi based Artist, Mr. Mandlenkosi Maphumulo, affectionately known as Mampintsha, and who was part of the Kwaito trio Big NUZ, in line with the Civic Funeral Policy, be ratified.”

CARRIED

The amendment was unanimously carried.

Reverting back to the substantive matter, the DA mentioned that the Civic funeral had been previously granted to families that were able to afford payments towards the cost of funerals, with ratepayers being affected in the process. They cited that this was later disregarded, in view of the prominent roles and significant impact portrayed by the deceased persons as well as the magnitude of the funeral.

However, the DA were of the view that there was a lack of inconsistencies in the implementation of the policy during the past years. They emphasised that families and departed souls had to be respected, however in the same spirit, they cautioned that public funds also had to be spent adequately. The DA further emphasised that until such time that the Civic Funeral Policy was reviewed, to address discrepancies on the implementation thereof; they would vote against the matter.

Meanwhile, the IFP was in support of the recommendations and emphasised that there had to be consistencies in the implementation of the policy. In this regard,

they appealed to the relevant Committee to speed up the process to review the Civic Funeral Policy.

Thereafter, the ANC made mentioned that the Policy had to be reviewed as per the decision of the Executive Committee. They stated that prominent role players within the Municipality had to be respected and recognized accordingly with the dignified Civic Funeral status so that their respective families would not be left with huge debts of funeral cost, moreover during their grieving period.

The ANC then extended gratitude to the Office of the Premier, Department of Economic Development, Tourism and Environmental Affairs for their contribution towards the costs of Civic funeral of the late South African and the Umlazi based Artist, Mr. Mandlenkosi Maphumulo, affectionately known as Mampintsha, and who was part of the Kwaito trio Big NUZ. Heartfelt condolences were extended to the family of the late Musician and the entire music industry.

As some members were not in support of the recommendations, the matter was put to the vote. With 194 Councillors present; 142 Councillors (ANC – 91, EFF – 21; IFP – 17; ABC – 01; Action SA – 02; ACC – 01; ACDP – 01; ADEC – 00; AIC – 02; DLC – 01; APF-00; ALJAMAH – 00, ATM - 00, JEP -01; KZNI – 01; MF – 00; MOSA – 01; NFP -01; PFP – 00; PRM – 00; TA – 00 and UIM - 01) were in support of the recommendations and 52 Councillors (DA – 51 and VF Plus- 01) voted against the recommendations. There were no abstentions recorded.

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

2. RATIFICATION OF APPROVAL MADE IN TERMS OF RULE 28 (1) (b) OF THE RULES OF ORDER BY-LAW, 2014, AS AMENDED, FOR THE EXTENSION OF THE EXPANDED PUBLIC WORKS PROGRAMME FOR A PERIOD OF SIX MONTHS FROM 01 JANUARY TO 30 JUNE 2023 (4/3/5/3)

(Page 22)

The Committee acknowledged that the eThekweni Municipality is an implementing agent of the Expanded Public Works Programme (EPWP). That the Department of Public Works and Infrastructure (DPWI) is the custodian of the EPWP. The DPWI therefore contributes funding for the EPWP.

The Municipality has since entered into a Memorandum of Agreement with the DPWI for the purpose of receiving the EPWP funding. The funding allocation by the DPWI during the 2022-23 financial totals R61 257 000.00 (Sixty-One Million Two Hundred and Fifty-Seven Thousand Rand). However, with a broader scope of the eThekweni Municipal area and the broader scope of operations associated therewith, it became necessary to expand the EPWP and absorb additional beneficiaries to cover the broader scope of operations, which then attract total expenditure in the amount of R262 534 746.00 (Two Hundred and Sixty-Two Million Five Hundred and Thirty-Four Thousand Seven Hundred and Forty-Six Rand) during the 2022-23 financial year.

Given the funding allocation by the DPWI and the estimated EPWP expenditure in the 2022-23 financial year, there is a shortfall in the amount of R201 277 746.00 (Two Hundred and One Million Two Hundred and Seventy-Seven Thousand Seven Hundred and Forty-Six Rand) to be financed by the eThekweni Municipality.

During the ratification process, some Members expressed reservations regarding the Municipality being liable to fund the EPWP funding shortfall. Mention being made that the additional funding should be requested from the National Government. It was submitted that the recruitment process was not properly coordinated which then resulted to recruiting beneficiaries exceeding the budget and, that consequence management should have been executed to all responsible officials. Mention being made that it would have been prudent if the required additional funding was going to be utilized towards addressing the outstanding infrastructure issues.

Some of the Members acknowledged that the intention of the programme was to alleviate poverty while addressing issues of high unemployment rate, amongst the youth in particular. That, the Programme would also enhance skills for all beneficiaries to prepare them for better opportunities. While acknowledging the gaps that should be rectified, it was stated that the Programme has been very effective in the other parts of the City due to proper controls having been put in place.

Members also expressed that they were of the view that the Programme was previously approved for the three-month extension while savings were being identified. However, Members also felt that the extension for six (06) months might not serve the intended purpose, therefore suggested that consideration be given to extending the Programme for at least twelve (12) months.

Thereafter, a suggestion was made for the Committee to convene a workshop to unpack all issues surrounding the EPWP, in the presence of the DPWI; National Treasury; and other relevant stakeholders. That the session will focus on providing a platform to deliberate and subsequently craft solutions that would ensure that the Programme is properly managed.

With regard to additional funding required, Members were advised that, currently, funding has not yet been identified, but would be sourced from other Units and subsequently incorporated in the Adjustment Budget which would be submitted to Council in February 2023.

On this basis,

COMMITTEE RECOMMENDS:

- 2.1 That the action of the City Manager in consultation with His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive Committee, in approving as a matter of urgency in terms of Rule 28 (1) (b) of the Rules of Order By-law 2014, as amended, the extension of the Expanded Public Works Programmes and projects for a period of six (06) months, with effect from 01 January to 30 June 2023, be ratified.
- 2.2 That authority be granted for the Deputy City Manager: Finance to identify savings during the Budget Adjustment period for the additional EPWP funding to cover the shortfall in the amount of R201 277 746.00 (Two Hundred and One Million Two Hundred and Seventy-Seven Thousand Seven Hundred and Forty-Six Rand), required

to sustain the Expanded Public Works Programme until the end of the 2022/2023 financial year.

- 2.3 That the Executive Committee convenes a workshop with the National Department of Public Works and Infrastructure, National Treasury and other relevant stakeholders in order to unpack all issues surrounding the Expanded Public Works Programme and subsequently craft a sustainable operational model in this regard.

Financial Implications:

FORECAST OPERATING EXPENSE COMPARATIVES STATEMENT FOR THE PERIOD ENDING 30 JUNE 2023					
Dept	Project Name	Vote Number	Grant Budget Forecast R	Total R	Council Funded R
1	Cleaning Service Cornubia Projects	32604.10510.12120.0000.36145.0010	291 419	1 020 156	728 737
2	DSW City Wide Cleaning Programme	32604.10510.12120.0000.36110.0010	8 300 946	56 232 974	47 932 029
3	EPWP Community Water Agents	32604.10510.12120.0000.51110.0010	3 261 983	11 183 238	7 921 255
4	Safety Volunteer Project - Mayoral	32604.10510.12120.0000.37120.0010	42 821 246	165 390 306	122 569 060
5	Urban Management Zone (UMZ)	32604.10510.12120.0000.36130.0010	7 755 683	7 088 798	5 333 115
6	eThekweni Social Sector Support	32604.10510.12120.0000.51115.0010	4 209 007	17 283 646	13 074 639
7	EPWP Administration	32604.10510.12120.0000.51100.0010	616 717	4 335 628	3 718 911
	Total Current Operations		61 257 000	262 534 746	201 277 746

As a consequence of the previous unanimous decision taken to amend the resolution by the substitution of the word; “noted” for the word “ratified”, the same principle was applied in the above recommendations.

Thereafter, a Motion to further Amend the recommendations was submitted as follows: -

In terms of Rule of Order By-Law 20(4), Councillor WJD Burne, seconded by Councillor A Kisson, moved as a procedural motion to amend the above recommendations of the Executive Committee by deletion of recommendation 2.2, it being mentioned that it conflicted with Rule 28 (2), which reads as follows: -

“2.2 That authority be granted for the Deputy City Manager: Finance to identify savings during the Budget Adjustment period for the additional EPWP funding to cover the shortfall in the amount of R201 277 746.00 (Two Hundred and One Million Two Hundred and Seventy-Seven Thousand Seven Hundred and Forty-Six Rand), required to sustain the Expanded Public Works Programme until the end of the 2022/2023 financial year.”

Subsequently, some Councillors raised a point of order and requested legal advice on the consequence of removing the above recommendation.

In providing a legal opinion, the Deputy Head: Litigation advised that in event that the City Manager makes a decision in terms of Rule 28 1(b), firstly the Mayor has to be consulted for the decision to be competent, secondly, if the decision has budgetary consequences, the Deputy City Manager: Finance or his/her nominee must certify in writing that provision has been made for the expenditure in the current budget. Also, if estimates for the financial year have not yet been adopted by Council, it must be confirmed that provision for the expenditure has been or will be made in the estimates for that financial year.

In this regard, the Deputy Head: Litigation advised that recommendation 2.2, was not in conflict with Rule 28 (2).

Thereafter, the Speaker ruled that recommendation 2.2 will remain and would not be omitted, based on the legal advice.

Reverting back to the substantive matter; the DLC were in support of the Expanded Public Works Programme (EPWP); it being mentioned that it was part of poverty alleviation, financial support etc for the previous disadvantaged youth. It being reported that some EPWP beneficiaries had been employed under Durban Solid Waste Unit, in this regard DLC mentioned that a clean City was anticipated. They also mentioned that other spheres of government were not providing sufficient funding as well as proper planning of the programme and they emphasised that the Municipality had to request this budget shortfall from National Treasury.

ActionSA mentioned that it was not appropriate for Council to financially commit itself to an expenditure, without being cognisance of the budget availability after the adjustment process. On the other hand, it being mentioned that the Municipality had reported on what they viewed as exorbitant funds for overtime expenditure. They cited that EPWP beneficiaries could be hired by the Municipality to reduce the aforesaid expenditure.

Also joining the discussions, the DA also noted the intention of the EPWP, that of income relief for those previously disadvantaged communities etc. They mentioned that there had been mismanagement of the entire programme, it being cited that in the past there had been ghost employees and that the programme was beneficial to political connected individuals. They expressed concerns about the unbudgeted extension of the programme, it being emphasised that the initiators of the programme had to provide full funding for the programme; and not for the Municipality to put the burden to the ratepayers. They also requested that details of beneficiaries indicating their designation, date of employment had to be submitted at the next Governance and Human Resource Committee for Councillors to play their oversight role. On this basis, they objected the approval of the recommendations from the Executive Committee.

Whereas the IFP noted the benefits of the programme, however they expressed concerns on the management of the programme, as well as an opinion expressed by the Auditor General on the issue of ghost employees. In addition, they further expressed concerns on the utilisation of Rule 28, as they highlighted the magnitude of the budget implications. It being also emphasised that ratepayer's interest had to be considered in this regard. They encouraged the City's leadership to deal with abnormalities within the programme.

Thereafter, the ANC mentioned that when annual budgets are initially approved in the beginning of the financial year, projects and/or programmes are reflected on the budget with a view that grants would be received from various grants, revenue sources etc. to fund same. They mentioned that the EPWP had to continue to assist beneficiaries given its positive impact on the communities and the Municipality at large. It being recalled that a similar six (06) months extension was approved by Council during August 2022, which was terminated at the end of December 2022. Therefore, it was not practical to convene Council meeting during recess, hence a decision was taken for utilisation of Rule 28 to further extend the programme from 01 January to 30 June 2023. In this regard, the ANC was in full support of the matter.

Accordingly, as some members were not in support of the recommendations, the matter was put to the vote. With 198 Councillors present; 142 Councillors (ANC – 92, EFF – 21; IFP – 15; ABC – 01; ACC – 01; ADEC – 00; AIC – 02; DLC – 01; APF-01; ALJAMAH – 00, ATM - 01, JEP -01; KZNI – 01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00; TA – 01 and UIM - 01) were in support of the recommendations and 56 Councillors (DA – 50; Action SA – 04, ACDP – 01; and VF Plus- 01) voted against the recommendations. There were no abstentions recorded.

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

At this stage of the proceedings, time being 15h23, Council took a comfort break, the Speaker also informed Council that a Special Executive Committee meeting had convened earlier on this day at 11h00, therefore, a report emanating from that meeting would have to be considered at this Council meeting.

Thereafter, the meeting resumed at 16h54. The Agenda items were re-arranged, in that the Adjustment Budget item was considered immediately after the conclusion of the Second Exco Report.

3. INVESTMENT REPORT FOR THE MONTH ENDED 30 NOVEMBER 2022.
(7/11/4)

(Page 178)

COMMITTEE RECOMMENDS:

That the report on the investments of the eThekweni Municipality as at 2022-11-30, which records the total funds invested in financial institutions as R4 261 000 000.00 (Four Billion Two Hundred and Sixty-One Million Rand), at an average rate of return on investment of 7,38%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Local Government: Municipal Finance Management Act No. 56 of 2003, be noted.

NOTED.

4. ETHEKWINI MUNICIPALITY PUBLIC TENDER AWARDS FOR THE MONTH ENDED 30 NOVEMBER 2022 (9/1/3)

(Page 184)

COMMITTEE RECOMMENDS:

- 4.1 That the eThekweni Municipality public tender awards for the month of November 2022, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Deputy Head: Supply Chain Management dated 2022-12-06, be noted.
- 4.2 That it be noted that where information is available for Wards and registration numbers, it is included in the report, as information used to compile the report is taken from the submissions made by the Municipal Units.
- 4.3 That the Finance, Security and Emergency Services Committee calls for additional information on individual awards, where it deems appropriate and necessary to play its oversight role.
- 4.4 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of the Supply Chain Management Policy and the Local Government Municipal Finance Management Act 2003 provisions are observed.
- 4.5 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the City Manager can only respond when the report is available.

NOTED.

5. BUDGET STATEMENT REPORT FOR THE MONTH ENDED 30 NOVEMBER 2022 (7/1/4)

(Page 274)

Following the tabling of the Budget Statement Report, the Committee subsequently sought progress report on matters including non-revenue water, meter reading and revenue collection.

A recommendation was made that there should be systems in place to track water losses, particularly, in informal settlements, to determine the volume of water deposited into standpipes and how much is lost.

Progress was also sought on the interventions being made to facilitate payment arrangements by the public towards settling their debts. Reservations were thereafter expressed on the issue of meter readings, noting that thousands of meters have not been read over a year and thus a question on how then the public was being billed without any meter readings conducted.

Speaking on the Report, Management highlighted that the revenue collection was sitting at 91% in November 2022, with a slight increase of 1.5% during the month of December. Confirmation was given that citizens were still making means

to approach the Finance Department for the necessary payment arrangements and that it was expected that there should be revenue increase in the next two months.

In view of the foregoing,

COMMITTEE RECOMMENDS:

- 5.1 That the Budget Statement Report for the month ended 2022-11-30 and the supporting documents, submitted by the City Manager as per his report dated 2022-11-30, in compliance with Section 71 of the Local Government: Municipal Finance Management Act No. 56 of 2003, and in terms of the Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, be noted.
- 5.2 That in compliance with Section 32(2) of the Municipal Finance Management Act 2003, Council notes the Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) in the amount of R5 214 139.57 (Five Million Two Hundred and Fourteen Thousand One Hundred and Thirty-Nine Rand Fifty-Seven Cent), incurred during the month of November 2022, as detailed in Section 10 of the Budget Statement Report.
- 5.3 That Council resolves to refer the UIFW referred to in .2 above to the Municipal Public Accounts Committee (MPAC) for investigation to determine the recovery chances or possible write-off of the said expenditure, in terms of Section 32(2)(b) of the Local Government: Municipal Finance Management Act 2003, with the MPAC to report back to Council on the outcome of its investigations.

NOTED.

(His Worship the Mayor, Councillor TM Kaunda presented the Second Report of the Executive Committee).

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-01-30)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), A Beetge, Y Govender, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, BT Ntuli, ZR Sokhabase and there being one (01) vacancy.

1. COGTA ASSESSMENT OF THE ETHEKWINI MUNICIPALITY 2021/2022 INTEGRATED DEVELOPMENT PLAN (2/1/6/1)

(Page 29)

The Integrated Development Plan (IDP) serves as the principal strategic planning instrument which guides and informs the ongoing planning, management and development actions of the Municipality. The development of the IDP is informed by the Local Government: Municipal Systems Act No. 32 of 2000. As such, every financial year the Municipality embarks on the process to review its IDP.

As per the statutory requirement, the IDP is also assessed by the MEC for Cooperative Governance and Traditional Affairs (COGTA) to determine its credibility and the assessment is based on six (06) Provincial Key Performance Areas. The assessment score is reflected in the table below, and it is pleasing to note that the Municipal credibility has improved from 82.67% in 2021 to 84.83% in 2022.

However, there are areas needing improvements arising from the COGTA assessment. The Municipality has since developed an action plan with a view to addressing issues raised by COGTA. Detailed below is the assessment outcome over the years till 2022:

Service Delivery (Out of 5)	Municipal Transformation (out of 5)	Cross Cutting (out of 5)	LED (Out of 5)	Financial Management (out of 5)	Good Governance (out of 5)	Overall Credibility in %
eThekweni Municipality Scores for 2022						
4.8	3.6	3.5	4.3	4.5	4.75	84.83
eThekweni Municipality Scores for 2021						
3.1	5	3.8	4.1	3.45	4.85	82.67
eThekweni Municipality Scores for 2020						
2.75	5	4.40	4.30	3.35	4.80	82
eThekweni Municipality Scores for 2019						
3.8	5	3.8	4.0	3.65	5	84.17
eThekweni Municipality Scores for 2018						
5.0	4.4	3.6	2.0	3.9	4.45	77.83

The IFP welcomed the report, but expressed concern in that the Municipality receives good rating on paper with this not necessarily being translated into tangible service delivery on the ground. That an in-depth analysis needs to be conducted

to determine what informs the gaps and what could be implemented to bridge the existing gaps in the provision of service delivery.

The Committee appreciated the assessment outcome and undertook to work on areas needing improvements.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.1 That Council notes the eThekweni Municipality Integrated Development Plan 2022-23 has achieved the credibility score of 84.83% arising from the assessment made by the MEC for Cooperative Governance and Traditional affairs, as per the six (06) Provincial Key Performance Areas outlined in the table below:

Service Delivery (Out of 5)	Municipal Transformation (out of 5)	Cross Cutting (out of 5)	LED (Out of 5)	Financial Management (out of 5)	Good Governance (out of 5)	Overall Credibility in %
eThekweni Municipality Scores for 2022						
4.8	3.6	3.5	4.3	4.5	4.75	84.83
eThekweni Municipality Scores for 2021						
3.1	5	3.8	4.1	3.45	4.85	82.67
eThekweni Municipality Scores for 2020						
2.75	5	4.40	4.30	3.35	4.80	82
eThekweni Municipality Scores for 2019						
3.8	5	3.8	4.0	3.65	5	84.17
eThekweni Municipality Scores for 2018						
5.0	4.4	3.6	2.0	3.9	4.45	77.83

- 1.2 That Council notes that a document comprising remedial actions, responsible persons and associated timeframes to address areas requiring improvements, as identified in the assessments, has been prepared, as outlined in Table 3 in the report of the City Manager dated 2023-01-17, and copy also attached herein.

Speaking on the above matter, ActionSA were of the view that the reported results of the assessment were fabricated and were not worthy to be celebrated. They mentioned that there was poor management of finances, governance etc. in the Municipality. In this regard, they requested the Executive Committee to conduct its own Municipal introspection.

The IFP welcomed the report, however expressed a concern that the Municipality received good results on papers, however these being not translated and consistent with the delivery of service on the ground.

Thereafter, the ANC shared a different view from the ActionSA and the IFP and they reported that the assessment undertaken by the Department of Cooperative Governance and Traditional Affairs was based on six (06) assessment tools, which were Service Delivery; Municipal Transformation; Cross-Cutting; Local Economic Development; Financial Management and Good Governance. They also acknowledged that there were challenges in the City, however, it was indicated that this does not shade away the good work which had been done by

the Municipality. Reference was then made to various projects which had been implemented by the Municipality, it being emphasised that all political parties had a duty to work collectively for the betterment of the City and to attract investment in order to boost local economic growth thereby creating much needed job opportunities.

Accordingly, the above recommendations of the Executive Committee were; NOTED.

2. FIRST DRAFT CHAPTERS 1 AND 2 OF THE 2023/2024 INTEGRATED DEVELOPMENT PLAN. (2/1/6/1)

(Page 157)

The eThekweni Municipality is in the process of reviewing its Integrated Development Plan (IDP) in preparation to adopt the 2023-24 IDP. As such, Chapters 1 and 2 of the IDP document are being submitted for noting at this stage. It should be noted that the amendments effected in these Chapters are as follows:

- (i) The situational analysis has been updated with information provided by the relevant Line Departments and the StratHub portal.
- (ii) An updated Chapter 2: New Urban Agenda, Sustainable Development Goals, AU Agenda, Strategic approach to include the Integrated Urban Development Framework, Medium Term Strategic Framework and Updated SIP projects. The SONA and SOPA alignment with the 2023-24 IDP would be completed in 2023 once the information is readily available.
- (iii) Updated projects Matrixes to indicate alignments with the New Urban Agenda, Paris Agreement, Sendai Framework and Local Government Manifesto.
- (iv) The District Development Model – One Plan Diagnostic has been included in the Situational Analysis
- (v) The inclusion and integration of the Mayor’s 10-Point Plan into the strategic approach for the Municipality

It should be noted that a comprehensive draft IDP document will be submitted for consideration in March 2023 in preparation for public participation and thereafter final approval in May 2023.

Accordingly,

COMMITTEE RECOMMENDS:

That Council notes Chapters 1 & 2 of the first draft Integrated Development Plan 2023/2024, details of which are contained in the report by the City Manager dated 2022-12-01, it being noted that a comprehensive draft IDP document will be submitted for consideration in March 2023 in preparation for public participation and thereafter final approval in May 2023.

NOTED.

(His Worship the Mayor, Councillor TM Kaunda presented the Third Report of the Executive Committee).

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Special Meeting held 2023-02-14 and Ordinary Meeting held 2023-02-21)

- PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, NI Madlala, T Miya, TM Mthethwa, BT Ntuli and ZR Sokhabase.
- ABSENT : Executive Committee Members Y Govender and MS Nkosi (Both on Leave)
-

1. APPOINTMENT OF CHAIRPERSONS OF THE SECTION 80 COMMITTEES AND CHAIRPERSON OF THE STATUTORY COMMITTEE (3/4/4/2)
(Report of the City Manager dated 2023-02-14 and Revised Report of 2023-02-21)

(Page 1)

The Executive Committee, on 2023-02-14, deliberated on the matter relative to the filling of the existing vacancies of the Chairpersons of the Support Committees and changes in the Ethics Committee Membership. Upon deliberations, the Executive Committee also slightly restructured the Support Committees to strengthen the focus by the Municipality in a bid to effectively deliver on the mandate pertaining to the provision of sustainable service delivery to the local communities.

The Committee then resolved on the appointment of Chairpersons and also, the restructuring of Section 80 Committees; whilst also resolving to recommend to Council to approve changes in the Ethics Committee membership.

During discussion of this matter further at the Executive Committee meeting of 2023-02-21, at the stage of confirming the Minutes of the Executive Committee meeting held 2023-02-14 and the Matters Arising therefrom, the Head: Legal and Compliance drew the attention of the Executive Committee to the fact that the powers delegated to the Executive Committee were confined to appointing the Chairpersons of Section 80 Committees, but that the establishment of Council Committees or the restructuring thereof is the competence of the Municipal Council. The Head: Legal and Compliance further drew the Committee to Section 51 of the Local Government: Municipal Structures Act 117 of 1998, as amended, which gives powers to the Executive Committee to reconsider its decision and effect changes where required.

Given the legal advice, the Committee then resolved to comply with the requirements of the Act, in terms of focusing on the appointment of the Section 80 Committees and then recommending to the Municipal Council to approve the restructuring of the Finance, Security & Emergency Services Committee, to provide for a stand-alone Finance Committee to be chaired by His Worship the Mayor, Councillor TM Kaunda; and a stand-alone Security and Emergency Services Committee, with a proposal that it be chaired by the Deputy Mayor, Councillor ZP Myeni, subject to obtaining the Council authority to proceed with the restructuring process. The appointment of Section 80 Committees was also to be presented before the Municipal Council for information purposes.

The Executive Committee then agreed to recommend to the Municipal Council, as per the revised discussion with regard to the appointment of the Section 80 Committee

Chairpersons; Proposed Changes in the Ethics Committee membership; and Proposed Committee Restructuring.

The DA abstained during consideration of this matter on 2023-02-14 and further maintained this position at the meeting of 2023-02-21 despite the fact that the recommendations have been revised, as its Caucus was still to look into this matter closely.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.1 That, Council approves the creation of an additional Support Committee, namely, Security and Emergency Services, thus removing this aspect from the Finance, and therefore to remain with a separate Finance Committee.
- 1.2 That the eThekweni Municipal Council notes the appointment of the Executive Committee Member Thabane Miya (EFF), as the Chairperson of the existing Human Settlements & Infrastructure Committee, to fill the vacancy created by the removal of the Abantu Batho Congress, Councillor Philani Godfrey Mavundla, as the member of the Executive Committee and, automatically, the Chairperson of the aforementioned Committee, it being recorded that Council in this meeting has since accepted a resignation by Councillor Miya as the Member of the Executive Committee, hence, the appointment referred to falls away and the Executive Committee will have to reconsider the appointment of new Chairperson.
- 1.3 That the eThekweni Municipal Council notes the appointment of the Executive Committee Member Braveman Thembubuhle Ntuli (ANC), as the Chairperson of the existing Economic Development and Planning Committee, to fill the vacancy created by the resignation of the former Executive Committee Member Thanduxolo Sabelo, as the member of the Executive Committee and, automatically, the Chairperson of the aforementioned Committee.
- 1.4 That the eThekweni Municipal Council notes the resignation of Councillor Ntokozo Sibiyi (ANC), as the Chairperson of the Ethics Committee, as per the letter submitted to the Speaker of the Municipal Council in this regard.
- 1.5 That, in view of 1.5 above, and with the Speaker having conducted a nomination process, the outcome thereof being a single nomination of Councillor Octavia Nolubabalo Mthembu-Zondi, with no counter nominations received, the eThekweni Municipal Council resolves to appoint Councillor Octavia Nolubabalo Mthembu-Zondi (ANC) to serve as the new Chairperson of the Ethics Committee, filling the vacancy created by the resignation of Councillor N Sibiyi.
- 1.6 That the eThekweni Municipal Council notes the Democratic Alliance's substitution of Councillor Nicole Jane Bollman by Councillor Tino Pillay as the Member of the Ethics Committee.

MOTION TO AMEND

In terms of Rule of Order By-Law 20(4), Councillor A Beetge, seconded by Councillor WJD Burne, moved as a procedural motion to amend

the above Executive Committee recommendations by addition of the words at the end of recommendation 1.1 to read as follows:

“1.1 That, Council approves the creation of an additional Support Committee, namely, Security and Emergency Services, thus removing this aspect from the Finance, and therefore to remain with a separate Finance and Procurement Committee.”

NOT CARRIED

As some Councillors were not in support of the Motion to Amend, the matter was put to the vote. With 168 Councillors present, 60 Councillors (DA - 41; IFP - 14; Action SA - 04 and ACDP - 1) voted in favour of the amendment and 108 Councillors (ANC - 78, EFF - 18; ABC - 01; ACC - 01; DLC - 01; ADEC- 00; APF - 0; ATM -01, ALJAMAH - 00, JEP -01; KZNI -01, MF - 0; MOSA - 01; NFP -01; PFP - 01; PRM -00; TA - 01; UIM- 01 and VF Plus - 01) voted against the amendment. There were no abstentions recorded.

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

Discussion thereafter reverted to the substantive matter where the DA maintained that the new Committee be called the Finance and Procurement Committee. They indicated that the aforesaid Committee had existed in the past, also that it was imperative that procurement matters be prioritized given its significant impact on Municipal operations. They emphasised that procurement processes were undertaken within the ambit of the Finance Cluster, therefore two aspects could not be separated. They further stressed that Council had to pay more attention to the Supply Chain Management (SCM) Unit in terms of its operations, including capacitation of employees, etc. In this regard, they mentioned that the suspension of the Head: SCM was indicative of the contests within the Unit, it being mentioned that the reasons for the suspension were also not clear.

On the other hand, the DA reported that the matter of the Ethics Chairperson had to be separated with the recommendations of reconfiguration of the Support Committees.

Meanwhile, ActionSA mentioned that Councillors were not allowed to interfere with SCM processes, however they were able to play oversight role. In this regard, they cited that the proposal to include procurement matters together with Finance Committee was relevant. On this basis, they were in support of the amendment.

Thereafter, the ANC acknowledged the challenges within procurement processes. They mentioned that in the past Bid Committees were being chaired by junior officials who had no authority to make decisions on the spot. Therefore, as an intervention, it was mentioned that Deputy City Managers (DCM) had been assigned to chair Bid Committees to accelerate procurement processes, given their authoritative positions within the Municipality. Speaking on the Finance Committee; it was reported that in terms of the terms of reference for the aforesaid Committee, procurement matters were still confined within the Committee. In addition, it was also mentioned that the DCM: Finance and his

Heads including the Head: SCM would continue to report to the Finance Committee. Therefore, they indicated that changing of the name would have no impact on the functioning of the Committee. On this basis, they were not in support of the proposed amendment.

Thereafter, on the request by the Speaker; the Deputy Head: Litigation was requested to advise on other aspects of the recommendations from the Executive Committee, reference being made to the Chairperson of the Ethics Committee.

The Deputy Head: Litigation then advised that following the resignation of the Chairperson of the Ethics Committee, Councillor N Sibiya; a proposal was made by the Executive Committee to appoint another Councillor without an open nomination process. In this regard, he advised Council to undertake an open nomination process in order for the appointment process to be compliant with the Rules.

Subsequently, the Speaker mentioned that the process as outlined by the Deputy Head: Litigation had to be followed. A request being made for the revised recommendations to be crafted at this meeting.

Thereafter, there were diverse views on the matter, with some Councillors requesting for the matter to stand down and be withdrawn from this meeting until such time that the report was appropriately crafted.

However, in view of the matter, being already discussed and resolved by the Executive Committee, a MOTION TO AMEND was submitted as follows: -

In terms of Rule of Order By-Law 20(4), Councillor Madlala of ANC seconded by Councillor ZR Sokhabase, moved as a procedural motion to amend the above recommendations of the Executive Committee for recommendation 1.4 to be deleted in its entirety and to amend recommendations 1.6 to include "... Council notes the vacancy created by resignation of Councillor N Sibiya as a Chairperson of the Ethics Committee and for Council to conduct a nomination process".

CARRIED

As some members were not in support of the recommendations with the proposed amendments, the matter was put to the vote. With 183 Councillors present; 133 Councillors (ANC – 87, EFF – 20; IFP – 14; ABC – 01; ACC – 01; ADEC – 00; AIC – 01; DLC – 01; APF-01; ALJAMAH – 00, ATM - 01, JEP -01; KZNI – 01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00 and TA – 01) were in support of the recommendations and 49 Councillors (DA – 43; Action SA – 04; ACDP – 01 and VF Plus- 01) voted against the recommendations. 01 UIM Councillor abstained on the matter.

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

At this stage of the proceedings, time being 22h23, the IFP requested eight (8) minutes for a caucus, and it was granted by the Speaker.

Thereafter, the meeting resumed at 22h31, and the Speaker conducted the process to elect Ethics Committee Chairperson of the eThekweni Municipality. He then invited nominations for the appointment of a Councillor as a Chairperson of the aforementioned Committee.

Councillor N Sibiya, seconded by Councillor BV Mngwengwe, nominated Councillor ON Mthembu-Zondi. Councillor ON Mthembu-Zondi accepted the nomination.

There being no further nominations, Councillor ON Mthembu-Zondi was unanimously elected as the Chairperson of Ethics Committee.

(His Worship the Mayor, Councillor TM Kaunda presented the Fourth Report of the Executive Committee).

FOURTH REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-02-21)

- PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, NI Madlala, T Miya, TM Mthethwa, MS Nkosi and ZR Sokhabase
- ABSENT : Executive Committee Members BT Ntuli and Y Govender (Both Personal Commitments)
-

1. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD 2023-02-09

(Page R1)

- 1.1 Request for Authority to Endorse Ghandi Settlement in Phoenix as World Heritage Site (35/2/R):
(Page 47: Community Services Committee - Agenda 2023-02-09)

It was noted that the Parks, Recreation and Culture Unit was to initiate the process of endorsing the Ghandi Settlement in Phoenix as the World Heritage Site after having satisfied the selection criteria, and as part of preserving culture and tradition. A submission in this regard will be made to the United Nations Education, Scientific and Cultural Organisation (UNESCO).

With the Committee being in support of this proposed endorsement,

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the Head: Parks, Recreation and Culture, in consultation with all stakeholders affected, to endorse the Ghandi Settlement in Phoenix as the World Heritage Site as part of the preservation of culture and tradition.
- 1.1.2 That subject to the approval of .1 above, authority be granted for the Head: Parks, Recreation and Culture to ensure that all administrative processes are duly followed and that the KwaZulu-Natal AMAFA and Research Institute as the recognised Provincial Heritage Body in KwaZulu-Natal, is notified accordingly.

Financial Implications:

None.

The Chairperson of the Community Services Committee reiterated that the purpose of the report was for authority to be granted to the Unit Head to initiate the process of endorsing the Ghandi Settlement in Phoenix as the World Heritage Site after having satisfied the selection criteria, and as part of preserving culture and tradition. That a submission in this regard will be made UNESCO.

Thereafter, the above recommendations of the Executive Committee were; ADOPTED.

- 1.2 Request for Approval and Promulgation of eThekweni Municipality Municipal Public Health By-Law 2022 (1/1/3/1/19 & 1/1/3/34):
(Page 82: Community Services Committee - Agenda 2023-02-09)

The eThekweni Municipality: Municipal Public Health By-Law, 2022, ensures that measures are in place for managing, controlling, minimizing or eliminating Municipal health nuisances and the prohibition of certain activities or conduct to promote a healthy and safe environment.

It was noted that this By-Law had completed the processes of public participation, with the notice having been published for comment in the Ezasegagasini Metro newspaper and a copy of the By-Law was also placed on the City Hall notice board, at Sizakala Centres and on the eThekweni Municipality website for a period of not less than thirty (30) days to allow the public an opportunity to make representations regarding the proposed By-law.

With the public participation process having been concluded accordingly, and it having been confirmed at the Executive Committee level that the publication platforms used were those reflected in the actual By-Law as the necessary compliance requirement when it comes to advertising for public comments, and therefore, the final draft By-Law is then submitted for final approval.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.2.1 That the final draft eThekweni Municipality: Municipal Public Health By-Law, 2022, following the completion of the public participation process, be approved for publication and promulgation in the Provincial Gazette, with the By-Law taking effect six months from the date of publication in the Provincial Gazette.

- 1.2.2 That subject to the approval of .1 above, the promulgation notice for the eThekweni Municipality: Municipal Public Health By-law, 2022, be published in the Ezasegagasini Metro newspaper.

Financial Implications:

Publication Costs – R120 000.00. (In Provincial Gazette).

FC Number: 19/2023 (To be met by adjustment).

ADOPTED

- 1.3 Request for Approval and Promulgation of eThekweni Municipality Food, Milk and Milk Products By-Law 2022 (1/1/3/1/19 & 1/1/3/34):
(Page 117: Community Services Committee - Agenda 2023-02-09)

The eThekweni Municipality: Food, Milk and Milk Products By-Law, 2022, provides for measures of managing and controlling food, milk and milk products, ensuring that food products are fit for human consumption, and comply with the regulations for the preparation of food, milk and milk products. It was noted that this By-Law had completed the processes of public participation, with the notice having been published for comment in the Ezasegagasini Metro newspaper and a copy of the By-Law was placed on the City Hall notice board, at Sizakala Centres and on the eThekweni Municipality website for a period of not less than thirty (30) days to allow the public an opportunity to make representations regarding the proposed By-Law.

With the public participation process having been concluded accordingly, the final draft By-Law is then submitted for final approval.

During consideration at the Executive Committee level, the IFP acknowledged the significance of this By-Law. However, queried whether all relevant stakeholders have been consulted to avoid being later interrogated on the matter by the relevant stakeholders. Confirmation was then given that the public participation process has been all-inclusive and that there have been no comments received at the expiry of the public participation process.

Accordingly,

COMMITTEE RECOMMENDS:

- 1.3.1 That the final draft eThekweni Municipality: Food, Milk and Milk Products By-Law, 2022, following the completion of the public participation process, be approved for final publication and promulgation in the Provincial Gazette, with the By-Law taking effect six months from the date of publication in the Provincial Gazette.
- 1.3.2 That subject to the approval of .1 above, the promulgation notice for the eThekweni Municipality: Food, Milk and Milk Products By-Law, 2022 be published in the Ezasegagasini Metro newspaper.

Financial Implications:

Publication Costs – R120 000.00. (In Provincial Gazette).

FC Number: 19/2023 (To be met by adjustment).

ADOPTED.

2. REPORT OF THE GOVERNANCE & HUMAN RESOURCES COMMITTEE:
MEETING HELD 2023-02-15

(Page R4)

2.1 Proposed Creation of Sustainable Energy Component Within the Electricity Unit
Structure:

(Page 15: Governance and Human Resources Committee - Agenda 2023-02-15)

Authority is sought to create the Sustainable Energy Component under the Electricity Unit’s organogram to fulfil key strategic roles that are critical for the current and future sustainability of the Electricity Unit. The minor amendments take a form of introducing the Sustainable Energy Operations Department within the Electricity Unit, capacitated with three (03) positions. The following three (03) posts will be created as indicated in the organisational structure recommended and reflected in Annexure “B” of the report by the Acting Head: Organisational Development and Change Management dated 2022-06-24:

- (i) 1 x Strategic Executive: Sustainable Energy (Control Post);
- (ii) 1 x Specialist Engineer: Grid Integration Management; and
- (iii) 1 x Specialist Engineer: Energy Generation and Trading.

The newly created posts will be subjected to the Grading process to confirm the envisaged grades used to calculate financial implications. The implementation of the above recommendations will incur an annual expenditure of approximately R4 017 988.00 (Four Million and Seventeen Thousand Nine Hundred and Eighty Eight Rand), calculated using the median scale as follows:

POST DESIGNATION	TK	REC. POSTS	TOTAL AVERAGE NOTCH/ANNUM
Strategic Executive: Sustainable Energy	T19	1	R1 742 344.00
Specialist Engineer: Grid Integration Management	T17	1	R1 137 822.00
Specialist Engineer: Energy Generation & Trading	T17	1	R1 137 822.00
TOTAL		3	R4 017 988.00

It was advised that the Municipal financial status has not improved since the global Covid-19 pandemic. Thereafter, the riots looting took a toll and then later the floods destroyed the infrastructure in the eThekweni Region and with this contributing extremely to the Municipal financial strain.

The Unit confirmed that funding for the structure will be made available through reprioritising the existing budget in the 2022/2023 fiscal year. The Unit has taken a strategic decision that the overtime budget for the Unit will be cut by 55% (approximately R100 Million). These funds would be used to fund critical vacancies and the establishment of the Sustainable Energy Component. In addition to that, the Council took a decision on 07 June 2022, that overtime budget for the Trading Services Cluster be reduced to 50%, thus an amount of R216 Million to be obtained in this regard and to be redirected towards funding vacant positions within this Cluster.

Section 51(a) of the Municipal Systems Act No. 32 of 2000, requires that a Municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the Municipality to be

responsive to the needs of the local community. In addition, Section 76 (a)(i) requires that the municipality may provide Municipal service in its area or a part of its area through internal mechanism, which may be a Department or other administrative Unit within its administration. It is within this context that the Electricity Unit Management finds it appropriate to establish a component to support its electricity supply.

The eThekweni Municipality delivers its electricity services to the community within its jurisdiction by means of an internal mechanism through the eThekweni Electricity Unit that is licensed for distribution and reticulation activities. The eThekweni Electricity Unit operates under the Electricity Regulation Act No. 4 of 2006. Its policies are determined by the eThekweni Municipality and the National Energy Regulator of South Africa (NERSA). The Electricity Unit purchases approximately 11 000 GWh of power annually from Eskom at 275 000 volts. The Unit then transforms and redistributes this power to approximately 850 000 customers, ranging from large, customers supplied at 132 000 volts, to the rural and urban communities supplied at 230volts. Approximately 35% of the energy sold is consumed by the residential sectors, and the remaining 65% by business and industrial customers.

The electricity industry in South Africa has been forthcoming with clear indications that the country is moving towards a more decentralized generation and distribution arrangement aimed at eliminating the current electricity crisis resulting in periodic loadshedding. The energy availability factor of Eskom's generation fleet for the 2022 year stands at a low 58.64%, which has already necessitated 25 incidents of load shedding between January 2022 and April 2022. Load shedding and a slow response to embracing the independent energy generators is posing a socio-economic threat.

Recently, an amendment bill to the Electricity Regulation Act No. 4 of 2006 has been issued for public comment. The proposed amendments will see changes to the existing Electricity Regulation Act and will broaden the National Regulatory Framework for the electricity industry. On the other hand, the Department of Mineral Resources and Energy (DMRE) has also published the draft Electricity Pricing Policy (EPP) for public comment.

These changes bring about major disruptions in the sector resulting in changes in the manner in which the electricity industry operates. These have now been evident in the day-to-day business operations, including amongst others, reduction in electricity demand, decline in the revenue collection ratio, migration of consumers away from the grid due to available alternative sources of supply etc. The eThekweni Electricity Unit, therefore, need to review its current business model in a quest to ensure acclimatization and future stabilization of its revenue generating business. The current demand for electricity within eThekweni has been constantly declining over the past few years. The current demand for electricity is in accordance with the levels of 2004. This is a worrying trend against a backdrop of increasing costs.

The Electricity Unit, therefore, seeks to shift its business model to green energy. This is an addition to the existing energy. The renewable energy is not replacing the already existing energy purchased from Eskom. This means that the By-Laws governing the electricity will have to be reviewed in order to align with the new policy amendments. It goes without saying that the Unit is no longer a monopoly. There are more Independent Power Producers (IPP) out there competing in that space. Due to these changes, the Unit seeks to explore the new energy business venture by creating a new component (which may later be elevated to a department). The proposed component will be called Sustainable Energy. The current business model is no longer

appropriate considering the current circumstances outlined in the background and context discussed above. Over the past five (5) years, the Unit has collected R6 billion less than what was expected on sales in terms of the regulated increases. This means that the demand for electricity has decreased drastically, and the revenue will continue to decline despite tariff increases being applied yearly.

The Electricity Unit is facing an unsustainable position to maintain itself moving-forward. Should this Unit continue to increase tariff, this may lead to an organisation to further go down in terms of its financial status as IPPs will continue to benefit from destitute customers. To avoid such scenario and strengthen the Municipal financial position, there must be a drastic shift in the business and the way things are done. The Sustainable Energy Component is envisaged to lead the business model change and to ensure that financial contribution to the City is managed and better sustained.

CHALLENGES:

The following challenges are recorded in terms of the current situation with regard to electricity supply:

- (a) Ongoing loadshedding by the Main Power Provider (Eskom);
- (b) Major Customers opting for other energies;
- (c) The current organisational set up no longer aligned with the current trends;
- (d) Non-payment for the electricity consumed, including theft of distribution infrastructure;
- (e) IPPs pushing the eThekweni Electricity Unit out of business;
- (g) Electricity tariffs continue to increase resulting to unaffordability; and
- (g) Ageing infrastructure is also a major challenge in the Electricity Unit.

During discussion, all members of the Committee were in support of the recommendations for a minor amendment under the Electricity Unit organogram in order to fulfil key strategic roles that are critical for the current and future sustainability of the Electricity Unit.

At the Executive Committee level, the Committee welcomed this initiative and it being anticipated that it would yield positive results as a long-term intervention on electricity crisis. Thereafter, taking into consideration the financial state of the Municipality, it was queried whether the proposed posts were already funded and whether there would be further junior posts required to provide the necessary support services.

In response, confirmation was given that these were unfunded posts and that, in terms of the process, Council authority is sought in the first instance; thereafter, the submission of the proposed posts to Grading for evaluation process and the final outcome of the Task Grade applicable; then the process of sourcing funds ensues as at this stage certainty would have been achieved in terms of the remuneration levels of the posts.

In view of the foregoing,

COMMITTEE RECOMMENDS:

2.1.1

That the minor amendment to the Electricity Unit's Organogram to fulfil key strategic roles that are critical for the current and future sustainability of the Electricity Unit, and which will take a form of introducing a Sustainability Energy Operations Department within the Electricity Unit, to be capacitated with three (03) positions, be approved.

2.1.2 That the following three (03) posts be created, as indicated in the organisational structure recommended and reflected in Annexure “B” of the report by the Acting Head: Organisational Development and Change Management dated 2022-06-24:

- (i) 1 x Strategic Executive: Sustainable Energy (Control Post);
- (ii) 1 x Specialist Engineer: Grid Integration Management; and
- (iii) 1 x Specialist Engineer: Energy Generation and Trading.

2.1.3 That the newly created posts will be subjected to the Grading process to confirm the envisaged grades used to calculate financial implications, with the implementation of the above recommendations to incur an annual expenditure of approximately R4 017 988.00 (Four Million and Seventeen Thousand Nine Hundred and Eighty-Eight Rand), calculated using the median scale as follows:

POST DESIGNATION	TK	REC. POSTS	TOTAL AVERAGE NOTCH/ANNUM
Strategic Executive: Sustainable Energy	T19	1	R1 742 344.00
Specialist Engineer: Grid Integration Management	T17	1	R1 137 822.00
Specialist Engineer: Energy Generation & Trading	T17	1	R1 137 822.00
TOTAL		3	R4 017 988.00

2.1.4 That it be noted that the Unit has confirmed that funding for the structure will be made available through reprioritising the existing budget in the 2022/2023 fiscal year, it being noted that the Unit has taken a strategic decision that the overtime budget for the Unit will be cut by 55% (approximately R100 million), and these funds would be used to fund critical vacancies and the establishment of the Sustainable Energy Component, in addition to that, the Council took a decision on 07 June 2022, that overtime budget for the Trading Services Cluster be reduced to 50%, thus an amount of R216 Million to be obtained in this regard and to be redirected towards funding vacant positions within this Cluster.

Speaking on the matter, ActionSA whilst in support of the recommendations, however, they sensitized Council to move away from making attempts to rescue Eskom. Mention being that Independent Power Producers (IPPs) should not be recognised as a challenge or competition for the Municipality, however; that IPPs had to be seen as an opportunity. It being also mentioned that the City had to build working relations with Independent Electricity Producers to increase power on the Municipality’s electricity grid. Also, that the Municipality had to take bold steps to address illegal connections.

The DA noted and supported the recommendations, it being cited that the aim was for minimal disruptions of electricity supply within eThekweni. Commenting further on the matter, the DA indicated that energy availability was a major challenge for the Municipality, which also impact on the infrastructure, mention being made that the Municipality was responsible for maintenance of its own infrastructure. In this regard, they emphasized that challenges with the Revenue Management System, the unread meters etc. needed to be resolved, it being also mentioned that its impact on the revenue collection and accumulating uncollected debts. They stated that plans had to be developed going forward and monies to be collected from debtors to enable the Municipality to provide services and maintain its own infrastructure, further that ratepayers’ interest could no longer be ignored. Emphasis being made that vacant positions within the Electricity Unit

had to be filled and employees to be provided with adequate tools to carry out their daily duties, to avoid disruptions.

Also commenting on the matter, the IFP supported the recommendations and added that the proposed sustainable energy component would assist the City to resolve some of its electricity challenges.

Thereafter, the ANC mentioned that challenges within Electricity Unit were well-known; acknowledged and being addressed accordingly. As such, they mentioned that the recommendations from the Executive Committee were crucial for the Municipality to create a sustainable energy component within Electricity Unit, which was critical for the current and future sustainability of the Electricity Unit. They indicated that funds were being lost on electricity revenue, as more and more customers were resorting to other alternative energy sources. Mention being made that the Municipality purchases its electricity from Eskom to generate revenue through electricity provision. Hence, the proposed Unit would assist to control, manage, and investigate such migration. It being also mentioned that the proposed component within Electricity Unit would provide periodic reports on developments to enable Council to make decisions.

Thereafter, the above recommendations of the Executive Committee were;
ADOPTED.

2.2

Memorandum of Understanding Between eThekweni Municipality and KwaZulu-Natal Department of Education (6/2/1):

(Page 136: Governance and Human Resources Committee - Agenda 2023-02-15)

Authority is sought to grant approval for the eThekweni Municipality to enter into a Memorandum of Understanding (MOU) with the KwaZulu-Natal Department of Education to establish a co-operation agreement for the benefit of both parties. Each Party will act in accordance with its terms and represents a shared commitment in line with the respective mandates of the parties as creatures of statute. In terms of this MOU, the Parties agree as follows:

- To provide a common platform for constructive engagement on various issues affecting them.
- To identify and disclose key plans, programmes and projects of mutual interest between the Parties.
- To synchronise projects and spending, where possible.
- To share knowledge on best practices and technical expertise.
- To encourage strong co-operation among functional lines; this includes the exchange of information and databases only in so far as its permitted by law

This MOU shall commence upon the last signature hereto and shall endure in perpetuity subject to the terms of review and shall be reviewable every three (03) years or a period earlier if the need arises. Either Party may terminate the MOU, by written notice of six (06) calendar months and steps shall be taken to ensure that the termination does not affect any prior obligation, project or activity already in progress.

The areas of collaboration will revolve around the discussion in respect of provision of infrastructure and educational support services to schools and such determinations will be guided by the Parties' budgetary constraints, resource constraints and each party's development priorities. The areas where the Parties agree to collaborate on include, but are not necessarily limited to the following:

- Electricity
- Water

- Sanitation
- Parks and Recreation
- Health
- Skills Development
- Educational and Career Support
- Research and Development
- EPWP
- Safer Cities Program
- Debt Management
- Human Settlements
- Early Childhood Development
- Cleansing and Solid Waste
- District Development Model

A separate Service Delivery Agreement will be drawn up between the Department of Education and the relevant Municipal Departments regulating the levels and the provision of services to be performed by such respective Departments. The Parties agree to establish a Steering Committee (SC) which will be responsible for the following:

- Monitoring the implementation of the Service Delivery Agreements.
- Developing appropriate mechanisms and procedures to facilitate the implementation and monitoring of the Service Delivery Agreements.
- Considering progress reports and determining whether deliverables reported thereon are in line with the Service Delivery Agreements.
- Discussing feedback on problems in respect of specific projects or areas of collaboration and suggesting how such matters may be dealt with.
- Making recommendations to the Parties about any matters connected with this MOU
- The SC will comprise of duly appointed representatives from each Party whose designation and contact details shall be reflected on an Annexure or Schedule to this MOU.
- The SC shall ensure that updated contact details and particulars of both the members of its Committee and any Task Group that is established in accordance with this MOU are maintained.
- The Municipality agrees to provide all secretariat functions for the SC only in so far as the meeting is held in Durban in instances where the meeting is held in Pietermaritzburg, the Department shall provide secretariat function.
- The SC will meet at least once a month in either Durban or Pietermaritzburg on a pre-determined roster basis.
- Task Groups may be established to assist the SC. Contact details and particulars of officials comprising of such Task groups shall be kept by the SC and updated regularly, alternatively as and when the need for such arises.
- The Task Groups shall undertake allocated projects in a timeous and professional manner and submit status reports on a quarterly basis to the SC.
- The Chairperson of the SC shall be responsible to convene meetings of the SC.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into and sign a Memorandum of Understanding (MOU) between eThekweni Municipality and the KwaZulu-Natal Department of Education with a view to improving information sharing, skills exchange and service delivery.

Commenting on the matter, the IFP submitted that the proposed Memorandum of Understanding (MOU) between eThekweni Municipality and the KwaZulu-Natal Department of Education would assist in addressing service delivery challenges; reference being made to continuous supply of water and electricity at schools. It being also mentioned that children were the future of the country.

Meanwhile, the ANC concurred with the sentiments from the IFP and further mentioned that the MOU will also assist to create conducive environment for schools and children, reference being made to facilitation of grass cutting by Municipality's PRC Unit at schools to enable children to participate in sporting activities, etc.

Thereafter, the above recommendations of the Executive Committee were; ADOPTED.

2.3

Request for Approval of Business Process Management Policy (2/P):

(Page 130: Governance and Human Resources Committee - Agenda 2022-11-23)

It will be recalled that this item was considered by the Governance and Human Resources at its meeting held on 23 November 2022 and the recommendations thereon were subsequently submitted to the Executive Committee at its meeting held in December 2022. However, at the level of the Executive Committee, this item was referred back to the Governance and Human Resources Committee to enable the relevant official to arrange the Committee workshop in the first instance.

At the Committee meeting held on 2023-02-15, the matter was raised under matters arising from the Minutes. Thereafter, the relevant official from the Organisational Development and Change Management Unit confirmed that the Committee workshop was held accordingly.

On this basis, it was agreed that this item, be submitted to the Executive Committee and Council, respectively with a view to obtaining the Council decision thereon.

Accordingly,

COMMITTEE RECOMMENDS:

2.3.1

That the Business Process Management Policy as contained in Annexure A of the report by the Acting Head: Organisational Development and Change Management dated 2022-10-17, be adopted to ensure that eThekweni Municipality achieves the following:

- Appropriate and efficient application and implementation of business processes in all operations.

- Efficient and effective compliance with the provisions of the Integrated Development Plan as contemplated in Chapter 5 of the Local Government: Municipal Systems Act 32 of 2000.
- Promotion of better service delivery for all customers.
- Shared Business Processes through Project Impact Assessment component within the ODCM.
- Understanding of the skills and competencies related to business process development, mapping, and management for all Clusters in eThekweni Municipality.
- By enabling Business Units to develop, set and manage Standard Operating Procedures (SOP's), Service Standards, Service Charters, and Service Delivery Improvement Plans.

2.3.2 That it be noted that the Business Process Management Policy will be workshopped with all stakeholders affected, for ease of implementation.

ADOPTED.

(His Worship the Mayor, Councillor TM Kaunda presented the Fifth Report of the Executive Committee).

FIFTH REPORT OF THE EXECUTIVE COMMITTEE

(Special meeting held 2023-02-27)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, Y Govender, NI Madlala, TM Mthethwa, MS Nkosi and ZR Sokhabase.

ABSENT : Executive Committee Members BT Ntuli and T Miya (Leave: Indisposed).

1. REPORT OF THE FINANCE, SECURITY AND EMERGENCY COMMITTEE:
MEETING HELD 2023-02-22.

(Page R1)

1.1 Public Tender Awards of eThekweni Municipality for the Month Ended
31 December 2022 (9/1/3):

(Page 57: Finance, Security & Emergency Committee - Agenda 2023-02-22)

The Committee noted that the amount of R282 869 671.01 (Two Hundred and Eighty-Two Million Eight Hundred and Sixty-Nine Thousand Six Hundred and Seventy-One Rand One Cent) was the total value of tenders issued during the month of December 2022.

With the Executive Committee noting the Report,

COMMITTEE RECOMMENDS:

- 1.1.1 That the public tender awards by the City for the month of December 2022, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Deputy Head: Supply Chain Management dated 2023-01-09, be noted.
- 1.1.2 That it be noted that where information is available for Wards and registration numbers, it is included in the report, as information used to compile the report is taken from submissions made by the Units.
- 1.1.3 That the Finance, Security and Emergency Services Committee calls for additional information on individual awards, where it deems appropriate and necessary to play its oversight role.
- 1.1.4 That the City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.
- 1.1.5 That the City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the City Manager can only respond when the reports are available.

Commenting on the matter, the DA noted that there was an investigation in respect of the tender awarded to provide food vouchers redeemable for groceries as part of a social relief programme for eThekweni Municipality senior citizens. The DA was of the view that the Municipality was ought to source the vouchers directly from the supermarkets.

Thereafter, the above recommendations were; NOTED.

- 1.2 Quarterly Report on Withdrawals from Municipal Bank Account in Terms of the Municipal Finance Management Act (7/8/6):
(Page 144: Finance, Security & Emergency Committee - Agenda 2023-02-22)

In noting the Report in the above regard,

COMMITTEE RECOMMENDS:

- 1.2.1 That the report on withdrawals from the Municipal bank account as at 31 December 2022, 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.

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

NOTED.

- 1.3 Investments Report for the Month Ended 31 December 2022 (7/11/4):
(Page 147: Finance, Security & Emergency Committee - Agenda 2023-02-22)

The Committee noted the Municipal funds invested at different Financial Institutions are recorded to amount to R5 584 Million, at an average rate of return on investments of 7.76%. Also, that the Municipality has an overdraft facility of R682 Million and the unutilized Capital and Operational Grants as at the end of December 2022 was reported to be R1 716 Million. It being noted that there was 50 (fifty) days cash on hand.

Upon an enquiry on the reasons for the noticeable increase of cash in the bank; clarity was given that this was due to the gazetted grants received during the month of December. A concern being raised with regard to the Municipality's approach to borrow R1,5 Billion to be paid over a period of fifteen (15) years, it being mentioned that Council was ought to recall the R5,5 Billion invested by the Municipality in different financial institutions and direct same towards capital projects. It was further clarified that in terms of the legislation; the norm was for the Municipalities to hold a minimum of thirty (31) days cash on hand which cannot be disbursed.

With the Executive Committee noting the deliberations,

COMMITTEE RECOMMENDS:

That the report on investments for the eThekweni Municipality as at 2022-12-31, which records the total funds invested at financial institutions as R5 584 000 000.00 (Five Billion Five Hundred and Eighty Four Million Rand), at an average rate of return on investment of 7,76%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

NOTED.

- 1.4 Revenue Management Deposit Tariffs 2023-2024 (7/6/1/5):
(Page 153: Finance, Security & Emergency Committee - Agenda 2023-02-22)

Authority is sought to approve the Revenue Unit tariffs (2023/2024 financial year) in terms of Section 75A (1) (a) of the Local Government: Municipal Systems Act 32 of 2000 and Section 17 (3) (a) (ii) of the Local Government: Municipal Finance Management Act 56 of 2003.

Background information being given that when a new customer applies for services, the process allows them to use the services in advance and/or on credit for the first month before they are levied with an account. During this period the Municipality is required to pay both Umgeni Water and Eskom for the supply of the respective services. The deposit that is levied on application assist the Municipality to meet this obligation with the service providers without hampering the supply. It being noted that the deposit is therefore not an income for the Municipality, however it is deemed as the security on the account.

Thereafter,

COMMITTEE RECOMMENDS:

- 1.4.1 That Council resolves in terms of Section 75A of the Local Government: Municipal Systems Act 32 of 2000 that with effect from 2023-07-01 the tariffs set out in paragraph 4.2 (financial implications) in the report of the Head: Revenue dated 2023-01-18, the Revenue Tariffs be increased by eight percent (8%).
- 1.4.2 That the deposits for the financial year 2023/2024 be increased by eight percent (8%) in line with paragraph 4.2 (financial implications) in the report of the Head: Revenue dated 2023-01-18, detailing the present and the proposed deposits.
- 1.4.3 That subject to the approval of .1 and .2 above the City Manager be mandated to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.

As some members were not in support of the recommendations, the matter was put to the vote; With 183 Councillors present; 169 Councillors (ANC – 87, DA – 43; EFF – 20; ABC – 01; Action SA – 04; ACDP – 01; ACC – 01; ADEC – 00; AIC – 01; DLC – 01; APF-01; ALJAMAH – 00, ATM - 01, JEP -01; KZNI – 01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00; UIM -01; TA – 01 and VF Plus- 01) were in support of the recommendations; 14 IFP Councillors voted against the recommendations. There were no abstentions recorded.

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

- 1.5 Memorandum of Understanding Between eThekweni Municipality Durban Metropolitan Police Service and Inkosi Albert Luthuli International Convention Centre (28/1/22):
(Page 169: Finance, Security & Emergency Committee - Agenda 2023-02-22)

Authority is sought for eThekweni Municipality to enter into a Memorandum of Understanding with the Inkosi Albert Luthuli International Convention Centre (ICC) to make access available to the Durban Metropolitan Police Services on the ICC facility, and to be utilised as a base of operations, with the understanding that the Unit will provide the necessary services to tourists, visitors and surrounding areas of the ICC. It being mentioned that the visibility of Metro Police in the area would enhance the policing services accessibility in combating and preventing crime, By-laws and general enforcement of the National Road Traffic Act 93 of 1996.

The DA abstained at the Support Committee level whilst the other Political Parties were in support of the partnership proposed.

The Executive Committee welcomed the partnership proposed, it being recalled that during the engagement between the ICC Board and the Executive Committee in November 2022, coupled with the inspection of the ICC facilities, it was established that space is available within the Durban Exhibition Centre (DEC) to serve as the satellite station for the Metro Police, hence, the initiative being submitted for discussion and approval.

During discussion, the attention of the Committee was drawn to the fact that the Municipality is at the forefront of fighting crime within the Central Business District (CBD), and with plans to increase the Metro Police personnel being unveiled and that Police deployment will be undertaken in a strategic manner to increase police visibility such that desired results are achieved. The strengthening of partnership between the South African Police Services and the Metro Police for crime-prevention and/or combating purposes was emphasised.

With the Committee having been cautioned not to create expectations that any party with space available will have access to the Metro Police to establish satellite station, clarity was provided that this initiative was undertaken within the parameters of the Metro Police Crime Fighting Strategy, and that Police visibility will take into account the geographic spread, to ensure all strategic points within the Municipality are well catered for from the crime prevention and combating perspective.

With the views contributed having been embraced accordingly,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into and sign a Memorandum of Understanding (MOU) between the Inkosi Albert Luthuli International Convention Centre (ICC) and the eThekweni Municipality, Durban Metro Police Services, with a view to improving the level of service delivery to the community at large, and with the ICC to make access available to the Durban Metropolitan Police Services on the ICC facility, which facility will be used as a base of operation, with the understanding that the Unit will provide the necessary services to the tourists, visitors and surrounding areas of the ICC, it being noted that there will be no financial implications relating to the MOU.

The MOU will cover a few obligations of both parties, which are detailed hereunder:

1. **The Inkosi Albert Luthuli International Convention Centre to:**
 - Ensure availability and access of the building, including use of facilities, (toilets, electricity, water, parking and other) for the use by Metro Police for policing purposes and related functions,
 - Maintenance of the building and its related necessary facilities,
 - Provision of 24-hour CCTV cameras for surveillance of the building and surroundings, and
 - Provision of 24-hour security in an around the building facility

2. **eThekweni Municipality, Metro Police to:**
 - Provision of 24-hour visible policing in an around the precinct,
 - Ensure 24-hour police services accessibility characterised by good customer service, efficiency and effectiveness in combating and preventing crime, including TRIO crimes, domestic-related crimes, bylaws and general enforcement of the National Road Traffic Act,
 - Take good care of all donated facilities for use including the building, and
 - To provide furniture facilities and other required police equipment and necessities.

ADOPTED.

1.6 Budget Statement Report for the Month Ended 31 January 2023 (7/1/4):
(Page 338: Finance, Security & Emergency Committee - Agenda 2023-02-22)

In giving an overview, the Acting Deputy City Manager: Finance took the meeting through the salient features of the report relative to the actual operating revenue of 99% of the year-to-date budget, with a variance of -1%, and revenue generated to date is 62.3%. The actual operating expenditure reported as a percentage of year-to-date budget figure is 95% with a variance of -5% and Operating Expenditure spent to date is 55.3%. The reported capital expenditure is 94% of the budget with a variance of -6% and the capital year to date spent is 33.5%. A cash collection of 92.96% as at the end of January 2023 was reported, and slightly lower when compared to the same period in the previous year (93%).

Some members expressed concerns on what they viewed as escalating water distribution losses of 57, 26% as at the end of January 2023, irregular expenditure, unread water and electricity meters for prolonged periods, lack of overtime management as well as uncollected debts. It being emphasised that the Municipality should make efforts and develop new innovative strategies to address these challenges and to recover monies owed by Government Departments and Parastatals to improve service delivery.

Explanation was given that interventions were continuously being made to address challenges impacting revenue collection and service delivery, it being acknowledged that the process was moving slowly in view of the declining state of the economy and high unemployment rate that is facing the Country, as a whole.

In view of the foregoing;

COMMITTEE RECOMMENDS:

- 1.6.1 That the Budget Statement report for the month ended 2023-01-31 and the supporting documents, submitted by the City Manager as per his report dated 2023-02-16, in compliance with Section 71 of the Local Government: Municipal Finance Management Act 56 of 2003 and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, be noted.
- 1.6.2 That in compliance with Section 32(2) of the Municipal Finance Management Act, Council notes the R15 338 400.67 (Fifteen Million Three Hundred and Thirty-Eight Thousand Four Hundred Rand Sixty-Seven Cents) Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFWE) incurred for the month of January 2023 reported by the line departments as detailed in section 10 of the Budget Statement Report.
- 1.6.3 That Council refers the UIFWE referred to in .2 above to the Municipal Public Accounts Committee (MPAC) for investigation into the recovery or write-off of the said expenditure in terms of Section 32(2)(b) of the Municipal Finance Management Act and request MPAC to report back to Council on the outcome of its investigations.

Speaking on the matter, the DA brought to the attention of Council that an update on the arbitration outcome between Tansnat and the Municipality was to be submitted to Council during the month of December 2022.

Thereafter, the ANC proposed that going forward, a distinction be made with regards to Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFWE) on the report. On the issue of the arbitration outcome, it was advised that the matter was referred to the Court and the Municipality was still awaiting outcome thereof.

Thereafter, the above recommendations 1.6.1 & 1.6.2 were; NOTED, and recommendation 1.6.3 being; ADOPTED.

1.7

Investments Report for the Month Ended 31 January 2023 (7/11/4):
(Page 519: Finance, Security & Emergency Committee - Agenda 2023-02-22)

The Committee noted the Municipal funds invested at different Financial Institutions are recorded to amount to R5 226 Million Rand, at an average rate of return on investments of 7.96%. Also, that the Municipality has an overdraft facility of R682 Million and the unutilized Capital and Operational Grants as at the end of January 2023 was reported to be R1 778 Million. It being noted that there was 47 (forty-seven) days cash on hand.

Accordingly,

COMMITTEE RECOMMENDS:

That the report on investments for eThekweni Municipality as at 2023-01-31, which records the total funds invested at financial institutions as R5 226 000 000.00 (Five Billion Two Hundred and Twenty-Six Million Rand), at an average rate of return on investment of 7,96%, as submitted by the City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

NOTED.

1.8

Progress Report on 1.5 Billion Borrowings for Capital Budget Dated 06 February 2023 (7/3/1/1/2):
(Page 525: Finance, Security & Emergency Committee - Agenda 2023-02-22)

It was recalled that Council, at its meeting on 07 June 2022 approved that the Municipality borrow R1,5 Billion for the 2022/2023 financial year and that a Request for Proposal (RFP) is issued, inviting tenders for the provision of long-term debt finance in the form of an annuity loan. As such, an RFP inviting all financial institutions to submit proposals, was advertised in various newspaper publications on 31 October 2022. The closing date for the submission of proposals was the 02 December 2022. In response to the RFP, four Financial Institutions submitted proposals as follows: -

- Absa Bank Limited
- Nedbank Limited
- First National Bank (FNB)
- Development Bank of Southern Africa (DBSA)

The RFP required prospective proposers to submit information as follows:

Quotes to be provided for borrowings of up to R1.5 Billion for 12 years and 15 years.

Pricing for long term loan with a fixed interest rate basis, in order to ensure comparability between the offers received, proposers were requested to submit their fixed interest rate offers on the following basis:

- (i) The swap offer rate as at 11h00 on Friday 18 November 2022 quoted on a Nominal Amount Compounded Semi-Annually (NACS) basis
- (ii) The margin* over the swap offer rate as quoted in (i) above
- (iii) The all-in fully inclusive rate i.e. (i) + (ii) quoted on a NACS basis.

As part of the proposal financial institutions were to submit a draft loan agreement which the institution anticipates concluding with the Municipality. The total of 4 financial institutions all met the technical specifications which have been documented in Tables 1 and 2 below as follows: -

Table 1 Fixed Term Loan - 12 Year:

BANK	ABSA	NEDBANK	FIRST NATIONAL BANK (FNB)	DEVELOPMENT BANK OF SAOUTH AFRICA (DBSA)		
QUANTITY FACTORS	R500 Million Only	R500 Million Only	R500 Million Only	R500 Million	R1 Billion	R1.5 Billion
LOAN AMOUNT (RANDS)	500 000 000	500 000 000	500 000 000	500 000 000	1 000 000 000	1 500 000 000
BASE/SWAP RATE	9.470%	9.380%	8.819%	9.090%	9.090%	9.090%
MARGIN	3.250%	2.700%	2.861%	2.650%	2.650%	2.650%
TOTAL (All Inclusive Rate)	12.720%	12.080%	11.680%	11.740%	11.740%	11.740%
Compounding Method	NACS	NACS	NACS	NACS	NACS	NACS

The Total Inclusive Rates are all reflected as effective interest rates in order for the comparison to be done across the different bank quotes.

In the 12-year term, FNB provides the best all-inclusive interest rate of 11.68%. However, this pricing offers only R500 million. The next best pricing for a 12- year term is provided by DBSA for R500 Million, R1 Billion and R1.5 Billion (i.e.11.74% for all the volumes).

Table 2 Fixed Term Loan – 15 Year:

BANK	NEDBANK	FIRST NATIONAL BANK (FNB)	DEVELOPMENT BANK OF SAOUTH AFRICA (DBSA)		
Quantity Factors	R500 Million Only	R500 Million Only	R500 Million	R1 Billion	R1.5 Billion
Loan Amount (Rands)	500 000 000	500 000 000	500 000 000	1 000 000 000	1 500 000 000
BASE/SWAP Rate	9.560%	9.041%	9.290%	9.290%	9.290%
MARGIN	2.900%	3.189%	2.700%	2.700%	2.700%
TOTAL (All Inclusive Rate)	12.460%	12.230%	11.990%	11.990%	11.990%
Compounding Method	NACS	NACS	NACS	NACS	NACS

The Total Inclusive Rates are all reflected as effective interest rates in order for the comparison to be done across the different bank quotes.

In the 15-year term, DBSA provides the best all-inclusive interest rate of 11.990% for all the volumes.

It is however, recommended that the Municipality borrow a fixed interest term loan for a period of 15 years as this tenor provides a good approximation of the asset and liability matching. The 15-year loan would provide a good approximation of the life of the capital assets of the Municipality. To this end, an evaluation of proposals indicated that DBSA is the most responsive bidder for R1.5 Billion for the 15-year term.

In this regard, the Committee was apprised on the progress on the sourcing of borrowings to fund capital projects, and a loan agreement to be concluded, as approved in the medium-term budget with the preferred lender being the Development Bank of Southern Africa Limited (DBSA), subject to Section 46 of the Local Government: Municipal Finance Management Act, No. 56 of 2003 read with the Municipal Regulations of Debt Disclosure issued under Notice GNR dated 5 June 2007. Emphasis being made that a 15-year term loan will be the best option for the Municipality in order to align debt service costs with the life term of the capital assets.

At the Support Committee level, the matter was put to the vote, where 07 DA Councillors abstained on the matter; 06 Councillors (EFF - 3, MF - 1, IFP -1 and VF Plus-1) voted against the matter and with 14 ANC Councillors being in support.

The Executive Committee recalled that this is not a new matter but an update arising from the previous Council approval as part of the Medium-Term Revenue Expenditure Framework to secure a loan to meet the infrastructural demands. That the infrastructural damages following the floods which ravaged the City of eThekweni also necessitated an increase in the loan amount to meet infrastructural deliverables.

In view of the foregoing the ANC (03); NFP (01) supported the loan borrowings and the update being presented, whilst the DA (03) maintained its dissenting vote when it comes to loan borrowing; and with the IFP (01) abstaining to take the matter to its Caucus.

With the majority being in support,

COMMITTEE RECOMMENDS:

That authority be granted to engage in discussions with Development Bank of Southern Africa (DBSA), as the preferred lender for the R1.5 Billion loan for a 15-year fixed interest rate loan, to agree in principle upon the final term of the loan agreement, for subsequent approval by the Council in accordance with Section 46(2) of the Local Government: Municipal Finance Management Act, No. 56 of 2003.

Capital Expenditure:

Council approved the Capital Budget for the three-year MTREF period as follows:

Table 1 Capital Budget:

2022/2023 RM	2023/2024 RM	2024/2025 RM
5,532	4,934	5,098

Table 2 Capital Budget Funding:

Funded as follows	2022/2023 RM	2023/2024 RM	2024/2025 RM
Grant Funding	3,453	3,203	3,400
Internal Funding	0,579	0,731	0,698
External Funding	1,500	1,000	1,000
TOTAL	5,532	4,934	5,098

With Table 2 above, it is evident that the Municipality is required to raise a Long-Term Debt of approximately R1,5 Billion from the external funding sources for the financial year 2022/2023 and then R1 Billion for the 2023/2024 and 2024/2025 financial years.

The raising of external funding will ensure that critically needed expenditure continues and service delivery programme is not disrupted or postponed. The following departments will be using the new borrowings to fund their Capital expenditure, as depicted in Table 3 below:

Table 3 Capital Budget Funding:

Department	CAPEX Budget 2022/2023 '000
Engineering	236,119
EThekweni Transport Authority (ETA)	16,422
Water	144,866
Sanitation	60,768
Solid Waste	156,103
Electricity	255,254
Economic Development & Planning (EDP)	263,131
Community & Emergency Services (CES) - Health & Social Services	181,785
Finance - City Fleet & Bus Operations	182,400
Office of the City Manager (OCM) - Information Management	3,152
TOTAL	1,500,000

Financial Implications:

The proposed 15-year fixed interest rate loan will result in a payment of interest of R1.77 Billion over the period, in addition to the repayment of the R1.5 Billion capital repayment. After careful evaluation, the new loan of R1.5 Billion will not negatively impact the sustainability of the Municipality as indicated in Table 4 below:

Table 4 Gearing and Debt Service Cost Ratio:

	FY 2022/2023	FY 2023/2024	FY 2024/2025
Gearing Ratio (National Treasury Benchmark of max 45%)	23.2%	22.1%	20.9%
Debt Service Cost (National Treasury Benchmark between 6% -8%)	3.7%	3.9%	4.0%

Commenting on the matter, the EFF were in support of the recommendations and re-confirmed their previous dissenting views relative to the utilization of ABSA Bank by the Municipality.

The DA noted that this loan borrowing was previously considered and adopted by Council through a majority vote. They maintained their dissenting view, regardless of the loan borrowing being favourable and submitted that the outstanding debt was rising. They were of the view that the Municipality had to put more efforts to recover funds owed to the Municipality instead of borrowing.

Meanwhile, the IFP mentioned that in the past they had supported budgets and adjustments thereof. However, in this instance they submitted their abstentions vote on the matter. They believed that funds borrowed for capital projects, were not translated or visible on the ground in terms of improved service delivery.

ActionSA made mention that there were already infrastructure and capital projects funds allocated by the National President to the Development Bank of South Africa (DBSA), in this regard, they proposed that the Municipality had to source these funds from the National Government as blended funding.

Also commenting on the matter, DLC submitted that they had not supported loan borrowing in the past and would continue to do so, and further indicated that it placed the Municipality in precarious financial position. They mentioned that Municipal funds had to be recovered from Government Departments, Parastals etc.

In support of the matter, APF mentioned that this loan will assist the Municipality to fast track service delivery.

Also joining APF and the ANC mentioned that municipal books had to be balanced in terms the budget, it being mentioned that grants received from Government were conditional, therefore the Municipality was required to supplement its funding to respond to infrastructure matters. Mention being made that some customers could no longer afford to make payments towards Municipal services, due to rising unemployment rate etc. It was further advised that the Municipality had also implemented stringent revenue collection strategies, including disconnection of services to Government Departments and Entities.

Thereafter, as some members were not in support of the recommendations, the matter was put to the vote. With 174 Councillors present; 109 Councillors (ANC – 80, EFF – 20; ABC – 00; ACC – 00; ADEC – 00; AIC – 01; APF-01; ALJAMAH – 00, ATM - 01, JEP -01; KZNI – 01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00 and TA – 01) were in support of the recommendations; 50 Councillors (DA – 42; Action SA – 04; ACDP – 01; DLC – 01; UIM -01 and VF Plus- 01) voted against the recommendations. 15 IFP Councillors abstained on the matter.

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

- 1.9 Memorandum of Agreement Between eThekweni Municipality and Toyota SA Motors (Pty) Ltd (28/2/R):
(Page 582: Finance, Security & Emergency Committee - Agenda 2023-02-22)

Authority is sought for the eThekweni Municipality to enter into and sign a Memorandum of Agreement with Toyota SA Motors (Pty) Ltd for the provision

of Traffic Control services outside Toyota SA Motors (Pty) Ltd at Prospection. It being mentioned that Toyota SA requested Metro Police Service to deploy Metro Police members on an ongoing basis around its premises at Prospection for the purposes of traffic control, in line with the National Road Traffic Act 93 of 1996 and the eThekweni Municipality By-laws, during the times specified by Toyota SA. The cost for the services to Toyota is to be charged for in compliance with the approved tariff charges for Traffic Control. Also, that the 2022/23 approved traffic control tariff for Toyota SA is R182.61 per hour, excluding VAT, and for each person.

The Executive Committee acknowledged that Toyota SA is one of the biggest employer within the area of eThekweni, hence the importance to support the company to prevent disruptions in its productivity thus achieving sustainability in terms of employment.

Accordingly,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into and sign a Memorandum of Agreement (MOA) between Toyota SA Motors (Pty) Ltd and eThekweni Municipality to formalize the provision of Traffic Control services by the Durban Metro Police Unit to Toyota SA Motors (Pty) Ltd, it being noted that the MOA aims to:

- (a) Facilitate and coordinate the provision of traffic control services to Toyota during the critical times as outlined by Toyota
- (b) Facilitate the cost recovery of expenses incurred by the Municipality for the provision of services and implementing the tariff charges as agreed upon with Toyota SA.

The Memorandum of Agreement between Toyota SA Motors (Pty) Ltd and eThekweni Municipality to formalize the provision of Traffic Control services by the Durban Metro Police Unit to Toyota SA Motors (Pty) Ltd was positively welcomed. Mention being made that residents would be assisted in terms of easing of traffic congestion, it being also recommended that this initiative be deployed considered in other areas as well.

Thereafter, the above recommendations of the Executive Committee were; unanimously; ADOPTED.

1.10

Memorandum of Agreement/Understanding between the South African Police Services and the eThekweni Municipality on behalf of the Metropolitan Police Services (6/2/3/1/1/3):

(Page 584: Finance, Security & Emergency Committee - Agenda 2023-02-22)

Approval is sought for eThekweni Municipality to enter into a Memorandum of Agreement /Understanding (MOA/MOU) with the South African Police Service for provision of training to Durban Metropolitan Police Service members. Information being given that a MOU/MOA is required to regulate matters pertaining to the training and development initiatives of members of the Durban Metropolitan Police Service by the South African Police Service in the furtherance of their mandate as provided for in the South African Police Service Act of 1998.

During discussion at the Executive Committee level, it was enquired whether this was a renewal of the agreement or serves as a new agreement to be entered into with the

South African Service. Also, whether training to be undertaken as part of the agreement also extends to the Dog Unit. In response, the Committee was informed that this was a new agreement which comes into effect as a result of the protocols of engagement introduced by the National Commissioner of the South African Police Service. That this will also now include the payment of tariffs for the services rendered.

Confirmation was then given that the Dog Unit also forms part of the deliverables as per the agreement to be entered into. As a way of background, it was advised that the previous engagement was based on the fact that the two Parties formed part of the government in different spheres.

With the Executive Committee acknowledging changes in the rules of engagement between the Metro Police and the South African Police Service,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into and sign a Memorandum of Agreement/Understanding between the South African Police Service and the eThekweni Municipality on behalf of the Durban Metropolitan Police Service, in order for the South African Police Service to provide the necessary training to the Durban Metro Police Service members, in line with the training standards as determined by the National Commissioner of South African Police Service, it being noted that the MOU/MOA aims to:

- (a) Facilitate and coordinate training and development initiatives and assistance to the Durban Metropolitan Police Service members by the South African Police Service.
- (b) Facilitate the cost recovery of expenses incurred by the South African Police Service in relation to the training and development of members of the Durban Metropolitan Police Service.
- (c) Ensure uniform standards in training and development of the members with regards to the policing mandate of the Durban Metropolitan Police and the South African Police Service; and
- (d) Facilitate the sharing of information on training and development.

Commenting on the matter, the DA mentioned that the above recommendations were long overdue, and they were in support of the matter. Mention being made that there had been an agreement between SAPS and the Municipality, for training of Metro Police dogs. It being reported that the last active Metro Police dogs retired in 2022, and since then there has not been any active dogs to undertake the required duties within the K9 Unit. They hoped that; with this new MOU, sharing of information and training etc will be prioritized particularly with the new recruits that would join the Metro Police Unit.

The IFP also supported the recommendations; and indicated that this initiative will also assist to reduce high crime rates. Also, assist to boost the tourism industry as more tourists will now feel safe to descend to the City's shores. They proposed that partnerships of this nature had to be extended to rural and township areas.

Thereafter, the ANC mentioned that the investment deployed, and efforts made by the Municipality will ensure that Metro Police footprint was felt in all areas within eThekweni.

Accordingly, the above recommendations of the Executive Committee were; unanimously; ADOPTED.

2. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD 2023-02-23.

(Page R9)

2.1 Draft 2023-2024 Municipal Spatial Development Framework: Public Participation Process (21/5/1):

(Page 1: Economic Development and Planning Committee - Agenda 2023-02-23)

Authority is sought for the Draft 2023-2024 Municipal Spatial Development Framework (MSDF) to undergo a public participation process and therefore be advertised for public comments between February and April 2023 in Ezasegagasini and local newspapers within the eThekweni Municipal area.

The MSDF is the primary spatial response to the development context needs and development vision of the Municipality. It is a key land use management tool which informs strategic choices and interventions, especially regarding the future growth and development of the Municipality. The MSDF has an important role in guiding and managing Municipal decisions relating to the use, development, and planning of land. It is a legislative requirement and should resonate with the National and Provincial spatial development plans and priorities.

The MSDF is also a transformation tool, with its focus on spatial restructuring and transformation, it also guides the location of future development in a manner that addresses the imbalances of the past. It enables the Municipality to manage its land resources in a developmental and sustainable manner. In addition, it provides an analysis of the spatial needs and issues, also providing strategies and programs to address these challenges.

The legislation requires the preparation of the MSDF every five years and to be reviewed annually to align with the Integrated Development Plan (IDP) process and the 5-year IDP Plan.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

2.1.1 That authority be granted for the Acting Deputy City Manager: Economic Development and Planning to advertise the Draft Municipal Spatial Development Framework 2023-2024 for public comments, as per the statutory requirement.

2.1.2 That the Draft Municipal Spatial Development Framework 2023-2024 be referred to the respective Portfolio Committees for presentation to understand all implications associated therewith prior to approval in May 2023.

2.1.3 That comments received during the public process be considered, and an amended final draft Municipal Spatial Development Framework 2023-2024 be prepared.

2.1.4 That the final draft Municipal Spatial Development Framework Review 2023-2024 be tabled at the Council Meeting in May 2023.

ADOPTED.

2.2

Establishment of Pigeon Valley Special Rating Area (7/2/1):

(Page 7 : Economic Development and Planning Committee - Agenda 2023-02-23)

Authority is sought to approve the establishment of the Pigeon Valley Special Rating Area (SRA) in terms of Section 22 of the Local Government Municipal Property Rates Act, the eThekweni Rates Policy and the eThekweni SRA Policy. The process will allow the Head: Revenue Management to levy an additional rate on liable property owners in the area in accordance with the request of this community, based on the business plan and budget, which they have adopted for the improvement and upgrading of their area.

Authority is also sought for the City Manager to enter into a Funding Agreement with the Pigeon Valley UIP Non-Profit Company for the transfer of funds and for the governance, performance management and financial management oversight in terms of Section 67 of the Local Government Municipal Finance Management Act.

The establishment of the Pigeon Valley SRA is a positive development for urban management of the Inner-city and surrounding suburbs, including Glenwood which is undergoing positive demographic transformation, and the initiative can help to retain investor confidence and property values and secure the Municipal rates base.

The eThekweni Municipality Rates Policy and the Special Rating Area Policy permit property owners to apply for the establishment of a special rating area and to develop a business plan and budget to improve and upgrade their area. The Pigeon Valley area is a residential area within which 66% plus one of liable residential owners and 50% plus one of commercial property owners must agree to the establishment of the SRA. This type of urban partnership is an important strategic tool to improve and maintain the quality of public spaces and to promote growth as well as spatial economic integration and transformation.

Having considered the foregoing,

COMMITTEE RECOMMENDS:

- 2.2.1 That the establishment of the Pigeon Valley Special Rating Area which serves as the promotion of urban partnership and an important strategic tool, be approved. It being recorded that this approach enables communities to self-fund supplementary and additional services to improve and upgrade their areas, thus ensuring well maintained, safe and attractive public spaces that support the social and economic functions of these precincts thereby retaining and attracting investments.
- 2.2.2 That subject to the approval of .1 above, authority be granted for the City Manager to enter into and sign a Funding Agreement between the eThekweni Municipality and the Pigeon Valley UIP NPC for the period July 2023 to June 2026, as per the requirements of Section 67 of the Local Government: Municipal Finance Management Act No. 56 of 2003.
- 2.2.3 That subject to approval of .2 above, authority be granted for the Head: Revenue Services to levy an additional rate of 0,11013 c/Rand of property value in 2023/2024 on properties in the Pigeon Valley Special Rating Area in the 2023/2024 Municipal budget.

- 2.2.4 That the Head: Economic Development be directed to monitor and report on the governance, performance and financial management requirements arising from the Funding Agreement.

ADOPTED.

- 2.3 Request for Authority to Enter Into and Sign a Strategic Three-Year Partnership Agreement Between the eThekweni Municipality and the Forum for Agricultural Research in Africa to Host the 08th Africa Agribusiness and Science Week in Durban (12/8/1):
(Page 26: Economic Development and Planning Committee - Agenda 2023-02-23)

Authority is sought to approve a three-year partnership agreement between the eThekweni Municipality and the Forum for Agricultural Research in Africa (FARA) to host the 08th Africa Agribusiness and Science Week Conference in Durban at no cost to the City. The conference is scheduled to take place from 05- 08 June 2023. The objective of the conference is to overcome barriers preventing participation by youth and small-scale farmer in agriculture and agricultural value chains which participation form part of the implementation of the Agribusiness Master Plan.

The key focus in partnering with the abovementioned event owners is to leverage eThekweni's share of agribusiness investment, market access, knowledge sharing and free trade in line with the Integrated Development Plan's 2 objective which is "Economic Growth and Job Creation".

FARA is the apex continental organisation responsible for facilitating and co-ordinating the advancement of agricultural research and innovation on the continent. It's also the technical arm of the African Union Commission and the African union Development Agency on the mobilization of science, technology, and innovation for the development of the continent's agriculture and food system. Its role is to enhance the deployment of science, technology, and innovation to drive agricultural growth and ultimately to create wealth and jobs; to improve food and nutritional security; to improve resilience to risks, notably climate change, pests, diseases, and to achieve all these in an environmentally sustainable manner.

With the Committee having considered the foregoing,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into and sign a strategic three-year partnership agreement between the eThekweni Municipality and the Forum for Agricultural Research in Africa (FARA) to host the 08th Africa Agribusiness and Science Week Conference from 05-08 June 2023 in Durban at no cost to the City.

ADOPTED.

- 2.4 Approval of Incentives as per the Economic Development Incentive Policy (20/1/P):
(Page 44: Economic Development and Planning Committee - Agenda 2023-02-23)

Authority is sought to approve of the economic award incentive to 4 (four) entities as per the Economic Development Incentive Policy (EDIP) 2021-2022. The EDIP gives effect to Clause 14.7 of the approved eThekweni Rates Policy 2021-2022. Furthermore, the EDIP offers incentives aimed at attracting investment and promoting the development of spatially targeted economic zones, inner city regeneration, increase targeted densification, enhance export activities through increased manufacturing and

investment in local industries. The offer of incentives seeks to attract investment and promote the development of spatially targeted economic zones, inner city regeneration, increase target densification, enhance export activities through increased manufacturing and investment in local industries.

The criteria for percentage allocation considers value of the investment, special priority and jobs created.

The following entities have qualified for the incentive property rates rebates:

- 1.1 Rivertown Central (Pty) Ltd
- 1.2 Friedman Dewey Investments (Pty) Ltd
- 1.3 Urban Lime Properties (Pty) Ltd
- 1.4 Othongathi Mall (Pty) Ltd

Having noted that increased commercial and industrial activity will provide opportunities for much needed job creation post the resultant unemployment during the Covid 19 pandemic, it was

COMMITTEE RECOMMENDS:

- 2.4.1 That the award of a property rates rebate of 30% to all qualifying properties in the propriety of Rivertown Central (Pty) Ltd for fixed a period of 3 years, commencing from date of final signature on the Memorandum of Agreement, be approved.
- 2.4.2 That the award of a property rates rebate of 30% to the qualifying property in the propriety of Friedman Dewey Investments (Pty) Ltd for fixed period of 3 years commencing from date of final signature on the Memorandum of Agreement, be approved.
- 2.4.3 That the award of a property rates rebate of 30% to the qualifying property in the propriety of Urban Lime Properties (Pty) Ltd for fixed period of 3 years commencing from date of final signature on the Memorandum of Agreement, be approved.
- 2.4.4 That the award of a property rates rebate of 60% to OThongathi Mall (Pty) Ltd for a fixed period of 3 years commencing from date of final signature on the Memorandum of Agreement, be approved.
- 2.4.5 That subject to the adoption of .1 above, authority be granted for the City Manager to enter into a separate memorandum of Agreement with each of the successful applicants listed above.
- 2.4.6 That authority be granted for the Head: Economic Development Unit and Revenue Management to implement the rates rebate in accordance with the Economic Development Incentive Policy.

The EFF noted the intention of the policy; however, they cautioned the Municipality on the proposed property rebates of 30% and above, it being cited that this was due to the City's revenue collection challenges. They requested that these companies had to give back to communities that they lead.

As some members were not in support of the recommendations, the matter was put to the vote. With 174 Councillors present; 173 Councillors

(ANC – 80, DA – 42; EFF – 20; IFP – 15; Action SA – 04; ABC – 00; ACC – 00; ADEC – 00; AIC – 01; ACDP – 01; DLC – 01; APF-01; ALJAMAH – 00, ATM - 01, JEP -01; KZNI – 01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00; TA – 01 and UIM -01) were in support of the recommendations and 1 VF Plus Councillor voted against the recommendations. There were no abstentions recorded.

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

- 2.5 Request for Approval of the eThekweni Regional Hydrogen Strategy (27/1/2/1/4):
(Page 68: Economic Development and Planning Committee - Supplementary Agenda 2023-02-23)

Authority is sought to present the Final Draft Regional Hydrogen Strategy together with the outcomes of the stakeholder engagement process undertaken with the power, transport and industrial sectors during the consultation period. Authority is also sought to adopt the eThekweni Regional Hydrogen Strategy and investment portfolio of key infrastructure projects in the short-, medium- and long-term basis.

Further authority is sought for the City Manager to enter and sign a Memorandum of Understanding (MOU) between eThekweni Municipality and Transnet SOC to establish the supply chain infrastructure of the hydrogen and gas industries in the region.

Energy infrastructure is a critical component that underpins economic activity and growth across the country, and needs to be extensive enough to meet industrial, commercial and household needs. It is envisaged that by 2030, South Africa will have an energy sector that provides reliable and efficient energy service at competitive rates, is socially equitable through expanded access to energy at affordable tariffs, and environmentally sustainable through reduced pollution.

The eThekweni Regional Hydrogen Strategy builds on the strong foundation of the work undertaken by the Department of Science and Innovation and is built on and approved roadmap which serves as a framework to facilitate the integration of hydrogen related technologies in various sectors of the economy and stimulate economic recovery in line with the Economic Reconstruction and Recovery Plan.

Having noted the forgoing,

COMMITTEE RECOMMENDS:

- 2.5.1 That the eThekweni Regional Hydrogen Strategy, be approved.
- 2.5.2 That subject to the approval of .1 above, the eThekweni Municipality launches the Regional Hydrogen Strategy at the Energy Transformation Summit, taking place from 01-02 March 2023 at the Inkosi Albert Luthuli International Convention Centre.
- 2.5.3 That authority be granted for the City Manager to enter and sign the Memorandum of Understanding between eThekweni Municipality and Transnet SOC to establish the supply chain infrastructure of hydrogen and gas industry in the region.

2.5.4 That authority be granted to undertake a feasibility study for the establishment of the South Durban Energy and Chemicals Park (SDECP) in collaboration with the petroleum industry, chemical companies and the communities.

2.5.5 That the development of pilot and major infrastructure projects identified in the Regional Hydrogen Strategy to unlock private investment in the eThekweni region, be approved.

ADOPTED.

2.6 Request for Approval of the Planning Sector Tariffs 2023/2024 Financial Year (7/6/1/6):
(Page 77: Economic Development and Planning Committee - Supplementary Agenda 2023-02-23)

Authority is sought to approve the Planning sector tariffs (2023/2024 financial year) in terms of Section 75A(1)(a) of the Local Government Municipal Systems Act 2000 (Act 32 of 2000).

The adoption of the Planning Sector tariffs will contribute to the achievement of Plan 1 of the Integrated Development Plan: Develop and Sustain our Spatial, Natural and built Environment as well as Plan 8: Financially accountable and Sustainable City.

The tariffs applicable to this Unit were last revised on 1 July 2021. Due to the current financial situation that the Council finds itself in, authority is sought to implement tariffs with a 5% increase across the board for the Development Planning, Environment and Management Unit, with effect from 01 July 2023.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

2.6.1 That the Council of 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 1 July 2023 the tariffs set out in annexure "Ä" of the report of the Head: Development Planning, Environment and Management dated 2023-01-16 be levied in respect of the Planning sector.

2.6.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A(3) and (4) of the said Act regarding the display of notices for such an increase.

Financial Implications:

In terms of Section 17(3)(a)(ii) of the Municipal Finance Management Act 56 of 2023 the setting of any municipal tariffs must be done in a form of a draft resolution that must accompany an annual budget to be tabled for approval before a municipal Council. Data relating to income and expenditure are shown below:

	FINANCIAL YEAR				
	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026
	(Actual)	(Budget)	(Budget)	(Budget)	(Budget)
	R	R	R	R	R
INCOME (Excl. Grants)	(13 324 840)	(26 515 770)	(22 769 710)	(22 790 030)	(23 544 810)
EXPENDITURE	315 445 939	426 845 853	448 188 145	470 597 552	494 127 429
DEFICIT	302 121 099	400 330 083	425 418 435	447 807 522	470 582 619

As some members were not in support of the recommendations, the matter was put to the vote; With 174 Councillors present; 159 Councillors (ANC – 80, DA – 42; EFF – 20; Action SA – 04; ABC – 00; ACC – 00; ADEC – 00; AIC – 01; ACDP – 01; DLC – 01; APF-01; ALJAMAH – 00, ATM - 01, JEP -01; KZNI – 01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00; TA – 01; UIM -01 and VF Plus- 01) were in support of the recommendations and 15 IFP Councillors voted against the recommendations. There were no abstentions recorded.

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

3. **DIRECT EXCO REPORTS**

3.1 **REVIEW OF 2023/2024 TARIFFS: HUMAN SETTLEMENTS UNIT (7/6/1/2)**

(Page 1)

As per the statutory requirement, the Municipal Units review tariffs every financial year. The revised tariffs form part of the draft Budget Report to be presented for approval by the Municipal Council. Accordingly, the Human Settlements Unit is proposing a general increase of 3% in the tariffs applicable to this Unit, as outlined in the table contained in the recommendations below.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

3.1.1 That Council resolves in terms of Section 75A of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) that with effect from 2023-07-01 the tariffs set out below be levied in respect of the administration.

No.	Category	Proposed Increase
3.1.1.1	Sub-Letting Fees	3%
3.1.1.2	Cancellation Fee	3%

No.	Category	Proposed Increase
3.1.1.3	Administration on Fee Debtors Administration	3%
3.1.1.4	Housing Administration on Consent Fee – Consent to Waiver Administration Fees	0%
3.1.1.5	Housing Administration Consent Fee – Consent to Waiver Administration on Fees	3%

3.1.2 That subject to the adoption of .1 above, the City Manager be mandated to comply with the provisions of Section 75A(3) and (4) of the said Act to display notices of such an increase.

3.1.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC for Co-operative Governance and Traditional Affairs.

Speaking on the matter, the IFP mentioned that it was not currently favourable for the Municipality to raise tariffs, due to the City’s decline economy status and high unemployment rate. They also mentioned that the Municipality was also not providing quality services as expected.

Also, commenting on the matter, the DA mentioned that tariffs play a major role in terms of balancing the City books, however they were of the opinion that some of the tariffs could be waived for the next financial year. They also expressed reservations that some of the tariffs were not submitted to Support Committees for interrogation.

Meanwhile, APF concurred with the sentiments from the IFP. They further mentioned that raising of tariffs would not be beneficial for the community at large. Mention being made that the Municipality had to first address service delivery challenges. On this basis, they voted against the matter.

Thereafter, the ANC mentioned that funds were required to enable the Municipality to continue providing services. Therefore, the increment had to be affordable and reasonable for the majority of the City’s residents.

As some members were not in support of the recommendations, the matter was put to the vote. With 100 Councillors present; 167 Councillors (ANC – 75, EFF – 19; ACC – 00; ADEC – 00; ALJAMAH – 00, ATM - 01, JEP -01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00 and TA – 01) were in support of the recommendations and 23 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF - 01 and KZNI – 01) voted against the recommendations. 44 Councillors (DA – 41; AIC – 01; UIM -01 and VF Plus- 01) abstained on the matter.

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

3.2 2023/2024 TARIFFS FOR THE UTILISATION OF SIZAKALA COMMITTEE ROOMS (7/6/1/4)

(Page 7)

The Sizakala Customer Service Unit has Committee Rooms for hire at various Sizakala Buildings. The Committee Rooms are available for hire by both internal and external stakeholders, it being recorded that the venues are largely used by the internal stakeholders. In line with the statutory requirement to review tariffs every financial year and to keep pace with inflation, it is proposed to increase tariffs for the Sizakala Committee Rooms by 5% with effect from 01 July 2023.

The Head: Sizakala Customer Service has also developed the booking conditions to form part of internal control and to safeguard the Municipal property during bookings. Detailed conditions are included as Annexure B in the Report by the City Manager dated 2023-02-16, which conditions relate to:

- (i) Category of Parties allowed to book the venue and the booking terms thereof
- (ii) Venue and equipment repairs and maintenance standards
- (iii) Security measures and role of Security Personnel at the conclusion of the event
- (iv) Handling cancellation and the period applicable within which to cancel the event
- (v) Proof of payment to confirm venue availability
- (vi) Applicable booking hours and proposed arrangements in the event of deviations

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

3.2.1 That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000), that with effect from 2023-07-01, the tariffs for the hire Committee Rooms available at various Sizakala Buildings be increased by 5% for the 2023-24 financial year.

3.2.2 That the Conditions of Hire as outlined in Annexure “B” in the report of the Head: Sizakala Customer Services dated 2023-01-27, be noted, and which conditions pertain to the following:

- (i) Category of Parties allowed to book the venue and the booking terms thereof
- (ii) Venue and equipment repairs and maintenance standards
- (iii) Security measures and role of Security Personnel at the conclusion of the event
- (iv) Handling cancellation and the period applicable within which to cancel the event
- (v) Proof of payment to confirm venue availability
- (vi) Applicable booking hours and proposed arrangements in the event of deviations

3.2.3 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 to display notices of such an increase.

3.2.4 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC for Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 167 Councillors present; 101 Councillors (ANC – 75, EFF – 19; ACC – 00; ADEC – 00; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 01; NFP -01; PFP – 00; PRM – 00, TA– 01 and VF Plus - 01) were in support of the recommendations and 23 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF - 01 and PFP – 01) voted against the recommendations. 43 Councillors (DA – 41; AIC – 01 and UIM -01) abstained on the matter.

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

3.3 REVIEW OF VALUATION ROLL TARIFFS FOR THE 2023/2024 FINANCIAL YEAR (7/6/1/5)

(Page 16)

As per the statutory requirement, the Municipality undertakes general valuation at least once every financial year. Thereafter, the objection period is opened against a specified individual property. Where a property owner submits a query after the objection period has closed, this attracts a tariff which is set based on resources; time and effort taken up with the investigation and processing of the query. Each property query varies in nature and certain skills and expertise required depending on the property category, the nature of a query etc.

Notwithstanding time consuming efforts and other complexities involved in researching and compiling reports relating to the valuation query, the Real Estate Unit proposes a “0” percent increase for all Valuation Roll Tariffs to be levied with effect from 01 July 2023.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

3.3.1 That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000), that there be a 0% increase in respect of tariffs levied for the Valuation Roll during the 2023-24 financial year and with such being effective 01 July 2023, and relates to the following categories:

- (i) Valuation Roll in digital format
- (ii) Supplementary Valuation Roll in digital format
- (iii) Valuation Certificate

- (iv) An appeal against a value in the Valuation Roll (Section 78 Query: Residential and Non-Residential; and Section 53 Query: Request for Reasons Residential and Non-Residential

3.3.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.

3.3.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC for Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 167 Councillors present; 126 Councillors (ANC – 75, EFF – 19; IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, ACC – 00; ADEC – 00; AIC – 01 ; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00, TA– 01; UIM -01 and VF Plus - 01) were in support of the recommendations and 41 DA Councillors abstained on the matter.

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

3.4 REVIEW OF TARIFFS BULK FRESH PRODUCE MARKET (7/6/1/6)

(Page 22)

The Bulk Market, in addition to its core business of commission income, provides other associated rental space and services to facilitate trade. In respect of the rentable space and other services, tariff charges are levied. The table contained under the recommendations details the category where tariff is levied, also stating the current charge in the 2022-23 financial year and the proposed percentage increase in the 2023-24 financial year.

The table below outlines the reasons for percentage increase in certain categories:

No	Category	Proposed Percentage (%) Increase and Reasons Thereof
i)	Administrative Tariff	7.14%: Attributable to the increased cos of producing of a card.
ii)	Parking Reservation- Item 3(c) (i) and (ii)	7.69 and 6.90% respectively: Mainly as a result of increased maintenance costs.
iii)	Transaction Fee: Item 3(d).	Considered fair and reasonable, thus no increase is proposed.
iv)	Cold Storage of Fresh Produce or other Articles: item 6 (a), (b), (c) and Multipurpose rooms: Item 7.	7.49%, 7.59%, 7.49% and 7.29% respectively: substantially due to the increase of maintaining the facility, coupled with the anticipated 12.5% increase in electricity costs.
v)	Farmers Retail Market: item 11 (a) to (d)	0% increase is due to the need to compensate the impact of poor economic conditions experienced by these users of Farmers retail Market.

COMMITTEE RECOMMENDS:

3.4.1

That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 2023-07-01, the tariffs levied in respect of the Bulk Fresh Produce Market during the 2023-24 financial year and effective 01 July 2023 be approved as detailed in the table below:

TARIFFS: Durban Fresh Produce Market:

Item Number	Description	Present Including VAT 2022/2023	Proposed Tariffs Including VAT (2023/2024)	% Increase Including VAT (2023/2024)
		R	R	
1	Use of Handling Equipment			
	a) Hiring of light trolleys per day	9.50	10.00	5.26%
	b) Hiring of heavy trolleys per day	11.50	12.00	4.35%
2	Administrative tariff – Replacement of buyer’s card	140.00	150.00	7.14%
3	General Tariffs			
	a) Porters Permits Conduct of Porter’s business on the market, per week	20.00	21.00	5.00%
	b) Hire of Markets “LAPA” per day or part thereof	500.00	525.00	5.00%
	c) Parking Reservations			
	(i) Reserved uncovered parking space pe month	130.00	140.00	7.69%
	(ii) Reserved covered parking space pe month	290.00	310.00	6.90%
	(iii) Overnight parking space per month			
	Class 1 - Vehicles up to 3 tons	881.00	925.00	4.99%
	Class 2 – Vehicles 3 to 6 tons	1100.00	1155.00	5.00%
	Class 3 - Vehicles 6 to 10 tons	1320.00	1387.00	5.08%
	Class 4 - Vehicles above 10 tons	1995.00	2095.00	5.01%
	d) Transaction Fee	0.72	0.72	0.00%
4	Rentals – per square metre			
	a) Platform Space / Traders Hall			
	(i) Serviced	75.10	78.90	5.06%
	(ii) Unserviced	63.60	66.80	5.03%
	b) Distribution Centre	67.60	71.40	5.62%

Item Number	Description	Present Including VAT 2022/2023	Proposed Tariffs Including VAT (2023/2024)	% Increase Including VAT (2023/2024)
		R	R	
	c) Warehouse	72.00	76.20	5.83%
	d) Offices			
	(i) Serviced	118.90	124.85	5.00%
	(ii) Unserviced	111.30	116.87	5.00%

3.4.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.

3.4.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC for Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 165 Councillors present; 101 Councillors (ANC – 76, EFF – 19; ACC – 00; ADEC – 00; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 00; NFP -01; PEP – 00; PRM – 00, TA– 000; UIM -01 and VF Plus - 01) were in support of the recommendations and 22 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01) voted against the recommendations. 42 Councillors (DA – 41 and AIC -01) abstained on the matter.

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

3.5 REVIEW OF TARIFFS FOR RETAIL MARKETS (7/6/1/6)

(Page 29)

It will be recalled that with the advent of the triple disaster, namely, the Covid-19 pandemic; the July 2021 Civil Unrest; and the April/May 2022 Floods Disaster, the Small Businesses were the hardest hit. Various interventions were implemented as part of the Economic Recovery Plan, including the 18 Months Rental Payment Holiday for Informal Traders; Retail Markets; and Business Licenses as at December 2022.

Notwithstanding the statutory requirement to review the tariffs every financial year, cognisance is taken that Small Businesses are still at the recovery stage, hence, a proposal of a 0% increase during the 2023-24 financial year.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

- 3.5.1 That Council resolves in terms of Section 75A(1)(a) of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 2023-07-01, the tariffs levied in respect of the Retail Markets be increased by 0% and with the following businesses being the beneficiaries in this regard:
- (i) Early Morning Market;
 - (ii) Verulam Market;
 - (iii) Ezimbuzini Market;
 - (iv) Bangladesh Market;
 - (v) Fragrance Market;
 - (vi) Hammarsdale Market;
 - (vii) Phoenix Millennium;
 - (viii) Tongaat Market;
 - (ix) Mansel Road Market; and
 - (x) Brookdale Market.
- 3.5.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.
- 3.5.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 167 Councillors present; 126 Councillors (ANC – 75, EFF – 19; IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, ACC – 00; ADEC – 00; AIC – 01 ; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00, TA– 01; UIM -01 and VF Plus - 01) were in support of the recommendations and 41 DA Councillors abstained on the matter.

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

3.6 REVIEW OF TARIFFS FOR HEALTH UNIT (7/6/1/3)

(Page 39)

The Health Unit provides a service to the eThekweni Municipal area utilizing resources that are very specialized such as Air Quality and Pollution Control Sections. The Unit is therefore proposing a general 5% increase across the board during the 2023-24 financial year and effective 01 July 2023.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

- 3.6.1 That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 2023-07-01, that the tariffs levied for the Health Unit of the Community and Emergency Services Cluster be increased by 5% during the 2023-24 financial year, and effective 01 July 2023, and as per the categories outlined in the table below:

CATEGORY	DESCRIPTION
Noise, Mosquito Control and Other	The eThekweni Municipality Health Unit is responsible for the prevention of public health nuisances within its jurisdiction. This specific tariff relates to private properties. The Public Health and the Nuisances and Behaviour in public places By-laws allow for the provision of measures for preventing, minimizing or managing public nuisances.
Certificate of Unsound Foodstuffs	The eThekweni Health Unit is responsible for the safety of food that is sold in the eThekweni Municipal area. This mandate is governed by the Food, Cosmetics and Disinfectants Act, 54 of 1972 (FCDs).
Auditorium Facilities	This tariff relates to the hire of City Health Auditorium.
Atmospheric Emission Licence Fees	Regulations prescribing the Atmospheric Emission Licence Processing Fees. These regulations were published on 2016-03-11
Determination of Administrative Fines	Regulations for the Procedure and criteria to be followed in the determination of an administrative fine in terms of Section 22A of the National Environment Management: Air Quality Act (NEM: AQA) were published on 2016-03-18
Charges for Request for ambient air quality monitoring data	The Municipality monitors ambient air quality data to ensure that air quality is not harmful to human health.

- 3.6.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.
- 3.6.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

Speaking on the matter, the EFF was in support of the health tariff increase. They mentioned that air pollution posed as a major treat to climate change, heart disease, lung cancer and other chronic illness. They were of the view that the proposed 5% increase had to be increased further.

As some members were not in support of the recommendations, the matter was put to the vote. With 163 Councillors present; 102 Councillors (ANC – 73, EFF – 19; AIC – 01; DLC – 01; APF – 01, ACC – 00; ADEC – 00;

ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 00; NFP -01; PFP – 00; PRM – 00, TA– 01; UIM -01 and VF Plus - 01) were in support of the recommendations and 20 Councillors (IFP – 14, Action SA – 04; ABC – 01 and ACDP – 01) voted against the recommendations. 41 DA Councillors abstained on the matter.

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

3.7 REVIEW OF TARIFFS FOR STADIA AND FACILITIES UNIT: 2023/2024 (7/6/1/3)

(Page 47)

Authority is sought to implement a general 5% increase, where applicable, for the Stadia Facilities Unit during the 2023-24 financial year, and effective 01 July 2023. The increase is informed by the benchmarking exercise undertaken with other facilities. The proposed tariffs cover areas such as hire of sport facilities; hospitality areas and other activities. The Unit has decided to standardise tariffs for similar facilities to achieve uniformity; and to increase some tariffs by 5% to absorb rising input costs and retain others to make them attractive.

The tariffs review relates to the following Stadiums:

- (i) Moses Mabhida Stadium;
- (ii) Princess Magogo Stadium;
- (iii) Chatsworth Stadium;
- (iv) Sugar Ray Xulu Stadium;
- (v) Mpumalanga Stadium;
- (vi) King Zwelithini Stadium;

The tariffs increase varies as per the offerings of each Stadium, and the details in this regard are contained in the Report by the City Manager dated 2023-02-10.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

3.7.1 That Council resolves in terms of Section 75A of the Local Government: Municipal Systems Act of 2000 (Act 32 of 2000) that the tariffs levied in respect of the Stadia offerings be increased by 5% during the 2023-24 financial year, and effective 01 July 2023, it being recorded that the details of varied categories per Stadium are contained in the Report by the City Manager dated 2023-02-10, and the activities include, amongst others, the sporting event; venue hire; food and beverage; and other entertainment facilities available for hire.

3.7.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.

- 3.7.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote. With 165 Councillors present; 103 Councillors (ANC – 75, EFF – 19; AIC – 01; APF – 01, ACC – 00; ADEC – 00; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 00; NFP -01; PFP – 00; PRM – 00, TA– 01; UIM -01 and VF Plus - 01) were in support of the recommendations and 21 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01 and DLC - 01) voted against the recommendations. 41 DA Councillors abstained on the matter.

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

- 3.8 REVIEW OF RENTAL HOUSING TARIFFS FOR THE 2023-24 FINANCIAL YEAR (7/6/1/2)

(Page 91)

The primary objective of the Rental Housing Department is to provide sustainable and affordable rental housing stock (most of which is pre-1994), to qualifying beneficiaries and ensure that the facilities are kept in good working order through maintenance.

Approximately four thousand six hundred (4 600) housing units are managed across the South, Central and North Regions of the eThekweni Municipality and thus a total number of five thousand (5 000) units. The Department is therefore responsible for undertaking the functions including (i) tenancy management; (ii) selling state financed properties; and iii) social work function to ensure tenants' livelihoods are taken care of.

The monthly rentals within the Rental Housing Properties ranges between R50.00 (Fifty Rand) and R1 500.00 (One Thousand Five Hundred Rand). The revenue collected in this regard simply does not meet the budgetary requirements needed to operate the rental facilities. In that way financial sustainability of the residential developments is seriously threatened.

It is therefore proposed to increase the Rental Housing Tariffs by 10% to achieve financial sustainability and meet the requirements for managing the rental housing units. It should be noted that in the event the proposed tariff increase is not adopted, the Municipality risks realizing a loss of income for the various types of service rendered.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

- 3.8.1 That in terms of Section 75A of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), the Rental Housing Tariffs be increased by 10% during the

2023-24 financial year, and effective 01 July 2023, with the increase to impact approximately four thousand six hundred (4 600) rental housing units (excluding hostels), and which are spread across the South, Central and North Region, with a number of specific areas listed in the Report by the City Manager dated February 2023.

- 3.8.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A(3) and (4) of the said Act to display notices of such an increase.
- 3.8.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

Commenting on the matter, the EFF mentioned that the most people who resides at these complexes were still recovering from the July civil unrest and that they were vulnerable working class and some being unemployment. They mentioned that 10% tariff raise would not be affordable. On this basis, they abstained on the proposed terrific increase.

As some members were not in support of the recommendations, the matter was put to the vote; With 168 Councillors present; 81 Councillors (ANC – 75, AIC – 01; ACC – 00; ADEC – 00; ALJAMAH – 00, ATM - 01, JEP -01; MF – 00; NFP -01; PFP – 01; PRM – 00 and VF Plus - 01) were in support of the recommendations and 26 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, KZN -01; MOSA – 01; TA– 01 and UIM -01) voted against the recommendations. 61 Councillors (DA – 42 and EFF – 19) abstained on the matter.

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

- 3.9 REVIEW OF THE ELECTRICITY UNIT SUNDRY TARIFFS FOR THE 2023-24 FINANCIAL YEAR (7/6/1/2)

(Page 108)

The Electricity Unit provides electricity; public lighting and other energy services to satisfy its customers. The Unit supplies more than seven hundred and fifty thousand (750 000) customers in an area covering approximately 2000 square kilometres. The Unit transmits and distributes electricity for use by the full spectrum of customers ranging from small to large sectors.

The Technical Training Centre under the eThekweni Electricity Unit plays a pivotal role in the transfer of critical technical skills to both internal and external staff to support the basic service delivery objectives of the Unit. The Training Centre has an approved tariff structure reviewed on an annual basis. Once again, in the event the proposed tariffs increase is not approved, the Municipality risks realizing a loss of income for the various types of training services that are rendered. As such, varied percentage increase is proposed per different courses run by the Technical Training Centre, as depicted in the table contained in the recommendations below.

It should be noted that the training conducted by the Technical Training Centre is not for profit making but to promote local economic development; promote health and safety of employees in the workplace; and ensure compliance with the Occupational Health and Safety Act and the Skills Development Act.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

3.9.1

That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000) that with effect from 2023-07-01 the tariffs set out in the table below be levied in respect of the training courses offered by the Technical Training Centre during the 2023-24 financial year, and effective 01 July 2023:

No.	Description of Training Course	Present Tariff 2022/2023	Approximate % Increase
		R	
1.	Advanced HV Switching Course	8 817.39	4%
2.	Basic MV/LV Switching Course	8 513.04	4%
3.	Cable Layers Course	2 382.61	4%
4.	Faultsman Course	1 695.65	6%
5.	House Service Course	1 913.04	4%
6.	Industrial Switching Course	10 165.22	3%
7.	Maintenance Inspector/ Distribution Inspector (MI/DI)	2 382.60	4%
8.	Meter Inspector Course	791.30	3%
9.	Meter Reader Course	800.00	3%
10.	MV and LV Overhead Mains (OHM) Course	7 400.00	4%
11.	MV and LV Underground Mains (UGM) Course	9 408.70	9%
12.	MV Substation Maintenance Course	2 452.17	4%
13.	Re-connector/ Dis-connector Level 1 Course	1 591.30	4%
14.	Re-connector/ Dis-connector Level 2 Course	1 600.00	4%
15.	Safety Rules Course	982.60	4%
16.	Street Lighting Course	3 539.13	5%
Miscellaneous Costs			
17.	Replacement of ID Cards	86.96	20%
18.	Training Centre Venue hire (Rate per hour)	78.26	20%

- 3.9.2 That subject to the adoption of .1 above the City Manager be mandated to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.
- 3.9.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 168 Councillors present; 98 Councillors (ANC – 75, EFF - 19 ACC – 00; ADEC – 00; ALJAMAH – 00, ATM - 01, JEP -01; MF – 00; NFP -01; PRM – 00 and VF Plus - 01) were in support of the recommendations and 27 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, KZN -01; MOSA – 01; PFP – 00; TA– 01 and UIM -01) voted against the recommendations. 43 Councillors (DA – 42 and AIC- 01) abstained on the matter.

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

3.10 REVIEW OF 2023/2024 TARIFFS FOR PARKS, RECREATION AND CULTURE UNIT (7/6/1/3)

(Page 114)

The Parks, Recreation and Culture Unit is responsible for managing various entertainment facilities within the Municipality, amongst the other activities. The maintenance of such facilities is of an essence thus ensuring the eThekweni Municipality achieves competitive advantage over its counterparts. As such, the tariffs levied play an important role to maintain financial sustainability and ensure the offerings by the Unit are of the expected standard. Hence, a 5% increase is proposed for the facilities under the Parks and Recreation Culture Unit.

The facilities referred to include Stadia; Beach and Foreshore; Municipal Bowling Greens; Municipal Shooting Range; Municipal Shooting Range; Community Halls/Grading; Cemeteries and Crematoria/Grading; Golf Courses; Gugu Dlamini Park; Mitchell Park Zoo; Nature Reserves; Botanic Gardens; Umgeni River Bird Park; Sale or Hire of Plant and Material; Sea and Seashore; Sports field/Grading; Swimming Pools/Grading; Libraries; Stable Theatre; Filmshoot/Photoshoot; Parks General.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

- 3.10.1 That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000), that the tariffs levied in respect of the Parks, Recreation and Culture Unit facilities be increased by 5% during the 2023-24 financial year, and to be effective 01 July 2023, and the facilities impacted include Stadia; Beach and Foreshore; Municipal Bowling Greens; Municipal Shooting Range; Municipal

Shooting Range; Community Halls/Grading; Cemeteries and Crematoria/Grading; Golf Courses; Gugu Dlamini Park; Mitchell Park Zoo; Nature Reserves; Botanic Gardens; Umgeni River Bird Park; Sale or Hire of Plant and Material; Sea and Seashore; Sports field/Grading; Swimming Pools/Grading; Libraries; Stable Theatre;

- 3.10.2 That subject to the adoption of .1 above the Acting City Manager be directed to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.
- 3.10.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 168 Councillors present; 100 Councillors (ANC – 75, EFF - 19 ACC – 00; ADEC – 00; APF – 01; ALJAMAH – 00, ATM - 01, JEP -01; MF – 00; NFP -01; PRM – 00 , UM – 01 and VF Plus - 01) were in support of the recommendations and 24 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; KZN -00; MOSA – 01; PFP – 01 and TA– 01) voted against the recommendations. 43 Councillors (DA – 42 and AIC- 01) abstained on the matter.

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

3.11 REVIEW OF CITY HALL TARIFFS FOR THE 2023/2024 FINANCIAL YEAR (7/6/1/4)

(Page 189)

The City Administration Unit, amongst the other activities, is responsible for managing the City Hall and key venues used for public engagements and meetings of the Municipality. The venue hire attracts costs which are charged in line with the approved tariffs. The legislation provides for an annual review of the tariffs to achieve effective and sustainable service for the City Hall venues to maintain the required standard. As such, it is proposed to increase the tariffs levied for the City Hall venue hire by 5% during the 2023-24 financial year. The tariffs charges are categorised per activities applicable to an event being hosted. Details in this regard are contained in the Report by the City Manager dated 2023-02-24.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

- 3.11.1 That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000), that the tariffs levied in respect of the hire of City Hall and key venues be increased by 5% during the 2023-24 financial, and effective 01 July 2023.

- 3.11.2 That subject to the adoption of .1 above the Acting City Manager be directed to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.
- 3.11.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 169 Councillors present; 104 Councillors (ANC – 75, EFF – 20; ACC – 00; ADEC – 00; APF – 01; ALJAMAH – 00, ATM - 01, JEP -01; MOSA – 01; MF – 00; NFP -01; PFP – 01, TA– 01; PRM – 00 , UM – 01 and VF Plus - 01) were in support of the recommendations and 22 Councillors (IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01 and KZN -01) voted against the recommendations. 43 Councillors (DA – 42 and AIC- 01) abstained on the matter.

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

- 3.12 PROMOTION OF ACCESS TO INFORMATION ACT: REVIEW OF THE 2023/2024 FINANCIAL YEAR FEES FOR ACCESSING MUNICIPAL RECORDS (2/4/R)

(Page 198)

Section 32 of the Constitution of the Republic of South Africa determines that everyone has a right of access to any information held by the State as well as the information held by another person or private body when such information is required for the exercise and protection of rights. Information is accessed at a fee, and the Minister of Justice and Constitutional Development is empowered by Section 92 of the PAIA to make regulations pertaining to the fees associated with requests made to both public and private bodies.

In terms of the Government Gazette Notice No. 45057 dated 27 August 2021, the Minister published Regulations pertaining to the fees payable by the Requesters of information. It should be noted that there is 0% increase in the PAIA fees to be levied during the 2023-24 financial year.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

That the following prescribed fees payable by Requesters of access to Municipal records, as determined by the Minister of Justice and Constitutional Development in the Government Gazette, Notice No. 45057, dated 27 August 2021, be approved for implementation in the 2023/2024 financial year, and this being effective 01 July 2023:

Item No.	Description	R (excl. VAT)	R (Incl. VAT)
1.	The requester fee payable by every requester	86.95	100.00
2.	Photocopy of A4 size page or part thereof	1.30	1.50
3.	Printed copy A4 size page or part thereof	1.30	1.50
4.	For a copy in a computer readable form on: a. Flash Drive (to be provided by the requester) b. Compact Disc i. If provided by the requester ii. If provided to the requester	34.78 34.78 52.17	40.00 40.00 60.00
5.	For a transcription of visual images per A4 size page	Service to be outsourced. Will depend on quotation from service provider.	
6.	Copy of visual images		
7.	Transcription of an audio per A4 size page	20.86	24.00
8.	Copy of an audio record on: a. Flash Drive (to be provided by the requester) b. Compact Disc i. If provided by the requester ii. If provided to the requester	34.78 34.78 52.17	40.00 40.00 60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To no exceed a total cost of		100.00 300.00
10.	Deposit: If search exceeds 6 hours	One third if amount per request calculated in terms of items 2 to 8	
11.	Postage, email or any other electronic transfer	Actual expense if any	

As some members were not in support of the recommendations, the matter was put to the vote; With 167 Councillors present; 126 Councillors (ANC – 75, EFF – 19; IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, ACC – 00; ADEC – 00; AIC – 01 ; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00, TA– 01; UIM -01 and VF Plus - 01) were in support of the recommendations and 41 DA Councillors abstained on the matter.

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

3.13

REVIEW OF BUSINESS LICENCING TARIFFS FOR THE 2023/2024 FINANCIAL YEAR (7/6/1/6)

(Page 200)

The Business Licensing department is mandated to provide effective and efficient licensing and regulatory services to existing and potential businesses within the eThekweni Municipal area thus enabling them to undertake income-generated activities within the ambit of the law, and resulting in job creation and economic growth. In support of the business community and encouraging compliance with the

provision of the Businesses Act, also encouraging emerging businesses, especially in the townships and rural areas to comply with the Act and other Municipal By-laws when commencing their businesses, a zero percent increment on business license tariffs is proposed for implementation with effect from July 2023 to June 2024.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

- 3.13.1 That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000), that the Business Licencing Tariffs be increased by 0% during the 2023-24 financial year, and to be effective 01 July 2023, with the tariffs to impact the following categories:
- (i) Sale or supply of meals or perishable foodstuffs (Restaurants; Takeaways; Tuckshops and any other food outlet)
 - (ii) Provision of health facility or entertainment Nightclubs, massage parlours
 - (iii) Sale or supply of meals or perishable foodstuffs (Item 3 of Schedule 1 of the Business Act 71 of 1991: Vending Food)
 - (iv) Accommodation establishment By-laws
 - (v) Issuing of a duplicate license
- 3.13.2 That subject to the adoption of .1 above the Acting City Manager be directed to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.
- 3.13.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 167 Councillors present; 126 Councillors (ANC – 75, EFF – 19; IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, ACC – 00; ADEC – 00; AIC – 01 ; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00, TA– 01; UIM -01 and VF Plus - 01) were in support of the recommendations and 41 DA Councillors abstained on the matter.

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

- 3.14 REVIEW OF TARIFFS FOR AGRI-BUSINESS AGRIPARK FOR THE 2023/2024 FINANCIAL YEAR (7/6/1/6)

(Page 206)

The eThekweni Agri-business Master Plan adopted by Council in February 2020 outlines the key Agriculture Commodities which the Municipality should support for the development of the Agri-business Sector. The Agri-business Master Plan outlines the need to have a value-chain approach to Agri-business Development with a strong emphasis of Agro-processing and Primary Production Development.

In the efforts to create an enabling environment of the emerging Agri-business enterprises the Municipality has developed tariffs for the rental of the existing Municipal assets to stimulate the SMME development. The Municipality under the Agri-business department has three (03) incubators, namely, Cato Ridge Agripark Incubator, Ottawa Agripark Incubator; and Cottonlands Agripark Incubator.

For the purpose of stimulating the Agri-business, a 0% increase is proposed during the 2023-24 financial year, also taking into account that most of the enterprises were affected by the Covid-19 pandemic; the July 2021 Civil Unrest; the April/May 2022 floods; low economic growth; high inflation; and persistent energy crisis.

Both the DA and the IFP abstained on all Tariffs Reports at this stage until the matter serves before their respective Caucuses.

With the ANC and the NFP being in support,

COMMITTEE RECOMMENDS:

- 3.14.1 That Council resolves in terms of Section 75A of the Local Government Municipal Systems Act of 2000 (Act 32 of 2000), there be a 0% increase for tariffs levied against the Agribusiness Agripark during the 2023-2024 financial year, and to be effective 01 July 2023 and pertains to Crops; Poultry; Sheep Facilities; and Piggery.
- 3.14.2 That subject to the adoption of .1 above the Acting City Manager be directed to comply with the provisions of Section 75A (3) and (4) of the said Act to display notices of such an increase.
- 3.14.3 That the City Manager be mandated to send a copy of the notice to the KwaZulu-Natal MEC: Co-operative Governance and Traditional Affairs.

As some members were not in support of the recommendations, the matter was put to the vote; With 167 Councillors present; 126 Councillors (ANC – 75, EFF – 19; IFP – 14, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, ACC – 00; ADEC – 00; AIC – 01 ; ALJAMAH – 00, ATM - 01, JEP -01; KZN -01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00, TA– 01; UIM -01 and VF Plus - 01) were in support of the recommendations and 41 DA Councillors abstained on the matter.

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

- 3.15 RATIFICATION OF RULE 28(1)(b) OF THE RULES OF ORDER BY-LAW IN RELATION TO THE APPROVAL OF THE FUNERAL ASSISTANCE OF THE LATE COUNCILLOR SM MEMELA. IN LINE WITH THE CIVIC FUNERAL POLICY (3/5/15)

(Page 213)

COMMITTEE RECOMMENDS:

- 3.15.1 That the action of the City Manager in consultation with His Worship the Mayor, Councillor TM Kaunda, in his capacity as the Mayor and Chairperson of the Executive

Committee, in approving as a matter of urgency in terms of Rule 28(1)(b) of the Rules of Order By-law, the following recommendations relative to the funeral assistance of the late Councillor Sthembile Millicent Memela, in line with the Civic Funeral Policy, be ratified.

- 3.15.1.1 That Council notes the sudden passing of the eThekweni Municipality Council Member, the late Councillor SM Memela.
- 3.15.1.2 That the eThekweni Municipal Council supports the family of the late Councillor SM Memela and make contributions towards the burial costs, in line with the Civic Funeral Policy.
- 3.15.1.3 That Council approves an amount not exceeding R200 000.00 (Two Hundred Thousand Rand) to contribute towards the burial costs in respect of the late Councillor SM Memela.

Financial Implications:

The cost to cover the proposed Civic Funeral for late Councillor SM Memela shall be provided as per the below Vote Allocation:

Vote Number

BU	ITEM.SUB	FUND	COSTING	PROJECT	REGION
32123	19110.10	12120	0000	MRC01	0010

Speaking on the matter, the ActionSA registered their support of the recommendations, however, they requested clarity on the criterion being utilised to determine the funeral assistance amount. They also submitted that in terms of Rule 28, the City Manager in consultation with His Worship the Mayor has an authority to commit expenditure, however they cited that the recommendation was crafted as though the Mayor has authority to commit the expenditure. They requested legal advice in this regard.

Thereafter, the IFP appealed to relevant Municipal Unit to speed up the process of reviewing the Civic Funeral Policy. They sympathised with the family of the late Councillor. However, they emphasised that the amount for funeral assistance had to be equal for everyone.

Meanwhile, the DA maintained their views on inconsistencies on the application of the Civic Funeral Policy. They empathized with family of the late Councillor, however, the objected to the approval of recommendations until such time that the Policy was reviewed.

APF extended condolences to the family of the late Councillor and her political party. Mention being made that Councillor's differences had to be set aside and to be addressed through other platforms.

Thereafter, the ANC also extended condolences to the family of the late Councillor and her political party. They mentioned that the funeral assistance amount was reviewed during Covid-19 pandemic during which Council was unable to collect sufficient revenue. However, it was advised that the amount was later reviewed following easing of lockdown restrictions and with the Municipality slowly recovering from the pandemic.

In providing a legal opinion, the Deputy Head: Litigation advised that in terms of Rule 28, the action of the City Manager in consultation with His Worship the Mayor, in his capacity as the Chairperson of the Executive Committee, had to be ratified by Council. In this regard, the recommendations were recorded as such.

Some Councillors were not in support of the recommendations, therefore, the matter was put to the vote; With 164 Councillors present; 120 Councillors (ANC – 75, EFF – 16; IFP – 13, Action SA – 04; ABC – 01; ACDP – 01; DLC – 01; APF – 01, ACC – 00; ADEC – 00; AIC – 01 ; ALJAMAH – 00, ATM - 01, JEP -01; KZN - 00; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00, TA– 01and UIM -01) were in support of the recommendations and 43 DA Councillors voted against the matter. 1 VF Plus Councillor abstained on the matter.

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

3.16

ETHEKWINI MUNICIPALITY ADJUSTMENT BUDGET 2022/2023 (7/1/2/2)

(Circulated separately)

In terms of Section 72 of the Local Government: Municipal Finance Management Act No.56 of 2003, the performance of the Municipality and its Entities must be reviewed during the first half of the financial year and the approved Medium-Term Revenue and Expenditure Framework (MTREF) be revised regarding revenue projections and expenditure trends. Accordingly, the Mid-Year Budget and Performance Assessment was taken into consideration in producing this adjustment budget. The 2022/23 additional adjustment budget does not affect the long-term financial sustainability of the Municipality.

The main reasons for the adjustment are summarized as follows;

- Adjustments in respect of the disaster recovery grants allocation for storm disaster projects.
- Re-prioritization of projects, mainly, for the Human Settlements, Engineering, Sanitation and Water.
- Unbundling of Zonal plans budget to specific projects.

Adjustment to Budget Funding:

The following additional adjustment are effected to the funding of the 2022/23 annual budget:

- Additional grants allocated to Municipality for Disaster Recovery Grant.
- Neighbourhood Development Grant rollover of prior year unspent grants
- Additional allocation to the Municipality of various grants (Economic Development and Traditional Affairs, Award winning, SETA, European Union, Libraries and Museums Grant, Housing: Cornubia development).
- Increase in interest on investments due to change in interest rates.
- Increase in interest on debtors due to increase in debtors.
- Infrastructure surcharge budget (Tariff implemented 01 July 2023) ringfenced for Water and Sanitation infrastructure.

Adjustment to expenditure levels:

The following reallocations adjustments were effected to the expenditure levels of the 2022/2023 Annual Budget:

- Adjustment in respect of the Disaster recovery grants allocation for storm disaster projects;
- Re-prioritization of projects mainly Human Settlements, Engineering, Sanitation and Water;
- Unbundling of Zonal plans budget to specific projects;
- Reallocation of budgets to optimize operational efficiencies;
- Bulk Electricity adjustments due to decrease in demand.

During discussion, the Executive Committee Members, in particular from the Opposition Parties, expressed serious concerns for being furnished with the Adjustments Budget Report on the day of the Executive Committee meeting, despite several enquiries made on the state of the circulation of this document. As such, the Parties indicated their inability to engage on the discussion since they had not had sight of the document. Furthermore, that the document is illegible in certain parts, thus posing a challenge to understand information contained therein.

An apology was extended for such an administrative delay to circulate the document, it being confirmed that the ANC Caucuses has also had not had sight of the Report. Thereafter, an appeal was made for the Caucuses to interrogate the Adjustments Budget Report it being emphasised that amongst the critical matters was to consider the aspirations of the people with respect to addressing sewer challenges; water and electricity; roads and bridges and other infrastructural and developmental issues.

The Executive Committee was also informed that the formalities pertaining for the transfer of the R1.5 Billion for the infrastructural damages as a result of the floods are at an advanced stage and that the Committee would be updated once the transfer has been made.

Accordingly, at this state the DA and the IFP abstained on the matter, and with the support by the ANC and the NFP,

COMMITTEE RECOMMENDS:

- 3.16.1 That in accordance with the provisions of Section 28 of the Municipal Finance Management Act and in compliance with the Municipal Budget and Reporting Regulations, the Additional Adjustments to the 2022/2023 Budget of eThekweni Municipality (Parent Municipality), as reflected in Annexure “A” & “B” of the report of the City Manager dated 2023-02-21, be approved, it being recorded that the approval of the Capital Adjustment Budget constitutes project approval of the specific projects.
- 3.16.2 That subject to the adoption of .1 above, the budget has now been revised as follows: a Revised Capital Budget of R6,05 Billion (excluding entities), the revised adjustment including the entities is R6,11 Billion:

Total Adjusted Budget for 2022/2023 as revised below:

Consolidated Budget (including entities):

Details	Original Budget 2022/2023	Adjustment Budget 2022/2023
	R'000	R'000
Operating Budget	49 779 901	51 174 084
Capital Budget	5 589 511	6 111 447
Total Budget	55 369 412	57 285 531

Parent Municipality (excluding entities):

Details	Original Budget 2022/2023	Adjustment Budget 2022/2023
	R'000	R'000
Operating Budget	49 362 992	50 679 311
Capital Budget	5 532 361	6 054 297
Total Budget	54 895 353	56 733 608

Prior to the adjustment being deliberated upon, His Worship the Mayor tabled the following remarks:

His Worship was honoured to table the adjustment budget which took place against the backdrop of a constrained economic environment occasioned by April floods, Covid-19, prolonged loadshedding and the July 2021 civil unrest. He mentioned that despite these challenges, the Municipality was pleased that its finances remained sound and healthy. That this was also confirmed by the Auditor-General as the Municipality received an unqualified audit report for 2021/2022 financial year. Furthermore, the City maintained its investment grade credit rating of AA+ in the long term and A1+ in the short term with a positive outlook.

However, His Worship indicated that the slow economic growth globally had adversely affected consumers and as a result, the Municipality had undertaken unprecedented steps to cushion its residents. These included amongst others; provision of debt relief package to help consumers after the floods. He extended gratitude to the residents who took advantage of this programme which ended on this day, the 28 February 2022.

Continuing with his remarks, His Worship advised that the focus of this adjustments budget was on prioritizing infrastructure repairs, maintenance, and upgrades. He mentioned that the recent natural disasters had taught the City the importance of a sustained maintenance and building of resilient infrastructure. That this was not only critical in saving lives, but also in attracting new investment in the City and creating much-needed job opportunities. Therefore, His Worship was confident that this adjustment budget will unleash the economic potential of the City.

He drew the attention of Council to salient features of the adjustment budget; and specified that there was an additional R679 Million in grants by National Treasury; R423 Million which relates to the Disaster Recovery Grant which will be utilised to repair the damages caused by the floods. That, there was also a

further R95 Million for the Urban and Informal Settlement Programme which will be utilised to acquire land to build permanent houses for flood victims. Also, that other key adjustments are focusing on repairs and maintenance of water, sanitation, electricity, engineering infrastructure and strengthening communication and community engagement.

Apart from the devastating April and May 2022 floods which destroyed the City's infrastructure, His Worship advised that the Municipality was acutely aware that because of the historical background, the majority of the people of eThekweni were deliberately excluded from accessing some of the most basic services such as water and electricity. That, in terms of human settlements, the apartheid spatial development planning forced black people and Africans in particular to reside far away from areas of employment and economic activity. That this was the legacy, the Municipality was continuously trying to undo. While great progress has been made in making basic services accessible to all and building integrated human settlements, the challenge of rapid urbanization means that addressing service delivery backlog will remain a moving target.

His Worship assured Council that the democratic government remained steadfast in ensuring that there was a better life for all. Therefore, he indicated that the adjustment budget being tabled at this meeting was meant to make meaningful impact in the provision of houses to reduce the number of people residing in informal settlements, particularly in flood-prone areas. At the same time, the adjustment budget will consolidate the work the Municipality had already started in the repairing and restoration of water and sanitation infrastructure. It being mentioned that the work we had already commenced in Umlazi to repair water and sanitation infrastructure along the Umlazi Canal to ensure that people in the Durban south receive better services.

In concluding, his remarks, His Worship mentioned that while these repairs were ongoing, some of the Councillors from the opposition party have decided to score cheap political points with this issue by requesting the Court to force the Municipality to do exactly what its already doing. In this regard, he pleaded with everyone regardless of different political views to work together to find lasting solutions to the challenges confronting the Municipality.

Thereafter, the Speaker afforded an opportunity for Councillors to comment on the adjustment budget as presented by His Worship the Mayor.

Speaking on the matter, ActionSA dissented on the approval of the adjustment budget. They submitted that the budget was not received timeously for Council to thoroughly interrogate the contents thereof. They cited that this was a shocking example of poor governance from the Municipality and that the City's residents deserved better.

Meanwhile, the IFP were of the view that the Municipality was in a precarious position; reference being made to water and sanitation challenges, Auditor General's recommendations on the non-implementation of consequence management. They mentioned that citizens had to receive value for money from the Municipality.

The EFF submitted that the adjustment budget would enable the Municipality to improve service delivery in areas that have been neglected and/or where the

Municipality had not performed adequately in terms of provision of service delivery. They emphasised that in order to obtain a positive Auditor General outcome and findings, the Municipality had to avoid irregular expenditure, implementation of unbudgeted projects etc. It being also emphasised that the adjustment budget had to be directed towards ageing infrastructure and maintenance thereof, also to resolve the issue of sewer spillages etc.

The DA cited that poor maintenance of infrastructure had to be addressed including outstanding monies owed by Government and Parastatals. They also cited challenges within different Units, particularly water and electricity, which pertained to shortage of tools of trade for employees; non-availability of parts and fittings. They mentioned that the budget for payment of performance bonuses was not consistent with the quality of services being provided. In this regard, they voted against the approval of the adjustment budget.

Whereas DLC mentioned that the adjustment budget was an important process; it being taken into cognisance that the April floods was a devastating event for the residents, and the infrastructure. Therefore, they emphasised that Municipal officials should be motivated to continue providing quality services and those who performed exceptionally be awarded accordingly. They indicated that in future, the adjustment budget had to be tabled before Support Committees for an effective oversight role. On this basis, they were in support of the adjustment budget.

Thereafter, the ANC submitted that the DA, had not been in support of the budget, it being mentioned that this was disturbing given that the Municipality could not provide services without budget approvals. They mentioned that the budget was sound and balanced and that it would enable the Municipality to address service delivery challenges. Therefore, the ANC registered their support of the adjustment budget. It being emphasised that the Municipality has open communication channel with its residents and that their concerns were taken into consideration during the adjustment budget process. Mention being made that this adjustment budget was directed towards disaster recovery following the damages caused by the floods, it being cited amongst others that R40 Million has been allocated for Coastal and Storm water maintenance, R20 Million for Roads, and Stormwater, R3,5 Million for Electrification network, due to issue of trips following the floods; R3,5 Million in for maintenance of Municipal building and R9,8 Million to Water Maintenance Supply etc. Council was also informed that crime prevention strategies had been intensified as Metro Police satellite station had been opened in areas out the Durban CBD, to increase police visibility. It being also mentioned that a temporal shelter would be built to accommodate homeless people. On the other hand, Council was informed that the Head: SCM has been placed on suspension, particularly for the delays in obtaining required services, it was highlighted that this was indicative of the Municipality's seriousness to address consequence management.

Also, joining the discussions, the NFP emphasised that this was opportunity for the Municipality to work together for the betterment of its residents. That; Councillors had an important oversight role to play as they were accountable to the people on the ground.

Thereafter, as some Councillors were not in support of the adjustment budget, the matter was put to the vote. With 183 Councillors present; 133 Councillors

(ANC – 87, EFF – 20; IFP – 14,; ABC – 01; DLC – 01; APF – 01, ACC – 01; ADEC – 00; AIC – 01 ; ALJAMAH – 00, ATM - 01, JEP -01; KZN - 01; MF – 00; MOSA – 01; NFP -01; PFP – 01; PRM – 00 and TA– 01) were in support of the recommendations and 49 Councillors (DA – 43; Action SA – 04, ACDP – 01 and VF Plus – 01) Councillors voted against the matter. 1 UIM Councillor abstained on the matter.

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

(His Worship the Mayor, Councillor TM Kaunda presented the Sixth Report of the Executive Committee).

At this stage of the proceedings, time being 22h34, ActionSA requested ten (10) minutes for a caucus, this was granted by the Speaker. Thereafter, the meeting resumed at 22h43.

SIXTH REPORT OF THE EXECUTIVE COMMITTEE

(Special meeting held 2023-02-28)

PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), ZP Myeni (Deputy Mayor), A Beetge, Y Govender, NI Madlala, TM Mthethwa, MS Nkosi and ZR Sokhabase

ABSENT : Executive Committee Members BT Ntuli and T Miya (Indisposed)

1. PROPOSED ALIENATION OF PROPOSED PORTION (A) OF 235 (OF 79) OF THE FARM ZEEKOEKAT NO. 937 TO THE DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE ON BEHALF OF THE SOUTH AFRICAN POLICE SERVICE FOR THE RE-DEVELOPMENT OF THE MARIANHILL POLICE STATION.

Authority is sought to transfer the Municipal-owned property located on the Henry Pennington Road in the suburban area of Marianhill and is described as Proposed Portion (A) of 235 (of 79) of the Farm Zeekoegat No. 937 in extent 3.5427 Hectares, depicted on SJ Plan No. 4869/10. The transfer will be made to the Department of Public Works and Infrastructure (DPWI) for the re-development of the Marianhill Police Station in terms of Section 20(1)(f) of the Municipal Asset Transfer Regulations, 2008 (MATR).

It should be noted that this is informed by the fact that the Marianhill Police Station currently operates in a Park Home. Meanwhile, the eThekweni Environmental Planning and Climate Protection Department cautioned that Park Home does not represent a conducive environment to undertake the police services due to this being located on a flood plane. However, the property identified for alienation is considered suitable for the re-development of the Police Station.

The Executive Committee noted that need to conclude the matter to allow the National Government to conclude the processes to transfer funds to the Municipality as confirmation has been given by the Minister of Police on the availability of funds to undertake the re-development of the Police Station in question, hence, the funds need to be transferred immediately as the National Government financial year comes to an end in March during the current financial year, and to be concluded in March 2023.

The Executive Committee appreciated the intervention by the National Government to support crime prevention initiatives within the eThekweni Municipal area. Given that concluding formalities associated with land matters involve a lengthy process, a recommendation was made that political interventions be made in an attempt to speed up the process thereby getting the Police Station re-development finalised within a short rather than a long-term period.

Given that the matter was tabled at the Executive Committee, the DA abstained to take the matter to its Caucus. The other Parties greatly appreciating the proposed Marianhill Police Station re-development project and therefore supported the matter.

Accordingly, by the majority support,

COMMITTEE RECOMMENDS:

- 1.1 That the Municipal Council declares in terms of Regulation 20(1)(f), of the Municipal Asset Transfer Regulations that:
 - 1.1.1 The capital asset to be transferred is determined by resolution of the Municipal Council to be not needed for the provision of the minimum level of basic Municipal services and to be surplus to the requirements of the Municipality, and
 - 1.1.2 The current market value of the property is R17 700 000.00 (Seventeen Million Seven Hundred Thousand Rand), excluding VAT.
- 1.2 That the Municipal Council declares .1 above, subject to the condition that:
 - 1.2.1 Proposed Portion [A] of 235 (of 79) of the Farm Zeekoegat No. 937, Registration Division FT, Province of KwaZulu-Natal in extent 3,5427Hactares as depicted on SJ 4869/10, be offered for sale in freehold by direct negotiations to the Department of Public Works and Infrastructure on behalf of the Department of Police at a nominal price of R1 000.00 (One Thousand Rand), excluding of VAT, in full compliance with the prevailing Municipal legislative framework, including the Municipal Supply Chain Management Policy, this transaction will attract the payment of VAT.
- 1.3 The capital asset is alienated at less than the fair market value and the Municipality has taken into account the factors in Regulation 20(1)(f) of the Municipal Asset Transfer Regulations.
- 1.4 That the Municipal Council grants beneficial occupation to the Department of Public Works in order for them to conduct the required feasibility study and to commence with the construction of the police station.

1.5 The transfer be approved subject to a reversionary clause stating that in the event that the property is not utilised by the South African Police Service (SAPS) for the purpose of a Police Station, ownership of the property will revert to the Municipality. In such event the property will be transferred by the Department of Public Works and Infrastructure (DPWI) on behalf of the SAPS at no cost to the Municipality free of any encumbrances, liens, hypothec and mortgage bonds. The DPWI shall sign all documents necessary to give effect to such transfer of the property back to the Municipality. This provision shall be included in the agreement between the DPWI and the eThekweni Municipality.

1.6 That subject to the adoption of paragraphs 1.1 - 1.5 above, authority be granted for the Head: Real Estate to sign all the documentation necessary to give effect to this transaction.

ADOPTED.

2. UPDATE REPORT ON UPPER UMKHOMAZI WATER PROJECT: NEGOTIATIONS BETWEEN ETHEKWINI MUNICIPALITY AND THE DEPARTMENT OF WATER AND SANITATION, TRANS-CALEDON TUNNEL AUTHORITY AND UMGENI WATER (23/1/7).

The Municipal Council is required to note update on the project relating to the construction of the Smithfield Dam, a raw water tunnel, a water treatment works and a potable water pipeline. Details in this regard are contained in the Report attached herein for ease of reference.

The matter has been under the negotiations between the eThekweni Municipality and the Department of Water and Sanitation; the Trans-Caledon Tunnel Authority (TCTA) and Umgeni Water in respect of the Upper Umkhomazi Water Project, following the Municipal Council decision of 2019.

As a way of background, it should be noted that the project is not affordable to the User Municipalities and is dependent on the grant and interest-free loan from National Treasury. With regard to the negotiations, the eThekweni Municipality has met with TCTA to present the City's recommendations so that agreement can be finalised. For the project to proceed, the Municipality is required to agree and sign two contract documents relating to the projects, and these are Water User Agreement and the Framework Agreement.

The attention is drawn to the fact that the Municipality have requested the following in order to commit to the funding of the project:

- (i) The Municipality recommends that the Administration fee paid to the TCTA is capped at a fixed amount to prevent the 600% increase.
- (ii) The Municipality recommends that the loan repayments are synchronized with the payments made to the Lenders, which will only be every 90 days, so interest on loan repayment is accumulated for the Municipality's benefit.
- (iii) The Municipality recommends that a streamlined process is adopted for the loan repayment whereby they will be made directly to TCTA, five working days before the loan repayments are due to the Lenders.

The MFMA Section 33 process is to be undertaken to consult with the relevant stakeholders as the financial commitments of the project are greater than 3 years.

The Executive Committee appreciated update in this regard, but with the DA abstaining at this stage to take the matter to their Caucus. However, the DA was also against the project costing the ratepayers and the Municipality. The IFP drew attention that caution be taken with regard to the dam water levels, that this be managed accordingly since the dam overflow during floods can create challenges for the City. Thereafter, the ANC supported this matter emphasizing the need to tap into the District Development Model to collaborate funding required for this project.

With the Executive Committee noting update Report, on the basis that the DA will take the matter to Caucus,

COMMITTEE RECOMMENDS:

- 2.1 That the Municipal Council notes progress made with regard to the Upper uMkhomazi Water project, also noting that the Municipal negotiation team together with the National Treasury will continue to engage with the Department of Water and Sanitation, Trans-Caledon Tunnel Authority, and Umgeni Water to ensure favorable contract terms are agreed.
- 2.2 That the Municipal Council notes a consultation process to be undertaken with the relevant stakeholders, in compliance with the Section 33 of the Local Government: Municipal Finance Management Act No56 of 2003, in view of the project exceeding a 3-year period.
- 2.3 That the Municipal Council notes that the Water and Sanitation Unit will report back to Council once the draft agreements have been successfully negotiated and the MFMA Section 33 process has been concluded, to then subsequently seek authority for the City Manager to sign the Agreements for the Upper uMkhomazi Water Project.
- 2.4 That a Capital User Charge of R0,25/kl be provided for in the eThekweni Municipality's Operating Budget for the 2023/24 financial year.

Prior to the matter being discussed by Council, the City Manager was requested to briefly summarise the report. In this regard, the City Manager reported that the Municipality and the Country at large was facing climate change challenges. Therefore, the Municipality was engaging on several projects to guarantee water safety for 40 to 60 years from now. He mentioned that the matter had been under the negotiations between the eThekweni Municipality and the Department of Water and Sanitation; the Trans-Caledon Tunnel Authority (TCTA) and Umgeni Water in respect of the Upper UMkhomazi Water Project, following the Municipal Council decision of 2019.

He highlighted that the project was not affordable to the User Municipalities and was dependent on the grant and interest-free loan from National Treasury. It was reported that with regard to the negotiations, the eThekweni Municipality had met with TCTA to present the City's recommendations so that agreement can be finalised. For the project to proceed, the Municipality was required to agree and sign two contract documents relating to the projects, and these are Water User Agreement and the Framework Agreement.

Subsequently, a Motion to Amend was submitted as follows:-

MOTION TO AMEND

In terms of Rule of Order By-Law 20(4), Councillor A Beetge, seconded by Councillor TM Mthethwa, moved as a procedural motion to amend the above Executive Committee recommendations by deletion of 2.4 which reads as follows:

“2.4 That a Capital User Charge of R0,25/kl be provided for in the eThekweni Municipality’s Operating Budget for the 2023/24 financial year.”

NOT CARRIED

As some Councillors were not in support of the Motion to Amend, the matter was put to the vote. With 156 Councillors present, 43 Councillors (DA – 42 and UIM – 01) voted in favour of the amendment and 112 Councillors (ANC – 78, EFF – 20; Action SA – 04; ABC – 00; AIC – 01; ACDP – 0; ACC – 00; DLC – 01; ADEC- 00; APF – 01; ATM -01, ALJAMAH – 00, JEP -00; KZNI -01, MF – 0; MOSA – 01; NFP - 01; PFP – 01; PRM -00; TA – 01 and VF Plus - 01) voted against the amendment. There were no abstentions recorded.

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

Discussion thereafter reverted to the substantive matter where the DA mentioned that recommendation 2.4 had to be removed, as it reflected funds to be committed by the Municipality. They mentioned that Council had to await the final report for consideration following the conclusion of the public participation process.

Meanwhile, APF applauded the interventions being made to address water challenges.

Thereafter, the ANC was of the view that ongoing reports would be submitted to Council on this matter. Therefore, it being cited that it was prudent for Council to approve the entire recommendations, also given that a Taks Team had been established, which comprised of the delegation from the National Treasury, KwaZulu-Natal Office of the Premier; Department of Cooperative Governance and Traditional Affairs and the Municipality which would oversee all matters of water infrastructure.

Accordingly, as some Councillors were not in support of the recommendations, the matter was put to the vote. With 155 Councillors present, 113 Councillors (ANC – 78, EFF – 20; Action SA – 04; ABC – 00; AIC – 01; ACDP – 0; ACC – 00; DLC – 01; ADEC- 00; APF – 01; ATM -01, ALJAMAH – 00, JEP -00; KZNI -01, MF – 0; MOSA – 01; NFP - 01; PFP – 01; PRM -00; TA – 01, UIM - 01 and VF Plus - 01) voted in favour of the recommendations and 42 DA abstained on the matter.

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

(At this stage of the proceedings Councillor T Xuma, in his capacity as the Chairperson of the Municipal Public Accounts Committee, presented the Report of the Committee).

REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

TO: COUNCIL

ASSESSMENT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FUNCTIONALITY ON UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE (UIFW) OVERSIGHT: QUARTER ONE 2022/2023

The role and duties of MPAC, as stated in the UIFW process, have been documented in line with Section 32 (2) (ii) and (3) of the MFMA which states as follows:

2. *A municipality must recover unauthorised, irregular or fruitless expenditure and wasteful expenditure from the person liable for that expenditure unless the expenditure –*
 - (a) *In the case of unauthorised expenditure, is –*
 - (i) *authorised in an adjustment budget; or*
 - (ii) *certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by Council; and*
 - (b) *In the case of irregular expenditure is, after investigation by a council committee, certified by the council as irrecoverable and written off by council.*
3. *If the accounting officer became aware that the council, the mayor or the executive committee of the municipality has taken a decision, which, if implemented, is likely to result in unauthorised, irregular or fruitless and wasteful expenditure, the accounting officer is not liable for any ensuing unauthorised, irregular or fruitless and wasteful expenditure provided the accounting officer has informed the council, the mayor or the executive committee, in writing, that the expenditure is likely to be unauthorised, irregular or fruitless and wasteful expenditure.*

MPAC is identified as the Council Committee responsible for investigating and making recommendations to Council on the recovery or write off of UIFW related matters.

COGTA, whilst undertaking its oversight and monitoring role over municipalities, has been highlighting the views of National Government with regard to the reduction of UIFW and the implementation of consequence management.

It was, therefore, resolved at The Speaker's Forum convened on 2021-06-22 that COGTA would support municipal initiatives to reduce UIFW. A tool was developed by COGTA and the expectation was that all municipalities would use the tool to assess their functionality on UIFW oversight. Hence, MPAC is required to report quarterly to Council on its performance based on COGTA's tool for the assessment of functionality on UIFW Oversight.

It had been ascertained that the City may not have been fully compliant in its treatment of UIFW once it was incurred. Following workshops with National Treasury, the city aligned its process with

National Treasury Circular 68 and the MFMA. There was also input from COGTA and the amended process was workshopped by Internal Control at the Mayoral Workshop held on 12th August 2021. Subsequently, the revised process was adopted by Council on 2021-08-26.

In terms of the assessment, MPAC's oversight role would be measured as follows:

- 80-100% - Functional
- 50-79% - Challenged
- 0-49% - Dysfunctional

As COGTA requires the assessment report to be submitted by the first quarter of the financial year 2022/2023, we have acceded to the request and completed the assessment.

We are proud to report, as per the Assessment of MPAC's functionality on UIFW Oversight, (**Annexure 1**), that MPAC has achieved 100% and is fully functional.

Therefore,

COMMITTEE RECOMMENDS:

That the Assessment of Municipal Public Accounts Committee Functionality on Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) Oversight for the period ending 30th September 2022, attached hereto as Annexure 1, be noted.

NOTED.

**NOTICE OF MOTION
IN TERMS OF SECTION 18 OF THE RULES OF ORDER
BY-LAW, 2014, AS AMENDED**

1. NOTICE OF MOTION: PROPOSED BY COUNCILLOR G HEGTER AND SECONDED BY COUNCILLOR ZA SOLOMON: DRASTIC INCREASE OF TRUCKS ENTERING RESIDENTIAL AREAS AND TRUCKING COMPANIES, PREDOMINANTLY IN THE SOUTH DURBAN BASIN (28/2/R)

This Council noting that:

24 December 2022 saw a horrific trucking incident in Ekurhuleni Municipality that tragically claimed 37 lives.

eThekweni has seen a drastic increase of trucks entering residential areas and trucking companies opening in these areas, predominantly in the South Durban Basin.

Council resolves that the Executive Committee considers the following and report back to Council:

1. Increase the amount of Metro Police Members in the Clairwood trucking Unit.
2. Increase the number of Metro Police vehicles Clairwood trucking Unit.

3. Approach the KZN Department of Transport for additional enforcement agents stationed around the Durban Harbour.
4. Urgent finalization a Metro Police heavy towing contract.
5. Erection of mass restriction signage along all entrance roads to residential areas in the Durban South Basin.

As some Councillors were not in support of the above motion. The matter was put to the vote. With 168 Councillors present, 60 Councillors (DA – 41, IFP – 14; Action SA – 04 and ACDP – 01) voted in favour of the motion and 108 Councillors (ANC - 78, EFF – 18; ABC - 01, ACC – 01, DLC – 01, ADEC – 00; APF – 00, ATM – 01, JEP - 01, KZNI – 01; MF – 00; MOSA – 01 ; NFP -01 , PFP – 01; PRM – 00, TA – 01; UIM – 01 and VF Plus – 01) voted against the motion. There were no abstentions recorded.

Thereafter, the above motion was by the majority vote, NOT CARRIED.

2. NOTICE OF MOTION: PROPOSED BY COUNCILLOR WJD BURNE AND SECONDED BY COUNCILLOR SE MHLONGO: (4/3/5/3)

Having regard to the numbers of beneficiaries mentioned at the Council meeting on 31 January 2023 in respect of the EPWP and the Zibambele Program and the fact that the EPWP, Zibambele, Safer Cities, and the PEP programs are intended to be Ward based.

COUNCIL HEREBY RESOLVES that the Executive Committee must:

Investigate, consider, and report back to Council on the benefits and practicalities of the Municipality's administration furnishing to each Ward Councillor, each PR Councillor for the Ward which he or she represents, and the Secretary of each Ward Committee, a list of all the nominees from the respective Ward to:

- a) The EPWP Program
- b) the Zibambele Program
- c) the Safer Cities Program, and
- d) the PEP Program

For oversight purposes, such list to include the full names, the identity number, the address and the date of appointment of each beneficiary.

As some Councillors were not in support of the above motion. The matter was put to the vote. With 176 Councillors present, 83 Councillors (DA – 43, EFF – 20; IFP – 14; Action SA – 04 and ACDP – 02) voted in favour of the motion and 92 Councillors (ANC - 83, ABC - 00, ACC – 01, DLC – 01, ADEC – 00; APF – 00, ATM – 01, JEP - 01, KZNI – 01; MF – 00; MOSA – 00 ; NFP -01 , PFP – 01; PRM – 00, UIM – 01 and VF Plus – 01) voted against the motion. 1 TA Councillor abstained on the matter.

Thereafter, the above 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. **EXECUTIVE COMMITTEE**

Meetings held on : 2023-01-24
: 2023-01-30

2. **LOCAL LABOUR FORUM: ECONOMIC DEVELOPMENT AND PLANNING**

Meeting held on : 2023-02-15

3. **UNIT LOCAL LABOUR FORUM: WATER AND SANITATION**

Meeting held on : 2023-02-14

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 47 to 57 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of January 2023 were, **NOTED.**

The meeting terminated at 23h12.

ADOPTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2023-03-30.

SPEAKER