

No. 45

MINUTES

OF

ETHEKWINI MUNICIPAL COUNCIL

Meeting held on Thursday, 2023-08-24T10:00, 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, A Beetge, M Billy, JM Black, NJ Bollman, M Brauteseth, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, R Cloete, SV De Boer, CB Dlamini, Z Dzanibe, J Essop, BA Fortein, SN Gabela, SG Gama, GM Gasa, FO Gcabashe, NBC Godlwana, R Gokool, G Govender, S Govender, SV Govender, Y Govender, BR Gumede, NC Gumede, S Gumede, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, MF Ismail, LBS Jali, DM James, M Johnson, MA Jokweni, K Khambule, MH Khan, MN Khubisa, 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, SR Madlala, A Maharajh, RP Maharaj, S Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, WM Mazibuko, M Mbambo, KT Mbhele, RP Mbonambi, BA Mchunu, JL Mchunu, SW Mcineka; RL McKenzie, X Mdlazi, FW Mdletshe, SP Mfeka, K Mhlaba, DPM Mhlongo, GN Mhlongo, SE Mhlongo, MB Mjadu, AZ Mkhize, KV Mkhize, MA Mkhize, ME Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, BR Mngadi, DK Mngadi, S Mngadi, SV Mngadi, MR Mngonyama; TJ Mnguni, DP Mngoma, BV Mngwengwe, ZO Mnomiya, S Mnyandu, T Mohamed, R Moses, ND Motseke, SB Mpanza, LI Msomi, DV Msweli, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, SK Mzimela, BD Naidoo, J Naidoo, V Ncukana, NB Ndlela, AB Ndlovu, MF Ndlovu, PB Ndlovu, PC Ndlovu, NS Ndlovu, V Ndlovu, SG Nene, TH Nene, SB Ngcongco, DB Ngubane, MS Nkosi, XM Nqweniso, DM Nsundwane, SH Ntombela, PC Ntshangase, BT Ntuli, N Ntuli, NZ Ntuli, PB Ntuli, B Nxumalo, MR Nxumalo, PH Nxumalo, MV Nzimande-Madlala, AAK Paruk, AE Peterson, BW Phewa, DT Pillay, P Pillay, GDA Pullan, A Rampersad, VG Reddy, S Sewshanker, A Shaheed, BH Shange, LP Shange; MG Shange, TE Shezi, IM Shinga, HP Shoji, JN Sibisi, KS Sibisi, WP Sibisi, BSB Sindane, EL Singh, J Singh, PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZR Sokhabase, ZA Solomon, I Syed, BB Thusi, ME Thusi, M Thusi, ZN Tshazela, NT Tyelinzima, JC Van den Berg, HM Van Der Ryst, NB Vilakazi, NI Webster, SM Windvogel, TV Xulu, T Xuma, NY Young, GN Zondi, M Zondi, N Zondi, ON Zondi-Mthembu, TG Zungu and there being three (03) vacancies.

ABSENT : Councillors: AD Beesley, Biyela, WJD Burne, DM Gcabashe, BM Gwala, SD Hlongwa, F Ismail, KNN Khubone, NI Madlala, NP Mchunu, E Mngadi, ZM Mncwango, SR Moodley, S Ngema, DR Nowbuth, NM Mhlongo, T Miya, LE Nkomeni, NN Nyanisa, T Sabelo and S Singh and LC Sikhakhane.

AMAKHOSI

PRESENT : BB Shozi

AMAKHOSI

ABSENT : S Mlaba and JJ Shangase

OFFICIALS

PRESENT : Messrs/Mesdames TB Mbhele (Acting City Manager), M Mhlongo (Head: Legal & Compliance), BM Mhlongo (Deputy Head: Office of the Speaker), T Ndlovu (Senior Manager: Secretariat) and N Mthembu (Chief Committee Officer).

(At the commencement of the meeting 193 Councillors were present, comprising ANC - 87, DA - 52, EFF - 22, IFP - 10, ASA - 02, ABC - 01, ACC - 02, ACDP - 02, AIC - 02, ADEC - 01, APF - 01, ATM - 00, AL JAMA-AH - 01, DLC - 01, JEP - 01, KZNI - 01, MF - 01, MOSA - 00, NFP - 01, PFP - 01, PRM - 01, TA- 01, 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 10h19 and extended a warm welcome to Councillors; Traditional Leaders; City Manager; Deputy City Managers; Head Legal and Compliance Services and other Unit Heads; Members of the Administration; Media; and Members of the Public viewing live streaming on social media platforms.

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

A moment of silence was observed as an opportunity for prayer and meditation prior to commencement of the meeting.

5. OFFICIAL ANNOUNCEMENTS

- 5.1 The Municipality is saddened by the brutal killing of two elders, namely, Mama Xulu of the late former Councillor Stanley Xulu and Mama Mbuso, both who went missing on 09 August 2023 and later found murdered. The Municipality sends its deepest condolences to both families and is gravely disappointed to hear of such an inhumane incident, especially it being the Women's month. Given this incident, the leadership reiterated that the Council still stands firm against Gender-Based Violence or any form of women abuse. Emphasis being put that citizens should continue protecting women against any form of abuse.
- 5.2 The Council is also saddened by the sudden passing of one of the pioneers of township economy and owner of eYadini Lounge, Mr Jabulani "Mjay" Zama who passed away after a short illness. Condolences are sent to the Zama family; friends and relatives, including the entire community of Umlazi and all patronage of eYadini.
- 5.3 The Municipality prides itself for successfully unveiling a R1.9 billion development in Giba Business Estate near Tshelimnyama, which development will create an estimated number of Four Hundred (400) jobs during construction phase and about Five Thousand (5 000) permanent jobs. This project forms part of the broader logistics and industrial corridor improvement project that will integrate Durban, Free State and Gauteng logistic corridor.
- 5.4 Councillors were then reminded of their responsibility to conduct themselves with dignity; to debate constructively, respecting the public that follow this meeting through social media platforms.
- 5.5 The Council was also reminded of the Code of Conduct for Councillors, Regulation 2023, as presented at the previous Council meeting of 15 August 2023. The Speaker presented reported that on the very same day some of the Councillors breached the provisions contained in the said Regulations, and confirmation being given that action will be taken against them in compliance with the requirements prescribed in the Regulations.
- 5.6 Councillors were then requested to cooperate with the Administration Team supporting the proceedings in this meeting, with Party Whips to monitor conduct of their respective members, and reprimanding them where required.
- 5.7 In conclusion, best wishes were extended to Councillors celebrating their birthdays this month of August.

6. SPEAKER'S REPORT

6.1 PURPOSE

The purpose of the report is to provide an update to the Municipal Council on activities that transpired over the month of August 2023, covering the following matters:

- 6.1.1 Public Participation Activities
- 6.1.2 Update on interventions to address water shortages.
- 6.1.3 SALGA National Members Assembly, 04-06 September 2023

6.1.1 PUBLIC PARTICIPATION ACTIVITIES

6.1.1.1 Involving communities in municipal business is one of the statutory responsibilities of the municipal council, in ensuring that they're kept abreast of service delivery matters pertaining to their respective Wards.

6.1.1.2 Section 37(k) of the Local Government: Municipal Structures Act, No. 117 of 1998, which reads:

“37. Functions of speakers – The speaker of a municipal council-

(k) must ensure the effectiveness and functionality of ward committees and the public participation processes.”

6.1.1.3 The above provision implies that the Speaker has a legislated responsibility to ensure effectiveness of the existing municipal public participation processes. Some of the municipality's current public participation programmes include but are not limited to:

- Ward Committees;
- Community/Stakeholder engagements;
- Masakhane outreach;
- War Rooms through Operation Sukuma Sakhe;
- Public hearings
- Mayoral Izimbizo

6.1.1.4 Council is hereby advised that His Worship, Mayor Kaunda has been engaging communities, especially on critical challenges such as the water shortages that the municipality is currently facing. These have been undertaken through Mayoral Izimbizo, which have been held in different regions as follows:

6.1.1.5 On the 18th of June, Ward 84 and 85 a Mayoral Imbizo was held to address water challenges following the vandalism of Umlazi water pump station which led to intermittent water supply in some parts of the township.

6.1.1.6 Council to note that on 15-16 July 2023, Mayoral Izimbizo were convened in KwaMashu, Ntuzuma and Inanda which included wards 03, 37, 38, 40, 41, 42, 43, 44, 45, 47, 52, 53, 54, 55, 56, 57, 107 and 108, engaging communities on ongoing current pressing matters, such as water shortages; electricity, etc.

6.1.1.7 On the 12th of August 2023, the Mayor convened a similar Imbizo in Folweni, Ward 95 to also address water challenges.

6.1.1.8 With the water challenge remaining a priority, next week (28 August to 01 September 2023), the Mayor will be visiting the community of uMbumbulu and Adams to report on the progress of water infrastructure projects the city is implementing in the area.

6.1.1.9 Over the month of August other than the Mayoral Izimbizo, there are engagements also held with Ratepayer Associations, such as the Westville Ratepayers Association addressing burning concerns that had been raised by the association. There is a plan by Speaker of Council to visit other Ratepayers Association as part of ongoing stakeholder engagements.

6.1.1.10 In an effort to proactively communicate service delivery programmes and ensure constant engagement with the community, weekly radio times slots to be addressed by His Worship, Mayor Kaunda, have been arranged on the following radio stations:

- Monday: Igagasi FM at 07h40
- Tuesday: Ukhozi Fm 08h15
- Wednesday: East Coast Radio: 08h20
- Thursday: Vuma FM 08h20

6.2 UPDATE ON WATER SHORTAGES

In view of the ongoing water challenges being experienced within eThekweni, the Municipal Council is to note the following interventions being undertaken:

6.2.1 Infrastructure upgrade projects to resolve water supply challenges:

The municipality is implementing several Infrastructure upgrade projects to resolve water supply challenges in some areas. The following are some of the projects being implemented:

- Upgrade of the NR2 pump station in Ntuzuma, where some work is underway while the procurement process is being followed for a total overhaul of this pump station, once completed, it will improve supply to Ntuzuma.
- Two reservoirs in Adams are nearing commissioning stage and the said two reservoirs are expected to be commissioned before November this year.
- Another project has commenced to upgrade a water pipeline in Adams Mission. The reservoirs and the pipeline upgrade, once completed, will improve water supply to this area.
- Emona Reservoir was completed in June this year, and this is meant to improve water supply to Van Rova, Emona and informal settlement nearby.
- Upgrade to a pipeline supplying water to KwaNyuswa is in the final stages of commissioning, and this is also going to improve water supply to KwaNyuswa.

6.2.2 In Umlazi, the municipality has commenced with the project to repair a major pipeline that supplies water to Umlazi and surrounding areas. The design for this pipeline has been completed and the tender process to appoint contractors has commenced. It is expected that the contractors will be appointed before the end of this year and for construction to commence immediately thereafter.

6.2.3 Purchasing of additional jetting machines:

There is currently a shortage of jetting machines to cope with the numbers of sewer blockages that are reported almost daily. The municipality has commenced working towards procurement of 50 new jetting machines. These will make a big difference in the turnaround times for sewer blockages once these machines are procured in the new financial year.

6.2.4 Council to note that the above is not an exhaustive list of intervention that the Municipality is employing to fast-track water challenges being experienced by communities, there are other interim measures such as the additional water tankers that the Municipality recently procured. It is acknowledged that water is a priority need for all communities, and shortage thereof has a huge impact on the livelihood of eThekweni residents, the Municipality is tireless working to overcome the shortage challenges.

6.3 INVITATION TO SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION'S NATIONAL MEMBERS ASSEMBLY

In complying with the South African Local Government Association's (SALGA) constitution provision, there is a formal sitting of the National Members Assembly scheduled for 04 to 06 September 2023 at Birchwood Hotel and OR Tambo Convention Centre.

In its deliberations, the National Members Assembly will consider the following matters:

- Annual Report, including audited Annual Financial Statements in respect of the 2022/2023 financial year;
- Key policy and legislative matters impacting on local government;
- Proposals for the annual performance plan and the budget for the 2024/2025 financial year;
- SALGA's programme of action, annual performance plan and the 2023/2-24 budget; and
- Reports from the Working Groups and other oversight bodies and any other issues emanating from the provisions of the SALGA Constitution. 1.3.3
- It be noted that all member Municipalities are entitled to be represented by up to six (06) delegates comprising the Executive Mayor/Mayor; Speaker; Whip of Council; MPAC Chairperson; Municipal Manager and the Chief Financial Officer.

Municipalities are further requested to recommend a Councillor amongst the delegation that would be mandated to vote on behalf of the Municipality at the said Members Assembly. Council to note that the eThekweni Municipality Councillor representation on the delegation that would be attending the National Member's Assembly consist of:

- (i) His Worship the Mayor, Councillor TM Kaunda
- (ii) Speaker of Council, Councillor TE Nyawose
- (iii) Whip of Council, Councillor PS Sishange
- (iv) MPAC Chairperson, Councillor T Xuma

To comply with the SALGA's National Member Assembly's requirement, it is requested that Council considers the appointment of His Worship the Mayor, Councillor TM Kaunda as the Municipality's voting delegate.

It is hereby,

RESOLVED:

- 6.3.1 That the Municipal Council notes that the next South African Local Government Association's (SALGA) National Members Assembly will be held from 04 to 06 September 2023, at the Birchwood Hotel & OR Tambo Convention Centre.
- 6.3.2 That the Municipal Council notes that the eThekweni Municipality's delegation attending the SALGA's National Members Assembly referred to in .1 above consists of the following representatives:
- (i) His Worship the Mayor, Councillor TM Kaunda;
 - (ii) Speaker of Council, Councillor TE Nyawose;
 - (iii) Whip of Council, Councillor PS Sishange;
 - (iv) MPAC Chairperson, Councillor T Xuma;
 - (v) City Manager, Mr TB Mbhele; and
 - (vi) Chief Financial Officer: Dr S Mnguni.
- 6.3.3 That the Municipal Council approves that His Worship the Mayor, Councillor TM Kaunda, be delegated to vote on behalf of the eThekweni Municipality in this SALGA's National Members Assembly scheduled for 04 to 06 September 2023.

At this stage of the proceedings, and in noting that the Council decision is required with regard to item 6.3.3 of the Speaker's Report, some of the Political Parties advised that the Report has just been circulated in the morning of the meeting, hence, they were not aware of the content thereof. That, the Parties have no position agreed to with regard to item 6.3.3 since the matter did not form part of the Agenda of their respective Party Caucuses.

In view of the foregoing, the IFP specifically requested to be granted 10-Minutes to Caucus on the matter. Thereafter, the Speaker negotiated and subsequently granted the IFP 07 Minutes for Caucus. Accordingly, the meeting adjourned at 11h06 and resumed at 11h24.

At the resumption of the meeting, the IFP confirmed that they have consolidated their position on the matter which will then be submitted during discussion.

On the other hand, Councillor Reddy of the ADEC raised a motion to effect an amendment on items 6.3.3 as per the details recorded below:

MOTION TO AMEND

In terms of Rule 20(4) of the Rules of Order Bylaw 2014, as amended, Councillor V Reddy of ADEC, seconded by Councillor MS Nkosi of IFP, moved an amendment of item 6.3.3 as follows:

“That another Councillor other than His Worship the Mayor, Councillor TM Kaunda, should represent eThekweni Municipality at the next SALGA's National Members Assembly scheduled for 04 to 06 September 2023 and only one delegate should be nominated to represent the eThekweni Municipality.”

NOT CARRIED

As some members were not in support of the amendment, the matter was put to the vote. With 194 Councillors present, 74 Councillors (DA – 52, IFP – 12, ActionSA – 2, ACC – 2, ACDP – 1, AIC – 02, ADEC – 01, MF – 01 and UIM – 01) voted in favour of the amendment and 119 Councillors (ANC - 87, EFF - 22, ABC - 01, DLC - 01, APF – 01, ALJAMA – 01, JEP – 01, KZNI, NFP – 01, PRM – 01, TA – 01, PFP – 01 and VF Plus) voted against the amendment and 1 Councillor (PRM – 01) abstained.

Therefore, the Motion to Amend item 6.3.3 was, by the majority vote, **NOT CARRIED**.

In view thereof discussion reverted back to the substantive matter. Speaking thereon, the ADEC submitted that the objective of replacing the Mayor with another Councillor to represent the Municipality in the SALGA Assembly is to enable the Mayor to focus more on addressing challenges within the City instead of being a delegate, as it is believed the SALGA duties may shift his attention and thus lack of focus to his duties within the City.

On the other hand, the IFP drew attention to that although the SALGA invitation gives an option of having up to six (06) delegates but this does not necessarily mean the Council is obliged to strictly identify 06 delegates. A view being submitted that the Municipality should exercise responsible leadership, also taking into account the austerity measures, thus consider not sending a large delegation of 06 candidates at the expense of Ratepayers. Meanwhile, the IFP also felt that with there being no specific criteria from SALGA regarding a process to be followed to identify candidates, therefore, opportunity exists for other Political Parties to participate in nominating delegation to represent the Municipality in the SALGA Member Assembly.

Taking part in this discussion, the DA supported the view of an alternative representative to the SALGA Assembly, other than the Mayor, thereby getting him focusing his leadership on the broader mandate of the Municipality addressing challenges prevailing within the City.

Thereafter, diverse views were noted with regard to a Councillor to be nominated to represent eThekweni Municipality as voting member in the SALGA National Member Assembly, and with some members not in support of the recommendation presented in this regard, the matter was put to the vote. With 194 Councillors present, 122 Councillors (ANC - 87, EFF – 22, ABC - 01, AIC -01, DLC - 01, APF – 01, ALJAMA – 01, JEP – 01, KZNI – 01, NFP – 01, PFP – 01, PRM – 01, TA -01 and VF Plus) voted in favour of the recommendations, and 72 Councillors (DA – 52, IFP – 12, ASA – 2, ACC – 2, ACDP – 01, MF – 01 and UIM - 01) voted against the recommendation.

Accordingly, recommendations 6.3.1 & 6.3.2 were **NOTED**, with recommendation 6.3.3 being **ADOPTED**, by the majority vote.

At this stage of the proceedings, and to avoid digressing from key business of the day, the Head: Legal & Compliance referred to the standard practice in the Council meetings, that of not debating the Speaker's Report. He then clarified that there is no specific Rule advising against entertaining debate nor confirming opening the matter for debate. However, that in circumstances of this nature and where the matter is not part of the Order of Procedure, the Speaker has powers vested in him in terms of Rule 15(1)l of the Rules of Order By-Law 2014, as amended, where he can make a ruling on how to proceed with a particular matter. That this Rule stipulates that the Speaker makes a ruling in the event of an unforeseen eventuality which has not been provided for in terms of the Rules. Confirmation was then given that item 6.3 has been dealt with making reference to the aforementioned Rule, **NOTED.**

7. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED:

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

COUNCILLORS

Councillor AD Beesley	:	2023-08-24 (Personal Commitment)
Councillor T Biyela	:	2023-08-24 (Personal Commitment)
Councillor SR Moodley	:	2023-08-23 to 2023-09-04(Indisposed)
Councillor DM Gcabashe	:	2023-08-24(Indisposed)
Councillor SD Hlongwa	:	2023-08-23 to 2023-08-25(Indisposed)
Councillor Z Mncwango	:	2023-08-24 (Indisposed)
Councillor RL Mckenzie	:	2023-08-24 (To leave at 17h30)
Councillor LE Nkomeni	:	2023-08-24 (Personal Commitment)
Councillor DR Nowbuth	:	2023-08-24 to 2023-08-25 (Personal Commitment)
Councillor T Miya	:	2023-08-24 (Indisposed)
Councillor S Singh	:	2023-08-24 (Indisposed)
Councillor S Ngema	:	2023-08-24 to 2023-08-25(Personal Commitment)
Councillor S Gumede	:	2023-08-24 (Personal Commitment)
Councillor J Essop	:	2023-08-24 (To leave at 13h00)
Councillor R Gokool	:	2023-08-24 (To leave at 15h30)
Councillor NL Khuzwayo	:	2023-08-24 (To leave at 14h30)
Councillor NI Sithole	:	2023-08-24 (To leave at 14h45)
Councillor V Ngcukana	:	2023-08-24 (To leave at 12h30)
Councillor MH Khan	:	2023-08-24 (To leave at 4h00)
Councillor A Shaheed	:	2023-08-24 (To leave at 15h00)
Councillor T Mahomed	:	2023-08-24 (To leave at 15h00)
Councillor T Xuma	:	2023-08-24 (To leave at 16h00)
Councillor P Ndlovu	:	2023-08-24 (To arrive late)

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

There were no Minutes submitted for confirmation in view of the previous meeting having been held in close proximity to this current meeting.

10. MATTERS ARISING

Not applicable in view of no Minutes submitted

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

There were no questions due for consideration.

(At this stage of the proceedings, the ordinary Council meeting was adjourned from 11:56 to allow for the commencement of the In-committee meeting which ended at 14:56, and subsequently, the ordinary meeting reconvened)

12. REPORTS:

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

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2023-08-22)

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

ABSENT : Executive Committee Member NI Madlala (Personal Commitments)

(It should be noted that due to other pressing commitments, Councillor Nkosi left at 11h28, prior to the commencement of the meeting and while Members present were still awaiting to achieve a sufficient number of Members to constitute a quorum. Councillor Nkosi rejoined the meeting at 13h53 towards the conclusion of the ordinary meeting).

1. REPORT OF THE COMMUNITY SERVICES COMMITTEE: MEETING HELD 2023-08-17.

(Page R1)

1.1 Request for Authority to Implement the 2023-24 Financial Year Programmes under the Office of the Deputy City Manager: Community and Emergency Services (2/3/2/1/2):

(Page L91: Community Services Committee - Agenda 2023-08-17)

As part of community uplifting programmes, the Community and Emergency Services Cluster supports programs aimed at addressing issues directly affecting communities including youth; senior citizens; and the community at large. The overall objective is to invest in the people of eThekweni; embrace cultural diversity; and investing in community; social; and sustaining the City's natural resource base.

The Cluster through implementing these programs ensures that existing infrastructure is used to benefit eThekweni citizens in terms of developing arts personnel, developing arts and sporting infrastructure where communities live and interact creatively to stimulate economic growth.

These programs are aligned with Plans 4 and 6 of the City's Integrated Developmental Plan (IDP) focusing on nurturing a socially equitable environment by creating awareness campaigns on health-based issues and embracing cultural diversity where platforms are created for the eThekweni citizens to interact creatively, with an aim of stimulating economic growth, social cohesion and unity in diversity.

The programs to be implemented during the 2023-24 financial year are summarized below as follows:

(i) Youth Hip Hop Festival:

This is an international program managed by Richie R Entertainment CC for the purpose of identifying future Artists; empower them on the industry requirements and then facilitates the integration process. This is one of the biggest Youth Program in South Africa which is aligned and created by the Youth for the Youth and to run for a period of 6 months.

The festival is exclusively for Durban and KwaZulu-Natal and therefore draws a large number of people to experience attractions by the City and the Province.

(ii) Doek on Fleek Picnic:

This represents movement for women across Africa and with its roots in South Africa. The intention is to unite, celebrate, support and empower women from all walks of lives. Some of the activities include women supporting one another by encouraging to buy items from other women, refer, network and explore business opportunities together in an informal gathering. The Doek on Fleek All White Picnic will be hosted on 30 September 2023 at the Moses Mabhida Stadium.

- (iii) Nomfundo Moh Live in Concert:**
Nomfundo Moh's Amagama, is the debut afro-pop album by a 21-year-old Singer and Songwriter hailing from KwaZulu-Natal. In her 14 tracks Moh formally introduces herself and her current state through songs which highlight her tradition, current stance in relationships and her aspirations as a young Musician finding her voice in the music industry.
- (iv) Gwalisa Spring Picnic All White:**
The event will take place in November 2023, with Indlamlenze Development Foundation and MGSM Solutions Pty Ltd hosting the 2nd Annual Gwalisa Spring Picnic All White. This is a music expo which plays a vital role in acknowledging, promoting and empowering Music Artists across different genres. The Municipality partners with Indlamlenze to achieve parts of its goals of promoting arts and culture within the City of eThekweni.
- (v) Girl Child Boot Camp:**
This is a recreational program aimed at empowering young girls of age 13-19 from all eThekweni Wards about social ills affecting livelihood of a girl child. The program involves experts including the Health Department, Motivational Speakers and Pastors. The girls also participate in team building activities to enhance different competencies, boost confidence and emotional intelligence. The program is implemented during December school holidays.
- (vi) 503 Youth Music Festival:**
This is a Black Youth owned initiative by the Youth of KwaMashu in the North of Durban, and with 503 being a telephone code of KwaMashu. This initiative is aimed at developing Artists whilst also celebrating history of KwaMashu Township. The festival plays a major role in developing young local Artists to be recognized by National Event Organizers for future business opportunities.
- (vii) Umbuso WamaCiko Maskandi Festival:**
This is an annual event taking place at the Curries Fountain and attracting more than ten thousand (10 000) people. The event is hosted in September to coincide with heritage celebration. Partnering in this event will promote local economy, with the event targeting upcoming Artists and Service Providers.
- (viii) Durban Spin Festival:**
The Municipality partners with Omni Evolution Expo, a youth infused company that manages different types of events from music, fashion, crafts to sports entertainment. Through this partnership focus has also been made to promoting spinning thus achieving a paradigm shift for spinning not to be associated with crime or gangsterism but to be regarded as one of the sporting activities promoting creativity and talent. The event is scheduled for December 2023 at the Centrum Park.
- (ix) Mother of Golf Days:**
The Municipality partners with The Charlotte Manny-Maxeka Institute to preserve, promote, elevate and leverage off the legacy left behind by Mme Charlotte.

This is in recognition of the contribution she made to promote education, with her being the first South African Black Woman to graduate with a University Degree at Wilberforce University Ohio USA in 1901. She then contributed to ensure all women and men in South Africa have access to education, skills, work and equality in all facets of live. The nation is influenced by her words when she said “This work is not for yourself, kill that spirit of self and do not live above your people, but live with them.” This year’s event is taking place in October 2023 at Mount Edgecombe Country Club.

(x) Sebenza Women Awards:

This is an annual event to honour women who possess innovation, entrepreneurial drive, selfless leadership, individuality and tenacity. The intention is to develop role models and celebrate contribution by women in developing own communities. Also increasing visibility and strides of women achievements. The 6th edition of the Awards is scheduled for October 2023 with the focus on Women in Business and Women in Leadership in Government.

The Cluster also celebrates history and legacy brought about by the National Holidays, whilst also promoting a healthy nation through conducting health awareness. The programs aimed at celebrating and/or creating awareness will then be held as follows:

No.	Event	Date
1.	Women’s Day	09 August
2.	Heritage Day	27 September
3.	16 Days of Activism	November – December 2023
4.	Cancer Awareness	October 2023
5.	Traditional Healers’ Event	June 2024

Key deliverables of all programs will promote sports, arts and culture as well as improvement of existing infrastructure in various wards. Also promoting preservation of heritage; historical background and healthy nation. The significance of all is the promotion of unity, cultural diversity; heritage and legacy preservation as well as healthy nation.

With the realisation that service delivery also revolves around development of people to use service delivered, the Community and Emergency Services Cluster focuses more on individuals; people; groups; and nation development in various aspects of life.

The Executive Committee supported the programs and appreciated the recognition of history associated with Public Holidays. Meanwhile, the DA preferred that each time should have been considered separately to identify the significance and the justification of expenditure associated therewith. Therefore, the DA expressed the inability to support the matter in its current format as there were other events not supported. In view therefore, the DA abstained on the matter.

With the other Parties being in support and acknowledging the importance of maintaining a healthy nation and recognizing historical matters,

COMMITTEE RECOMMENDS:

- 1.1.1 That authority be granted for the Deputy City Manager: Community and Emergency Services to approve sponsorship and implement programmes related to arts and culture, health and commemoration of national holidays programmes in the 2023/2024 financial year.
- 1.1.2 That subject to the approval of .1 above, authority be granted for the Deputy City Manager: Community and Emergency Services to incur expenditure in the amount of R10 950 000.00 (Ten Million Nine Hundred and Fifty Rand) to implement various programmes in respect of arts and culture, health and commemoration of national holidays programmes in the 2023/2024 financial year, as outlined under financial implications table below.
- 1.1.3 That subject to the approval of .1 and .2 above, authority be granted for the Deputy City Manager: Community and Emergency Services to negotiate benefits and rights to leverage the destination and profile Durban with the event organiser.
- 1.1.4 That subject to the approval of .1, .2 and .3 above, authority be granted for the City Manager to conclude contracts with the event organisers of the sponsored events.

Financial Implications:

Arts and Culture Programmes:

Arts and Culture Programmes	Budget Estimates
Youth Hip Hop Festival	R2 000 000.00
Doek on Fleek	R 500 000.00
Umbuso Wamaciko	R1 000 000.00
Gwalisa Picnic	R2 000 000.00
Nomfundo Moh	R 300 000.00
Durban Spin Festival	R 500 000.00
503 Youth Music Festival	R 500 000.00
Mother of Golf Days	R 350 000.00
Sebenza Women Awards	R1 000 000.00
Girl Child Boot Camp	R 500 000.00
Total	R8 650 000.00

Health Programmes:

Name of Programme	Budget Estimates
Cancer Awareness	R300 000.00
Traditional Healers	R500 000.00
Total	R800 000.00

Commemoration of National Holidays

Name of Programme	Budget Estimates
Heritage Day (Various Wards)	R1 000 000.00
16 Days of Activism	R 500 000.00
Total	R1 500 000.00

Overall Financial Implications:

Name of Programme	Budget Estimates
Cultural and Heritage Programmes	R 8 650 000.00
Health Related Programmes	R 800 000.00
National Day Commemoration	R 1 500 000.00
Total	R10 950 000.00

**Vote Number: 14001.VARIOUS. R10 950 000.00; Provided 2023/2024
FC Number: 32/071**

At this stage of the proceedings, Councillor Mngadi of the DA submitted that some of the events contained in this Report are good and beneficial to the City. However, that others are not supported given that the value for money is not clear. In this regard, it was considered necessary to separate events with each one to be dealt with according to its merit and decision taken. Accordingly, the reference back was formalized as follows:

REFERENCE BACK

In terms of Rule 20(1)(c) of the Rule of Order Bylaw 2014, as amended, Councillor S Mngadi, seconded by Councillor N Bollman, moved a procedural motion that the “Request for Authority to Implement the 2023-24 Financial Year Programmes Under the Office of the Deputy City Manager: Community and Emergency Services”; be referred back to the Community Services Committee to ensure that events contained in the report are further itemised individually and deliberated on an event-by-event basis.

NOT CARRIED

As some members were not in support of the reference back, the matter was put to the vote. With 186 Councillors present, 57 Councillors (DA – 51, ASA – 02, ACC – 2, UIM – 01 and VF – 01) voted in favour of the reference back and 12 Councillors (ANC - 86, EFF - 22, IFP – 13, ABC - 01, DLC - 01, ADEC – 01, JEP – 01, KZN – 01, MF – 01, NFP – 01 and PFP – 01) voted against the reference back.

The abovementioned motion to refer the item back was, by the majority vote, NOT CARRIED.

Discussion thereafter reverted to the substantive matter and opening the debate, the DA reiterated the importance of separating events to enable isolation of the events aimed at contributing to the core mandate and the strategic objectives of the Municipality.

This view being taken based on the fact that the Municipality was limping in some of critical deliverables hence the importance to play effective oversight over expenditure and direct the Municipal funds to worthy courses.

The view by the DA was supported by the ADEC, emphasizing that the Municipal priorities be reviewed thereby focusing on critical matters and weighting the benefits of services, for instance citing the challenge of streetlights versus funding events. The events were considered benefitting some few elite group at the expense of the people on the ground looking up to the Municipality for core service delivery.

In supporting the events, the IFP requested that event organisers be approached to avoid clash of events dates, referring in particular to Umbuso WamaCiko scheduled for 24 September 2023, thus avoiding this event to coincide with the Heritage Day events. Meanwhile, mention was made that events contribute in boosting the overall economy of the City.

The ACC submitted that the events in question do not appear to be supporting core mandate of the Municipality. For instance, that no concrete plans have been seen talking to the restoration of some of the swimming pools within the City. Also making reference to the Ecoli challenge in the City beaches but with no concrete plans seen to deal with this matter. The ACC counted a number of unresolved challenges within the City, including sewer spillages; homelessness; and drugs abuse resulting in an increase in criminal activity. The view then was that the City still has the responsibility to prioritize and focus mainly on infrastructure restoration.

Contributing to the discussion, the DLC appreciated the fact that the City was fulfilling its IDP commitments through these events and with some events considered useful in addressing the issue of immoral behaviour. The DLC cited that the programmes submitted are of a significant nature in addressing social ills thus healing the nation. With regard to infrastructure challenges raised, the DLC clarified that these are two separate budgets and with separate core service delivery mandates. That the budget earmarked for the promotion of healthy nation could not be seen to be addressing trading services matters. He therefore supported the programmes and understanding the ultimate objectives as a result thereof.

In closing discussion, the ANC through the Chairperson of the Community Services Committee drew attention to the separation of Plans under the Integrated Development Plan (IDP) and with each Cluster having its key focus areas as per its founding mandate. She referred to the commitments required from the Cluster to fulfil the requirements of Plans 4 and 6 of the IDP, hence the submission of the programmes under discussion. Speaking on the concerns about the state of swimming pools, the Chairperson advised of work underway to undertake necessary maintenance and re-open some of the swimming pools. Reference being made for instance to the opening launch of Ward 48 swimming pool the following day and also the Clermont swimming pool which was 80% complete.

Thereafter, with regard to the programmes under discussion, the Chairperson undertook to facilitate the submission of a close-out report for each event to enable the Council members to play effective oversight in this regard.

Arising from discussion, some Councillors indicated that they are not in support of this matter. Accordingly, with 187 Councillors present, 129 Councillors (ANC - 87, EFF - 21, IFP – 13, ABC - 01, AIC -01, DLC - 01, APF – 01, JEP – 01, KZN – 01, NFP – 01 and PRM – 01) voted in favour of the recommendations, whereas 05 Councillors (ASA – 2, ACC – 2 and ADEC – 01) voted against the recommendation and 53 Councillors (DA – 50, MF – 01, UIM – 01 and VF Plus – 01) abstained from the recommendations.

Accordingly, the recommendations were ADOPTED, by the majority vote.

2. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD 2023-08-17.

(Page R6)

2.1 Request for Authority to Enter Into a Funding Agreement with the Giba Gorge Special Rating Area Management Company (7/2/R):

(Page11: Economic Development and Planning Committee - Agenda 2023-08-17)

Authority is sought for the City Manager to enter into a new three-year funding agreement with the Giba Gorge Environmental Precinct Special Rating Area Management Company for the transfer, administration and compliance management related to funds for the period July 2023 to June 2026.

The Urban Precinct Management is an important strategy of the eThekweni Municipality Integrated Development Plan to enable the Municipality to partner with property owners, businesses and the broader community to improve and maintain demarcated Special Rating Areas in which property owners pay an additional rate for this purpose.

Its aim is to create a well-maintained, safe and attractive public spaces to support the social and economic functions of these precincts, and to retain and attract investments, to increase property values and sustain the rates income of the Municipality in order to build healthy and socially integrated communities.

The Giba Gorge Environmental Precinct is unique in the Municipality and property owners overlooking Giba Gorge have partnered to secure this important biodiversity asset and prevent negatively impactful property redevelopment on the ridge overlooking the Gorge.

Additional rates are collected in terms of Section 22 of the Municipal Property Rates Act and the eThekweni Municipality Rates Policy in Special Rating Areas established by the Municipality. The equivalent value of the collected additional rates is then paid over to Special Rating Area Management Companies in terms of Section 67 of the Local Government: Municipal Finance Management Act No. 56 of 2003.

Having considered the foregoing,

COMMITTEE RECOMMENDS:

2.1.1 That authority be granted for the City Manager to enter into a new Funding Agreement with the Giba Gorge Environmental Precinct Special Rating Area Management Company for the period July 2023 to June 2026 in terms of Section 67 of the Local Government Municipal Finances Management Act No. 56 of 2003 for the purpose of transferring additional rate funds to the Special Rating Area Management Company for the administration and compliance management related to the funds.

2.1.2 That the Head (Economic Development) be directed to attend to the monitoring and reporting requirements in terms of Section 67 of the Local Government: Municipal Finance Management Act No. 56 of 2023 and the Funding Agreement.

ADOPTED.

2.2 Request for Authority for the Biodiversity Management Department (BMD) to Enter Into a Memorandum of Understanding with the Endangered Wildlife Trust (EWT) (32/1/5/2/2):

(Page14: Economic Development and Planning Committee - Agenda 2023-08-17)

Authority is sought for the Biodiversity Management Department to enter into a Memorandum of Understanding (MOU) with the Endangered Wildlife Trust (EWT) for a period of three years from the date of signature. The purpose of the MOU is to define the collaborative working relationship and the roles and responsibilities.

Background information being given that the Widenham Wetland is in the South of Durban and was acquired by eThekweni Municipality in 2010 after the discovery of the Endangered Pickersgill's Reed Frog (PRF). The site is within the critically Endangered Indian Ocean Belt which has only a few remaining patches along the KwaZulu-Natal coast.

The main goal of the Widenham Wetland project is to secure suitable habitat for the PRF and ecosystem services such as (flood attenuation) it provides to the surrounding community.

The Biodiversity Management Department has appointed service providers to eradicate invasive alien plants and engage internal departments to assist with issues such as waste management, to initiating the proclamation process for a Protected Environment with Ezemvelo KwaZulu-Natal Wildlife as per Appendix 1 of the report of the City Manager dated 2023-06-13.

It was further noted that the Endangered Wildlife Trust through their Amphibian programme has provided additional support by funding the:

- a) Wetland Health Assessment Study
- b) Development of the Draft Rehabilitation Plan
- c) Salaries of an on-site Biodiversity Protection Officer (Undertakes environmental monitoring and awareness) and
- d) Invasive alien plant Control

The Biodiversity Management Department and Endangered Wildlife Trust will collaborate on general project matters which support biodiversity conservation, research, human capital development and education.

The Roles and Responsibilities of the Biodiversity Management Department include:

- a) Facilitating the working relationship between the Endangered Wildlife Trust and other eThekweni Municipal Departments.
- b) Facilitating the design of or technical input into the structural engineering needs related to Wetland rehabilitation.
- c) Considering how to ensure the environmental monitoring function continues when the EWT funding is no longer able to support such activities.
- d) Providing training, IAP identification and control methods, indigenous plant propagation and restoration activities etc.
- e) Supporting the EWT's facilitation activities at the Widenham Wetland site towards declaration of protected Environmental (PE) status.
- f) Assist in securing funding for the implementation of rehabilitation and management plan activities at project sites.

The Roles and Responsibilities of the Endangered Wildlife Trust include:

- a) Recruiting and training project site staff
- b) Providing the BMD with regular updates on the progress of its conservation projects in the Widenham Wetland area.
- c) Capacitating and employing local community members for two (2) years as Biodiversity Protection Officers/Environmental Compliance Officers to undertake environmental monitoring and education.
- d) Facilitating the development and implementation of the detailed Widenham Wetland Rehabilitation Plan.
- e) Facilitating processes towards the declaration of Protected Environment (PE) status for the Widenham Wetland site.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 2.2.1 That Council approves partnership between eThekweni Municipality's Biodiversity Management Department and the Endangered Wildlife Trust for environmental protection and management purposes
- 2.2.2 That subject to the approval of .1 above, authority be granted for the City Manager to enter into a Memorandum of Understanding (MOU) with the Endangered Wildlife Trust for a period of three years, commencing from the date of signing the MOU.

ADOPTED.

3. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2023-08-18.

(Page R9)

- 3.1 Request for Authority to enter into a Memorandum of Agreement with Transnet Limited for Nourishing Durban Beaches with Sand (25/2/2/1):
(Page 24: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

Authority is sought to enter into a Memorandum of Agreement (MOA) with Transnet Limited for the nourishing of Durban beaches via a sand pumping scheme. The Coastal Stormwater and Catchment Management (CSCM) Department performs ongoing pumping of sand onto Durban beaches via the beach replenishment scheme ensuring

that Durban beaches are adequately maintained from Umgeni River mouth to Vethe's beach. The scheme provides an average of 500 000 Cubic Meter (m³) of sand to the beaches every year to compensate for the average annual loss of sand from the beaches due to natural longshore drift.

Transnet is responsible for dredging the sand from existing sand trap located south of harbour mouth and supplying sand to eThekweni Municipality's replenishment scheme managed by the CSCM. The eThekweni Municipality and the Transnet have worked together over 40 years nourishing Durban Central Beaches by bypassing sand across the harbour entrance channel. An existing MOA was approved in 2008 as attached in Annexure "B" of the report by the Acting Head: Engineering dated 2023-06-23, some of the Clauses of the existing MOA are absolute which requires eThekweni Municipality and the Transnet Limited to revise and draft a new MOA.

With Committee being in agreement,

COMMITTEE RECOMMENDS:

- 3.1.1 That authority be granted for the Coastal Stormwater and Catchment Management Department to engage with Transnet Limited to structure a Memorandum of Agreement subject to consultation with the Municipal Legal and Compliance department to ensure the Memorandum of Agreement is fair, balanced and protects all parties involved.
- 3.1.2 That subject to the approval of .1 above, the eThekweni Municipality Coastal Stormwater and Catchment Management Department submit the draft Memorandum of Agreement with recommendations for approval once engagements with Transnet Limited have been concluded.

ADOPTED, with the ACC emphasizing the importance of putting mechanisms in place to ensure safety in the City beaches.

- 3.2 Proposed Closure of a Road Portion and Alienation for Commercial Parking Purposes of Proposed Portion (A) of Erf 1069 Umhlathuzana, as Depicted on SJ Plan No.: 4841/5 (17/2/1/2/3):

(Page 37: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

During discussion on this matter, it was noted that most Members requested the relevant official to convene a tour of inspection for the Human Settlements and Infrastructure Committee to visit the property at a suitable date to be confirmed by the Chairperson of the Committee. Meanwhile, the Members of the Democratic Alliance requested that the matter, be deferred to enable the Ward Councillor to be consulted in the first instance. Due to diverse views being expressed, the matter was put to a vote.

The matter was approved by the vote at the Committee level. With 28 Councillors present, 18 Councillors (ANC – 11, EFF - 4, IFP - 2, ADEC - 1, ACC – 1 and KZNI - 1) voted in support of the recommendations and 9 DA Councillors voted against the recommendations.

Again, at the Executive Committee level, the DA voted against the recommendations. With the ANC (03); EFF (01); and the NFP (01) supporting the recommendations, by the majority vote,

COMMITTEE RECOMMENDS:

- 3.2.1 That the Municipal Council declares in terms of Regulation 5(1)(b), 7 and 11 of the Municipal Assets Transfer Regulations read together with Section 14(2) and (b) of the Local Government: Municipal Finance Management Act No. 56 of 2003 that:
- 3.2.1.1 The proposed property described as Portion A of Erf 1069 Umhlathuzana in extent approximately 171m² as depicted on Hand Plan No.: SJ 4841/5, marked as Annexure A in the report of the Head: Real Estate dated 17 July 2023, is not required to provide the minimum level of basic Municipal services.
- 3.2.1.2 The Proposed property described as Portion A of Erf 1069, Umhlathuzana be alienated at a purchase price assessed at a value of R257 000.00 (Two Hundred and Fifty-Seven Thousand Rand) excluding VAT, such price reflecting the current market value as assessed by a registered valuer which is to be paid by the purchaser to the Municipality.
- 3.2.1.3 In terms of Section 211 of the Local Authorities Ordinance No 25 of 1974 read together with Section 28(2)(e) of the eThekweni Municipal Planning and Land Use Management By-Law 2016 as amended, the closure of the portion of the road area be approved.
- 3.2.1.4 The closure is to be advertised in terms of the Land Use Management process and is to be read in terms of Section 211 of Ordinance 25 of 1974, read together with Section 28(2) (e) of the eThekweni Municipality Planning and Land Use Management By-Law 2016, as amended.
- 3.2.2 That all costs incidental to the transaction shall be at the cost of the applicant.
- 3.2.3 That all developmental plans be submitted to the Local Authority for approval prior to the construction of a parking lot.
- 3.2.4 That authority be granted for the Head: Real Estate to sign all the documents necessary to give effect to this transaction in terms of the Municipality's Supply Chain Management Policy and any other applicable legislation and that it shall be subject to further conditions as the Head: Real Estate considers necessary to protect the Municipality's interest.

REFERENCE BACK

In terms of Rule 20(1)(c) of the Rules of Order Bylaw 2014, as amended, Councillor E Smith, seconded by Councillor G Pullan, (both DA), moved as procedural motion that the item relating to "Proposed Closure of Road Portion and Alienation for Commercial Parking Purposes: Proposed Portion (A) of Erf 1069 Umhlathuzana, as Depicted on Plan SJ No.: 4841/5, be referred back to the Human Settlements and Infrastructure Committee for further consideration since the Ward Councillor together with the community has not been consulted by the respective Units."

NOT CARRIED

As some members were not in support of the reference back, the matter was put to the vote. With 184 Councillors present, 62 Councillors (DA – 48, IFP – 13, and VF Plus) voted in favour of the reference back and 120 Councillors (ANC - 87, EFF - 20, ABC - 01, ACC – 02, AIC – 01, DLC - 01, ADEC – 01, APF – 01, JEP – 01, KZN – 01, MF – 01, PRM -01, NFP – 01 and UIM – 01) voted against the reference back and MF – 02 abstained.

The abovementioned motion to refer the matter back was, by the majority vote, **NOT CARRIED**.

Discussion reverted to the substantive matter with the DA reiterating that this matter be referred back to the Support Committee to conduct oversight visit on the property concerned and for appropriate consultation process to be conducted involving both the Ward Councillor and the members of the community within this Ward. Meanwhile, the Ward Councillor confirmed lack of communication and regarding this conduct as unfair and unprocedural.

Thereafter, with there being diverse views, the matter was put to the vote. With 185 Councillors present, 133 Councillors (ANC - 87, EFF - 20, IFP – 13, ABC - 01, ACC – 02, AIC -01, DLC - 01, ADEC – 01, APF – 01, JEP – 01, KZN – 01, MF – 01, NFP – 01, PRM – 01 and UIM) voted in favour of the recommendations, and 52 Councillors (DA – 49, ASA – 02 and VF Plus – 01) voted against the recommendations.

Accordingly, the recommendations were **ADOPTED**, by the majority vote.

3.3

Proposed Alienation of Proposed Portion (A) of Erf 47 and Portion 4 of Erf 33 Tongaat to the KwaZulu-Natal Provincial Government Department of Public Works on Behalf of the Department of Health for Community Health Care Purposes (17/2/1/2/3):
(Page 60: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

During discussion a concern was raised that the market value of the proposed property described as Portion A of Erf 47 and Portion 4 of Erf 33 Tongaat is R7 800 000.00 (Seven Million Eight Hundred Thousand Rand) while the offer for sale in freehold to the KwaZulu-Natal Department of Public Works on behalf of the Department of Health is the nominal price of R1 000.00 (One Thousand Rand), excluding VAT. The Head: Real Estate provided clarity that the Hospitals and Clinics are classified as public in terms of policy. In addition, he indicated that the Traffic Department has no objections to the alienation of the proposed land, however, traffic impact assessment may be required prior to any development deemed necessary.

The DA supported this matter in principle at the Executive Committee level, pending receipt of further information regarding the specific point of the road(s) to be impacted as a result of this development. Explanation in this regard was considered critical in view of the road(s) involved being the economic hub of the area thus a need to avoid disturbance and potential protest by aggrieved parties.

The matter was then supported on the basis that further information be submitted regarding the traffic impact assessment to determine road(s) to be impacted by the development to make the necessary interventions where practical.

Accordingly, on this basis

COMMITTEE RECOMMENDS:

- 3.3.1 That the Municipality declares in terms of Regulation 20(1)(f)(i)(ii)(aa) to (jj) and Regulation 13 of the Municipal Asset Transfer Regulations that:-
 - 3.3.1.1 The Capital Asset to be transferred is determined by resolution of the Municipal Council not to be needed for the provision of the minimum level of basic Municipal services and to be surplus to the requirements of the Municipality.
 - 3.3.1.2 The capital Asset to be transferred is less than the fair market value and the Municipality has taken into account factors in Regulation 20(1)(f)(i)(ii)(aa) to (jj) of the Municipal Asset Transfer Regulations.
 - 3.3.1.3 The Capital Asset is transferred at less than market value in terms of Regulation 13(2) of the Municipal Asset Transfer Regulations, so that the interests of the state and the local community would be better served.
- 3.3.2 That the Municipal Council declares that .1 is subject to the conditions that:
 - 3.3.2.1 The proposed property described as Portion (A) of Erf 47 and Portion 4 of Erf 33 Tongaat Registration Division FU in the Province of KwaZulu Natal in extents 8525m and 902m respectively, depicted on Plan No SJ 4565/7, be offered for sale in freehold to the KwaZulu-Natal Department of Public Works on behalf of the Department of Health at a nominal price of R1 000.00 (One Thousand Rand), excluding 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.
- 3.3.3 That the Capital Asset be 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.
- 3.3.4 That the Municipal Council grants beneficial occupation to the KwaZulu-Natal Department of Public Works in order for them to conduct the required feasibility study and to commence with the construction of the Community Health Care Centre.
- 3.3.5 That the transfer be approved subject to revisionary clause stating that in the event that the property is not utilized by the Department of Health for the purpose of a Community Health Care Centre, ownership of the property will revert to the Municipality. In such event the property will be transferred by the KwaZulu Natal Department of Public Works on behalf of the Department of Health, at no cost to the Municipality, free of any liens, hypothec and mortgage bonds. The Department of Public Works 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 Department of Public Works and the Municipality.
- 3.3.6 That subject to the development application and Land Use Management By-law, and in terms of Section 211 of Ordinance 25 of 1974, the closure of the street area over proposed Portion (A) of Erf 47 Tongaat, as per Plan No.SJ4565/7, be approved.

- 3.3.7 That a public Right of Way servitude as depicted on Plan SJ 4565/7 be registered over the sewer pipeline.
- 3.3.8 That subject to the approval of .1 - .7 above, authority be granted for the Head: Real Estate to sign all documents necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the City and other applicable legislation, and it shall be subject to such conditions as the Head: Real Estate considers necessary to protect Council interests.

Speaking on the above matter the DA mentioned that expansion of services in the Tongaat Clinic is appreciated, and various challenges facing this Clinic being cited, including capacity challenge, infrastructure and resources challenges and these being the main outcry from the community of this area.

The attention was drawn to the fact that the Clinic is overwhelmed, also servicing the neighbouring Wards falling outside the jurisdiction of the Municipality such as Ilembe and Ndwedwe Municipality. It was against this backdrop that the DA requested consideration to be given to constructing Provincial Hospital in the area. This being also attested through presenting that there is high population growth in the area of Tongaat and thus the public health service was at a critical level.

Still looking at service delivery matters in Tongaat, the DA referred to unacceptable road closure which was connecting Wards 58; 61; and 62. Mention being made that the road in question remained the centre of economic hub in this area and that its closure is then creating challenges and inconvenience to the members of the community. The road was characterized by industrial and residential areas, weekly market, City crematorium and train station. That public consultation would have been prepared to address members feeling aggrieved of this action.

The ADEC then emphasized that public consultation is required as informed by the Town Planning Regulations, with the community to get the opportunity to contribute input and understand the significance of the project when planned for a particular area. The project in question was considered much needed in the area and therefore supported.

The ANC also appreciated the project which was considered to improve health service in the area.

ADOPTED.

- 3.4 Proposed Alienation for Community Facility Purposes Erf 1055 Magabheni – A, 51 Hhemuhhemu Complex, as Depicted on Plan No.: SJ 4762/5, by Public Tender (17/2/1/2/3):
(Page 79: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

Authority is sought for approval to alienate Municipal-owned property described as Portion Erf 1055 Magabheni-A, Registration Division FT, Province of KwaZulu-Natal in extent 2965m² as depicted on Plan No.: SJ 4762/5 in terms of Regulations 5(1)(b), 7 and 12 of the Municipal Asset Transfer Regulations, 2008 (“MATR”) read with Section 14(2)(a) and (b) of the Local Government: Municipal Finance Management

Act, No. 56 of 2003 and to transfer the non-exempted capital asset for less than its fair market value in terms of Regulation 13(2) of the Municipal Asset Transfer Regulation. With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 3.4.1 That the Municipal Council declares in terms of Regulation 5(1)(b), Regulation 7 and Regulation 12 of the Municipal Asset Transfer Regulations, 2008, read together with Section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act No. 56 of 2003 that:
- 3.4.1.1 The proposed property described as Portion Erf 1055 Magabheni – A in extent as depicted on Plan No.: SJ 4762/5 (“The Property”) as contained in Annexure C of the report by the Head: Real Estate dated 2023-07-23 is not needed to provide the minimum level of basic Municipal Services and to be surplus to the requirement of the Municipality.
- 3.4.1.2 The market value of the property is currently assessed at a value of R560 000.00 (Five Hundred and Sixty Thousand Rand) Exclusive of VAT.
- 3.4.1.3 The proposed alienation of community facility purposes will be discounted by 90% of the fair market value having duly considered the principles as set out in Regulation 13(2) of the Municipal Asset Transfer Regulations, 2008, the discounted value is determined to be R56 000.00 (Fifty-Six Thousand Rand) exclusive of VAT.
- 3.4.2 That the proposed property described as Portion Erf 1055 Magabheni-A, be sold by Public Tender at a reserve price of R56 000.00 (Fifty-Six Thousand Rand) exclusive of VAT. This transaction will attract the payment of VAT.
- 3.4.3 That alienation be approved subject to a reversionary clause stating that in the event that the property is not utilized for community facility purposes, ownership of the property will revert to the Municipality. In such event, the property will be transferred at no cost to the Municipality free of any encumbrances, liens, hypothec and mortgage bonds. The successful tender shall sign all documents necessary to give effect to such transfer of the property back to the Municipality. The provision shall be endorsed in the title deed.
- 3.4.4 That subject to the adoption of .1 - .3 above, authority be granted for the Head: Real Estate to sign all the documentation necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the Municipality and any other applicable legislation and that it shall be further subject to such further conditions as the Head: Real Estate considers necessary to protect the Municipality’s interest.

The DA supported the item and emphasized the importance of exercising equity when dealing with matters of this nature for the Council decision to be all-inclusive irrespective of the Church denomination. The IFP also supported the matter and submitted that Churches should be encouraged to look for vacant land and then approach the Municipality with the intention to take occupation at a rental cost.

ADOPTED.

- 3.5 Authority to Enter Into a Memorandum of Understanding with the Water Research Commission of South Africa for the Purpose of Strategic Collaboration to Strengthen Water and Sanitation Research and Innovation (23/1/R):
(Page 118: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

Authority is sought to enter into a Memorandum of Understanding (MOU) with the Water Research Commission of South Africa for the purposes of strategic collaboration research and to strengthen water and sanitation research and innovation.

During discussion on this matter, Members were of a view that a workshop be convened in due course and thereafter requested the Head: Water and Sanitation to provide an update report as and when required to the Committee.

With Committee being in agreement,

COMMITTEE RECOMMENDS:

That authority be granted for the City Manager to enter into a 3-year Memorandum of Understanding with the Water Research Commission of South Africa for the purpose of strategic collaboration to strengthen water and sanitation research and innovation.

IFP commended the City for the work well done in an attempt to ensure that water consumed by the citizens are of good quality and advised that the item was supported.

ANC emphasized that it will support all avenues taken by the City to ensure that better ways were explored and that appropriate partnerships will be forged with relevant partners to work with towards ensuring that high quality water was supplied to the citizens.

ADOPTED.

- 3.6 Request for Authority to Transfer Funds to Project No: X 8662 Contract WS 7683: Mechanical and Electrical Rehabilitation of Fire-Damaged Ntuzuma Reservoir 2 Water Pump Station:
(Page 202: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

Authority is sought for approval to transfer funds in the amount of R9 200 000.00 (Nine Million Two Hundred Thousand Rand) to Project X8662, Contract WS 7683 - Mechanical and Electrical Rehabilitation of Fire-Damaged Ntuzuma Reservoir 2 Water Pump Station from the reprioritisation of capital budget in the 2023/2024 financial year.

With Committee being in agreement,

COMMITTEE RECOMMENDS:

- 3.6.1 That approval be granted for the transfer of funds in the amount of R9 200 000.00 (Nine Million Two Hundred Thousand Rand) excluding VAT to Project No.: X8662, Contract WS 7683 – Mechanical and Electrical Rehabilitation of Fire-Damaged Ntuzuma Reservoir 2 Water Pump Station from the block sum Project No.: Y9063 in the 2023/2024 financial year.

3.6.2

That subject to approval of .1 above, authority be granted for the Deputy City Manager: Finance to include in his adjustment budget report the transfer of R9 200 000.00 (Nine Million Two Hundred Thousand Rand) excluding VAT to Project No.: X8662 from block sum identified in Project No.: Y9063.

Financial Implications:

The current financial status of contract no: WS 7683 is summarized as follows:

Item No	Description	Amount (excl VAT)
1	Net tendered sum	R12 975 097.83
2	Allowance for contingencies	-
3	Allowance for escalation	-
4	Approved contract financial authority	R12 975 097.83
5	Value of work done paid to date	R3 794 075.23
6	Remaining contract financial authority	R9 181 022.60
7	Estimated cost to completion	R9 181 022.60

As per table 2 funds are to be transferred to project X8662 from project Y 9063. Project Y9063 is a block sum and needs to be unbundled. The required amount is R9 200 000.00 (Excl VAT)

Table 2

Financial year	Project No	Contract No	Transfer amount (excl VAT)	Reasons for transfer
2023-2024	Y9063	N/A	R9 200 000.00	Block sum amount

DA advised that its supported the item since it would assist with expediting repairing of infrastructural damages responsible for water supply in Ntuzuma. She highlighted lack of water tankers at Ntuzuma and raised concerns about bias supply of water tankers despite new additional water tanker purchased by the City. Mayor was requested to look closely into the issue of biasness when allocating water tankers to different areas in Ntuzuma.

Councillor Hlengwa of APF advised that allegations that there was biasness in supply of water tankers supplying Ntuzuma with water was unfounded and not correct. He mentioned that together with other ward committees, they ensure that water tankers were distributed evenly. He highlighted that the issue was that water supply in Ntuzuma was not permanent yet it was such a huge area and there was a small number of water tankers. He advised that APF supports this initiative so as to address permanent lack of water in Ntuzuma and he urged Councillors not to use lack of water supply to score political points.

IFP pointed out that vote number used on this item was similar to the one used for vote number transfer on Damage of power station in April.

His Worship the Mayor was commended for acting diligently and tirelessly to ensure restoration of the fire-damaged Ntuzuma water reservoir to address water challenges experienced following this incident. The Ntuzuma Councillors extended appreciation for prioritizing this matter and for allocating funding to ensure project completion. Appreciation was also expressed that the area has been assisted with water tankers, confirmation being given that the Water & Sanitation Unit tried to meet water demands of the people of Ntuzuma even though it was not going to be the same as water supply through the original and dedicated water infrastructure.

Budget reprioritization was therefore supported to ensure project completion thus restoration of water supply in the area of Ntuzuma. Meanwhile the IFP made reference to the budget transfer previously approved for the same project under the same vote, and therefore sought clarity in this regard, citing suspicion of corrupt activities.

(The IFP then requested opportunity to caucus on this matter, and the meeting accordingly adjourned at 16h15 and resumed at 16h44)

At the resumption of the meeting the IFP thanked the City Manager for providing clarity on the issue of the vote being used for this item, and pointed out that the Party has a right to access information required therefore not taking kindly the element of refusal displayed.

While appreciating that clarity has been provided, but the EFF expressed dissatisfaction that suspicion of corrupt activities was pronounced in the public domain, but now the Council is not privy to the clarity provided to the satisfaction of the IFP. However, at this stage, the Speaker controlled the proceedings for the meeting to move in a progressive manner.

With the Parties being satisfied of the pumpstation restoration projects and associated budget, the matter was then **ADOPTED.**

3.7

Review of Electricity Tariffs 2023/2024 (7/6/1/2):

(Page 247: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

Authority is sought to approve the revised electricity tariffs structures and rate of the 2023-2024. The revised tariff rates are based on a 15.1% increase as opposed to the 18.49% initially submitted the Municipality. To also report on information on the National Energy Regulator of South Africa's approval of the overall tariff structures for the 2023/2024. The Committee to also note the dispute lodged by the eThekweni Municipality with NERSA concerning the tariff increase methodology applicable to the Industrial Time of Use (ITOU).

At the Support Committee level, the Democratic Alliance was not in support of the recommendations. Accordingly, with 28 Councillors present, 18 Councillors (ANC – 11, EFF – 4, IFP - 2, ADEC - 1, ACC – 1 and KZNI - 1) voting in support of the recommendations and 9 DA Councillors voting against, the recommendations were approved by the majority vote.

The DA (03) maintained its dissenting vote at the Executive Committee level. The matter was then supported by the majority vote of the ANC (03); EFF (01); and the NFP (01).

Accordingly,

COMMITTEE RECOMMENDS:

3.7.1

That the Council of eThekweni Municipality in terms of Section 75A of the local Government Municipal Systems Act of 2000 Act 32 that with effect from 2023-07-01, the tariffs set out in Annexure A and B of the report of the Head: Electricity dated 19-07-2023 (EPM/SL/07/001, will be implemented.

- 3.7.2 That the Head: Electricity continues to peruse the resolution process and any or other appropriate process in resolving the dispute with the NERSA regarding the misalignment of increases within the ITOU tariff structure.
- 3.7.3 That subject to the adoption of .1 above, the City Manager be directed to comply with the provisions of Section 75 A (3) and (4) of the said Act.

The reduction in the electricity tariff from the original 21% down to 15% was truly appreciated by all Political Parties. The negotiations at the leadership level were commended which then culminated in this ultimate positive outcome. Other Parties notwithstanding the support but mentioned that the Municipality still needs to focus on addressing electricity challenges such as the outcry of faulty streetlights; illegal electricity connection and provision of alternative source of energy.

Accordingly, the recommendations were ADOPTED.

- 3.8 Addendum to Memorandum: Extension of the Duration of Memorandum of Agreement Between eThekweni Municipality and Transnet in Relation to Joint Durban Container Terminals Second Road Access Design and Traffic Modelling (14/14/2 & 26/2/3/2):
(Page 288: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

Authority is sought to extend the duration of the Memorandum of Agreement (MOA) with the Transnet for a period of twenty-four (24) months in relation to a joint Durban Container Terminals second Road designs and traffic modelling project for the Port of Durban.

It being noted that the Committee requested the relevant officials to convene a tour of inspection in due course to enable the Committee to play an oversight role.

With the Committee being in agreement,

COMMITTEE RECOMMENDS:

- 3.8.1 Authority be granted for the City Manager to sign an addendum to extend the period of the current Memorandum of Agreement as attached to this report of the Acting Deputy City Manager: Human Settlements, Engineering and Transport by Twenty-Four (24) months from the date of expiry to 22 January 2025.
- 3.8.2 That subject to .1 a budget to the value of R25 million excluding VAT be made available to cover for the 50% contribution part of the City as follows:
- R 3 000 000.00 financial year 2023/2024
 - R22 000 000.00 financial year 2024/2025

Financial implications:

This project is estimated at R50 Million excluding VAT. This estimated cost will be shared by the eThekweni Municipality and Transnet on a 50/50 basis.

ADOPTED.

3.9 Reprioritization of the Water and Sanitation Capital Budget to Accommodate Urgent Priorities (7/1/2/2):
(Page L28: Human Settlements & Infrastructure Committee - Agenda 2023-08-18)

Authority is sought for approval of funds in the amount of R255 000 000.00 (Two Hundred and Fifty-Five Million Rand) identified as savings through reprioritization of capital budget for the Water and Sanitation Unit for 2023/2024 to cater for some urgent expenditure required to improve water and sanitation service delivery within eThekweni Municipality.

The DA abstained at this stage since the Report lacked specifics in terms of projects where funding will be taken from and projects where funding is to be allocated to. The Chairperson of the Committee subsequently explained that specific information was presented at the Committee level.

In view of confirmation given by the Chairperson, the Secretariat subsequently retrieved information from the Human Settlements & Infrastructure Committee Agenda and is reflected in a table contained in the recommendations below.

It should be noted that the other Parties supported the matter in its original format.

Accordingly,

COMMITTEE RECOMMENDS:

3.9.1 That approval be granted to reallocate funds in the amount of R255 000 000.00 (Two Hundred and Fifty-Five Million Rand) identified as savings through reprioritization of capital budget for the Water and Sanitation Unit for the 2023/2024 to cater for some urgent expenditure required to improve water and sanitation service delivery within eThekweni Municipality.

3.9.2 That subject to approval of .1 above, authority be granted to the Deputy City Manager: Finance to include in the financial budget adjustment.

Projects Description:

ANNEXURE A								
Savings required for 2023/24				Source of funding				
Items	Department	Amount	Project No	Project Name	Project Number	Ward Affected	Amount	Comments
Jetting machines	Sanitation	R70,000,000.00	PMZ000162PP	Wastewater Treatment Works New	Y8587	Citywide	R12,000,000.00	Blocksum that was to be allocated to individual projects later
Emergency replacement of mechanical and electrical equipment at Ohlanga Wastewater Pump Station	Sanitation	R10,000,000.00		Upgrade of Ogunjini Works	X6307		R15,000,000.00	Project delayed due to poorly performing contractor. The contractor is being terminated
Borehole Installation	Water	R10,000,000.00	X8588PP	Water Plan Depot Acquisition	X8593	None	R10,000,000.00	The new depot requirement is deferred to next financial year due to pressing service delivery requirements.
Alternative Sanitation Technologies	Sanitation	R50,000,000.00	Y8792	KwaDabeka Sewer Reticulation	Y9157A	20	R10,000,000.00	The SCM process for this project is underway and R10m left in the project will be sufficient to cover the scope for this financial year.
Southern Aqueduct 1200 MM	Water	R50,000,000.00	X8103PP	Reservoir Refurbishment	X5188	Citywide	R10,000,000.00	Sufficient budget will be left in the project to carry out scope anticipated for this financial year.

ANNEXURE A									
Savings required for 2023/24				Source of funding					
Install of Stationary and mobile generators	Water	R20,000,000.00	X8578PP	Umbilo WWTW- Rehab of Flood Dam	Y9159B	18	R55,000,000.00	The SCM process for this project is underway and the remaining project should be sufficient to cover the scope anticipated for the current financial year.	
Mobile & Stationary Alternators Design/ Build/Supply (standby Generators)	Sanitation	R30,000,000.00	Y9057	Gwala Farm Bulk Sewer	Y6983E	61	R1,500,000.00	Environmental approval have delayed this project.	
Ogunjini Package Plan	Water	R15,000,000.00		Hillcrest Glenwood Rd – Rehab of Flood Damaged Infrastructure	Y9460B	10	R106,500,000.00	The SCM process for this project is underway and the remaining project should be sufficient to cover the scope anticipated for the current financial year.	
Total		R255,000,000.00		Rehabilitation of Sewer Infrastructure	Y9163A	Citywide	R30,000,000.00	This is funding that was earmarked for storm disasters repairs. The unit is currently spending grant funding that was made available.	
				Upgrade of Scada Systems	X8019D	Citywide	R5,000,000.00	SCM process underway. Allocation of R20m still remaining for current financial year.	
				Total			R255,000,000.00		

Financial Implications:

Savings to the value of R255 Million has been identified through reprioritization of the capital budget for the Water and Sanitation Unit. This report seeks to reallocate the savings to other projects deemed pressing and requiring urgent attention.

Whilst acknowledging water crisis within the Municipality, but the DA felt that the approach being followed to address the matter is not acceptable given that critical projects from other Wards are brought to a halt due to funds being taken away to fund other projects thus depriving the community of the basic services with hopes having been created through original project allocation.

On the other hand, the project received unanimous and overwhelming support from other Political Parties given numerous complaints surrounding water and sanitation within the City.

The budget reprioritization was commended to fastrack project completion, although some pointed the necessity of implementing improved budget management within the Water and Sanitation Unit, as well as the development of proper Infrastructural Maintenance Plan for structured monitoring and to achieve good turnaround time in maintaining infrastructure before reaching a total collapse thus interfering with funding of other planned projects of the Municipality.

With the DA having indicated a dissenting vote on this matter, the matter was formally put to the vote. With 185 Councillors present, 130 Councillors (ANC - 86, EFF - 21, IFP – 10, ASA – 02, ABC - 01, AIC -01, DLC - 01, ADEC – 01, APF – 01, JEP – 01, KZNI – 01, MF – 01, NFP – 01, UIM -01 and VF Plus -01) voted in favour of the recommendations and 48 Councillors (DA - 48) voted against the recommendations.

Accordingly, the above recommendation was ADOPTED, by the majority vote.

DIRECT EXCO REPORTS

4. **REQUEST FOR AUTHORITY TO REPRIORITIZE THE INTERNAL CONTROL AND BUSINESS SYSTEMS UNIT 2023/2024 CAPITAL BUDGET TO ACCOMMODATE CRITICAL PROJECTS (7/1/2/2)**

(Page 1)

Unfunded urgent projects are required to be undertaken at the Florence Mkhize Building (FMB). The three (03) critical projects involve (i) deteriorating ablution facilities; (ii) Circuit Breaker Replacement; and Airconditioning Units replacement. A summary of issues impacting the three issues is as follows:

(i) Deteriorating Ablution Facilities

Contract CSA2637 was in place to renovate ablution facilities in the FMB during the 2022-23 financial year. Due to insufficient funds, the renovations of the three (03) ablution facilities could not be completed. As a result, the state of these facilities has deteriorated to an unacceptable level and thus pose a hygiene risk. This being also exacerbated by the pipe system which appears unable to carry the load and thus resulting into blockages. Therefore, a need exists to prioritize completion of the renovations to maintain hygiene in the workplace.

(ii) FMB Circuit Breaker Replacement

The main circuit breaker located in the substation outside the FMB was flooded during the April 2022 floods thus causing extensive damage to the breaker. While the situation was stabilized, a need exists to replace the breaker to eliminate any threat of downtime. The main computer servers for the entire Municipality are located in the FMB. Therefore, huge interruptions could be experienced in the event the breaker fails. A new breaker was procured during the 2022-23 financial year but arrived at the end of the financial year thus installation could not be undertaken. It is therefore imperative to secure funds to cover the installation costs of the breaker.

(iii) FMB Replacement of Airconditioning Units

The air-conditioning units in the Imbuia Boardroom in the FMB experienced a major leak and thus severely damaging the ceiling board. The air-conditioning units have passed their useful life and thus a need for replacement. The ceiling board has since been repaired and thus a need to install latest technology air-conditioning units, hence, funds are required for this purpose.

It was reported that there is no budget allocated to undertake the three (03) projects referred to above. However, that an amount of R853 000.00 (Eight Hundred and Fifty-Three Thousand Rand) was budgeted to upgrade the FMB Carpark. Management having subsequently assessed the state of the Carpark, it has been discovered that it is in a far better condition than the ablution facilities; and therefore, does not pose any threat as the threats due to potential circuit breaker failure. In this regard, it is considered necessary to reprioritize the funds to focus on these critical projects in the meantime.

With the Committee sharing similar views,

COMMITTEE RECOMMENDS:

- 4.1 That authority be granted for the Deputy City Manager: Finance to reprioritize the 2023-2024 capital budget of the Internal Control & Business Systems to enable the utilization of the funds in the amount of R595 000.00 (Five Hundred and Ninety Five Thousand Rand) from the budget previously allocated for the upgrade of the Florence Mkhize Building (FMB) Carpark, to then allocate this funding to undertake the three (03) critical projects currently posing health and operational risks, namely, the completion of the renovation projects for the three (03) deteriorating ablution facilities; installation of new circuit breaker replacing the one affected by the floods; and installation of latest technology air-conditioning units to replace the faulty and outdated units in the FMB Imbuia Boardroom.
- 4.2 That subject to the approval of .1 above, the Deputy City Manager: Finance includes this reprioritization in the budget adjustment to be submitted to the Council at an appropriate time.

Financial Implications

Funds Requested				Funded From		
No.	Project Description	Vote No.	Estimated Amount	Project Description	Vote No.	Amount
			R			R
1	FMB Ablutions & upgrade the Piping	31411/45506.22/30015/0000/T7022/0010	500 000.00	Upgrade of FMB Carpark	31411/45506.24/30015/0000/T7225/0010	853 000.00
2	FMB Circuit Breaker	31411/45506.34/30015/0000/T7232/0010	50 000.00			
3	Replacement of Airconditioning	31411/45506.12/30015/0000/T7201/0010	45 000.00			
Total estimated Costs			595 000.00	Total Available Budget		853 000.00

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ADOPTED.

5. REQUEST FOR AUTHORITY TO ESTABLISH PARTNERSHIP WITH THE PRIVATE AND/OR PUBLIC SECTOR TO OFFER AND SUPPORT OPPORTUNITIES FOR SKILLS DEVELOPMENT AND WORKPLACE LEARNING (6/1)

(Page 5)

One of the goals of the eThekweni Municipality is to find ways to increase youth employment, give youth tools and skills they need to find reputable jobs. Youth unemployment remains a challenge hence a need for concerted efforts by various stakeholders to then see tangible results in this regard. Isolated and fragmented initiatives are not helping but there must be consistent, focused and coordinated efforts by various stakeholders.

Therefore, partnerships with a variety of partners from the business community; government; and Civil-Based Organisations are essential to support future workforce demands to sustain the industries of the future. Some parties have already expressed willingness to partner with the Municipality to empower the eThekweni citizens

to have access to opportunities available. The primary objectives of the partnerships are as follows:

- (i) To accelerate eThekweni Municipality's contribution to the alleviation of poverty and unemployment through skills development;
- (ii) To support strategies and broader objectives of the District Development Model;
- (iii) To provide a system for shared resources to expand learning and development opportunities for unemployed and citizens within the eThekweni Municipal area;
- (iv) To drive integration and forge collaborations across the sectors between and with willing stakeholders whether civil society, private and/or public sector;
- (vi) To streamline all learning and development activities undertaken in the eThekweni Municipal area to support and ensure alignment to strategic plans;
- (vii) To understand, grow and ensure alignment to strategic plans; and
- (viii) To support organisations that are delivering skills development and capacity building to citizens and youth with shared resources, best practice and learning.

In view thereof, areas of collaborations will entail:

- (i) Implementation of skills development initiatives not limited to Apprenticeships; Bursaries; Learnerships; Skills Programmes; Inservice Training; Internship or Work Integrated Learning;
- (ii) Digital Skills for Youth Initiatives;
- (iii) Entrepreneurship Development Initiatives;
- (iv) Work Readiness Programme;
- (v) Workplace Learning; and
- (vi) Early Childhood Development

The partnerships will not involve financial exchange, but each Party will be responsible for financing own projects but the intention being the alignment of projects of mutual interest, subject to applicable laws, to maximize efficiency; economies of scale; and service delivery.

With the Committee understanding that mutual areas of collaboration and initiatives to be decided upon shall be subject to the availability of funding and/or approved budget,

COMMITTEE RECOMMENDS:

- 5.1 That Council supports and endorse the initiative to enter into a non-commercial partnership with willing parties, i.e., Civil-based Organizations (CBOs), Private or Public Sectors, through a Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) to support skills development and workplace empowerment opportunities in eThekweni.
- 5.2 That subject to the approval of .1 above, authority be granted for the City Manager to enter into a Memorandum of Understanding or Memorandum of Agreement with willing parties.

ADOPTED.

6. REQUEST FOR PROJECT AUTHORITY TO IMPLEMENT EFFECTIVE VALORIZATION OF AGRI-FOOD WASTE TO ENERGY IN CLAIRWOOD FRESH PRODUCE MARKET (7/4/1 & 24/8/4)

(Page 9)

It will be recalled that the Council in 2021 approved the project for the use of agri-food waste to energy. In this regard the EU grant funding by REFLECT AFRICA was accepted. In terms of the arrangement, the Durban University of Technology was going to be responsible for the implementation of the South Demonstrator at the Clairwood Fresh Produce Market, but due to their internal struggles and challenges, project delays have now been encountered in proceeding with the project. As such, this responsibility has now been shifted to the eThekweni Municipality.

In view of the foregoing, the Municipality is required to procure services of a Managing Contractor to undertake civil works and installation of the demonstrator as per the work package. There are no financial implications to the Municipality as the Grant Coordinators, the University of Jaen have provided firm commitment in writing to transfer funds this current financial year. The Municipality is then expected to deliver according to the conditions and performance requirements of the project and to provide financial report for the expenditure related to the project.

With the Committee acknowledging the importance to successfully implement the project within the timeframes and financial resources allocated,

COMMITTEE RECOMMENDS:

- 6.1 That Council grants project authority for the eThekweni Municipality to take-over the process of driving the valorization of agri-food waste to energy project to successfully implement the project within the applicable timeframes and financial resources allocated by REFLECT AFRICA for this purpose.
- 6.2 That Council notes that a letter of firm commitment has been received from the University of Jaen, the coordinator of REFLECT AFRICA, to transfer funds to the eThekweni Municipality as per the table below, and this to be included in the adjustments budget.

Trenches	Expected date of transfer	Amount in EUROS	Estimated exchange rate
Trench 1	July 2023	131,637.26 €	1 EUR =20.15 ZAR
Trench 2	After the finalization of the gasifier manufacturing	113,988.02 €	1 EUR =20.15 ZAR

- 6.3 That subject to the approval of .1 and .2 above, authority be granted for the Deputy City Manager: Finance to issue financial clearance for the procurement process to commence prior to the finalization of the mid-term adjustment based on the letter of firm commitment received.

ADOPTED.

7. REQUEST FOR AUTHORITY TO IMPLEMENT MAYORAL IZIMBIZO AND CIVIC FUNCTIONS IN THE 2023/2024 FINANCIAL YEAR (2/3/2/1/2)

(Page 87)

Public participation is one of the key priorities of local government and aimed at promoting participatory governance. As such, His Worship the Mayor as the political head takes local government to people through Izimbizo where interaction occurs and some of the service delivery matters addressed forthwith. His Worship also has a responsibility to attend and support civic and ceremonial functions to build positive image of the eThekweni Municipality. It will be recalled that there is existing Mayoral 10-Point Plan that the Mayor needs to monitor to determine progress under each point and make the necessary interventions where required. Public engagements remain one of the platforms to track status of the 10-Point Plan.

During consideration, the DA acknowledged the significance of public participation, but expressed the view that prudent spending was equally important. The expenditure associated with Izimbizo; Civic; and Ceremonial functions was considered not necessary given the financial position of the Municipality.

Reference was made to the remarks by His Worship that slots in Igagasi and Ukhozi FM Radio Stations have been secured to address the public on key service delivery matters. A view being submitted that this platform is sufficient, including a suggestion to also utilise the Ward Committees as the vehicle to convey service delivery matters.

The other Parties supported personal public engagements with this being viewed to signify respect for the people; willingness to listen to their challenges; opportunity to exchange views; and experiencing close interaction with their leadership, it being reiterated that some of the challenges experienced by members of the community are addressed forthwith.

With the DA (03) maintaining that expenditure is not justified, they voted against this matter. The other Parties also maintained that the platform is significant to communicate with the people on the ground, hence, with the majority vote of the ANC (03); EFF (01); and the NFP (01),

COMMITTEE RECOMMENDS:

- 7.1 That Council approves the coordination and hosting of the Mayoral Izimbizo; Civic and Ceremonial functions during the 2023-24 financial year at an estimated costs of R9 040 210.00 (Nine Million and Forty Thousand Two Hundred and Ten Rand) thereby providing platforms for the Mayor to maintain close interaction with the people of eThekweni to address service delivery matters and also participating and supporting functions to build positive image of the eThekweni Municipality.
- 7.2 That, subject to the approval of .1 above, authority be granted for the Head: Mayoral Parlour to implement the programme as per the budget allocated.

Projects and Financial Implications:

Mayoral Izimbizo:

Account Description	Estimated Expenditure	BU. mSCOA Item	Fund	Costing	Project	Region
Hire of Toilets	R157 500.00	32601.10670.11	12120	0000	37420	0010
Medical Services (Medical Health)	R75 600.00	32601.10730	12120	0000	37420	0010
Ad Hoc Security	R203 420.00	32601.10840.10	12120	0000	37420	0010
Occupational Health and Safety	R240 000.00	32601.10960	12120	0000	37420	0010
Artists and Performers	R312 960.00	32601.11330	12120	0000	37420	0010
Catering Services	R3 219 120.00	32601.11400	12120	0000	37420	0010
Plants, Flowers and other Deco	R72 190.00	32601.11640	12120	0000	37420	0010
Stage and Sound Crew	R390 790.00	32601.11760	12120	0000	37420	0010
Refreshments	R55 440.00	32601.14105.54	12120	0000	37420	0010
Gifts and Promotional Items	R72 610.00	32601.16325	12120	0000	37420	0010
Hire Charges	R1 926 660.00	32601.18950.10	12120	0000	37420	0010
Events	R65 640.00	32601.21805	12120	0000	37420	0010
TOTAL	R6 791 930.00					

Civic and Ceremonial functions:

Account Description	Estimated Expenditure	BU. mSCOA Item	Fund	Costing	Project	Region
Artists and Performers	R312 960.00	32601.11330	12120	0000	53100	0010
Plants, flowers, and other deco	R72 190.00	32601.11640	12120	0000	53100	0010
Stage and Sound Crew	R390 790.00	32601.11760	12120	0000	53100	0010
Refreshments	R55 440.00	32601.14105.54	12120	0000	53100	0010
Corporate and Municipal Activ.	R255 730.00	32601.16315	12120	0000	53100	0010
Gifts and Promotional Items	R72 610.00	32601.16325	12120	0000	53100	0010
Hire charges	R806 850.00	32601.18950.10	12120	0000	53100	0010
Events	R65 640.00	32601.21805	12120	0000	53100	0010
Hire of Venue	R216 070.00	32601.22710.30	12120	0000	53100	0010
TOTAL	R2 248 280.00					
GRAND TOTAL	R9 040 210.00					

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During discussion, some members were not convinced of the need to spend approximately R10 Million to conduct Izimbizo. The platform was regarded not focusing on its intended objectives but rather as a vehicle to elevate a Political Party. Reference was made to other means of communication which could be utilised, included the structured Ward Committees.

The Parties not in support indicated that the Municipality should concentrate its efforts and funding to infrastructure restoration thereby providing much-needed basic services to the people of eThekweni, it being cited that the Municipality was not over the recovery stage following disasters which befell the City.

The other Parties supported Izimbizo and acknowledging the importance of taking local government to the people. It being appreciated that some of the challenges faced by the community are addressed forthwith during Izimbizo and this swift response being to the satisfaction and benefits of the local communities. Most importantly, the attention of the Council was drawn to the fact that public participation is a Constitutional requirement and that this matter is further entrenched in the Local Government: Municipal Systems Act No. 32 of 2000. Therefore, calling Izimbizo was a necessity and compliance requirements which the Municipality can attract audit finding if not attending to this aspect.

The intention was to accommodate all Wards within the Municipality and with the budget reflected being an estimate and exact costs to be known at the coordination stage and depending on logistical requirements per area targeted at that particular point in time.

Council Members were encouraged to mobilize communities to participate in Izimbizo since this was a platform for the communities to also understand the Municipal processes and be informed about plans and programmes. Most importantly, with this being a two-way process since the communities are also at liberty to contribute input and comments on how service delivery should be handled in their respective areas.

The Council was informed that one of the primary duties of the Mayor is to participate in civil functions engaging with different stakeholders to push the Agenda of the Municipality thereby securing mutually beneficial deals to promote the interest of the Municipality. That through these functions investors are secured to promote local economic growth. That partnerships with key stakeholders are secured with the Municipality to tap into expertise, and to some extent to financial support from other stakeholders for projects aimed at promoting the City of eThekweni.

Thereafter, as divergent views were presented in this regard, the matter was put to the vote. With 172 Councillors present, 92 Councillors (ANC - 86, ABC - 01, DLC - 01, ADEC - 01, APF - 01, JEP - 01, KZNI - 01 and NFP - 01) voted in favour of the recommendations and 80 Councillors (DA - 41, EFF - 21, IFP - 11, ASA - 02, ACC - 01, ADEC - 01, MF - 01, UIM - 01 and VF Plus - 01) voted against the recommendations.

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

At this stage of the proceedings the attention of the Speaker was drawn to a decision taken by the Speaker's Committee to no longer convene Council meetings to prolong till late hours. The Speaker appreciated the reminder, and the meeting adjourned for comfort break while the Speaker uses the opportunity to engage with Political Party Whips regarding the status of this Council meeting to then agree on the way forward

Accordingly, the meeting adjourned at 18h45 and resumed at 19h05)

In providing feedback, the Speaker reiterated the previous decision of ensuring that Council proceedings are handled properly to ensure that the meeting finishes early. There being eight (08) items left on the agenda, a decision was taken to consider two (02) critical items. That this meeting would be adjourned and reconvene within seven (07) days on a virtual platform to deal with the remainder of the items.

Therefore, Council was informed of the following items to be considered prior to adjourning the meeting:

- Item 11 – Page 29 on the Council Agenda
- Item 12 – Page 30 on the Council Agenda

However, different views were submitted with some Members suggesting to completely defer the items to the Ordinary Council Meeting of 28 September 2023 to save cost of convening another Council Meeting. However, some Members supported the decision made by the Party Whips to reconvene within seven (07) days and that the decision should be maintained.

Accordingly, the Speaker announced that the decision taken by the Party Whips would be maintained. Therefore, it was decided that two (02) items would be considered in this meeting and with Council to reconvene within seven (07) days to consider remaining items.

It should be noted that the decision to convene virtually in 07 days was later reviewed given the challenges of loadshedding. The remainder of the items were then deferred to the ordinary Municipal Council meeting of 28 September 2023.

8. REQUEST FOR PROJECT AUTHORITY AND FUNDING FOR THE DEMOLITION OF BUILDING LOCATED AT 564 ANTON LEMBEDE STREET (CHINA MALL)

(Page 101)

It will be recalled that the building known as China Emporium, described as Erf 12464 Durban, situated at 564 Anton Lembede Street was damaged by fire on 21 January 2022. The building is under the ownership of Zoloscope Investments (Pty) Ltd. Further to the damage, Structural Engineers submitted a report on 31 January 2022 recommending that the entire building be demolished.

Due to the owners not taking action to demolish the building, the Municipality approached the Court for an Order. The Court processes unfolded which culminated in the matter being heard on 22 September 2022 and the order issued is summarised as follows:

- (i) The building owners ordered to do all things necessary commence the demolition of the building to its ground floor within six (06) months of the issuing of the Court Order and complete same within fourteen (14) weeks; remove rubble for the property not to constitute danger to persons or property.
- (ii) In the event the building owners fail to take the necessary action, the eThekweni Municipality or its contracted service provider demolish the building as per the requirements in (i) above.
- (iii) The building owners ordered to grant the Municipality or contracted service provider access to the building for the demolition purposes.
- (iv) The building owners to pay all costs incurred to demolish the building and related activities

It was reported that further repeated engagements with the building owners to demolish the building proved to be fruitless. Meanwhile, the continued existence of the building in its current form poses the following challenges:

- (i) Illegal dumping around the building
- (ii) Unhygienic conditions as most people are now utilizing the premises as unsanctioned public ablutions
- (iii) Potential disaster as the structure may collapse anytime given that it is unstable
- (iv) Traffic congestion and loss of business in the area due to prolonged road closures
- (v) Reputational damage to the Municipality

During consideration, the DA felt that the building owners should be held accountable to take responsibility or for failure to take responsibility to demolish the building. As such, they abstained on this matter.

The other Parties while expressing reservations about the building owners not taking responsibility to comply with the Court Order, but noted that the building in its current format is also in hazardous state, hence, the support for the Municipality to protect its citizens and demolish the building. However, the demolition costs were considered exorbitant and that endeavours be made to negotiate for the reduction thereof. Also, the recommendation to strengthen the By-Laws for all building owners to take responsibility and accountability for their buildings and for the Municipality to be able to hold them accountable in the event of deviations.

In view thereof,

COMMITTEE RECOMMENDS:

- 8.1 That Council approves the demolition of the China Emporium situated at 564 Anton Lembede Street in compliance with the Court Order granted on 20 September 2022.
- 8.2 That subject to the approval of .1 above, authority be granted for the Chief Financial Officer to identify and allocate funds for this project to the value of R28 991 500.00 (Twenty-Eight Million Nine Hundred and Ninety-One Thousand Five Hundred Rand), including VAT, in the 2023/2024 financial year.
- 8.3 That subject to the approval of .2 above, authority be granted for the Head: Development Planning, Environment and Management Unit to implement this project and institute cost recovery immediately thereafter.

Financial Implications:

The Municipality will incur costs for the demolition, clearing of rubble and securing the site afterwards. These costs could not be budgeted for prior to the 2023/2024 budget approval as the Respondent has always demonstrated commitment but moved the goal posts very late in the process. The estimated budget allocation required is R28 991 500.00 (Twenty-Eight Million Nine Hundred and Ninety One Thousand Five Hundred Rand) inclusive of VAT. As per the Order, the Respondent (Zoloscure) will have to pay all and any costs incurred by the Applicant (Municipality) consequent upon it demolishing the building and structures and clearing up the property.

It should be noted that due to time constraints, the item was DEFERRED to the next ordinary meeting to be held on 2023-09-28.

9. ADDENDUM REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD 2023-08-18.

(Page L92)

9.1 Report for Noting: Phase 2 Funding for the Existing Agreement with the Bill & Melinda Gates Foundation to Support the Testing, Evaluation and Uptake of Re-invented Non-Sewered Sanitation Solutions and Capacity Building (WS2023/142) (23/2/1/3/3/1):

(Page 115: Human Settlements and Infrastructure Committee - Agenda 2023-08-18)

The Committee was advised that funding will be made available in respect of Phase Two (02) of the collaborations held between the eThekweni Municipality and the Bill & Melinda Gates Foundation. The Committee noted that there is existing agreement between these two (02) Parties as approved by Council at its meeting held on 2022-08-26. The project will be implemented over a period of three (03) years and over two phases. Phase One (01) which is currently underway and planned for completion in October 2024 is focusing on the following:

- (i) Planning activities
- (ii) Strengthening capacity for emergency responses
- (iii) Demonstration of the first batch of off-grid sanitation solutions

Phase Two (02) intends to institutionalize improved emergency responses and significantly scale up the innovative sanitation services in vulnerable communities and this is subject to the successful piloting of demonstration units and related learning in Phase 1.

In terms of the internal processes of the Bill & Melinda Gates Foundation, another Grant Agreement needs to be signed to release the Phase 2 funding.

The Executive Committee concurred with the recommendation of the Support Committee but emphasized the importance of obtaining a close out Report for Phase 1 as part of playing an oversight over this matter

Accordingly,

COMMITTEE RECOMMENDS:

9.1.1 That the Committee notes in terms of the partnership held between the eThekweni Water and Sanitation Unit and the Bill and Melinda Gates Foundation, an amount of R79 Million will be released to undertake Phase 2 of the project aimed to institutionalize improved emergency responses and significantly scale up the innovative sanitation services in vulnerable communities.

9.1.2 That with the funding to be released upon the signing of a new agreement, authority be granted for the City Manager to sign a new Memorandum of Agreement for the eThekweni Municipality to access Phase 2 funding from the Bill and Melinda Gates Foundation.

Financial Implications:

The Bill & Melinda Gates Foundation have committed US \$ 4.5 Million (Approximately R79 Million) for Phase 2 project.

It should be noted that due to time constraints, the item was DEFERRED to the next ordinary meeting to be held on 2023-09-28.

10. REPORT TO APPRISE COUNCIL ON THE AMENDED DATES OF THE MUNICIPAL DEMARCATION BOARD FORTHCOMING PUBLIC CONSULTATION PROCESS

(Page L93)

The Committee was informed of the change of one of the dates of the Demarcation Board public hearing already approved by Council at its previous meeting. The attention was drawn to the fact that the process is managed by the Board with the Municipality being part of the participants. However, to avoid back and forth approvals, a proposal was made and agreed to by the Committee to amend the recommendation by including that the Municipality should participate in the public hearings on any other date that may be gazetted by the Demarcation Board.

In terms of this submission, the Board has changed the date of 23 August for the public hearing to be now held on 29 August 2023, it being recorded that the date of 28 August remains as scheduled.

With the committee noting the changes and having agreed to the amendment,

COMMITTEE RECOMMENDS:

- 10.1 That Council notes the change of date of Sikhukhukhu Public Hearing from 23 August previously noted by the Municipal Council, with the hearing now to take place on 29 August 2023, as per Circular 3 of 2023 from Municipal Demarcation Board, presented by the Deputy City Manager: Governance and International Relations in terms of his Report dated 2023-08-21, it being recorded that in the event further changes are made, the Municipality is permitted to participate in accordance with any other date which may be gazetted by the Board.
- 10.2 That Council support and be present during the visit by Members of the Municipal Demarcation Board Office, as per the dates communicated in 10.1 above.

It should be noted that due to time constraints, the item was DEFERRED to the next ordinary meeting to be held on 2023-09-28.

11. DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS FOR THE 2022/2023 FINANCIAL YEAR (3/5/4)

Laid-on-Table

The attached Government Gazette No. 49142 issued by the Honourable Minister of Cooperative Governance and Traditional Affairs comprises upper limits of salaries, allowance and benefits of Council Members, effective 01 July 2022.

In a nutshell, the Gazette, amongst other issues specifies the following aspects:

- (i) Increase of Councillors' salaries, allowances and benefits by 3.7% across the board
- (ii) Basic salary component
- (iii) Motor vehicle and travel allowance

- (iv) Municipal contribution to a pension, provident or retirement annuity fund
- (v) Municipal contribution to a medical scheme
- (vi) Cellphone allowance not exceeding R3 600.00 (Three Thousand Six Hundred Rand) per month
- (vii) Data bundles, not exceeding R317.00 (Three Hundred and Seventeen Rand) per month
- (viii) Tools of Trade outlined in the Gazette and to get concurrence of the MEC for Cooperative Governance and Traditional Affairs in this regard
- (ix) Municipal contribution to the Risk Insurance Cover on the following basis:
 - Protection against loss or damage caused by riot, unrest, strike or public disorder
 - Residential property cover limited to R1.5 Million
 - Vehicle cover limited to R750 000.00
 - Councillors obliged to submit details of property, assets and beneficiaries to be covered by the Special Risk Insurance on request. A Councillor who fails to submit the required details will forfeit the benefits associated with the Special Risk Insurance

For further details, the Government Gazette is attached for scrutiny, and

COMMITTEE RECOMMENDS:

- 11.1 That Council notes Government Notice No. 3807 published in Government Gazette No. 49142 dated 18 August 2023, citing conditions upon which new limits for salaries; allowances; and benefits are to be implemented, it being recorded that this relates to the total remuneration package of full and part time Councillors, upper limits of motor vehicle and travel allowance, upper limits of telephone allowance and capacity building.
- 11.2 That the Honourable Minister of Co-operative Governance and Traditional Affairs' Determination of the upper limits of salaries, allowances and benefits as stipulated in Government Gazette No. 3807 dated 18 August 2023, be approved.
- 11.3 That the provisions of Government Gazette No. 3807 dated 18 August 2023, referred to in .2 above, be implemented at 100% of the upper limit.
- 11.4 That tools of trade be provided to Councillors as determined by the Minister in Government Notice No. 3807 dated 18 August 2023.
- 11.5 That the concurrence of the Honourable MEC for Co-operative Governance and Traditional Affairs be sought prior to giving effect to item .3 and .4 above.

During discussion the ADEC abstained on this matter citing the importance of the Municipality exercising consistency in its overview of financial matters. Therefore, he was of the view that issues of salaries were not critical at this stage as the main focus should be on addressing service delivery matters.

Thereafter, with all other Political Parties being in support, recommendations 11.1, 11.3, 11.4, 11.5 were NOTED and with recommendation 11.2 being ADOPTED by the majority.

12. REQUEST FOR AUTHORITY TO HOST THE 2023 ANNUAL MAIDENS CONFERENCE AND REED DANCE

Laid-on-Table

The eThekweni Municipality's governance structure includes Amakhosi as per the provision of Section 81 of the Local Government: Municipal Structures Act No. 117 of 1998, as amended. Supporting traditional and cultural events is part of inclusive governance and recognition of the contribution of Amakhosi in local government. Hence, the Municipality supports eThekweni Maidens to participate in the Annual UMkhosi WoMhlanga, the Reed Dance held in September every year.

As a forerunner to UMkhosi woMhlanga, the Annual Maidens Conference is also held. A number of three thousand (3 000) Maidens are expected to participate in the Conference. The event will also be graced by the Zulu Royal Household Representative; Councillors; Amakhosi; and Tribal Council Members; the eThekweni political and administrative leadership.

Overall, the intention of these traditional events is to promote good culture characterized by a drive to educate, promote, facilitate and raise awareness on moral regeneration and management of social ills, especially impacting young women. With contributions by various stakeholders, a girl child's life will be shaped for better to empower her to handle various life challenges and be groomed to become responsible women. Most importantly, the focus is on sexual matters and related dangers if engaged into this prematurely, including unwanted pregnancy and sexual-related diseases.

The Committee clarified the number of participants to the Conference, and then the original number contained in the table was corrected to specify that two hundred (200) Matrons will accompany the Maidens, with the other 200 Guests including Cllrs; Amakhosi; Izinduna and Officials).

For the Reed Dance, of the total number of three thousand (3 000) Maidens to be in attendance, one thousand two hundred (1 200) Maidens are from eThekweni, and to be accompanied by five (05) officials.

The Committee supported the events on the basis that other details will be dealt with at the events' preparatory stages, including a recommendation to accommodate a number of ten (10) Councillors to participate in the Reed Dance.

Accordingly,

COMMITTEE RECOMMENDS:

- 12.1 That authority be granted for the Head: Community Participation and Action Support to facilitate the hosting of the Annual Maidens Conference on 26 August 2023 at Kwa-Zwelibomvu, Ward 100, which is a forerunner to UMkhosi WoMhlanga, the Reed Dance, with the conference to be attended by a number of three thousand (3 000) Maidens, in addition to other dignitaries, and with the event aimed at promoting moral regeneration amongst women in particular, and with sexual knowledge and behaviour from credible sources being the key focus area.

- 12.2 That, subject to the approval of .1 above, authority be granted for the Head: Community Participation and Action Support to fund the event in the amount of R1 560 000.00 (One Million Five Hundred and Sixty Thousand Rand), the breakdown of which is contained in the table below.
- 12.3 That authority be granted for the Head: Community Participation and Action Support to facilitate the hosting of the Annual UMkhosi WoMhlanga, the Reed Dance, 09 September 2023 at eNyokeni Royal Palace, to achieve similar objectives outlined in .1 above, and with the event to be attended by one thousand two hundred (1 200) eThekweni Maidens, amongst the total of three thousand (3 000) Maidens to be in attendance.
- 12.4 That, subject to the approval of .3 above, authority be granted for the Head: Community Participation and Action Support to fund the event in the amount of R445 000.00 (Four Hundred and Forty-Five Thousand Rand), the breakdown of which is contained in the table below.
- 12.5 That authority be granted for the Head: Community Participation and Action Support to appoint an Event Coordinator to facilitate logistics for the event to ensure compliance with the Supply Chain Management Policy and other applicable legislations in procuring goods and services to be required for the Maidens Conference and the Reed Dance.

Proposed dates: Maidens' Conference and Reed Dance:

Dates	Time	Name of the programme	Venue
26 August 2023	07h00–10h00am Maidens Arrival	Maidens Conference	Kwa-Zwelibomvu Sport ground, Ward 100 under Inkosi Mkhize Traditional area – Isimahla TC.
09 September 2023		Reed Dance (UMkhosi woMhlanga)	eNyokeni Royal Palace Kwa-Nongoma

Financial Implications for Maidens' Conference:

No.	Expense Item	Details of Expense	Estimated Cost (R)
1.	Hire of Marques	Marques for 2 days	
		Main Marque	
		1 * 3000-Seater Marque with chairs 1 * Stages with Ramp (6*4 metres) Décor from Parks Unit	80 000.00
		Marque for registration & food distribution	
		1* 200-seater marque with 20 trestle tables 10 * Round Tables with table cloths 100* chairs with covers.	10 000.00
2.	Hire of Toilets	Toilets for 2 Days	
		10 * Toilets for Maidens (sleeping Area) 2 * Toilets for Disabled – Public 2 * VIP Toilets with Trailer	10 000.00

No.	Expense Item	Details of Expense		Estimated Cost (R)
3.	Catering and Refreshments	Catering for 2 Days		
		Meals for Maidens – 3000 Maidens		
		Day 1: Saturday		
		Lunch 3000 maidens @ R100.00 per person	300 000.00	600 000.00
		Dinner 3000 maidens @ R100 per person	300 000.00	
		Day 2: Sunday		
		Breakfast 3000 maidens @ R75.00 per person	225 000.00	525 000.00
		Lunch 3000 maidens @ R100.00 per person	300 000.00	
		Meals for 200 Guests (Cllrs; Amakhosi; Izinduna and Official)0 and Matrons 200		
		Day 1: Saturday		
		Lunch Meals for 200 Guests (Cllrs; Amakhosi; Izinduna and Officials) and Matrons 200 @ R100 per person	40 000.00	60 000.00
		Dinner 200 Matrons @ R100 per person	20 000.00	
		Day 2: Sunday		
		Breakfast for Matrons 200 Matrons @ 75 per person	15 000.00	55 000.00
		Lunch Meals for 200 Guests (Cllrs; Amakhosi; Izinduna and Officials) and Matrons 200 @ 100 per person	40 000.00	
		Meals for VIP's – 150 VIP's		
		Day 1: Saturday		
		Lunch 150 VIP's @ R150 per person		R22 500.00
		Day 2: Sunday		
		Lunch 150 VIP's @ R150 per person		22 500.00
4.	Cattles and groceries	2* Cows Ukunyathelisa for the King X1 Amakhosi X1		30 000.00

No.	Expense Item	Details of Expense	Estimated Cost (R)
5.	Cold-Rooms	1 * Cold Room for 2 days	3 000.00
6.	Sound System	Sound System (with backline) for 3000 People for 2 days with Generator	30 000
		Security Officers	
		Security Officers for 2 days	10 000.00
		Safety Officers	
		Safety Officers for 2 days - internal	
		Marshalls	
		10 Marshalls for 2 days @ R200 per day	2 000.00
7.	Medical Care	Ambulances on Site	
		* Ambulances for 2 days @ R5000 per day	10 000.00
8.	Entertainment	Motivational Speaker / Performing Artists	
		Motivational Speaker	
		1 * Motivational Speaker for 2 days	10 000.00
		Entertainment	
		2 * Local Maskandi Artists	10 000.00
9.	Lighting	Lighting for 2 days for the entire event area	10 000.00
10.	Water Tanker	1 * 3000 litre Water Tanker for 2 days	5 000.00
11.	Hire of Transport	47 * 65-Seater Buses for 2 days	235 000.00
		Contingency 5%	42 000.00
		Total Estimated Cost	R1 782 000.00

Financial Implications for Reed Dance

No.	Expense Item	Detailed Expense	Estimated cost (R)
1.	Transport.	20 X 65-seater buses	R300 000.00
2.	Food	Food packs	R120 000.00
3.	Accommodation.	5 X Officials Accommodation	R25 000.00
		Total estimated cost	R445 000.00

TOTAL BUDGET FOR BOTH MAIDENS AND REED DANCE IS: R2 227 000.00

Vote Numbers:

Transport:	32314.21805.12120.0000.37630.0010
Food:	32314.11400.12120.0000.37630.0010
Accommodation:	32314.21920.12120.0000.37630.0010

During deliberations, the DA welcomed the report and supported this heritage event. However, emphasis was put on proper coordination to bring dignity and respect to maidens by providing safe and clean accommodation and related amenities for them to value being part of this historic event.

The Deputy Mayor appreciated consistency in supporting such events that promote the well-being and future of the girl-child. This contributing to protection against sexual diseases as well as combating the spread of HIV/AIDS. The Council members were encouraged to support programs implemented by the District Aids Council in various Wards of the eThekweni Municipality.

Joining the discussions, the ANC appreciated positive comments in ensuring that eThekweni continues to support events that seeks to preserve tradition and abstinence from premature sexual activities.

The Council was then requested to take note that the Annual Maidens Conference is taking place 26 August 2023 in Ward 100 and with the eThekweni Municipality taking responsibility for logistical arrangements in this regard.

It was advised that the main UMkhosi WoMhlanga (Reed Dance) event is taking place at the eNyokeni Royal Palace, KwaNongoma. That the Municipality will provide transport support to maidens, it being advised that the Provincial Department of Sports; Arts; ad Culture will take responsibility for securing accommodation establishments for all maidens participating in the Reed Dance. However, assurance was given that all effective collaborations and coordination would be monitored accordingly to ensure that young girls are properly taken care of at eNyokeni.

It should be noted that ADEC voted against the recommendation. Therefore, the above recommendations of the Executive Committee, were, **ADOPTED**, by the majority vote.

13.

REQUEST FOR AUTHORITY TO IMPLEMENT SPORTS DEVELOPMENT AND RECREATION PROGRAMS WITHIN THE PARKS, RECREATION AND CULTURE UNIT FOR THE 2023-24 FINANCIAL YEAR

(Laid-on-Table)

With the matter being submitted directly to Council and presented at the conclusion of the ordinary meeting of this Committee, the DA recorded that they would be unable to participate on the matter. It should be noted that at the presentation of the two (02) Reports of the Parks, Recreation and Culture Unit, debate ensued regarding the ability of the Committee to deliberate on the matter in view of the Reports being tabled at the tail end of the meeting. Thereafter, it was agreed to adjourn for lunch, coupled with time to go through the Reports tabled.

Upon resuming the meeting, Management presented the Reports and advised that same Reports have been seen by the relevant Support Committee which then could not officially engage on the Reports as there were missing signatures. It was then agreed to submit the Reports directly to the Executive Committee.

During discussion, the DA maintained its inability to deliberate on the Report due to time constraints. The other Members agreed to engage, and with the DA to be then recorded as having abstained thereon.

In a nutshell, authority is sought to implement the various sports development and recreation programs within eThekweni Municipality for a period of three years. It being mentioned that these programs will assist the Municipality to meet its Constitutional and service delivery mandate related to the provision of sport and recreation programs, thereby improving health and wellbeing of its citizens. It was acknowledged that recreation plays a significant role in encouraging people to participate in non-competitive environment while promoting inclusivity and equality.

The objectives of undertaking the programmes are as follows:

- To provide sustainable programmes to boost community involvement in active recreation by promoting health and wellbeing of citizens;
- To provide structured frameworks to identify and nurture talented athletes by providing them with opportunities to compete and excel in competitions and acknowledge their achievements; and
- To optimize return on investment by giving priority to sporting codes that are most likely to increase participation or achieve international success in order to attract tourists to eThekweni Municipality.

The proposed programs are as follows:

Category	Program	
	• Senior Citizens Program	• This is designed to promote healthy living among the elderly
	• Healthy Lifestyle Program	• Mass based recreation program where participants engage in fun walks, runs of different distances, aerobic and hiking trails.
	• Youth Camp	• This is targeted to the youth between the ages between twelve (12) and eighteen (18) years with a focus of empowering them with life skills.
	• Recreational Festival	• This is open to all ages as there are modified sport activities to accommodate children as well. The program

Category	Program	
Active City - Recreation Promotion		is staged in collaboration with eThekweni Municipality Arts and Culture section with diverse artists in a form of dance, comedy, open mics, etc.
	<ul style="list-style-type: none"> Rural Horse Riding 	<ul style="list-style-type: none"> The program aims to revive trotting horses and to promote the welfare of horses including awareness to horse owners, jockeys and handlers training.
	<ul style="list-style-type: none"> Learn to play 	<ul style="list-style-type: none"> This is targeting children of ages between four (04) and eleven (11), introducing them to a variety of sports codes at grassroot levels through fun filled recreation-based instruction and education
Winning City- Sport Development		<ul style="list-style-type: none"> The program focuses on various competitive leagues where the federation will be utilised as the implementing agents through eThekweni Sports Confederation
Enabling Environment	<ul style="list-style-type: none"> National Days (Youth Day, Women’s Day, Heritage Day) 	<ul style="list-style-type: none"> Commemoration of Public holidays through mass participation programmes to bring people of diverse background together in order to promote healthy lifestyle.
	<ul style="list-style-type: none"> Legacy and Signature 	<ul style="list-style-type: none"> The aim is to support and recognize excellence in the Sports fraternity and cement relationships with key stakeholders and prospective sponsors
	<ul style="list-style-type: none"> Sister City Programme 	<ul style="list-style-type: none"> The aim is to explore skills exchange to advance the sports abilities.
	<ul style="list-style-type: none"> National and International Programme Activations 	<ul style="list-style-type: none"> This program focuses on the activation for various sports and recreation Games hosted national and internationally such as Netball World Cup, Table Tennis World Cup etc
	<ul style="list-style-type: none"> Comrades Marathon 	<ul style="list-style-type: none"> This particular event supports athletes that are participating from the ultimate human race from eThekweni Municipality in promotion of running as a sport.

With the Committee being in agreement, with the DA having recorded its abstention,

COMMITTEE RECOMMENDS:

13.1 That authority be granted for the Head: Parks, Recreation to implement various sports development and recreation programmes for a 3-year period commencing 2023-2024 to 2025-2026 financial years, with a view to achieving the following objectives:

- i) To provide sustainable programmes to boost community involvement in active recreation by promoting health and wellbeing of citizens;
- ii) To provide structured frameworks to identify and nurture talented athletes by providing them with opportunities to compete and excel in competitions and acknowledge their achievements; and
- iii) To optimize return on investment by giving priority to sporting codes that are most likely to increase participation or achieve international success in order to attract tourists to eThekweni Municipality.

13.2 That subject to the approval of .1 above, Council notes approved budget allocation as reflected in the table below:

Financial Year	Financial Year	Financial Year
2023-2024	2024-2025	2025-2026
R10 634 890	R11 420 720	R11 992 920

- 13.3 That the Head: Parks, Recreation and Culture complies with the Supply Chain Management Policy and other applicable legislations in procuring goods and services to be required for the programmes earmarked.
- 13.4 That the Head: Parks, Recreation and Cultures ensures the Departments achieves the Unit objectives as outlined in the Service Delivery and Budget Implementation Plan and also report to the Committee on the implementation of the programmes outlined.

It should be noted that due to time constraints, the item was DEFERRED to the next ordinary meeting to be held on 2023-09-28.

14. REQUEST FOR AUTHORITY TO IMPLEMENT SIGNATURE PROGRAMMES WITHIN THE PARKS, RECREATION AND CULTURE FOR THE 3-YEAR FINANCIAL YEARS

(Laid-on-Table)

The Parks, Recreation and Culture (PRC) Units hosts Annual Signature Programs as part of its three (03) pillars, that of (i) investing in people and culture; (ii) social and cultural infrastructure; and (iii) sustaining the City’s Natural Resources Base. Some of the Programs cut across the other Clusters and the PRC supports them as they directly address issues affecting the communities, including young children; youth; women; and the community at large.

The signature programs to be supported are listed in the table below:

No.	Item	Profile
1.	Social Cohesion: Social Cohesion in Sport: (i) Fun Runs (ii) Soccer Matches (iii) Ward-Based Conversation about Social Ills (iv) Social Cohesion Summit	<ul style="list-style-type: none"> Embracing cultural diversity where people interact creatively to stimulate economic growth; social cohesion and unity in diversity. To be undertaken in various Wards to be grouped for North; South; Outer West; Inner West and Central. To be hosted from July 2023 onwards as per the dates to be scheduled.
2.	Living Legends	<ul style="list-style-type: none"> Program initiated to recognize men and women who consistently and persistently commit sterling deeds Recognition of greatness achieved by past or current residents of eThekweni in various fields of human endeavour while they are still alive. Awards acknowledge individuals with outstanding achievements; individuals who demonstrated extraordinary contribution to the City legacy in various categories of expertise Amongst the individuals honoured thus far are the late Chief Justice Pius Langa; Minister Jeff Radebe; Leleti Khumalo; Mbongeni Ngema and the late Welcome Bhodloza Nzimande Nominations process in this regard will commence this August month with the event proposed for November 2023 Categories to be considered: Arts & Culture; Sports; Hospitality & Tourism; Human Rights; Music & Entertainment; Media; Academic; Environment; Religion; Business; Science & Technology; and Political Influencers/Leaders

No.	Item	Profile
3.	Socio-Cultural Empowerment (Men & Women): (i) Men's Dialogue & Empowerment Programme (ii) Mentorship (iii) Men's Dialogue Seminar (iv) Appreciating Virtuous Women (v) Beauty Pageant – Face of eThekweni Municipality	<ul style="list-style-type: none"> Striving for gender-equitable society, with activities not only confined to women, but also empowering men to challenge the prevailing social norms that lead to gender imbalance and by giving men space to adopt new roles and behaviors The programs' dates ranges from July to October 2023
4.	PRC Week: (i) Sports Summit & Awards (ii) Verge Competition (iii) Beach Clean-ups (iv) International Costal Clean-up	<ul style="list-style-type: none"> A week-long awareness strategy to showcase services available with the PRC Unit
5.	Cultural Programme & Asambe Cultural Parade	<ul style="list-style-type: none"> Implementing program in Wards as identified by Ward Councillor Ward Councillor proposal to showcase culture awareness and should reflect educational matters Funding and procurement undertaken by the PRC
6.	Mandela Day Celebration	<ul style="list-style-type: none"> Commemoration of the birthday of the late President NR Mandela, and his 67 minutes of community services legacy. To work with Ward Councillors on proposals showcasing community development and also reflecting educational matters such as teenage pregnancy; drug abuse; crime; HIV/Aids etc.

The Executive Committee accepted the Report, with a recommendation to consider the inclusion of the Founder of the Inkatha Freedom Party, Prince Mangosuthu Buthelezi, under the Legends Program. With the DA abstaining as per its earlier point regarding time constraints and the inability to interrogate the Report, the other Parties were in support, therefore,

COMMITTEE RECOMMENDS:

14.1 That authority be granted for the Head: Parks, Recreation and Culture to implement various Annual Signature Programs, as outlined, and to be implemented for a 3-year period commencing 2023-2024 till the 2025-2026 financial years and focusing on the following pillars:

- i) Investing in people and culture;
- ii) social and cultural infrastructure; and
- iii) sustaining the City's Natural Resources Base.

14.2 That subject to the approval of .1 above, Council notes funding budgeted and to be allocated to implement the programmes, a reflected in the table below:

No.	Programme	Project Vote	Financial Year Budget Approved	Financial Year Budget Approved	Financial Year Budget Approved
1.	Social Cohesion	53500-30	R5 181 000	R5 440.060	R5 712 060
2.	Living Legends	53500-20	R1 920 000	R2 016 000	R2 116 800

No.	Programme	Project Vote	Financial Year Budget Approved	Financial Year Budget Approved	Financial Year Budget Approved
3.	Men's/Women's Forum/Empowerment	39110	R1 440 000	R1 512 000	R1 587 600
4.	PRC Week (Including Ward Cultural Program & Asambe Cultural Parade and Mandela Day Celebration)	53500-53	R5 885 040	R6 179 290	R6 488 270

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14.3 That the Head: Parks, Recreation and Culture complies with the Supply Chain Management Policy and other applicable legislations in procuring goods and services to be required for the programmes earmarked.

14.4 That the Head: Parks, Recreation and Cultures ensures the Departments achieves the Unit objectives as outlined in the Service Delivery and Budget Implementation Plan and also report to the Committee on the implementation of the programmes outlined.

It should be noted that due to time constraints, the item was DEFERRED to the next ordinary meeting to be held on 2023-09-28.

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

There were no Notices of Motion received for this meeting.

REPORT OF COMMITTEE DECISIONS

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

1. COMMUNITY SERVICES COMMITTEE

Meetings held on : 2023-07-27

2. EXECUTIVE COMMITTEE

Meetings held on : 2023-06-27
: 2023-06-29
: 2023-07-06
: 2023-07-13

3. FINANCE COMMITTEE

Meeting held on : 2023-07-19

4. LOCAL LABOUR FORUM: TREASURY & OFFICE OF THE CITY MANAGER
CLUSTER

Meetings held on : 2023-05-26
2023-08-17

ITEMS FOR NOTING

The Items for Noting, reflected on Pages 41 to 54 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of June and July 2023 were, **NOTED.**

The meeting terminated at 19h29.

APPROVED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2023-10-31.

SPEAKER