

No. 6

MINUTES

OF

eThekwini Council

Minutes of proceedings of the Meeting of the eThekwini Council held
at the City Hall Main Auditorium, Church Walk, Durban
on Monday, 2011-10-31T10:00

PRESENT : Councillors L Naidoo (Speaker), JS Nxumalo (Mayor), MF Adam, C Arunajallam, SV Asbury, ME Bayeni, A Beetge, S Bhanprakash, MN Bhengu, MR Bhengu, HP Biyela, TJ Brauteseth, WJM Burne, I Cassimjee, Hendrick Cele, Hlengiwe Cele, JN Cele, MS Cele, NT Cele, NB Chamane, WB Chapman, S Chetty, BA Chili, AM Coen, TP Collins, NG Cotoza, RJ Crouch, P Davis, HU De Boer, MAK Dladla, AN Dlamini, B Dlamini, CB Dlamini, NR Dlamini, S Dlamini, BS Dladla, DL Du Bois, BA Fortein, DC Gaillard, D Ganesh, VE Gebashe, HD Goge, R Gokool, D Govender, G Govender, S Govender, NL Graham, HS Gumbi, BT Gumede, MP Gumede, NC Gumede, S Gumede, SN Gumede, TJ Gumede, VC Gumede, ZRT Gumede, S Hansraj, PP Hlengwa, BA Hlongwa, NB Iyir, S Jayanathan, M Johnson, S Kalicharan, SA Kaunda, SKB Kikine, VT Kunju, CB Langa, NP Langa, RJ Lefevre, JD Lindsay, SH Lubhede, P Luthuli, NT Mabaso, DD Mabizela, DW Macpherson, Z Madlala, T Magubane, MQ Magwaza, WL Mapena, HG Maphumulo, JL Mbongwa, SM Mchunu, LP Mdlalose, LM Meyer, P Mfeka, LM Mhlongo-Ntaka, AR Mitchell, BA Mkhize, MM Mkhize, MP Mkhize, NI Mkhize, S Mkhize, DF Mncwabe, ZM Mncwango, BR Mngadi, M Mngadi, LN Mngwengwe, MC Mnyandu, SR Moodley, S Morar, FT Moyo, BE Mpungose, NE Msani, AG Mthembu, BA Mthembu, MK Mthembu, NE Mthembu, ON Mthembu, TM Mthethwa, ZP Mthethwa, BR Mtshali, TS Mtshali, JIM Mulqueeny, AB Mvubu, RM Mzobe, Jane Naidoo, Jonathan Naidoo, P Naidoo, S Naidoo, SR Naidoo, TJ Ncane, NB Ndlela, S Ndlovu, ZS Ndzoyiya, VS Necobo, GS Ngcobo, MC Ngcobo, OB Ngcobo, SP Ngcobo, S Ngema, BS Ngiba, MM Ngiba, BA Ngwane, SJ Nhlapho, MS Nkosi, NC Nofeketa, GM Noyce, B Ntshangase, M Ntuli, NN Nyanisa, MS Nyawose, ZV Nzama, P Padayachee, RZ Phewa, BP Phungula, JJ Pienaar, DR Pillay, KR Pillay, KB Pillay, Krishna Pillay, P Pillay, BD Prinsloo, GDA Pullan, VOO Qulo, AN Shabalala, S Shange, MT Shelembe, PN Shembe, M Shezi, DM Shozi, ME Sibiya, NP Sibiya, PM Sibiya, ZH Sibiya, B Singh, D Singh, EL Singh, J Singh, PS Sishange, AD Snyman, ZR Sokhabase, JB Sosibo, WM Thring, JC Van den Berg, R Veeran, MB Xhakaza, TE Xulu, NY Young, SW Zenzile, TM Zuma, MS Zungu, and MS Zwane.

ABSENT : Councillors M Abraham (on leave), SS Butelezi (on leave-indisposed), JM Dlamini (on leave), HE Dube, BD Gwala (on leave-Municipal Business), DG Hoorzuk (on leave-Municipal Business), LB Khuzwayo (on leave), P Luthuli (on leave-Indisposed), V Lutyeku, SW Mcoyi (on leave), DM Mhlanzi, NJ Makhanya-Sibiya (on leave-indisposed), MK Ndzimbomvu (on leave-indisposed), LN Ndlovu, DL Ngema (on leave), LA Ngwazi, MM Ntshangase (on leave-Indisposed), M Nojiyeza,

TT Nzuzi (on leave-Indisposed), F Peer (on leave-Municipal Business), AM Shaik Emam (on leave), NF Shabalala (on leave-Municipal Business), SZ Xulu (on leave-Municipal Business) and MZ Zulu (on leave).

OFFICIALS

PRESENT : Dr Sutcliffe (City Manager) and Mesdames Moerane (Head : Legal Services), Ngwenya (Chief Legal Advisor), Seheri (Senior Manager: Secretariat), Kunene (Chief Committee Officer), Mkhize (Principal Committee Officer), Mthembu (Senior Committee Officer), Singh (Principal Committee Officer), Makhunga (Word Processing Operator) and Mbhele (Word Processing Operator).

(At the commencement of the meeting 168 Councillors were present, comprising ANC-99, DA-40, MF-11, NFP-5, IFP-8, ACDP-2, TA-1, COPE-1, APC-0 and INDEPENDENT-1).

1. NOTICE CONVENING THE MEETING

The City Manager read the notice convening the meeting.

2. OPENING

The Speaker extended a warm welcome to Councillors, officials, media and to all those present at the meeting.

3. OPPORTUNITY FOR PRAYER/MEDITATION

At the request of the Speaker, the meeting stood and observed a moment of silence for those who passed away and to pray and mediate. Thereafter the National Anthem was sung.

4. OFFICIAL ANNOUNCEMENTS

On behalf of the Democratic Alliance, Councillor Collins wished the leader of the Minority Front, Mr Rajbansi a speedy recovery from his ailments.

The Speaker reminded Councillors to sign the attendance that was being circulated. Councillors were advised that if they did not sign the attendance register, the minutes would reflect them as being absent from the meeting.

Councillors were advised to wear their name badges at all times especially at official meetings, functions, events and when on duty.

5. APPLICATIONS FOR LEAVE (3/4/2)

RESOLVED:

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

Councillor SS Buthelezi : 2011-10-31 (Indisposed)
Councillor S Emam : 2011-10-31 to 2011-11-03

Councillor BM Gwala	:	2011-10-31 (Municipal Business)
Councillor JM Dlamini	:	2011-10-31
Councillor S Hansraj	:	2011-10-31 (To leave at 13:00)
Councillor DG Hoorzuk	:	2011-10-31 (Municipal Business)
Councillor LB Khuzwayo	:	2011-10-31
Councillor P Luthuli	:	2011-10-31 (Indisposed)
Councillor NJ Makhanya-Sibiya	:	2011-10-31 (Indisposed)
Councillor SW Mcoyi	:	2011-10-31
Councillor D Mcpherson	:	2011-11-01 to 2011-11-01
Councillor BR Mtshali	:	2011-10-31 (To leave at 11:00)
Councillor SR Naidoo	:	2011-11-07 to 2011-11-13
Councillor MK Ndzimbomvu	:	2011-10-31 (Indisposed)
Councillor MM Ntshangase	:	2011-10-31 (Indisposed)
Councillor BD Prinsloo	:	2011-11-08 to 2011-11-11
Councillor F Peer	:	2011-10-31 (Municipal Business)
Councillor NF Shabalala	:	2011-10-31
Councillor SZ Xulu	:	2011-10-31 (Municipal Business)
Councillor MZ Zulu	:	2011-10-03 to 2011-10-04

6. DECLARATION OF INTERESTS

(Item on agenda)

In response to an enquiry by the Speaker, it was noted that no Councillor had declared any interests on the matters under consideration at Council Meeting.

7. SPEAKER'S REPORT

The Speaker extended appreciation to all Councillors for their co-operation during the Census National Programme 2011 that was coming to an end on 2011-10-31. He advised them that they had up to that day to assist anyone that had not been counted yet. In conclusion, he stated that this programme had been reported to had gone well.

Councillors were advised of the Senior Citizen's Programme that would commence on 2011-11-01 and that invitations had been issued to all Ward Councillors. Members further urged to participate in this programme.

Councillors were informed that the next Council Meeting would be the last meeting for the year 2011 and would be held in 2011-12-07 and in case there were any changes, they would be informed timeously.

Councillors were reminded that they were required to complete Declaration Forms and submit them and in case assistance was required, the Legal Services Department should be informed.

Councillors were advised to safeguard their letterheads and stamps and ensure they only used them accordingly. He advised that it was illegal for any Councillor to issue a letter giving authority to people to use any space of land.

8. CONFIRMATION OF MINUTES: Meeting held on 2011-09-27

RESOLVED:

That the minutes of the meeting of the eThekwini Council held on 2011-09-27, as circulated, be and are hereby confirmed subject to the following amendment:

- *On Page 90, Item 7 (Declaration of Interests), by deleting the name of Councillor BD Prinsloo and replace with Councillor JD Lindsay.*

9.

REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Councillor Kaunda (Chairperson of the Municipal Public Accounts Committee), advised that the report had been prepared, however in view of the information that had been obtained from the workshop conducted by KwaZulu-Natal Provincial Legislature the contents might change. He stated that a report would be submitted at the next meeting of the Council. NOTED.

QUESTIONS IN TERMS OF SECTION 17 OF THE RULES OF ORDER

The following questions were submitted:-

1. Questions submitted by Councillor M Meyer : Stable Market at New Market Stables (16/1/1/2):

1.1 Has any decision been made about the future of the Stables Market at New Market Stables?

1.2 If not, why not?

1.3 What consultation has taken part before this decision has been made?

1.4 What are the reasons for this particular decision being made?

Councillor DC Gaillard in his capacity as the Deputy Chairperson of Economic Development and Planning Committee provided the following respective responses:-

1.1 The market was notified in May 2010 that they needed to find a new place and that since that day of notification they had been occupying the place on month to month basis.

1.2 Not Applicable.

1.3 There had been a number of meetings had been held with the market in this regard.

1.4 A market in question had been allocated on the new market stable site that forms part of the Kings Park Sport and Recreation Precinct and was accordingly reserved for public open space purposes in terms of the Town Planning Scheme.

2. Questions submitted by Councillor HU De Boer : Metro Police taken from Normal Duties to Provide Escort Service to Political Figure Heads and VIP's (28/1/R):

2.1 What are the specific duties of staff attached to NDM 7499?

2.2 What is the annual cost to the City in terms of Metro Police providing escorting or protection duties?

2.3 To whom does Metro Police provide these vehicle escorts, and are the blue lights and sirens of these Metro vehicles ever activated to provide an easier way for those being escorted through traffic?

2.4 Why was NDM 7499 in Tongaat on 21 September, why were the staff not in uniform, and to whom were the staff rendering a service?

2.5 Did this person or these persons pay for this service?

2.6 Has any Metro Police vehicle ever been involved in an accident while providing escorting duties?

2.7 If so, how many accidents and what has been the cost to the City in terms of repairs, damages or legal issues?

The following respective responses were provided:-

- 2.1 The specific duties of staff allocated to NDM 7499 were Crime Prevention duties and Escort Services of dignitaries as and when required.
- 2.2 This cost would not be easily dividable /separated as protection duties were inherent to our daily function get through traffic enforcement by law enforcement or crime prevention.
- 2.3 Metro Police provide escorting services according to an operational plan and the nature of that particular event or dignitary requirements. The escort services had been provided to Kings, Queens, Presidents of Countries, Ministers, VVIP's, Film Stars, International Sports Teams etc.

The National Road Traffic Act allows for the use of blue light and sirens for ease of movement through traffic and as when situations that need such to be used arises.

- 2.4 According to our records Constable Prem and Govender were on duty tour during Crime Prevention duties on 2011-09-21 and they were on plain clothes authorised for operational reasons as they were on a look out for any criminal activities during a political rally that was taking place at a nearby venue and such service was being rendered to Councillor ZRT Gumede.
- 2.5 One of the Metro Police mandated function is crime prevention and no payment for this service was expected.
- 2.6 Every now and then a motorcycle rider comes off their motor cycles during an escort and at times this was caused by wet weather conditions however in generally there were no accidents.
- 2.7 It's not easy to determine, costs had been minimal.

3. Questions submitted by Councillor J Singh : Middle Income Housing in the Chatsworth Area (22/8/1):

- 3.1 **How many valid applications for middle income housing have been received on 9th April 2008?**
- 3.2 **How many of the successful applicants had been interviewed by the appointed developer/s and qualifies for a housing opportunity?**
- 3.3 **How many individual sites had been identified for middle income housing development for the applicants referred to in .2 above?**
- 3.4 **In respect to question 3, how many homes had been built and allocated to the successful applicants?**
- 3.5 **In respect to question 4, if there are delays, what are the delays?**
- 3.6 **How many social housing units will be developed in the Chatsworth area, as per the advertisement dated 9th April 2008?**

3.7 Have the sites that have been identified, allocated to the developer/s and how many to each developer?

3.8 In respect to question 7, has the Environmental Impact Assessment (EIA) been conducted and Record of the Decision obtained?

- (a) If yes, on which sites?
- (b) If no, what is the delay?

3.9 Has all the applicants been interviewed for the social housing development to be undertaken in the Chatsworth area?

- (a) To date how many have been interviewed?
- (b) If there are any delays, what are the delays?

Councillor SN Gumede in his capacity as the Chairperson of Human Settlements and Infrastructure Committee provided the following respective responses:-

3.1 1400.

3.2 120.

3.3 200.

3.4 Show houses had been put up and 70 building plans or applications had been submitted.

3.5 Plans and Building applications.

3.6 700.

3.7 Yes, four bulk sites were allocated to Standard Bank and one to Cascade Homes.

3.8 Yes, in progress.

- (a) Bulk sites
- (b) In progress

3.9 Yes, but done on a sequential order.

- (a) 90
- (b) No obstacles currently

4. Questions Submitted by Councillor K Pillay : Appointment of Panel to Investigate Awarding of Tenders to Person who are Employees of the State/Municipality (15/5/2):

4.1 Has the Speaker appointed such a panel?

- (a) If not, why not?
- (b) If yes who are the members?

4.2 Has the investigation regarding Councillors referred to in the preamble, commenced?

- (a) When will the report be brought before this Council?**
- (b) If no, what is the delay?**

Councillor L Naidoo in his capacity as the Speaker of the Municipality provided the following respective responses:-

4.1 No.

- (a) A full report would be submitted to the next Council Meeting on 2011-12-07.
- (b) Not Applicable.

4.2 Investigations had been finalized and the report was being prepared was being prepared for the items raised by Auditor General and those that had been reported to the Office of the Speaker.

- (a) Next Council Meeting
- (b) No other delays.

5. Question submitted by Councillor M Ntuli: Youth Development Programme (19/1/1/3):

5.1 Are there Youth Development programs currently been undertaken by the Municipality?

- 5.1.1 If yes, what are they?**
- 5.1.2 If not, why not?**

5.2 According to the eThekwini youth policy of 2007 a youth development office was meant to be established to deal with youth matters, has this office been set up?

- 5.2.1 If yes, what is the budget for this office and what have the funds been used for?**
- 5.2.2 If not, why not?**

5.3 Is there a specific policy to deal with orphans in eThekwini?

- 5.3.1 If yes, has the policy been implemented and what are the details?**
- 5.3.2 If not, why not?**

5.4 Is there a policy to deal with Street Children in eThekwini?

- 5.4.1 If yes, has the policy been implemented and what are the details?**
- 5.4.2 If not, why not?**

Councillor NJ Cele in her capacity as the Chairperson of Governance and Human Resources Committee provided the following respective responses:-

5.1 Yes, there are a number of Youth Development Programmes run under the auspices of the Office of the Vulnerable Group which is a Section of the Community Participation and Action Support Unit.

- 5.1.1 Some programmes were run in partnership with other Units like the Learnership Programme which is run together with the Skills Development Unit, Local Economic Development Initiative which is run in partnership with Business Support, Markets and Tourism Unit, Project Management and the Diletsima Project which focuses on the Youth Month.
- 5.1.2 Not Applicable.
- 5.2 Yes, Youth Development Office does exist within the Vulnerable Group Division of Community Participation and Action Support Unit. A Youth Co-ordinator was appointed but resigned and the position had subsequently been advertised and was ready to appoint an incumbent.
- 5.2.1 The total budget is R1 226 360.00.
- 5.3 Yes, the title of the policy is eThekwini Municipal Policy on Children Living and Working on the Streets; January 2005.
- 5.3.1 Currently implementing two components of the policy which are Outreach and Management of the Reception Centre. Assigning trained Outreach Workers to specific areas especially the hotspots, responding to complaints related to street children, reaching out or engaging street children with the view to remove them from the streets, relocation of children to Sakhisizwe Reception Centre, re-unification of children with their families of origin where it is not necessary to take them to Sakhisizwe Reception.
- 5.3.2 Not Applicable.
6. Questions Submitted by Councillor P Padayachee : Metro Police Enforcing the Law at the ABSA Stadium (28/1/2/2):
- 6.1 Is there any fact in respect of the observations and perceptions of the public and sports fans?**
- 6.2 If no, how are Metro Police deployed to sporting events within the City?**
- 6.3 What are the enforcement statistics by Metro Police for Rugby matches at ABSA Stadium and Soccer matches at the Moses Mabhida Stadium in the last six months?**
- Councillor ZRT Gumede in her capacity as the Chairperson of Health, Safety and Social Services Committee provided the following respective responses:-
- 6.1 No.
- 6.2 Metro Police deployed to deal with traffic control and congestion; enforcement is the last resort. Deployment to all sporting events is done according to the merits of each event. This depends on the spectator numbers expected and the risk profile of the event.
- 6.3 In the last six months one vehicle was charged and towed for parking on the traffic island. This was done as there was ample parking space and sufficient time before the starting of the event. Twenty hawkers were charged as per the special request from ABSA Management.

7. Questions Submitted by Councillor B Singh : Brooks Farm Housing Project (22/7/1/1/1):

7.1 **When will the residents of Brooks Farm receive their title deeds?**

7.2 **Many of these houses have structural defects, they were not built on proper foundations, and these houses were built on lentils and have major water leaks. When will these houses be repaired?**

7.3 **When will street names be allocated to the roads in Brooks Farm?**

7.4 **A decision in the Human Settlements Committee / Infrastructure Committee was taken that each ward would receive Solar Heater Geysers as a project. Why is there a delay in installing Solar Heater Geysers in Brooks Farm?**

7.5 **Many residents of Brooks Farm do not have water meters, why is there a delay in installing water meters for these residents?**

Councillor SN Gumede in his capacity as the Chairperson of Human Settlements and Infrastructure Committee provided the following respective responses:-

7.1 It's unclear because of the encroachments and illegal structures; up until those encroachments and illegal structures had been cleared, then title deeds would be requested.

7.2 The Project would only be rectified through the approval by the National Minister.

7.3 The formal request would be submitted to the relevant Unit for streets to be re-named or named.

7.4 This will depend on the available resources.

7.5 It's because of encroachments and illegal structures that hinders the connection of water in some individual sites.

8. Questions Submitted by Councillor P Pillay : Approval of Additional R77 Million Revenue Management System (8/1/6/1):

8.1 **Why is the Go-Live date of the Revenue Management System delayed?**

8.2 **What amount of the R485 Million has been spent to date?**

8.3 **Is the total budget of R485 Million sufficient to accommodate the Revenue Management System to be fully operational in all departments of the Municipality?**

8.4 **Which departments have not yet gone live with the Revenue Management System?**

8.5 **What are the reasons for these departments not going live with the Revenue Management Systems?**

8.6 **When is the Revenue Management System expected to go live in all departments?**

Councillor NT Mabaso in her capacity as the Whip of the Finance and Procurement Committee provided the following respective responses:-

- 8.1 The Go-live date was delayed primarily as a result of legislative changes; i.e. changes in the Credit Control and Debt Policy, Indigent Policy changes, new tariffs for rates and sewer, the complexities around migrating data for all customers on the system, the automation of work process flow for field work (new meters and replacement of existing meters), additional requirements and improvements by user departments.
- 8.2 R474 million.
- 8.3 Yes.
- 8.4 The following Modules have gone live, Revenue Receipting, Rates and Business Support. Bulk electricity is being currently tested by users and is anticipated to go live in November 2011. Sundries and Hostels are to go live in December 2011 and Durban Solid Waste has been developed but would only go live with the consolidated billing. Still to go live are housing, electricity and water and are anticipated to go live in July 2012.
- 8.5 It is a risk mitigation strategy to proceed on a phased module basis.
- 8.6 July 2012.
9. Questions Submitted by Councillor NC Gumede : COP 17 Training of Senior Managers (32/2/2):
- 9.1 How do we ensure that whatever unfolds at COP 17 (e.g. important decisions) are disseminated to all communities, especially the rural poor?**
- 9.2 What programs or projects are in place to ensure that communities are conscious of their environment?**
- 9.3 If not, why not?**
- 9.4 Has the Municipality ring fenced a specific budget to ensure that there is awareness and educative programs to empower the citizens about caring and protecting their environment?**
- 9.5 If not, why not?**
- 9.6 If so please give all the relevant details?**
- Councillor DC Gaillard in his capacity as the Deputy Chairperson of the Economic Development and Planning Committee provided the following respective responses:-
- 9.1 The outcomes of COP17 would be disseminated through a variety of mainstream media such as newspapers, television and radio. This would most likely come from the South African National Government.
- 9.2 A number of climate change awareness activities had been put in place ahead of COP 17 by eThekwini Municipality. These include inter alia; media campaign with educational poster pull outs on climate change which began two months ago, COP17 posters and information sheets in English and IsiZulu are in the process of being distributed to all Municipal buildings and all Regional Centres in the Municipality. School campaign to raise awareness about biodiversity and climate change and this is being implemented in partnership with Wildlife and Environment Society of South Africa. Educational plays and storytelling.

Over the next weeks, in the build-up to COP17, a number of schools and libraries would be visited and treated to climate change performances by renowned actors. During the COP17 a number of educational activities would be happening along the Durban Beachfront and particularly at the “green hub” (Blue Lagoon and Botanical Gardens). These are all open to members of the public and would be publicized ahead of COP17.

In addition, National and Provincial Governments as well as business groups, NGOs would be undertaking their own initiatives.

9.3 Not Applicable.

9.4 eThekwini Municipality has set aside a specific component of the COP17 budget for communication and climate change awareness. This budget has been used to initiate some of the activities in .2 above and more. A Communications Co-ordinator has been appointed for this purpose

9.5 Not Applicable.

9.6 The details have been provided in .2 above.

10. Questions Submitted by Councillor S Asbury : Electricity Call Centre (27/2/R):

10.1 Has the electricity department not established a dedicated department or office to assist Councilors directly with electricity queries?

10.2 If not, why not?

10.3 Why are call centre agents are not properly informed of problems as they arise, thus enabling them to give the correct information to callers?

10.4 How long may it take for such a department, dealing with Councillor queries to be established?

10.5 In terms of staff vacancies, by how much is the Electricity Department currently understaffed in terms of percentage?

10.6 What is the average repair time for MV faults?

10.7 On average, how many overtime hours do Council employed repair Technicians and Electricians currently work each month?

10.8 What is the current standard industry limit in terms of the number of overtime hours an Electrician may work per month?

10.9 Is it true that some Electricians currently work up to 120 overtime hours per month?

10.10 What plans have been implemented to fill vacant Electrician and Technician posts?

Councillor B Dlamini in his capacity as the Deputy Chairperson of Human Settlements and Infrastructure Committee provided the following respective responses:-

- 10.1 No.
- 10.2 Queries are raised and this makes it difficult and inefficient to task one Department or office to deal with the queries. As in the first point of call, queries are referred to the Contact Centre, should the issue be not satisfactorily resolved, Councillors have direct access to the relevant Senior Managers and Deputy Heads.
- 10.3 We have purchased an Outage Management System which would in future provide information to Call Centre Agents.
- 10.4 There is no intention to establish a department to deal with Councillor queries as per the reason of the answer given in 2. above.
- 10.5 It is understaffed by 42%.
- 10.6 The repair time is \pm 6 hours.
- 10.7 As it has been noted in .5 above, with the 42% vacancy rate, overtime hours can exceed 100 hours.
- 10.8 There is no standard for electrical distribution industry; there is Labour Relations Act that refers to a maximum of 10 hours per week.
- 10.9 Yes, it is true, with 42% vacancy rate and with the large number of outages caused during storms, third party damages, agent equipment; the Electricity Unit Management has no option but to use the reduced staff numbers to provide appropriate level of service.
- 10.10 We have a large pool of Trainees and have advertised extensively and we are paying 50 percentile market allowances and this is not enough when competing with the private sector and we open Electrician jackets.
11. Questions Submitted by Councillor R Veeran : The Widening of Phoenix Highway from Longbury / Lenham Drive (25/4/6/1):
- 11.1 If the widening is going ahead?**
- 11.2 If so, has the necessary budget provisions been made and?**
- 11.3 For which financial year/s?**
- Councillor SN Gumede in his capacity as the Chairperson of Human Settlement and Infrastructure Committee provided the following respective responses:-
- 11.1 Yes.
- 11.2 Yes.
- 11.3 This project is part of the new Public Transport and it will take place in the 2013/14 financial year.

12. Questions Submitted by Councillor WB Chapman : Speeding on our Roads (28/2/R):
- 12.1 **The National Department of Transport has recently committed itself to the International “Decade of Action for Road Safety 2011-2020”. Is the eThekwini Municipality aware of this initiative and are we willing to commit this Municipality to support the initiative?**
- 12.2 **How many calibrated and functional mobile speed enforcement equipment does the eThekwini Municipality have currently?**
- 12.3 **Are the cameras referred to in .1 above deployed to enforce speed every day, i.e. Are there days when the equipment is not all being used for speed enforcement?**
- 12.3.1 **If not, why not?**
- 12.4 **How many prosecutions for speeding were made in the 2010/2011 financial year?**
- 12.4.1 **Of those, how many prosecutions were made on the M-roads and N-roads in eThekwini (e.g. M13, Western Freeway, M19)?**
- 12.4.2 **Of those, how many prosecutions were made on other classes of Municipal road?**
- 12.5 **Is it true that speed is only enforced on residential roads if the average violation is over 20km/h over the limit? (e.g. on a 60km/h road, there must be a large number of vehicles travelling at over 80km/h before enforcement will take place)**
- 12.6 **Are there any plans to increase the amount of speed enforcement taking place in eThekwini?**
- 12.6.1 **If yes, have any targets been set?**
- 12.6.2 **If no, why not?**
- 12.7 **Why do Metro Police continue to place unmanned speed cameras on bridges despite a court order ruling this action unlawful?**
- 12.8 **Give the necessity for increased speed enforcement in residential areas, should the cameras in 7 above not be used to make our residential roads safer.**

Councillor ZRT Gumede in her capacity as the Chairperson of Health, Safety and Social Services Committee provided the following respective responses:-

- 12.1 Yes, Council would commit to and participate in this initiative in any way possible.
- 12.2 There are five calibrated and functional mobile speed devices in use.
- 12.3 Yes, every day with the exception of when there is severe rain or unplanned departmental requirements, i.e. strike action.

- 12.4 A total of 134 712 prosecutions were initiated for the 2010/11 financial year, of these 76 236 were enforced on highways, freeways and main roads. We do not do enforcement on national roads; this is undertaken by KZN RTI.
- 12.5 An instruction from the KZN Director of Public Prosecutions is that no prosecutions may be initiated for vehicles travelling less than 20 km per hour over the speed limit.
- 12.6 Yes, there is an initiative to increase speed enforcement in eThekwini. We are in a process of converting a large number of red robots cameras to speed cameras thus motorists will not only be charged for crossing red robots but also for speeding.
- 12.7 Mobile speed equipment and devices are not left unmanned; however enforcement personnel are not required to sit right next to the equipment. This is for personal safety and health reasons, i.e. sun. There is no such court order preventing enforcement on bridges.
- 12.8 Speed enforcement by laser camera equipment may only be performed on sites that have been inspected and authorised by the DPP's office. The DPP's office has authorised 72 sites for eThekwini mainly on highways, freeways and main roads and urban roads where the stopping of vehicles is considered dangerous to drivers and pedestrians.
13. Questions Submitted by Councillor S Bhanprakash : Displaced Traders: Portion of Erf 107 Chatsworth (17/2/1/2/3):
- 13.1 What is the present status regarding a claim of a displaced trader proposed Portion of Erf 107 Chatsworth?**
- 13.2 When was this matter heard in court?**
- 13.3 What was the outcome?**
- 13.4 Has the matter been settled?**
- 13.5 If not, why not?**
- 13.6 What has it cost the Council?**
- 13.7 How much more is the Council expected to pay before the matter is settled?**
- 13.8 Who in the Council are delaying the matter?**
- 13.9 What is the reason for the delay?**
- 13.10 Is there a Court Order requesting the Council to do certain things?**
- 13.11 Has the Council complied with the Court Order?**
- 13.12 If not, why not?**
- 13.13 If there are delays, are they not tantamount to a contempt of Court Order?**

- 13.14 If there are people within the Council that show disregard to our Judicial System - is that not a dereliction of duty?**
- 13.15 Should such individuals not be brought to book and be advised of the wasteful expenses?**
- 13.16 Should rate payers continue to lose monies as a result of the conduct of certain individuals?**
- 13.17 Should the imperatives of a Court Order not override the whims of certain individuals within the Council?**

Councillor NT Mabaso in her capacity as the Whip of the Finance and Procurement Committee provided the following respective summarized responses:-

The enquires about the displaced trader at the Portion of Erf 107 in Chatsworth, opposite RK Khan Hospital is as follows:

The Trader erected an illegal structure without following the development and planning processes, that is the submission of plans and other things. The trader was then requested to demolish the illegal structure and the matter was taken to court and the ruling of the court was in the favour of Council since the court instructed that the structure should be demolished. The trader complied by demolishing however he placed the container which was 12 meters long on site and this is not in line with the City's Container Strategy. He was then reprimanded by Metro Police and his failure to comply led to the removal of the container. A meeting was convened between Business Support Unit, Trader and Metro Police including the local Councillor and it was resolved that the Trader should submit an application in line with the Council policy which he has done. Objections were received from local businesses which the Unit and the local Councillor would meet with a view to motivate for the application. The Municipality is currently in possession of the court order that the Trader has to vacate the site completely, demolish the structure, remove the container etc. The Trader took the matter on appeal and lost in that forum. The Trader is not entitled to occupy any space on the respective site. She tried to stop the municipality to act on the court order by threatening an interdict and her attorney was advised of the court order and that an interdict proceeding would not be entertained by the court.

14. Questions Submitted by Councillor S Naidoo : Status of the Project Named Belvedere Extension (Gwala's Farm) Under Planning Unit Buffels Kloof (22/7/1/1/3):
- 14.1 What is the status of the project named "Belvedere Extension" (Gwala's Farm) under planning unit "Buffels Kloof" for approximately 470 units in Ward 61?**
- 14.2 When is this project expected to commence?**
- 14.3 Can footpaths be constructed in the meantime accommodate the aged and dis-abled?**
- 14.4 What criteria has been set for the application and allocation of these houses?**
- 14.5 Who is responsible for the allocation of these houses?**

14.6 What is the status of the project named “Umbhayi” under planning unit “Buffels Kloof” for approximately 780 units in ward 61?

14.7 When is this project expected to commence?

14.8 What criteria has been set for the application and allocation of these units?

14.9 Who is responsible for the allocation of these houses?

Councillor SN Gumede in his capacity as the Chairperson of Human Settlements and Infrastructure Committee provided the following respective responses:-

14.1 The application has been sent and is awaiting approval by the Department of Human Settlements.

14.2 The commencement is subject to approval referred to in .1 above.

14.3 Consideration would be made.

14.4 National criteria would be applied.

14.5 Housing Unit would do the allocation.

14.6 Information is with the Planning Department.

14.7 The project would commence when all preliminaries had been finalised.

14.8 National criteria would be applied.

14.9 Housing Unit would do the allocation.

15. Questions Submitted by Councillor S Naidoo : Status of the Project Named Belvedere Extension (Gwala’s Farm) Under Planning Unit Buffels Kloof (22/7/1/1/3):

15.1 Is there a programme in place to install solar water heaters in all RDP/ Low Cost Homes and Old Age Homes in our Municipality?

15.2 Does this or can this also include the replacement of existing geysers (many of which are proving to be troublesome and expensive to maintain) with solar water heaters in RDP/ Low Cost Homes and Old Age Homes?

15.3 Can a schedule of that programme be made available to all Councillors?

The above question was withdrawn as a Councillor was prohibited (in terms of the Rules of Order) to submit two questions for one meeting.

The Mayor presented the First Report of the Executive Committee.

FIRST REPORT OF EXECUTIVE COMMITTEE

(Meeting held on Tuesday, 2011-10-18)

1. REPORT OF THE FINANCE AND PROCUREMENT COMMITTEE: MEETING ON 2011-10-11
(Page R1)

1.1 Revision of Rental : Verulam Day & Frail Care Centre: 100 Todd Street, Verulam (17/2/1/2/5):
(Page 14 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

1.1.1 That the rental in respect of Portion of Rem of Erf 1009 Verulam, Registration Division FU, Province of KwaZulu-Natal held by the Verulam Day and Frail Care Centre be fixed at R390.00 (Three Hundred and Ninety Rands Only) per month exclusive of VAT for the first year of the 4 year revision period commencing 01 June 2011 escalating thereafter by 9% per annum for the ensuing 3 years.

1.1.2 That subject to the adoption of .1 above all costs of documenting the renewal of lease and revision of rental be borne by the Lessee.

ADOPTED.

1.2 Revision of Rental : David Landau Community Centre: 2 Crocus Road (17/2/1/2/5):
(Page 16 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

1.2.1 That the rent for the lease held by the David Landau Community Centre in respect of Lease 9 on Erf 301 Springfield, Registration Division FT in the Durban Entity, Province of KwaZulu-Natal in extent 2455m² as depicted on Diagram SG. No. 2881/1964 for the period commencing 14 May 2011 be R280.00 (Two Hundred and Eighty Rands Only) per month exclusive of VAT for the first year escalating thereafter by 9% per annum for the ensuing 4 years.

1.2.2 The rental and rate of escalation shall be subject to review after each 5 year period.

1.2.3 That subject to the adoption of .1 above all costs of documenting the renewal of lease and revision of rental be borne by the Lessee.

ADOPTED.

1.3 Revision of Rental : Sherwood Association : 102 Harris Crescent (17/2/1/2/5):
(Page 18 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

1.3.1 That the rental in respect of Portions 53, 54 and 55 of Erf 806 Brickfield, Registration Division FT in the Durban Entity, Province of KwaZulu-Natal in extent 1253m², 1083m² and 1014m² as depicted on Diagrams SG. No. 5486/47, 5487/47 and 5488/47 respectively, held by the Sherwood Association be fixed at R700.00 (Seven Hundred Rands Only) per month exclusive of VAT for the first year escalating thereafter by 9% per annum for the ensuing 4 years of the five year period commencing 13 November 2011 and expiring on 12 November 2016.

- 1.3.2 That subject to the adoption of .1 above all costs of documenting the revision of rental be borne by the Lessee.

ADOPTED.

- 1.4 Revision of Rental : Erf 2492 (Extension 21) Tongaat: Basdeo Kooblal (17/2/1/2/5):
(Page 23 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

- 1.4.1 That the rental in respect of the lease of the land described as Erf 2492, Extension 21, Tongaat Township, in extent 500m², held by Basdeo Kooblal, for the five year period from 07 October 2011 to 06 October 2016 be a monthly rent of the sum of R1 164.00 (One Thousand One Hundred and Sixty Four Rands Only) per month (plus VAT) for the first year, escalating by 10% per annum for the ensuing 4 years.

- 1.4.2 That all costs in documenting this revision of rent be borne by the Lessee.

ADOPTED.

- 1.5 ISO Accreditation of SCM Process (9/R):
(Page 27 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

- 1.5.1 That the International Organization for Standardization (ISO) accreditation of the Municipality's Supply Chain System and processes be supported in principle.

- 1.5.2 That authority be granted to the Deputy City Manager: Procurement & Infrastructure and the Deputy City Manager: Treasury to develop an implementation plan.

- 1.5.3 Pursuant to .2 above, a further report be submitted to Committee, including the implementation framework and cost implication, for final approval.

- 1.5.4 That the administrative decision with regard to the Supply Chain Management Unit reporting to the Treasury Cluster be adhered to and that this decision be communicated to the relevant Local Labour Forum.

ADOPTED.

- 1.6 In-Year Financial Budget Statement for the Month Ending 31 July 2011
(Comparative Statement Report):
(Page 29 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

That the City Manager's report in In-Year Financial Budget Statement for the Month ending 31 July 2011 (Comparative Statement Report), submitted in compliance with Section 71 of the Municipal Finance Management Act (MFMA) in terms of Government Notice 32141 dated 17 April 2009, relating to the "Local Government: Municipal Finance Management Act 2003 Municipal Budget and Reporting Regulations", and the financial results and supporting documentation (Schedule C - Attached to the City Manager's report) as at 31 July 2011, be considered by the Council.

ADOPTED.

- 1.7 Budget Statement Report for the Month Ending 31 August 2011 (Comparative Statement Report):
(Page 73 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

That the City Manager's report on Budget Statement Report for the Month Ending 31 August 2011 (Comparative Statement Report), submitted in compliance with Section 71 of the Municipal Finance Management Act (MFMA) in terms of Government Notice 32141 dated 17 April 2009, relating to the "Local Government: Municipal Finance Management Act 2003 Municipal Budget and Reporting Regulations", and the financial results and supporting documentation (Schedule C - attached to the City Manager's report) as at 31 August 2011, be considered by the Council.

ADOPTED.

- 1.8 Report on Investments (7/1/R):
(Page 115 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

That the City Manager's report relative to Report on Investments: August to September 2011 be noted.

NOTED.

- 1.9 Rule Amendment in Respect of Durban Pension Fund (4/12/1/R):
(Page 116 : Finance and Procurement Committee : Agenda - 2011-10-11)

COMMITTEE RECOMMENDS:

That Rule Amendment No. 3 of the Durban Pension Fund relating to the submission of valuations to the Registrar of Pension Funds in accordance with the Pension Funds Act, be approved, it being noted that the said amendment has no financial impact on the Council.

ADOPTED.

2. WARNING ON ITI UNESCO: FUNDING PROPOSAL (7/5/1)
(Page 14)

COMMITTEE RECOMMENDS:

That Circular No. 31 of 2011 relative to Warning on ITI UNESCO: Funding Proposal of 2011 and submitted by the Department of Co-operative Governance be noted.

NOTED.

3. REPORT BACK: BIODIVERSITY ADVISORY COMMITTEE MEETING AND COUNCIL APPROVAL FOR MAYOR TO BECOME A MEMBER OF THE WORLD MAYOR'S COUNCIL ON CLIMATE CHANGE (32/2/2)
(Page 17)

COMMITTEE RECOMMENDS:

- 3.1 That the report back on the following meetings be noted:-
- 3.1.1 Biodiversity (previously) LAB Advisory Committee Meeting held on 04 September 2011, in Bonn, Germany.
- 3.1.2 Advisory Committee of the Global Partnership on Local and Sub-National action for Biodiversity-Second Meeting on the Implementation of the Plan of Action 05 – 06 September 2011, Bonn, Germany.
- 3.2 That the Mayor of eThekwini Municipality, Councillor JS Nxumalo be authorized to become a member of the World Mayor's Council on Climate Change.

ADOPTED.

4. REQUEST FOR APPROVAL OF GRANT-IN-AID TO SOUTH AFRICAN CITIES NETWORK: RATIFICATION OF RULE OF ORDER 18
(Page 22)

COMMITTEE RECOMMENDS:

- 4.1 That the following recommendations as approved in terms of Rule of Order 18 be ratified subject to deletion of the following:-

“In order to recoup these costs it is proposed that SACN is charged R800 000.00 for the hire of the City Hall for the Convention which was originally going to be provided free of charge.”

- 4.1.1 That eThekwini Municipality, as one of the lead organisers of the “Durban Local Government Convention”, provide a grant-in-aid of R800 000.00 (Eight Hundred Thousand Rands Only) to South African Cities Network (SACN) (Project Manager of the R3 Millions provided by Department of Environmental Affairs (DEA) to cover the proposed S & T requirements of the Convention.

(Vote Number: 12721.06619 R800 000.00 FC Number: 6/16
Adjustment Budget in lieu of additional income)

ADOPTED.

5. COMPLETION OF PROFILE QUESTIONNAIRE REGARDING ALL COUNCILLORS (3/5/6)
(Page 27)

COMMITTEE RECOMMENDS:

- 5.1 That Circular No. 29 of 2011 relative to Completion of Profile Questionnaire Regarding All Councillors be noted.
- 5.2 That the Speaker and the Chief Whip be mandated to ensure compliance to .1 above.

NOTED.

6. STRATEGIC RISK ASSESSMENT REPORT (2/10/1/1)
(Page 36)

Council noted that during the Executive Committee meeting, the City Manager requested Members to consider the revised recommendations that had been laid on the table. In response to a question raised with regard to the ranking of the top ten

risks, the City Manager advised that the first risk (IT Systems) was ranked high and the rest were recorded/ ranked randomly.

In view of the presentation by the Chairperson of the Audit and Risk Committee, Executive Committee Member Pillay urged that the Municipality should to finalise the establishment of a specialised Risk Committee as a matter of urgency.

Executive Committee Member SN Gumede suggested that advice from Legal Services be sought in respect of the Terms of Reference for the specialised Risk Committee. In response, the City Manager advised that there had been discussion at the Deputy City Manager's Forum and this would be presented to the Audit and Risk Committee as well as the Executive Committee.

COMMITTEE RECOMMENDS:

- 6.1 That the Strategic Risk Assessment Report for 2011/2012 financial year be approved.
- 6.2 That the Strategic Risk Register incorporating the strategies intended to mitigate the identified risks be approved.
- 6.3 That the City Manager reports to the Executive Committee quarterly on the progress on implementation of the Risk Mitigation Strategies.

ADOPTED.

7. COMMISSION PAYABLE ON SALE OF VALUE ASSIST
(Page 74)

Council noted that during the Executive Committee meeting, the Head: Legal Services circulated a report on the legal opinion in respect of the above item and following consideration, it was

COMMITTEE RECOMMENDS:

- 7.1 That the initial recommendations relative to Commission Payable on Sale of Value Assist be not approved and the following legal opinion be approved:-
 - 7.1.1 “It is clear that the Municipality has spent millions of Rand developing Value Assist, and would wish to recover some of the money from municipalities that want to use the product. From a legal point of view, this can be done provided the Minister of Treasury is approached for an exemption from Section 164. This exemption should apply to the sale of products that have been developed by the Municipality to other municipalities. It would be important to do a demand analysis to check the extent of the need by other municipalities, in order to work out what to charge so that the Municipality is not seen as trying to make profit from other municipalities. It would also be critical to first register these products under intellectual property legislation. If this exemption is granted, the legal point of view was that it may not be necessary to work through an agent. To the extent that the product has already been sold to Ekurhuleni, it is suggested that the Municipality should apply for condonation in terms of Section 170 of the Municipal Finance Management Act”.

ADOPTED.

JS NXUMALO
CHAIRPERSON

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Tuesday, 2011-10-25)

- PRESENT** : Executive Committee Members Nxumalo (Mayor and Chairperson), Cele, Collins, SN Gumede, ZRT Gumede, Mtshali, Peer, Pillay and Veeran.
- ABSENT** : Executive Committee Member Shabalala (Deputy Mayor) (on leave-municipal business).

1. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING ON 2011-10-13

(Page R1)

- 1.1 Use of Municipal Assets: COP 17 – CMP 7 Conference (21/13/R):
(Page 28 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

- 1.1.1 That for the successful branding and marketing of COP 17, the Council exercises its powers in terms of section 316 of Natal Ordinance 25 of 1974 to relax the requirements of the bylaws in relation to any related advertisement or sign or the display or erection thereof, provided that such relaxation does not prejudice the overall effectiveness of the bylaws and does not result in a threat to public safety,
- 1.1.2 That Council gives consideration to suitable advertising on private and Council-owned property and assets in all areas/regions, including those areas deemed Maximum Control in terms of its Advertising Signage Policy.
- 1.1.3 That the Head: Development Planning, Environment & Management be mandated to approve the advertising proposal on private property & Council's assets/property, as and when required.
- 1.1.4 That the Head: Development Planning, Environment & Management be mandated to take all necessary steps to ensure that all related advertising is removed within fourteen (14) days after the conclusion of the event and that a further report be tabled to the Economic Development and Planning Committee in the event that extensions or a deviation to these resolutions are required.
- 1.1.5 That the above resolutions be deemed to a special arrangement specifically for the COP 17 Conference and does not constitute a precedent for Advertising and Signage in the eThekwini Region.

ADOPTED.

- 1.2 Virginia Airport (21/14/1):
(Page 38 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

- 1.2.1 That upon the expiry of the existing leases in March 2012, in order to facilitate General Aviation at Virginia Airport, the Head: Real Estate be requested to explore new leases for periods not exceeding ten (10) years.

- 1.2.2 That the Municipality begins a process of negotiation with Dube Trade Port around the possible relocation of operators to King Shaka International Airport, such relocation to become possible after the proposed Ten (10) year lease period has elapsed.
- 1.2.3 That the Municipality conducts further investigations around the possible long-term location of training and helicopter operations.
- 1.2.4 That the Municipality implements improved management strategies, which would include complying with section 78 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to ensure cost recovery related to the operation of Virginia Airport.

ADOPTED.

- 1.3 REPORT OF THE TOWN PLANNING SUB-COMMITTEE: Meeting held On 2011-09-29
- 1.3.1 Amendment of the Pinetown Scheme by Rezoning Erf 1948 Pinetown : 1 King Frederick Place, Pinetown : from Special Residential 1 to Transition Zone (21/7/3):
(Page 11 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

That in terms of section 13 of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) the amendment to the Pinetown Scheme by the rezoning of Erf 1948 Pinetown, located at 1 King Frederick Place, from Special Residential 1 to Transition Zone be approved for the following reasons:-

- 1.3.1.1 Planning Need and Desirability for the site has been adequately demonstrated.
- 1.3.1.2 The proposed Zone would not have a negative impact nor any loss of amenity.
- 1.3.1.3 The existing Zone is no longer considered appropriate.
- 1.3.1.4 Transition Zone is considered a more suitable Zone for the subject site; and on condition that no vehicular access onto Glenugie Road would be permitted.

ADOPTED.

- 1.3.2 Durban Planning Scheme in Course of Preparation : Proposed Rezoning of Land on Portion 1 of Erf 858 Waterval Park at 486/490 King Cetshwayo Road, Cato Manor From Special Residential 650m² to Institutional 1:
(Page 34 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

That the application in terms of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) for the rezoning of land on Portion 1 of Erf 858 Waterval Park at 486/490 King Cetshwayo Highway from Special Residential 650m² to Institutional 1 be approved and that the Berea South area of the eThekwini Municipality be amended by the rezoning of Portion 1 of Erf 858 Waterval Park, from Special Residential 650m² to Institutional 1 for the following reasons:-

- 1.3.2.1 The proposed zoning will correctly identify the use of the site.

- 1.3.2.2 The Special Residential 650m² Zone is restrictive and would require Special Consent on each and every occasion that additions and/ or alterations were required.
- 1.3.2.3 The Applicant has demonstrated that there is a genuine need for the zoning to be changed so that the site can be properly developed.
- 1.3.2.4 The site has not been used as a residential site for at least 60 years having housed the Mayville Hotel and an office development, which is the existing approved use.
- 1.3.2.5 The locality of the site makes it more practical to have an Institutional Zoning.
- 1.3.2.6 The use of the site as a hospital will not compromise the surrounding area.
- 1.3.2.7 The scale of the development will be in keeping with that of the surrounding properties.
- 1.3.2.8 The site is ideally located and is highly accessible to all major road networks in the area and is serviced by public transport in the form of buses and taxis.
- 1.3.2.9 The proposed zone is unlikely to have any negative impact on the surrounding sites.
- 1.3.2.10 The applicant has shown that the proposal can accommodate adequate on-site parking and as no adverse traffic impact is anticipated, eThekwini Transport Authority had supported the application.

ADOPTED.

- 1.3.3 Remainder of Erf 1547 Westville : 42 Ferndale Avenue : Proposed Amendment to the Westville Scheme : Proposed Rezoning from Special Residential 1200m² to Education and Public Assembly (21/7/3):
(Page 253 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

That in terms of section 13(4) of the KwaZulu-Natal Planning & Development Act, 2008 (Act No.6 of 2008), the amendment to the Westville Scheme by the rezoning of Remainder of Erf 1547 Westville, located at 42 Ferndale Avenue, from Special Residential 1200m² to Educational and Public Assembly Zone be adopted, subject to:-

- 1.3.3.1 The Remainder of Erf 1547 Westville being consolidated with the Remainder of Erf 1549 Westville and;
- 1.3.3.2 The non-residential land use on the application site being restricted to an Educational building.

ADOPTED.

- 1.3.4 Durban Town Planning Scheme In Course Of Preparation : Berea North Area: Proposed Rezoning Of Land At 106 Steve Biko Road : From General Residential 2 Zone To Office Zone (21/7/3):
(Page 276 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

That the application to rezone 106 Steve Biko Road from General Residential 2 Zone to Office Zone as depicted on Drawing No. 1819-1318, be approved for the following reasons:-

- 1.3.4.1 The site is surrounded by Residential, Commercial and Educational uses and can no longer be described as a solely unique residential site.
- 1.3.4.2 Steve Biko Road provides both vehicular and pedestrian access to Durban University of Technology which by its scale and intensity of use in the case of the latter has eroded much of the residential amenity the site may once have enjoyed as Steve Biko has become a high volume road.
- 1.3.4.3 The development of the site for office purposes would enhance and complement the mixed use character of the area as a whole.
- 1.3.4.4 The provision of on-site parking can be achieved.
- 1.3.4.5 The development of the site for office purposes will remove the dilapidated garage on the site which is being lived in and will put a stop to illegal dumping thereon.
ADOPTED.
- 1.3.5 Durban Town Planning Scheme In Course Of Preparation : Chatsworth Area: Proposed Rezoning Of Land On Portion 8051 Of Erf 107, Chatsworth At 82 Fragrance Street From Special Shopping To Petrol Service Station Zone (21/7/3):
(Page 317 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

That the Durban Town Planning Scheme in course of preparation, as adopted by the disestablished City Council on 19 June 1967, and, as adopted from time to time, be further amended by the rezoning of land on Portion 9449 (of 8051) on Erf 107, Chatsworth, from Special Shopping to Petrol Service Station.

ADOPTED.

- 1.3.6 Durban Town Planning Scheme In Course Of Preparation : Durban North Area : Proposed Rezoning Of Land Situated At 33 Browns Drift Road, From Duplex 900m² To General Residential 1 (21/7/3):
(Page 366 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

- 1.3.6.1 That the application to rezone Erf 156 Umgeni Park, situated at 33 Browns Drift Road, from Duplex 900M² to General Residential 1, be refused for the following reasons:-
 - 1.3.6.1.1 The proposed control within a General Residential 1 Zone and the permitted number of units thereto could adversely affect the surrounding residential site.
 - 1.3.6.1.2 The introduction of a General Residential 1 zone on the western side of Browns Drift Road will distract from the existing streetscape thereto.

1.3.6.2 That, the application to rezone Erf 156 Umgeni Park situated at 33 Browns Drift Road from Duplex 900m² to Extended Residential 650m² be supported for the following reasons:-

1.3.6.2.1 The proposed zone would not have a negative impact or any loss of current amenities.

1.3.6.2.2 The proposal is in line with the Council's policy for densification.

ADOPTED.

1.3.7 Rezoning : Proposed Rezoning of Portion 24 (of 1) of Erf 2408, Izinga, Umhlanga Rocks, Situated at 40 Wager Avenue, from Private Open Space to Special Residential 1 (21/7/3):

(Page 387 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

That in terms of Chapter 2 of Section 9(ii) of the KwaZulu-Natal Planning and Development Act, 2008 (Act 06 of 2008), the application to amend the Umhlanga Town Planning Scheme No 1, Erf 2408 Umhlanga Rocks, be rezoned from Private Open Space to Special Residential 1, be adopted.

ADOPTED.

1.4 Amanzimtoti CBD Node Regeneration Plan (September 2011) (21/5/1):

(Page 47 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

1.4.1 That the Amanzimtoti CBD Node Regeneration Plan (September 2011) be adopted;

1.4.2 That the Head: Economic Development and Investment Promotion Unit be authorised to appoint a Project Manager to drive the implementation of the Regeneration of Plan on a dedicated basis.

ADOPTED.

1.5 Broadband Provision to Schools in eThekwini Municipality (10/2/1):

(Page 77 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

1.5.1 That Council approves the use of the eThekwini Network as a vehicle to connect the last mile access to schools on the Connected Schools Project through the use of subsidies from National Government or other interested agencies.

1.5.2 That the details relating to implementing this aspect of the project continue to be discussed and finalised by the Connected Schools Steering Committee, in accordance with all relevant legislation.

ADOPTED.

1.6 Fashion Designers Industry Development Programme (20/1/6/R):

(Page 103 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

1.6.1 That the continued participation in the Fashion Industry Programme for the development of the Fashion Sector be endorsed.

1.6.2 That subject .1 above, the City Manager be authorised to conclude a Memorandum of Agreement (MOA) to give effect to this matter.

1.6.3 That the Head: Economic Development and Investment Promotion be duly authorised, to disburse funds to KZN Fashion Council (Section 21 Company) to the sums (excluding VAT) of One Million and Twenty Seven Thousand One Hundred and Sixty Two Rand and fifty cents only (R1 027 162.50) for the 2011/2012 financial year; One Million Three Hundred and Two Thousand and One Hundred and Twenty One Rand and Twenty Cents only (R1 302 121.20) for the 2012/2013 financial year and One Million Three Hundred and Twelve Thousand Three Hundred and Thirty One Rand and Ninety Cents only (R1 312 331.90) for the 2013/14 financial year subject to the provisions of Act 56 of 2003.

1.6.4 That the Head: Economic Development and Investment Promotion be authorised to report progress on this programme on an annual basis, in writing.

Vote No	Amount	Year
12012.09195	R1 027 162.50 (excl. VAT)	(Provided in 2011/12)
12012.09195	R1 302 121.20 (excl. VAT)	(Provided in 2012/13)
12012.09195	R1 312 331.90 (excl. VAT)	(Provided in 2013/14)

FC 18/12

ADOPTED.

1.7 Township Regeneration: Economic Redevelopment Programme (20/1/3/R)
(Page 136 : Economic Development and Planning Committee : Agenda - 2011-10-13)

Having noted with much concern the long delay in Township Development in various areas metro-wide over the years, it was

COMMITTEE RECOMMENDS:

1.7.1 That the Head: Economic Development & Investment Promotion proceed with the preparation of a former “Township” Regeneration & Economic Development Strategy, based on the experience and successes the Unit has achieved in the implementation of its current Township Redevelopment programmes.

1.7.2 That subject to .1 above, the Head: Economic Development & Investment Promotion proceed with finalising the Broad Level Action Plan, that identifies potential projects, for all “Townships” in eThekwini Municipality.

1.7.3 That the Head: Economic Development & Investment Promotion report back to the Economic Development and Planning Committee in writing at the completion of each of the phases referenced above.

Financial Details:

Vote 12018.09285 R200 000 provided in 2011/12

Vote: 12018.09285 R500 000 Provided in 2012/13

F.C18/13

ADOPTED.

- 1.8 Hazelmere Lungisisa Indlela Village (LIV) Project: Acceptance of Grant Funds (7/14/R):
(Page 148 : Economic Development and Planning Committee : Agenda - 2011-10-13)

Having lauded the LIV project which was a private pilot scheme for the benefit of vulnerable children, especially AIDS victims and orphans, and the added benefit of providing employment for local residents primarily, it was

COMMITTEE RECOMMENDS:

- 1.8.1 That the Council accepts the sum of Five Million Rand only (R5 000 000.00) grant funding from the Department of Co-operative Governance and Traditional Affairs (COGTA) in the 2011/12 and 2012/13 financial years.
- 1.8.2 That the City Manager be authorised to sign a Grant Agreement with the Department of Co-operative Governance and Traditional Affairs (COGTA) to give effect to the grant.
- 1.8.3 That the Economic Development & Investment Promotion Unit be authorised to receive the approved grant funding and co-ordinate the implementation of the identified projects in accordance with Council's Supply Chain Management Policy.

(No FC Number Required - No Cost to be Incurred)

ADOPTED.

- 1.9 1000 Hills Tourism Route Upgrade (20/1/4/R and 31/1/1/1):
(Page 150 : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

- 1.9.1 That project approval be granted for the Tourism Infrastructure upgrading on the 1000 Hills Tourism Route for the estimated amount of Two Million and Two Hundred Thousand Rand only (R2.2 million), including disbursements and contingencies but excluding VAT, this allocation to be reflected in the Budget Adjustment.
- 1.9.2 That the Economic Development & Investment Promotion Unit be authorised to co-ordinate the implementation of the identified project in accordance with the Council's Supply Chain Management Policy.

Vote: S1089 R2 200 000-00 2011/2012-to be regularised via an Adjustment Budget

ADOPTED.

- 1.10 Mpumalanga New Town Centre: Authority to Engage in a Three (3) Years Lease with the Ingonyama Trust Board in Order to Finalise Land Tenure for the Construction of Civic Centre that Will Host Various Public Services and Municipal Activities, as Well as a Fire Station and Town Centre Park. (17/2/1/1/3):
(Laid On Table : Economic Development and Planning Committee : Agenda - 2011-10-13)

COMMITTEE RECOMMENDS:

- 1.10.1 That in order to secure occupational /land rights for the development of the Sizakala Centre and Fire Station in Mpumalanga, the Head: Real Estate be authorised to enter into negotiations with the Ingonyama Trust Board, to lease the required properties as

depicted on Plan No. SH 9762 dated 2011-05-06, which forms part of the properties described as Reminder of the Farm Lot 5 Sterk Spruit No. 1611 and Reminder of the Farm Mpumalanga No. 17156;

- 1.10.2 That subject to the adoption of .1 above and the outcome of the negotiations, authority be granted to the Head: Real Estate to conclude a lease agreement with the Ingonyama Trust Board for a maximum duration of three (3) years at a rental of Two Hundred Rand only (R200.00) per year, it being noted that the Ingonyama Trust Board is an organ of State and it is precluded from granting long term occupation rights in respect of any initial lease period;
- 1.10.3 That in the event that it becomes necessary to acquire the required properties in freehold, the Head: Real Estate be authorised to negotiate for the grant or acquisition of, or to expropriate, if necessary, the required properties.
- 1.10.4 That subject to the adoption of .1 to .3 above, the responsible line Departments plan for their respective future capital and operational expenditure in the forthcoming MTEF.

Vote No.	12012.09285	R200.00	Provided in 2011/12
		R200.00	Provided in 2012/13
		R200.00	Provided in 2013/14

ADOPTED.

2. QUORUM FOR MUNICIPAL COUNCILS (7/5/1)
(Page 17)

COMMITTEE RECOMMENDS:

That Circular No. 31 of 2011 from the Provincial Department of Co-operative Governance and Traditional Affairs in respect of Quorum for Municipal Councils be noted.

NOTED.

3. INSTITUTE OF TRAFFIC AND MUNICIPAL POLICE OFFICERS OF SOUTHERN AFRICA 63RD CONFERENCE: 2011-11-10 TO 2011-11-11 (14/1/1)
(Page 21)

COMMITTEE RECOMMENDS:

- 3.1 That Council note the report pertaining to the forthcoming Institute of Traffic and Municipal Police Officers of Southern Africa (ITMPO - SA) Conference to be held at Umhlanga, Coastlands Hotel.
- 3.2 That the Head : Metro Police nominate three members of his staff to attend the conference and symposium from 10 to 11 November 2011 and the necessary registration fees be paid.
- 3.3 That his Worship the Mayor of eThekwini or his nominated representative be requested to officially open the conference on 10th November 2011 at 09:00.
- 3.4 That members attending the conference be deemed to be officially on duty.

3.5 That it be noted that the Chairperson of the Health, Safety and Social Services may nominate up to three Councillors to attend the Conference referred to .1 above
ADOPTED.

4. REQUEST FOR AUTHORITY TO BEGIN PROCESS OF INTRODUCING MEDALS IN METRO POLICE FOR MEMBERS WITH DISTINGUISHED SERVICE (4/6/2)
(Page 26)

COMMITTEE RECOMMENDS:

4.1 That the Head: eThekwini Metro Police be granted authority start a process of implementing the introducing of medals in Metro Police as described in Government Gazette No. 31310 dated 08 August 2008.

4.2 That subsequent to approval .1 the normal tender procedures be investigated and process followed in terms of the laid down Supply Chain Management Policy and procedures.

[No financial implications at this stage]

ADOPTED.

5. NOMINATION OF COUNCILLORS TO REPRESENT ETHEKWINI MUNICIPALITY ON THE BOARDS OF THE NATAL JOINT MUNICIPAL PENSION FUND: RATIFICATION OF RULE OF ORDER 18

(Page 38)

COMMITTEE RECOMMENDS:

5.1 That the following recommendations as approved in terms of Rule of Order 18 be ratified:-

5.1.1 That the following Councillors be nominated as Representatives and Alternate Members to represent the eThekwini Municipality on the Board of the Natal Joint Municipal Pension Fund:-

REPRESENTATIVES			ALTERNATES MEMBERS		
Councillor	S Shange	ANC	Councillor	BA Chili	ANC
Councillor	DM Shozi	ANC	Councillor	LN Ndlovu	ANC
Councillor	AR Mitchel	DA	Councillor	M Johnson	DA
Councillor	BR Mtshali	NFP	Councillor	DF Mncwabe	NFP

MOTION TO AMEND

In terms of Rule of Order 13 (3) (4), Councillor WB Chapman seconded by Councillor R Crouch moved that the above recommendations of the Executive Committee be amended by removing the name of Councillor AR Mitchel and be replaced by Councillor P Naidoo.

The Motion to Amend was unanimously CARRIED, whereafter it was

RESOLVED:

5.1 That the following recommendations as approved in terms of Rule of Order 18 be ratified:-

5.1.1 That the following Councillors be nominated as Representatives and Alternate Members to represent the eThekwini Municipality on the Board of the Natal Joint Municipal Pension Fund:-

REPRESENTATIVES			ALTERNATES MEMBERS		
Councillor	S Shange	ANC	Councillor	BA Chili	ANC
Councillor	DM Shozi	ANC	Councillor	LN Ndlovu	ANC
Councillor	P Naidoo	DA	Councillor	M Johnson	DA
Councillor	BR Mtshali	NFP	Councillor	DF Mncwabe	NFP

6. COUNCIL REPRESENTATION ON OUTSIDE BODIES

(Page 46)

COMMITTEE RECOMMENDS:

6.1 That the City Manager’s report relative to Council Representation on Outside Bodies be approved except for representation on SALGA-KZN (Plenary).

6.2 That Executive Committee Member SN Gumede be mandated to provide an updated report on SALGA-KZN Constitution in order to confirm if it allowed for Plenary Committee.

6.3 That any further adjustments on the representation be submitted to the Office of the Speaker by Friday, 2011-10-28 and be tabled to Council on 2011-10-31.

Concerns were raised regarding the fact that further consultations needed to be done with Party Caucuses on this matter. Thereafter, it was unanimously

RESOLVED:

6.1 That the following recommendations be approved in-principle and that the Executive Committee be delegated authority to finalise any further amendments relative to Council Representation on Outside Bodies.:

6.1.1 That the City Manager’s report relative to Council Representation on Outside Bodies be approved except for representation on SALGA-KZN (Plenary).

6.1.2 That Executive Committee Member SN Gumede be mandated to provide an updated report on SALGA-KZN Constitution in order to confirm if it allowed for Plenary Committee.

6.1.3 That any further adjustments on the representation be submitted to the Office of the Speaker by Friday, 2011-10-28 and be tabled to Council on 2011-10-31.

7. REPORT OF THE GOVERNANCE AND HUMAN RESOURCES COMMITTEE:
MEETING ON 2011-10-20

(Page R8)

7.1 Naming of Streets in Ward 96 Covering Folweni (25/4/15/R):
(Page 56 : Governance and Human Resources Committee : Agenda - 2011-10-20)

A request was made that whoever was tasked to erect the street names should ensure that those names were correct as numerous incorrect street names had been observed.

COMMITTEE RECOMMENDS:

That the proposed and reviewed names for the unnamed streets in Ward 96 as indicated on Plan STN 25/07/11 MIM (attached to the City Manager's report), be approved

ADOPTED.

7.2 Naming of Streets in Ward 98 Covering Illovo (25/4/15/1):
(Page 64 : Governance and Human Resources Committee : Agenda - 2011-10-20)

COMMITTEE RECOMMENDS:

That the proposed and reviewed names for the unnamed streets in Ward 96 as indicated on Plan STN 29/08/11 MIM (attached to the City Manager's report), be approved.

ADOPTED.

7.3 Concession Cards for Certain Municipal Services (26/3/1/5):
(Page 73 : Governance and Human Resources Committee : Agenda - 2011-10-20)

COMMITTEE RECOMMENDS:

7.3.1 That a Municipality Concession Card programme be introduced on the basis of the principles set out in the Recommendations report from the Head : Regional Centres Unit dated 2011-10-18 and that it be administered by the Regional Centres Unit.

7.3.2 That an administrative fee of Fifty Rands only (R50.00) be levied for the processing and supplying of concession cards.

REFERENCE BACK :

In terms of rule of order 13 (3) (5), Councillor J Van der Bergh seconded by Councilor D Mcpherson moved that the above recommendations of the Executive Committee be referred back to that Committee for further consideration.

NOT CARRIED:

Following discussion, the motion to refer back was put to a vote. With 168 Councillors present, 67 Councillors (DA-40, MF-11, NFP-5, IFP-8, ACDP-2 and COPE-1) voted in favour, 101 Councillors (ANC-99, TA-1 and IND-1) voted against.

The Motion to refer back was by majority NOT CARRIED.

As some Councillors were not in support of the recommendations the matter was put to a vote.

With 170 Councillors present, 115 Councillors (ANC-100, NFP-4, IFP-9, TA-1 and INDEPENDENT-1) voted in favour, 55 Councillors (DA-41, MF-11, ACDP-2 and COPE-1) voted against the recommendations.

It was therefore, by majority vote,

RESOLVED:

- 7.3.1 That a Municipality Concession Card programme be introduced on the basis of the principles set out in the Recommendations report from the Head: Regional Centres Unit dated 2011-10-18 and that it be administered by the Regional Centres Unit.**
- 7.3.2 That an administrative fee of Fifty Rands only (R50.00) be levied for the processing and supplying of concession cards.**
- 7.4 Grant-In-Aid Ad Hoc Applications for 2011/2012 as at 16 September 2011 (7/14/1/1):
(Page 75 : Governance and Human Resources Committee : Agenda - 2011-10-20)

COMMITTEE RECOMMENDS:

- 7.4.1 That an amount of Twenty Thousand Rands only (R20 000.00) be approved to Sakhisizwe Crèche to assist with the cost of holding a Universal Children's day Celebration on 26th November 2011.
- 7.4.2 That an amount of Twenty Thousand Rands only (R20 000.00) be approved to the Association for Persons with Physical Disabilities (KZN), to assist with the cost of hosting an International Day for Persons with Disabilities on 3rd December 2011 at the Suncoast Conference Centre.
- 7.4.3 That an amount of Ten Thousand Rands only (R10 000.00) be approved to Chess South Africa to assist partially with the cost of Seshni Govindasamy participation at the World Youth Chess Championships to be held from 17th - 27th November 2011, in Caldas Novas, Brasil.
- 7.4.4 That an amount of Ten Thousand Rands only (R10 000.00) be approved to Lukhona Mnguni, to assist with the cost of him attending the 23rd International Youth Leadership Conference in Prague, Czech Republic From 8th - 13th January 2012.
- 7.4.5 That an amount of Fifteen Thousand Rands only (R15 000.00) be approved to Young Generational Thinkers, to assist with the costs of holding a Day of Reconciliation on 16th December 2011.
- 7.4.6 That an amount of Twenty Thousand Rands only (R20 000.00) be approved to Newlands Youth Organisation, to assist the costs of hosting a Reconciliation Day event 16th December 2011.

Vote 12721.10941 R95 000.00 Provided in 2011/12 FC No.06/17

ADOPTED.

8. ADDITIONS AND REFURBISHMENT TO EXISTING CONTROL CENTRE
(17/2/2/2/1)

(Page 61)

COMMITTEE RECOMMENDS:

That for the reasons set out in the City Manager's report, the Head : Electricity be granted authorization to commence with the construction of the additional two floors at the existing Control Centre at a cost of R70 542 433.00 (Seventy Million Five Hundred and Forty Two Thousand Four Hundred and Thirty Three Rands Only), the installation of the Video Wall at an estimated cost of R21 000 000.00 (Twenty One Million Rands Only) and thereafter the refurbishment of the existing third and fourth floors at the Control Centre at an estimated cost of R21 691.335 (Twenty One Million Six Hundred and Ninety One Thousand Three Hundred and Thirty Five Rands Only). The costs are inclusive of VAT.

Vote No.: 80310 FC: 79/CA 1201

R30 000 000.00 Provided for in the 2011/2012 budget

R50 000 000.00 To be provided for in the 2012/2013 budget

R34 000 000.00 Provided for in the 2013/2014 budget

ADOPTED.

9. SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
QUARTERLY REPORTING: SEPTEMBER 2011

(Page 84)

COMMITTEE RECOMMENDS:

9.1 That the Service Delivery and Budget Implementation Plans for the quarter ended September 2011 be adopted.

9.2 That subsequent to .1 above, the Service Delivery and Budget Implementation Plan be submitted to Support Committees for further deliberation.

ADOPTED.

JS NXUMALO
CHAIRPERSON

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(In-Committee Meeting held on Tuesday, 2011-10-25)

- PRESENT : Executive Committee Members Nxumalo (Mayor and Chairperson), Cele, Collins, SN Gumede, ZRT Gumede, Mtshali, Peer, Pillay and Veeran.
- ABSENT : Executive Committee Member Shabalala (Deputy Mayor) (on leave-municipal business).

[At this stage of the proceedings (11:25 to 11:34, the City Manager recused himself from the meeting.)

1. IN-COMMITTEE MATTERS

1.1 Post of the City Manager:

(Laid on Table)

In considering this matter Dr Michael Sutcliffe was excused from the Council Meeting. The Council noted that the Mayor reminded Members that in June 2011, a Special In-Committee meeting of the Executive Committee was held whereby the following decisions were approved:-

- That the post of the City Manager be advertised with immediate effect.
- That the Mayor be mandated to drive the process with the assistance of the relevant officials.
- That the Mayor be mandated to communicate this decision to the City Manager
- That the contract of the City Manager be extended monthly for up to six months or until the post had been filled, whichever occurred first.

He confirmed that the process as per the recommendations made on 2011-06-30 had commenced and following advice from Legal Services, a Special In-Committee Meeting was held on the 27th September 2011. It was agreed at this meeting that in order to avoid conflict of interest; it would be wise to engage the services of an independent service provider in terms of Regulation 32. This was communicated to COGTA and they had advised that they had a service provider (Ekuseni Personnel Consultants) in their panel that could be utilized by the Municipality in this regard. It was noted that in terms of the Municipal Finance Management Act and the Supply Chain Management Policy, the City Manager had delegated authority to deal with engagement of service providers hence this was discussed with him and an appointment letter had been issued.

He further advised that in-between these processes, a circular had been received from COGTA in respect of mandatory submission of information by Municipal Councils to the MEC in terms of the Municipal Systems Amendment Act. However, this was received after the process had already commenced and the recommendations as approved on 2011-06-30 and 2011-09-27 should be taken to Council for ratification. He further requested Members to brief their Party Caucuses prior to the Council Meeting. Following consideration,

COMMITTEE RECOMMENDS:

- 1.1.1 That the following recommendations as approved by the Executive Special In-Committee Meeting held on 2011-06-30 be ratified:-

- (a) That the post of the City Manager be advertised with immediate effect.
- (b) That the Mayor be mandated to drive the process with the assistance of the relevant officials.
- (c) That the Mayor be mandated to communicate this decision to the City Manager.
- (d) That the contract of the City Manager be extended monthly for up to six months or until the post has been filled, whichever occurred first.

1.1.2 That the following recommendations as approved by the Executive Committee at its Special In-Committee Meeting held on 2011-07-27 be ratified:-

- (a) That the process of managing the filling of the City Manager's post be outsourced to an outside agency.
- (b) That Regulation 32 of the Municipal Finance Management Act, which would enable the Municipality to procure services under contract secured by another organ of state, in order to meet the December 2011 deadline.
- (c) That the Mayor, in consultation with the Head: Legal Services and the Department of Co-operative Governance and Traditional Affairs be mandated to take the process forward and report back to the Executive Committee.

1.1.3 That the Executive Committee be approved to serve as the shortlisting and interviewing panel for the post of the City Manager.

ADOPTED.

2. IMPLEMENTATION OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS AMENDMENT ACT, 2011

(Laid on Table)

COMMITTEE RECOMMENDS

That Circular No.19 of 2011 from the National Department of Co-operative Governance and Circular No. 37 of 2011 from the Provincial Department of Co-operative Governance in respect of the Implementation of the Local Government Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011) be NOTED.

ADOPTED.

3. FILLING OF HEAD: INTERNAL AUDIT POSITION

(Raised verbally)

COMMITTEE RECOMMENDS:

3.1 That the post of the Head: Internal Audit be advertised.

3.2 That the Executive Committee be mandated to appoint the shortlisting and interviewing panel in respect of the Head: Internal Audit post

ADOPTED.

JS NXUMALO
CHAIRPERSON

FOURTH REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Monday, 2011-10-31)

- PRESENT** : Executive Committee Members Nxumalo (Mayor and Chairperson), Cele, Collins, SN Gumede, ZRT Gumede, Mtshali, Pillay and Veeran.
- ABSENT** : Executive Committee Member Shabalala (Deputy Mayor) (on leave-municipal business) and Peer.
-

[This item was considered in conjunction with Item 1.1 of the Third Report of the Executive Committee Meeting.]

1. APPLICATION TO THE MEC TO EXTEND THE CONTRACT OF THE CITY MANAGER

(Laid on Table)

COMMITTEE RECOMMENDS:

That the Mayor be mandated to apply to the MEC: Co-operative Governance and Traditional Affairs to approve the extension of the contract of the City Manager from 1 October 2011 to 31 December 2011, with retrospective effect in terms of Section 54A of the Municipal systems Amendment Act.

ADOPTED.

JS NXUMALO
CHAIRPERSON

NOTICES OF MOTION

1. NOTICE OF MOTION : DEBT RELIEF INTERVENTION PROGRAMME TO RATEPAYERS IN ARREARS WITH THE MUNICIPALITY : PROPOSED BY COUNCILLOR I CASSIMJEE AND SECONDED BY COUNCILLOR D GOVENDER (7/2/R)

This Council noting:

There are many ratepayers who are in arrears with the Municipality. Due to the present economic crisis and the loss of employment, many of these citizens are not in the position to pay the required amount as down payment in order to make an agreement. Many ratepayers who have a minimum of 10% of their arrear debt are requested to raise the full 25% required before any agreement is made. This however results in the ratepayers not making an agreement and the Municipality loses out on the 10% recovery.

Herby resolves that:

The Executive Committee investigates a Debt Relief Intervention Programme (D.R.I.P.) to allow citizens whom are willing to raise a minimum of 10% of their arrear debt over a period above the present policy.

The above Notice of Motion was CARRIED.

2. NOTICE OF MOTION : OUTSTANDING TRAFFIC FINES : PROPOSED BY COUNCILLOR KR PILLAY AND SECONDED BY COUNCILLOR DW MACPHERSON (7/6/2/4)

This Council in noting that:

Reference is made to a monthly comparative statement that was served before the Finance and Procurement Committee dated 07 September 2011.10.17

The value of fines outstanding has increased from R1.113 billion in June 2011 to R1.129 billion in July 2011.10.17.

Taking cognisance that recovery of at least 50% of the outstanding fines will go a long way in enhancing services delivery to all the citizens of eThekwini.

Herby resolves to recommend that:

1. That a discount of 50% be given for fines paid within 30 days
2. For all fines paid later than 30 days, amnesty will no longer apply.

As some Councillors were not in support of the motion, a debate ensued and thereafter the motion was put to a vote.

With 165 Councillors present, 64 Councillors (DA-41, MF-9, NFP-4, IFP-8 and ACDP-2) voted in favour of the motion and 101 Councillors (ANC-98, TA-1, COPE-1 and INDEPENDENT-1) voted against the motion.

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

3. NOTICE OF MOTION : OPPOSITION TO TOLLING OF HIGHWAYS:
PROPOSED BY COUNCILLOR WB CHAPMAN AND SECONDED BY
COUNCILLOR A BEETGE(25/4/5/1)

This Council noting that:

1. The Public, Political Parties, Civil Society Organisations, Trade Unions and the Chamber of Commerce have stated their opposition to the tolling of highways with eThekwini;
2. There is no single, safe, effective public transport system that would provide an alternative to the residents of eThekwini;

Hereby resolves that:

1. Council declares its opposition to the proposed tolls within eThekwini;
2. Council directs the Mayor and Executive Committee to take steps to intervene on behalf of eThekwini residents against the tolls, by engaging South African National Roads Agency (SANRAL) through the avenue afforded by the Intergovernmental Relations Framework Act;
3. That, should SANRAL proceed with the tolling regardless of the engagement, that the Metro interdicts SANRAL from implementing tolling.

As some Councillors were not in support of the motion, a debate ensued and thereafter the motion was put to a vote.

With 166 Councillors present, 65 Councillors (DA-41, MF-9, NFP-3, IFP-9, ACDP-2 and COPE-2) voted in favour of the motion and 101 Councillors (ANC-99, TA-1 and INDEPENDENT-1) voted against the motion.

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

4. NOTICE OF MOTION : MAINTENANCE AND TIMEOUS REPAIRS OF
COMMUNITY HALLS PLANT AND EQUIPMENT: PROPOSED BY
COUNCILLOR D GANESHAND SECONDED BY COUNCILLOR
R GOKOOL(17/2/2/2/R)

This Council noting that:

1. Council Community Halls are being used frequently by Members of the Public and the Council;
2. Wear and tear of equipment like trestles take a great deal of rough handling leading to breakages and damage to the flimsy coating of paint;
3. Floors are poorly maintained, window and door latches are often in a poor state of repair;
4. Some parking areas are not tarred or even hardened

Hereby resolves to recommend that:

1. The Executive Committee order an urgent audit and report back on the number of Community Halls with defective and untidy equipment;

2. Why the Personnel in Charge of these halls have allowed a progressive deterioration of plant and equipment;
3. Set a reasonable time frame for effective remedial action and
4. Investigate why there has been no sanction against those who have allowed this state of affair to persist.

The above Notice of Motion was CARRIED.

5. NOTICE OF MOTION : ASSET LOSSES RESULTING IN CABLE THEFT IN THE ETHEKWINI: PROPOSED BY COUNCILLOR HS GUMBI AND SECONDED BY COUNCILLOR WB CHAPMAN (27/2/7/R)

This Council noting:

Asset losses resulting from cable theft in eThekwini over the past five years amount to nearly R100m excluding secondary economic losses.

The cost of 'energising' a 350m cable stretch of ten 70 watt street lights is estimated at R2, 68 per day.

The cost of replacing the same length of cable and equipment is estimated at R38 500.00 per incident.

Hereby resolves that:

1. eThekwini Municipality keeps all its street lights on 24 hours a day for the next 6 months.
2. The Municipality reports back to Council after 6 months on the number of incidences of cable theft linked to street lights that are experienced within the 6 month period.
3. If the trial intervention is successful financially and environmentally, for the trial to be extended.

As some Councillors were not in support of the motion, a debate ensued and thereafter the motion was put to a vote.

With 164 Councillors present, 41 Councillors (DA-41) voted in favour of the motion and 123 Councillors (ANC-95, MF-10, NFP-4, IFP-9, ACDP-2, TA-1, COPE-1 and INDEPENDENT-1) voted against the motion.

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

6. NOTICE OF MOTION : PUTHU WORSHIP SITES BEING VANDALISED: PROPOSED BY COUNCILLOR S HANSRAJ AND SECONDED BY COUNCILLOR P PILLAY (21/8/2)

This Council noting:

The Minority Front appreciates this Council for being sensitive to areas wherever a Puthu surfaces. The practice of worship by Hindus at the Puthu is very sacred.

Recently at open spaces where the Puthu had surfaced, it was vandalised and destroyed because of intolerance

Herby resolves that:

The Executive Committee investigates and report back at the next Council meeting on: Developing a policy on protecting sites where the Puthu surface in keeping with the Constitution of our country.

The above Notice of Motion was WITHDRAWN on the basis that the proposer of this motion, Councillor S Hansraj, was no longer in attendance at the meeting.

7. NOTICE OF MOTION : INCREASE IN WATER TARIFFS: NEGATIVE FINANCIAL IMPACT ON RATEPAYERS: PROPOSED BY COUNCILLOR EL SINGH AND SECONDED BY COUNCILLOR B SINGH (27/2/5/3)

This Council noting that:

The Electricity and Water tariff increases are having a negative financial impact on ratepayers. Pensioners and Grantees are experiencing serious difficulties paying their consolidated billing because the electricity meter readings are not recorded on a monthly basis.

Herby resolves that:

1. The Executive Committee investigate and report back on the Municipality embarking on a City wide educational campaign, on methods, for consumers to conserve and save water and electricity.
2. The Municipality set up a toll free number for customers to provide the Municipality with their electricity meter reading on a monthly basis which will effectively remove the Municipality from charging electricity cost to the ratepayers based on estimate charges.

The above Notice of Motion was CARRIED.

8. NOTICE OF MOTION : ETHEKWINI WATER SERVICES POLICY IN RESPECT OF THE WATER FIXED CHARGES : NEGATIVE FINANCIAL IMPACT ON RATEPAYERS: PROPOSED BY COUNCILLOR B SINGH AND SECONDED BY COUNCILLOR D SINGH (23/1P)

This Council noting that:

The Council adopted the eThekwini Water Services (EWS) policy in respect of the water fixed charges, with effect from 01 July 2008, whereby properties whose valuations are below R190 000.00 will be exempted from the payment of water fixed charges.

The Minority Front has asked a question to the Municipal Manager on the reimbursement to property owners who had qualified for these exemptions from 01 July 2008 and the response was that, "no rebate will be passed"

Herby resolve that:

The Executive Committee investigates and report back to the next Council meeting on Water Fixed Charges for property owners, who have paid, although their property valuations are below R190 000.00.

As some Councillors were not in support of the motion, a debate ensued and thereafter the motion was put to a vote.

With 165 Councillors present, 66 Councillors (DA-40, MF-10, NFP-4, IFP-9, ACDP-2 and COPE-1) voted in favour of the motion and 99 Councillors (ANC-97, TA-1 and INDEPENDENT-1) voted against the motion.

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

9. NOTICE OF MOTION : MOVE TO DECENTRALISE DEWALI CELEBRATION TO SUBURBS AND TOWNSHIPS : PROPOSED BY COUNCILLOR DR PILLAY AND SECONDED BY COUNCILLOR G GOVENDER (13/2/1/2)

This Council noting that:

The Diwali Celebration are supported by our City.

Herby resolves that:

The Executive Committee investigates a process whereby the eThekwini Municipality's support for Diwali Celebrations are decentralized in suburbs and townships.

As some Councillors were not in support of the motion, a debate ensued and thereafter the motion was put to a vote.

With 169 Councillors present, 50 Councillors (DA-40 and MF-10) voted in favour of the motion and 119 Councillors (ANC-101, NFP-4, IFP-9, ACDP-2, COPE-1 and INDEPENDENT-1) voted against the motion.

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

10. NOTICE OF MOTION : INSTALLATION OF PREPAID ELECTRICITY METERS FOR INDIGENT CONSUMERS : PROPOSED BY COUNCILLOR DC GAILLARD AND SECONDED BY COUNCILLOR MS ZWANE (27/2/R)

This Council noting that:

1. The exorbitant cost of electricity has rendered this essential commodity practically unaffordable to many consumers
2. The hardest hit being the indigent (i.e. Government Pensioners, Social Welfare Grantees and the Unemployed)
3. The aforementioned are inevitably accumulating enormous arrears which automatically will result in their services being disconnected. (The extreme hardship this would create needs no explanation).
4. The probability of Council recovering these arrears would be virtually impossible.
5. To protect the indigent from disconnection and Council from irredeemable revenue loss.

Herby resolves that:

The Executive Committee investigates and reports back to Council (as a matter of urgency)

1. That possibility of all indigent consumers be given the option of converting to the pre-paid system on request.
2. That Council bear the cost thereof.

The above Notice of Motion was CARRIED.

REPORT OF COMMITTEE DECISIONS

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

1. ETHEKWINI MUNICIPALITY INFORMAL ECONOMY FORUM
Meeting held on : 2011-09-14
2. FINANCE & PROCUREMENT COMMITTEE
Meeting held on : 2011-10-11
3. GOVERNANCE AND HUMAN RESOURCES COMMITTEE
Meeting held on : 2011-09-07
4. HUMAN RESOURCES AND DEVELOPMENT SUB-COMMITTEE: TREASURY AND OFFICE OF THE CITY MANAGER
Meeting held on : 2011-09-28
5. LOCAL LABOUR FORUM: TREASURY AND OFFICE OF THE CITY MANAGER
Meeting held on : 2011-09-28
6. SENIOR CITIZENS STEERING COMMITTEE
Meeting held on : 2011-09-15
7. MAYORAL AWARDS STEERING COMMITTEE
Meeting held on : 2011-09-29
: 2011-10-05
8. SPEAKER'S COMMITTEE
Meeting held on : 2011-09-26
9. TOWN PLANNING SUB-COMMITTEE
Meeting held on : 2011-09-29

NOTED.

ITEMS FOR NOTING

The items for noting, as reflected on pages 45-48 of the Agenda were **NOTED**.

COUNCILLORS PENSION FUND

(Raised verbally)

The Speaker advised that the CEO of the Councillors' Pension Fund would be available to address Councillors on Friday, 2011-11-04T13:00, Chief Albert Luthuli Hall.

He also wished all Hindu Councillors a belated Diwali greeting as they celebrated on 2011-10-26. He further wished Muslim Councillors, in anticipation, Eid to be celebrated around 2011-11-06.

DELIVERY OF AGENDAS

(Raised verbally)

Councillor Macpherson raised concern with regard to the late delivery of agendas for both the Council and Support Committee meetings. He further requested that there be consideration of not sending bulky agendas. In response, the Speaker advised that this was being addressed as it had also been raised at the Speaker's Committee meeting. He mentioned that it had been agreed that Committee Members would receive the hard copy of the agenda and the rest of the items would be sent electronically.

The meeting terminated at 13:45.

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2011-12-07.

SPEAKER