

MINUTES

of Proceedings of the meeting of the Nelson Mandela Bay Metropolitan Council held in the Conference Centre, Old Wool Exchange Building, Military Road, Port Elizabeth on Thursday, 29 March 2018 at 09:05.

PRESENT

SPEAKER:	1.	COUNCILLOR LAWACK, J (In the Chair)		
COUNCILLORS:	2.	ADAMS, T P	62.	MHLOBISO, N J
	3.	ANTONI, N P	63.	MHLONGO, T S
	4.	ARENDS, J A	64.	MIGGELS, G G
	5.	BEST, J S	65.	MLUNGWANA, L V
	6.	BEYNON, S	66.	MNYIMBA, L D
	7.	BHANGA, B M	67.	MOGATOSI, M K
	8.	BIDDULPH, D N	68.	MONKS, D J S
	9.	BOBANI, M E	69.	MRARA, L
	10.	BOOI, N M	70.	MTATI, N C
	11.	BOQWANA, K K	71.	MTHI, N A
	12.	BOTI, M L	72.	MTSILA, M J
	13.	BREAKFAST, M S	73.	MÜLLER, H
	14.	BUTI, D	74.	NDONI, P S
	15.	BUYEYE, T C S	75.	NGUMBELA, K O
	16.	CAPTAIN, R N	76.	NKOSI, M M
	17.	DAAMINDS, R	77.	NODADA, B B
	18.	DANIELS, M V	78.	NOMBEXEZA, L X
	19.	DANO, L M	79.	NOMBIBA, B B
	20.	DAVIDS, S D	80.	NOMBOLA, L
	21.	DE ANDRADE, M J	81.	NOQOLI, T S
	22.	DLULA, Z	82.	NTSHIZA, S M
	23.	DYELE, V	83.	NZANZEKA, S D
	24.	FALDTMAN, G	84.	ODENDAAL, R
	25.	FALTAİN, T	85.	PALI, Y M
	26.	FENI, M	86.	PINK, N Q
	27.	FILLIS, S	87.	PLAATJIES, S S J
	28.	GALLANT, L A	88.	QUKUBANA, L P
	29.	GARAI, C	89.	RAFANI, S
	30.	GIBBON, A B	90.	RANYELE, I F
	31.	GIDANE, M A	91.	RAUTENBACH, G
	32.	GOUWS, R	92.	RIORDAN, R B
	33.	GREYLING, F v N	93.	RWEXWANA, S
	34.	GROBBELAAR, J	94.	SABANI, X
	35.	GROOTBOOM, L P	95.	SAULS, S L
	36.	HARKER, E J	96.	SENEKAL, W (Chief Whip)
	37.	HAYSELDEN, D A	97.	SIJADU, S
	38.	HERMAANS, P	98.	SIKWEYIYA, N E
	39.	HIGGINS, N R	99.	SONTI, N P
	40.	ISAACS, A D	100.	SOYES, S
	41.	JACOBS, T	101.	STEYN, M G
	42.	JODWANA, M S	102.	SUKA, L
	43.	JORDAN, A G	103.	TERBLANCHE, P W
	44.	KAYSER, R C	104.	TROLLIP, R A P (Executive Mayor)
	45.	KEPE, O H	105.	TSHAKA, M
	46.	KRUGER, L	106.	TSHANGA, P F
	47.	LOUW, T P	107.	TSHANGELA, T F
	48.	LOVEMORE, A T	108.	TYALI, X C
	49.	LUNGISA, A W	109.	TYOKWANA, A
	50.	MAFAYA, B N	110.	TYUKANA, S S
	51.	MAKUNGA, M L	111.	VAN DE LINDE, F A
	52.	MANYATI, V M	112.	VAN DER WESTHUYZEN, A
	53.	MAQOLO, A M	113.	VAN STAADEN, H C
	54.	MAQULA, G D	114.	VANI, P B
	55.	MBELEKANE, M E	115.	VENA, Z M
	56.	MBUQU, B P	116.	WEISE, T L
	57.	MEYER, R	117.	WHITFIELD, A G
	58.	MFAMA, P A	118.	YAKO, Y N
	59.	MFANA, L	119.	ZINTO, M M
	60.	MFUNDA, A C G	120.	ZUMA, N N
	61.	MGCOKOCA, M		

(Times of late arrival are indicated in brackets.)

SECTION 1 - APPLICATIONS FOR LEAVE OF ABSENCE IN TERMS OF PARAGRAPH 3 OF THE CODE OF CONDUCT

Leave of absence from all Council and Committee meetings was granted to the following Councillors for the periods stated:

SECTION 2 - DISCLOSURE OF INTEREST BY COUNCILLORS IN TERMS OF PARAGRAPH 5 OF THE CODE OF CONDUCT

No disclosures were made.

SECTION 3 - DISCLOSURE OF INTEREST BY OFFICIALS

No disclosures were made.

SECTION 4 - CONFIRMATION OF MINUTES

RESOLVED:

That the Minutes of Proceedings of the meeting of the Metropolitan Council held on 27 February 2018 (as circulated per Circular No. 25/2018 dated 26 March 2018), be hereby confirmed.

SECTION 5 - MINUTES OF COMMITTEES

NOTED

SECTION 6 - REPORTS, STATEMENTS OR COMMUNICATIONS BY SPEAKER

SECTION 7 - INTERVIEWS WITH DEPUTATIONS

None.

SECTION 8 - STATEMENTS BY EXECUTIVE MAYOR

The Executive Mayor made no Statements to the Council under this Section of the Agenda.

The Speaker reported that the ANC requested a brief caucus for 15 minutes.

(The meeting adjourned at 15:45 and resumed at 16:10.)

Councillor Lungisa on behalf of the ANC recommended that the Council should focus on the items that dealt with compliance matters only, namely the 2017/18 Adjustments Budget and the Draft IDP and Budgets, and that the remainder of the items should be deferred to the Council's next scheduled meeting. However, the Speaker explained that as the Council's next ordinary meeting was scheduled for 30 May 2018 only, the Council should also consider the items dealing with municipal leases and non-contentious matters contained in the Executive Mayor's Report, and Councillor Lungisa indicated that the Speaker's proposal was supported.

SECTION 9 - REPORT OF EXECUTIVE MAYOR TO COUNCIL [AGENDA PAGES 7 - 45]

The Executive Mayor presented his Report as contained in Sections 9 of the Agenda for the Council's consideration.

RESOLVED:

That the report be received.

FURTHER RESOLVED:

That the recommendations of the Executive Mayor be ADOPTED, subject to the variations hereunder:

ITEM 1; PAGE 7 – Lease of Land : Erf 762, Greenbushes – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

That in compliance with the provisions of Section 14(1) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the application to lease Erf 762, Greenbushes, be refused.

ITEM 2; PAGE 8 – Lease of Land : Portion of Erf 921 abutting Erf 3562, KwaDwesi – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

That in compliance with the provisions of Section 14(1) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the application to lease a portion of Erf 921 abutting Erf 3562, KwaDwesi, be refused.

ITEM 3; PAGE 12 – Sale of Land : Erf 50046, Ibhayi – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That expressions of interest and/or objections be called for from any interested parties so as to comply with Section 14(5) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 and that Erf 50046, Ibhayi, as shown on Plan No. M6A-X-28, be sold, subject to compliance with Section 14(2) of the aforesaid Act, and in the event of there being no response, subject to the following conditions:
- (i) A selling price of R449 000.00 plus Value Added Tax;
 - (ii) The subject property being utilized as a Place of Worship use in terms of the Ibhayi Zoning Scheme Regulations;
 - (iii) A Site Development Plan detailing on-site use and indicating measures proposed to minimise the impact of the proposed use on the adjacent properties being submitted for approval by the Executive Director: Human Settlements prior to the submission of any building plans provided that if considered necessary, the Executive Director: Human Settlements may at the time of assessing the Site Development Plan require the erection of a 2,4m high brick wall and landscaping on the rear and sides of the property to protect the amenity of the adjacent properties;
 - (iv) In terms of the National Building Regulations and before any new used rights are exercised, building plans showing the change in use of the building and possible parking layout being submitted for the approval by the Executive Director: Human Settlements. Building plans shall not be signed off until such time as all on-site parking has been physically provided in accordance with the approved building plan;
 - (v) All outdoor advertising signs being submitted to the Executive Director: Human Settlements for approval in terms of Council's Outdoor Signs (Advertising and Other) By-Law 2010;
 - (vi) No parking on all road reserves / verges being permitted;

- (vii) Access onto the site as well as other access details being approved by the Executive Director: Infrastructure and Engineering;
 - (viii) On site parking being provided as per the requirements of the Eastern Cape Department of Transport standards;
 - (ix) Any stormwater and/or road modifications and/or alterations being at the purchaser's expense and to the satisfaction of the Executive Director: Infrastructure and Engineering;
 - (x) An electricity supply can be made available to the erf at the purchaser's expense and at a cost to be determined once a final layout, erven unit densities, capacities and exact locations of such supplies are confirmed in writing. Written details, together with an approved final layout, must be provided to the Executive Director: Electricity and Energy. Notice periods of up to four months before an electricity supply is available can be required in some instances;
 - (xi) All costs associated with the transaction being for the account of the Purchaser;
 - (xii) Council's standard conditions of sale.
- (b) That, in the event of there being any objections or expressions of interest from other parties, the matter be deferred for further consideration of the procedures to be adopted in accordance with Section 14(5) of the Local Government: Municipal Finance Management Act, Act 56 of 2003.

ITEM 4; PAGE 16 – Draft Locomotion and Car Allowance Policy – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the first sentence of Clause 12.1 in the Locomotion and Car Allowance Policy be amended to read as follows:
- “Notwithstanding the monthly monitoring by each Executive Director or his/her nominee as stated in Clause 8 of this Policy, Executive Directors will be required to at least once per annum, on or before 30 June of each year, assess all recipients of allowances under their control in order to ensure that the allowance is appropriately applied and also that the vehicle purchased under the fixed locomotion allowance scheme is being utilised by the employee.”
- (b) That the Locomotion and Car Allowance Policy attached as Annexure “B” to Item 4 of the Executive Mayor’s Report to the Council dated 29 March 2018 and as amended in (a) above, hereby be adopted.
- (c) That Locomotion and Car Allowance Policy be implemented from the first of the month following approval by the Council.

ITEM 5; PAGE 17 – FILPRO Enterprise Development Lease Agreement : Erf 51153, Ibhayi – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease Erf 51153 Ibhayi to FILPRO Enterprise Development be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental is negotiated with the applicant in accordance with the recommendations of the Rates and Valuation Sub-Directorate's valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) All other costs associated with the transaction being for the account of the Lessee;
 - (iv) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (d) That, if no additional expressions of interest or objections are received, a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 6; PAGE 18 – New Love Life Trust Lease Agreement : Erf 9638, KwaNobuhle – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease Erf 9638 KwaNobuhle to New Love Life Trust be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental is negotiated with the applicant in accordance with the recommendations of the Rates and Valuation Sub-Directorate's valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) The previous conditions of lease will be applicable;
 - (iv) All other costs associated with the transaction being for the account of the Lessee;
 - (v) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, that the matter be subjected to a closed tender process between

the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.

- (d) That, if no additional expressions of interest or objections are received, that a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 7; PAGE 19 – Uitenhage Mental Health Society Lease Agreement : Erf 5443, Uitenhage – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease Erf 5443, Uitenhage, to the Uitenhage Mental Health Society be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental is negotiated with the applicant in accordance with the recommendations of the Rates and Valuation Sub-Directorate's valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) The previous conditions of lease will be applicable;
 - (iv) All other costs associated with the transaction being for the account of the Lessee;
 - (v) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (d) That, if no additional expressions of interest or objections are received, that a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 8; PAGE 20 – Children's Feeding Trust Lease Agreement : Office accommodation at Walmer Town Hall : Portion of Erf 1935, Walmer – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease a portion of Erf 1935 at the Walmer Town Hall to the Children's Feeding Trust be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental be negotiated with the applicant in accordance with the current rental that is being paid;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) All other costs associated with the transaction being for the account of the Lessee;
 - (iv) Council's Standard Conditions of Lease shall apply.
- (c) That in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (d) That if no additional expressions of interest or objections are received, a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 9; PAGE 22 – Simele HCBC Lease Agreement : Erf 436, Greenbushes – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease a portion of Erf 436, Greenbushes, to Simele HCBC be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental is negotiated with the applicant in accordance with the recommendations of the Rates and Valuation Sub-Directorate's valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) All other costs associated with the transaction being for the account of the Lessee;
 - (iv) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.

- (d) That, if no additional expressions of interest or objections are received, a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 10; PAGE 23 – Uitenhage Bowling Club Lease Agreement : Erf 4058, Uitenhage – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease a portion of Erf 4058, Uitenhage, to the Uitenhage Bowling Club be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
- (i) A market related rental be negotiated with the applicant in accordance with the current rental that is being paid;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) The previous conditions of lease will be applicable;
 - (iv) All other costs associated with the transaction being for the account of the Lessee;
 - (v) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (d) That, if no additional expressions of interest or objections are received, a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 11; PAGE 24 – FORUS Global Digital Exchange Lease Agreement : Erf 428, Humewood – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease Erf 428, Humewood, to FORUS Global Digital Exchange be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.

- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental is negotiated with the applicant in accordance with the recommendations of the Rates and Valuation Sub-Directorate's valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) All other costs associated with the transaction being for the account of the Lessee;
 - (iv) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (d) That, if no additional expressions of interest or objections are received, a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 12; PAGE 25 – Bread of Life Family Ministries Lease Agreement : Erf 13964, Bethelsdorp – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease Erf 13964, Bethelsdorp, to the Bread of Life Family Ministries be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental is negotiated with the applicant in accordance with the recommendations of the Rates and Valuation Sub-Directorate's valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) The previous conditions of lease will be applicable;
 - (iv) All other costs associated with the transaction being for the account of the Lessee;
 - (v) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (d) That, if no additional expressions of interest or objections are received, a lease agreement be drafted by the Municipality's Legal Services Sub-Directorate in accordance

with the above recommendations and that such be presented to the City Manager for approval.

ITEM 13; PAGE 26 – VODACOM Group (Pty) Ltd Lease Agreements : Portion Erf 258, Beachview; Erf 3408, Despatch; Erf 224, Blue Horizon Bay; Erf 21159, Motherwell; Remainder Erf 107, Mount Road; Erf 237, Clarendon Marine; Erf 416, Blue Horizon Bay – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease the properties listed hereunder to VODACOM Group (Pty) Ltd be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003:
 - (i) Beachview Cellular Tower situated at Campus Road, Erf 258 Beachview;
 - (ii) Windsor Park Cellular Tower situated at Dr HF Verwoerd Drive, Erf 3408 Despatch;
 - (iii) Blue Horizon Bay Cellular Tower 1 situated at Gladiola Street, Erf 224 Blue Horizon Bay;
 - (iv) Motherwell Cellular Tower situated at St Georges Street, Erf 2115 Motherwell;
 - (v) MUNILEK Building Cellular Tower situated at Harrower Road, Remainder of Erf 107 Mount Road;
 - (vi) Clarendon Marine Cellular Tower situated at Aliwal Road, Erf 237, Clarendon Marine;
 - (vii) Blue Horizon Bay Cellular Tower 2 situated at Beach Road, Clarendon Marine, Erf 416, Blue Horizon Bay.

- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental to be negotiated with the applicant in accordance with the recommendations of the current valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) All other costs associated with the transaction being for the account of the Lessee;
 - (iv) Council's Standard Conditions of Lease shall apply.

- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.

- (d) That, if no additional expressions of interest or objections are received, a lease agreement be drafted by Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 14; PAGE 29 – Drostdy Park Tennis Club Lease Agreement : Erven 5421, 5433 and Portion Erf 5416, Uitenhage – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the Municipality's intention to lease Erven 5421, 5433 and Portion of Erf 5416, Uitenhage, to the Drostdy Park Tennis Club be advertised and that expression(s) of interest and/or objection(s) be called for from any interested parties so as to comply with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (b) That in the event of there being no response, such lease be in accordance with the following conditions:
 - (i) A market related rental to be negotiated with the applicant in accordance with the recommendations of the current valuation report;
 - (ii) A lease period of 5 (five) years with an option to renew for a further 5 years;
 - (iii) All other costs associated with the transaction being for the account of the Lessee;
 - (iv) Council's Standard Conditions of Lease shall apply.
- (c) That, in the event of there being any objections or expression of interest from parties other than the applicant, the matter be subjected to a closed tender process between the initial applicant and all the additional parties, in accordance with Section 14(5) of the Local Government : Municipal Finance Management Act, Act 56 of 2003, and that the submissions of such closed tender presented to Council to approve the successful bidder.
- (d) That, if no additional expressions of interest or objections are received, a lease agreement be drafted by Municipality's Legal Services Sub-Directorate in accordance with the above recommendations and that such be presented to the City Manager for approval.

ITEM 15; PAGE 30 – Independent Electoral Commission (IEC) : Leases for municipal halls and space (Various) – Adopted

(This item was considered by the Council on 29 March 2018.)

The Council by general consent

Resolved:

- (a) That the space and halls required by the Independent Electoral Commission (IEC) for elections and election related activities be leased to the IEC for all future use, without being advertised and / or the calling of expression(s) of interest and/or objection(s) from any interested parties as the applicant is an organ of State, subject to compliance with:
 - (i) Section 14(6) of the Municipal Finance Management Act, 2003, *Section 14(6) "This section does apply to the transfer of a capital asset to another municipality or to a municipal entity or to a national or provincial organ of state in*

circumstances and in respect of categories of assets approved by National Treasury, provided that such transfers are in accordance with a prescribed framework”.

- (ii) Chapter 3, Section 20(1)(e) of the Local Government : Municipal Finance Management Act Municipal Asset Transfer Regulations of 2008, “*Circumstances in which transfer of municipal capital assets to organs of state is exempted from sections 14 and 90 of the Municipal Finance Management Act, 2003, when the transfer of a capital asset to an organ of state is required or permitted in terms of national legislation and the legislation determines the condition of the transfer*”
- (b) That the lease of the property referred to in (a) above be subject to compliance with Sections 14(6) of the Local Government : Municipal Finance Management Act, Act 56 of 2003, and in accordance with the following conditions:
- (i) A market related rental be negotiated with the applicant in accordance with the current rental that is being paid per event;
 - (ii) A lease period is confirmed with the lessee at least three (3) months prior to the respective election related activity. The duration of the lease will not exceed use for seven (7) days prior and seven (7) post the election related activity per event;
 - (iii) The previous conditions of lease will be applicable;
 - (iv) Council’s Standard Conditions of Lease shall apply.
- (c) That, subject to compliance with the above, a lease agreement be drafted by the Municipality’s Legal Services Sub-Directorate in accordance with the above conditions and that such are presented to the City Manager for approval.

ITEM 16; PAGE 32 – Supply Chain Management (SCM) Policy [Version 5] – Adopted

(This item was considered by the Council on 29 March 2018 after the Council concluded considering the Municipal Public Accounts Committee’ Oversight Report on the Municipality’s 2016/17 Annual Report as contained under Section 12 of the Agenda.)

The Council by general consent

Resolved:

That in terms of Section 111 of the Local Government : Municipal Finance Management Act, Act 56 of 2003, the draft Supply Chain Management Policy (Version 5) be adopted as the Supply Chain Management Policy of the Nelson Mandela Bay Metropolitan Municipality, subject to Budget and Treasury Councillors being provided a 14-day calendar period to provide input on any amendments that they would like incorporated in the Policy.

ITEM 17; PAGE 34 – Mandela Bay Development Agency (MBDA) Board of Directors Remuneration – Adopted

EXECUTIVE MAYOR’S RECOMMENDATION PUT AND DECLARED CARRIED (Votes “For” / Votes “Against”)

Resolved:

- (a) That article 5.1 of the MBDA MOI be amended to allow the Board of Directors to be remunerated as follows:

(i)	Board Chairperson	R10 000 per sitting
(ii)	Board Members	R7 500 per sitting
(iii)	Board Sub-Committee Chairperson	R6 000 per sitting
(iv)	Sub-committee Members	R4 000 per sitting

- (b) That a maximum fee claim per month be R40 000 for the Board Chairperson and R20 000 for Board of Directors.
- (c) That the remuneration of the Board members commences from the date of the Council resolution and that the remuneration not be retrospective.

ITEM 18; PAGE 36 – Long-Term Growth and Development Plan – Adopted

EXECUTIVE MAYOR'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

That the Nelson Mandela Bay Long-Term Growth and Development Plan attached as Annexure "D" hereto be adoption.

ITEM 19; PAGE 37 – Report detailing the unintended consequences of Council's failure to approve the 2017/2018 Adjustments Budget and the amended SDBIP on Tuesday, 27 February 2018 – Adopted

EXECUTIVE MAYOR'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

- (a) That the contents of the report relating the unintended consequences on the Council's inability to approve the 2017/18 Adjustments Budget as required by the Local Government: Municipal Finance Management Act, Act 56 of 2003, and the Municipal Budget and Reporting Regulations 32141), hereby be noted.
- (b) That this item and the item dealing with the Adjustments Budget (2017/18) be placed before Council on or before end March 2018 in order to deal with the aforementioned risks or unintended consequences. **(See Item 20 hereunder).**
- (c) That it be noted that, in compliance with Regulations 23(1) and 64(1) of the Municipal Budget and Reporting Regulations (32141), a letter reporting the potential non-compliance has been written to the MEC: Finance and the National Treasury.

ITEM 20; PAGE 41 – 2017/18 Adjustments Budget – Adopted

(This item was considered by the Council on 29 March 2018.)

Councillor Odendaal explained that as the Council failed to approve its 2017/18 Adjustments Budget by the legislated deadline of the end of February 2018, the National Treasury gave the Municipality an extension until 31 March 2018 to approve the aforesaid Adjustments Budget. He reported that no further extensions would be granted by the National Treasury for the approval of

an Adjustments Budget and cautioned that this would have an adverse effect on the Municipality's ability to render services to its residents.

THE EXECUTIVE MAYOR'S RECOMMENDATION PUT AND DECLARED CARRIED

Resolved:

- (a) That the Council, **by resolution taken by the majority of its full number**, and in terms of Section 30(2) of the Local Government : Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government : Municipal Finance Management Act, Act 56 of 2003, approves the 2017/18 Consolidated Adjustments Budget as set out in the following tables contained in the Report by the Acting Chief Financial Officer as circulated under cover of the Agenda for the joint meeting of the Executive Mayor / Budget and Treasury Committee dated 26 February 2018:
- (i) Table B1 Adjustments Budget Summary: pages 6 & 7;
 - (ii) Table B2 Adjustments Budget Financial Performance (revenue and expenditure by standard classification): pages 7 & 8;
 - (iii) Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote): page 9;
 - (iv) Table B4 Adjustments Budget Financial Performance (revenue by source and expenditure by type): pages 10 & 11;
 - (v) Table B5 Adjustments Budget Capital Expenditure by vote and standard classification and funding source: pages 16 & 17;
 - (vi) Table B6 Adjustments Budget Financial Position: pages 17 to 19;
 - (vii) Table B7 Adjustments Budgeted Cash Flows: pages 19 & 20;
 - (viii) Table B8 Cash backed reserves / accumulated surplus reconciliation: pages 20 & 21;
 - (ix) Table B9 Asset Management: pages 21 to 25;
 - (x) Table B10 Basic Service Delivery: pages 25 & 26.
- (b) That the Council approves that any additional funding (both Capital and Operating) that has been incorporated or availed into the Adjustments Budget for 2017/18 **may not** be viremented to any unrelated activity, and that expenditure be incurred upon following any required legal processes.
- (c) That any commitments made against the additional funding for the additional projects (costs) be within the approved budget including or considering the future outer years due to tariffs implications.
- (d) That the contents of the letter from National Treasury dated 13 February 2018 hereby be noted as it relates to other various pertinent issues confronting the institution and notes that action plans must be coordinated and developed by the Office of the Chief Operating Officer in order to attend to the issues raised by National Treasury and respond thereto before **30 June 2018** on actions undertaken.

- (e) That the Acting Chief Financial Officer be authorised to implement any corrections that may be identified after the tabling of the budget documents to Council for approval, upon identification of any areas requiring corrections / amendments etc. if they do not result to the negative impact to the status of the Budget, prior submitting same to other spheres of government or advertising the documents in the newspapers or website.
- (f) That the Council approves the amendments of KPI's and targets contained in the 2017/18 SDBIP as reflected in the Report of the Acting Chief Financial Officer re the 2017/18 Consolidated Adjustments Budget contained in the Agenda for the joint meeting of the Executive Mayor / Budget and Treasury Committee dated 26 February 2018.

(The Council considered the Executive Mayor's 1st Supplementary Report (Section 15) immediately after the Adjustments Budget item.)

ITEM 21; PAGE 43 – Draft Built Environment Performance Plan (BEPP) 2018/19 – 2020/21 – Adopted

EXECUTIVE MAYOR'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

That the Draft Built Environment Performance Plan (BEPP) 2018/19 – 2020/21 which has been circulated to all Councillors under cover of **Circular No. 22/2018 dated 16 March 2018**, be approved and submitted to National Treasury by 31 March 2018.

ITEM 22; PAGE 43 – Report on the Ambush Marketing By-Law – Adopted

EXECUTIVE MAYOR'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

That the Draft Ambush Marketing By-Law attached as Annexure "E" to Item 22 of the Report of the Executive Mayor to the Metropolitan Council dated 29 March 2018 hereby be approved in principle in order for the public participation process to commence.

SECTION 10 - REPORT BY EXECUTIVE MAYOR IN TERMS OF SECTION 56(5) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 AND SECTION 63 OF THE LOCAL GOVERNMENT : MUNICIPAL SYSTEMS ACT, 2000 [AGENDA PAGES 331 - 352]

RESOLVED:

That the report by the Executive Mayor be received.

(The Speaker informed the Council that various Councillors have submitted requests for review / questions on various items in terms of Rules 34 and 36 respectively which would be dealt with during the proceedings, and that the answers to the questions submitted were included in the document that was tabled at the meeting [refer **Annexure “ ”** hereto]. **With the exception** of those matters referred to hereunder, no other amendments were made to the Executive Mayor’s decisions nor were any motions to the contrary moved.)

FURTHER RESOLVED:

That the actions of the Executive Mayor, as reflected in his / her report, be NOTED, subject to the variations hereunder:

ITEM 1; PAGE 331 – Registration of a Servitude – Chatty Valley Collector Sewer : Portion of Erf 20501, Bethelsdorp – Noted

ITEM 2; PAGE 332 – Final Outcomes Report from the Provincial Audit Committee, South African Local Government Association (Eastern Province) for the “T.A.S.K. Implementation Objections” / Appeals – Noted

ITEM 3; PAGE 337 – Disposal of Municipal Fleet – Noted

ITEM 4; PAGE 341 – Disposal of Municipal Assets – Noted

ITEM 5; PAGE 341 – Transfer of De-commissioned Fire Rescue Pumps : Fleet Nos. 2026 and 2029 – Noted

ITEM 6; PAGE 342 – Report on the implementation process of Bay Stars Employee Excellence Awards Programme – Noted

ITEM 7; PAGE 342 – Establishment of an Inter-Departmental Disaster Management Committee – Noted

ITEM 8; PAGE 343 – Urban Agriculture : Evaluation Report – Noted

ITEM 9; PAGE 343 – Trade and Investment Hub (Baygrow) – Noted

ITEM 10; PAGE 344 – Mandela Bay Development Agency (MBDA): 1st Quarter Performance Report – Noted

ITEM 11; PAGE 344 – Write-Off in respect of Irrecoverable Arrear Debts

ITEM 11.1; PAGE 344 – Write-off in respect of arrears amounts reflected on accounts of poor households prior to the households qualifying for Assistance to the Poor Subsidy – Noted

ITEM 11.2; PAGE 345 – Write-off in respect of arrears amounts in excess of ninety (90) days reflected on accounts of poor households qualifying for Assistance to the Poor Subsidy – Noted

ITEM 12; PAGE 347 – SRAC : Beaches, Resorts and Events Management : Update Report : 6th Annual Ebubeleni Music Festival Held on 30 December 2017 – Noted

ITEM 13; PAGE 347 – Report on the WWP Wrestling Extravaganza by Loyiso Events – Noted

ITEM 14; PAGE 348 – Report back on Chemicals and Waste Operation Phakisa Municipal Indaba and Waste Management Officers Information Session – Noted

ITEM 15; PAGE 348 – Trade and Investment – Noted

ITEM 16; PAGE 349 – NMBM Arrangements of Friendship and Cooperation : Pasadena, USA and Southampton, UK – Noted

ITEM ; PAGE – XXXXXXXXXXXXXXXXXXXXXXXX – Noted

The Speaker indicated that Councillor XXXXXX had submitted a request for a review of the Executive Mayor's resolution per Annexure "" hereto in terms of Rule 34.

Councillor XXXXXXX in presenting his request for a review of the Executive Mayor's resolution stated that

ITEM 17; PAGE 352 – Retrospective Correction of Salary Grade / Notch – Deferred for Council In-Committee

SECTION 11 - REPORT BY EXECUTIVE MAYOR IN TERMS OF SECTION 56(5) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 AND SECTION 63 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 - OTHER MATTERS [AGENDA PAGES 389 - 397]

RESOLVED:

That the report by the Executive Mayor be received.

(The Speaker informed the Council that various Councillors have submitted requests for review / questions on various items in terms of Rules 34 and 36 respectively which would be dealt with during the proceedings, and that the answers to the questions submitted were included in the

document that was tabled at the meeting [refer **Annexure “ ”** hereto]. **With the exception** of those matters referred to hereunder, no other amendments were made to the Executive Mayor's decisions nor were any motions to the contrary moved.)

FURTHER RESOLVED:

That the actions of the Executive Mayor, as reflected in his / her report, be NOTED, subject to the variations hereunder:

- ITEM MR1; PAGE 389 – Stakeholders Strategic Engagement meeting : Capacity and Institutional Resilience Working Group in East London on 15 to 16 February 2018 – Noted
- ITEM MR2; PAGE 389 – Presentation on NMBM Water Crisis at SALGA National Executive Committee meeting in Cape Town on 4 to 5 February 2018 – Noted
- ITEM MR3; PAGE 390 – Financial contribution to Advence K Mudau to attend the Global Talent Exchange in Turkey during December 2017 – Noted
- ITEM MR4; PAGE 390 – 13th Edition of the Volvo Ocean Race in Cape Town from 8 to 10 December 2017 : Councillor S Sijadu – Noted
- ITEM MR5; PAGE 390 – Financial contribution towards 2017 Deepavali Festival in Nelson Mandela Bay on 14 and 15 October 2017 – Noted
- ITEM MR6; PAGE 391 – Financial contribution towards Budokwai Judo Institute – Noted
- ITEM MR7; PAGE 391 – 2017 Roads and Transport Induction Programme hosted by SALGA on 16 May 2016 – Noted
- ITEM MR8; PAGE 392 – Financial contribution towards partnership policing for 16 Days of Activism with SAPS Mount Road Cluster – Noted
- ITEM MR9; PAGE 392 – Financial contribution towards Athenkosi Fani invited by Rhinebeck Lions Club in New York from 6 to 29 July 2017 – Noted
- ITEM MR10; PAGE 393 – 2017 Municipal Benchmark Engagement at National Treasury in Pretoria on 24 and 25 April 2017 : Councillor R Odendaal – Noted
- ITEM MR11; PAGE 393 – Financial assistance towards Cultural Freedom Art Gallery in the Northern Areas – Noted

- ITEM MR12; PAGE 393 – 2017/18 Excellence Awards hosted by Livingstone Tertiary Hospital in the Feather Market Hall – Noted
- ITEM MR13; PAGE 394 – IFM Radio Station donation towards costs for Fest in Gelvandale Stadium on 30 April 2017 – Noted
- ITEM MR14; PAGE 394 – Apex United Football Club request for donation to participate in the 2017 Bay Hill Premier Cup held in Cape Town from 12 to 18 April 2017 – Noted
- ITEM MR15; PAGE 395 – Eastern Province Women’s Golf Sponsorship of Annual NMBM EPWG Provincial Golf Championship (EPWG) – Noted
- ITEM MR16; PAGE 395 – NMBM Göteborg Partnership Management Committee meeting from 6 to 8 March 2017 – Noted
- ITEM MR17; PAGE 396 – Microsoft Envision Conference in Orlando, Florida from 25 to 29 September 2017 – Noted

ITEM – XXXXXXXXXXXXXXXXXXXXXXXX – Noted

The Speaker indicated that Councillor XXXXXX had submitted a request for a review of the Executive Mayor’s resolution per Annexure “” hereto in terms of Rule 34.

Councillor XXXXXXX in presenting his request for a review of the Executive Mayor’s resolution stated that

SECTION 12 - REPORT OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE TO COUNCIL [AGENDA PAGE 400]

(The Report by the Municipal Public Accounts Committee was considered by the Council on 29 March 2018 immediately after the Council concluded the Executive Mayor’s 1st Supplementary Report under Section 15 of the Supplementary Agenda dated 29 March 2018.)

Councillor Captain indicated that Councillor Steyn would present the Municipal Public Accounts Committee’s Oversight Report on the Municipality’s 2016/17 Annual Report on behalf of the Committee’s Chairperson, Councillor Yako, who was absent at this stage.

RESOLVED:

That the report be received.

FURTHER RESOLVED:

That the recommendations of the Municipal Public Accounts Committee be ADOPTED, subject to the variations hereunder:

ITEM 1; PAGE 400 – Oversight Report of the Municipal Public Accounts Committee on the 2016/17 Annual Report – Adopted

Councillor Steyn presented the Municipal Public Accounts Committee's Oversight Report on the Municipality's 2016/17 Annual Report and explained that the statistics in relation to the attendance of Council and various Standing Committee meetings by Councillors as reflected in Appendix "C" to the MPAC's Oversight Report have been amended, which amendments would be included in the Oversight Report.

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE'S RECOMMENDATION PUT AND DECLARED CARRIED

Resolved:

- (a) That the Council, having fully considered the Annual Report of the NMBM for the 2016/17 financial year, adopts the Municipal Public Accounts Committee's Oversight Report, as circulated per Annexure "A" to the Report of the Municipal Public Accounts Committee to the Council dated 29 March 2018.
- (b) That the 2016/17 Annual Report be approved with comments and recommendations as included in the Oversight Report.
- (c) That the recommendations of the Municipal Public Accounts Committee reflected in Section 7 of its 2016/17 Oversight Report be adopted and that the progress made with the implementation thereof be reported in the Quarterly Reports to MPAC.
- (d) That the 2016/17 Annual Report be amended as reflected in Section 7.1 of the Oversight Report;
- (e) That the outstanding recommendations by MPAC emanating from the 2015/16 financial year that have not yet been implemented, and as reflected in Section 8 of its 2016/17 Oversight Report, be adopted and that the progress with the implementation thereof be reported in the Quarterly Reports to MPAC.
- (f) That the Oversight Report be made public in accordance with Section 129(3) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (g) That the Oversight Report for the 2016/17 financial year be submitted to the Provincial Legislature in accordance with Section 132(2) of the Local Government : Municipal Finance Management Act, Act 56 of 2003.
- (h) That Council, having fully considered the Mandela Bay Development Agency's (MBDA's) Annual Report, as included in the Nelson Mandela Bay Metropolitan Municipality's 2016/17 Annual Report, approves the Municipal Entity's Annual Report.

Councillor Odendaal at this stage referred to Item 16 under Section 9 of the Agenda and alerted the Speaker to the fact that the Municipality should have adopted its revised Supply Chain Management Policy by 30 June 2017, and it was agreed that the matter be considered at this meeting of the Council whereafter the latter considered the aforesaid Item 16.

The Speaker also put Item 17 as contained under Section 9 of the Agenda for the Council's consideration but Councillor Vena insisted that the Speaker should adhere to the earlier arrangement, i.e. that the compliance and certain priority matters only would be considered at this meeting and that consideration of the remainder of the items be deferred to the Council's next scheduled meeting.

SECTION 13 - REPORT BY CITY MANAGER [AGENDA PAGES 520 - 551]

RESOLVED:

That the report be received.

ITEM 1; PAGE 520 – Municipal Supply Chain Management Policy : Section 39(1) and (2) : Deviation and ratification of minor breaches from procurement processes / Resolutions adopted by the various Acting City Managers and the City Manager in terms of Section 63 of the Local Government : Municipal Systems Act, Act 32 of 2000 – Noted

With the exception of those matters referred to hereunder, no other amendments were made to the City Manager's decisions nor were any motions to the contrary moved.

Noted and Resolved:

That the actions of the City Manager as reflected in Item 1 of his Report to the Council dated 29 March 2018 hereby be noted, subject to the variations hereunder:

ITEM MMR60; PAGE

ITEM 2; PAGE 537 – Filling of vacancy on the Municipal Public Accounts Committee (MPAC) and the Rules and Ethics Committee – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

ITEM 3; PAGE 537 – Notices of Questions and Motions in terms of Rule 24

ITEM 3.1; PAGE 537 – Councillor R B Riordan : Instituting of disciplinary proceedings against the Executive Mayor, Councillor R A P Trollip, for an offence in terms of Rule 13 of the Nelson Mandela Bay Metropolitan Council's Rules of Order – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

ITEM 3.2; PAGE 539 – Councillor R B Riordan : Disciplining Councillor Athol Trollip for misleading Councillors Daniels, Mtsila and Buyeye with regards offences allegedly committed by Councillor M Bobani, the then Deputy Executive Mayor, in order to persuade Councillor Daniels to propose the removal of Councillor Bobani from the position of Deputy Executive Mayor – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

ITEM 3.3; PAGE 540 – Councillor R B Riordan : "5 Golden Years" Catalytic Projects – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

ITEM 3.4; PAGE 541 – Councillor R B Riordan : Various matters – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

ITEM 3.5; PAGE 543 – Councillor X C Tyali : Payment of Ward Committee members – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

ITEM 4; PAGE 544 – Forensic investigation in respect of irregular appointment of Litter Pickers – Deferred for Council In-Committee

ITEM 5; PAGE 546 – Forensic investigation in respect of Milongani Eco-Consulting CC – Deferred for Council In-Committee

ITEM 6; PAGE 550 – Vacancy in terms of Section 56 of the Local Government : Municipal Systems Act, Act 32 of 2000 and the appointment of an Acting Executive Director : Corporate Services – Deferred for Council In-Committee

Councillor Lovemore pointed out that the Council needed to consider the appointment of an Acting Executive Director for Corporate Services in order to be compliant with the provisions of the Local Government : Municipal Systems Act, Act 32 of 2000 (as amended).

SECTION 14 - MATTERS OF PUBLIC IMPORTANCE

No requests in terms of Rule 27 were received.

SUPPLEMENTARY AGENDA : 29 MARCH 2018

SECTION 15 - 1ST SUPPLEMENTARY REPORT BY EXECUTIVE MAYOR [SUPPLEMENTARY AGENDA PAGES 4 - 8]

(The 1st Supplementary Report by the Executive Mayor was considered by the Council on 29 March 2018.)

RESOLVED:

That the report be received.

ITEM 1; PAGE 4 – Annual review and amendment of the Draft Integrated Development Plan for 2017/18 to 2021/22 (2nd Edition) – Noted and Adopted

The Council by general consent

Resolved:

- (a) That the Draft Integrated Development Plan for 2017/18 – 2021/22 (2nd Edition), which incorporates the Draft 2018/19 Service Delivery and Budget Implementation Plan (SDBIP), as circulated under cover of the Agenda for the joint meeting of the Executive Mayor / Budget and Treasury Committee dated 27 March 2018, hereby be approved for further engagement and public participation with the community and other stakeholders.
- (b) That the Integrated Development Plan continues to be refined as inputs are made available as well as the indicators and targets depending on budget availability.

ITEM 2; PAGE 4 – Draft 2018/19 - 2020/21 Operating and Capital Budgets – Noted and Adopted

Councillor Riordan explained that the draft Budgets would be supported for the purposes of compliance and that problematic areas such as the proposed tariff increases for the 2018/19 financial year would be dealt with during the budget process. He emphasised that the schedule of Ward-based Capital Projects should be made available to all Councillors, suggesting that a workshop for all Councillors should be arranged as a matter of priority to deal, *inter alia*, with the following issues:

- (i) the possible redirecting of Adjustments Budget monies to the poorest areas;
- (ii) the use of the R187 million Urban Settlements Development Grant (USDG) in township areas; and
- (iii) the Ward-by-Ward allocation of the forthcoming Capital Budget.

Councillor Riordan concluded his input by pointing out that the words “adopted / noted” per paragraph 1 of the recommendation should be replaced with “noted” only.

EXECUTIVE MAYOR’S RECOMMENDATION PUT AND DECLARED CARRIED

Resolved:

That the Executive Mayor’s recommendations to the Council in relation to the draft Budgets for the 2018/19 to 2020/21 financial years be noted as follow for the purposes of the required public participation processes:

1. The consolidated “draft” annual budget of the Nelson Mandela Bay Municipality for the financial year 2018/19 and the indicative allocations for the projected outer years 2019/20 and 2020/21, and the multi-year and single year capital appropriations hereby be “noted” for the purpose of complying with Chapter 4 of the Local Government : Municipal Finance Management Act, Act 56 of 2003 (MFMA), read in conjunction with Municipal Budget and Reporting Regulations No.32141 (dated 17 April 2009), as set out in the following tables:
 - 1.1 Budgeted Financial Performance (revenue and expenditure by standard classification); [Pages 27 & 28]
 - 1.2 Budgeted Financial Performance (revenue and expenditure by municipal vote); [Pages 28 & 29]
 - 1.3 Budgeted Financial Performance (revenue by source and expenditure by type); [Pages 29 & 30]
 - 1.4 and Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Pages 30 & 31]
2. The budgeted financial position, budgeted cash flows, cash-backed reserve/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables:
 - 2.1 Budgeted Financial Position; [Pages 32 & 33]
 - 2.2 Budgeted Cash Flows; [Pages 33 & 34]
 - 2.3 Cash backed reserves and accumulated surplus reconciliation; [Pages 34 & 35]
 - 2.4 Asset Management; [Pages 35 to 39]
 - 2.5 Basic service delivery measurement. [Pages 39 to 41]
3. The consolidated budget that includes the financial impact of the municipal entity (Mandela Bay Development Agency) be noted.
4. Tariffs be increased as follows with effect from 1 July 2018:

Property rates	-	5.0%	
Water	-	9.5%	(pending final approval from DWA)
Sanitation	-	9.5%	
Refuse	-	9.5%	
Electricity	-	6.84%	(Average – as per NERSA guidelines)

5. That the Council notes that as tariff increases for services such Electricity and Water are depending on external factors, the tariffs to be proposed to Council on or before end May 2018, for approval may have to be amended.
6. Indicative tariffs for 2019/20 and 2020/21 be increased as follows:

	2019/20	2020/21
Property Rates	7.0%	7.0%
Water	9.5%	9.5%
Sanitation	9.5%	9.5%
Refuse	9.5%	9.5%
Electricity	6.84%	6.84%

7. That the Council mandates the City Manager together with the Acting Chief Financial Officer to process any administrative corrections that may require such actions after the tabling of a budget, prior to submission of the Budget Report / Document to other stakeholders.

ITEM 3; PAGE 6 – 2018/19 Draft Rates Policy – Noted and Adopted

The Council by general consent

Noted and Resolved:

That the Draft 2018/19 Property Rates Policy as set out in Annexure “A” to Item 3 of the Executive Mayor’s 1st Supplementary Report to the Council dated 29 March 2018 hereby be noted and approved for the purposes of the required public participation processes.

(The Chief Whip at this stage pointed out that the Council needed to consider the Municipal Public Accounts Committee’s Oversight Report in respect of the Municipality’s 2016/17 Annual Report as it was also a legislative compliance matter, and the Council considered the aforesaid Oversight Report as contained under Section 12 of the Agenda.)

SECTION 16 - 1ST SUPPLEMENTARY REPORT BY CITY MANAGER [SUPPLEMENTARY AGENDA PAGES 28 - 32]

RESOLVED:

That the report be received.

ITEM 1; PAGE 28 – Assessment of the Functional Structure and proposed final Functional Structure for the Nelson Mandela Bay Metropolitan Municipality – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

- (a) That the proposed Functional Structure attached as **Annexure "A"** hereto be approved;
- (b) That the development of the Micro Structure be delegated to the City Manager for final approval by the Executive Mayor.

ADDITIONAL ITEM TABLED

ADDITIONAL ITEM 1 –

(A copy of an additional item re the subject that was tabled at the meeting is attached to these Minutes as **Annexure " "**.)

Resolved:

ADDITIONAL ITEM 2 –

(A copy of an additional item re the subject that was tabled at the meeting is attached to these Minutes as **Annexure " "**.)

Resolved:

ADDITIONAL ITEM 3 – XXXXXXXX – Deferred for Council In-Committee

MOTIONS OF EXIGENCY

MOTION OF EXIGENCY 1 : COUNCILLOR XXXXXX :

Councillor XXXXXX

COUNCILLOR XXXXXX MOTION PUT AND DECLARED CARRIED / LOST (Votes "For" / Votes "Against")

Resolved:

MOTION OF EXIGENCY 2 : COUNCILLOR YYYYYY :

Councillor YYYYYY

COUNCILLOR YYYYYY MOTION PUT AND DECLARED CARRIED / LOST (Votes "For" /
Votes "Against")

Resolved:

The Council moved In-Committee at 16:25 on 29 March 2018.

S P E A K E R

MINUTES

of Proceedings of the meeting of the Nelson Mandela Bay Metropolitan Council In-Committee held in the Conference Centre, Old Wool Exchange Building, Military Road, Port Elizabeth on 29 March 2018.

PRESENT

SPEAKER: 1. COUNCILLOR LAWACK, J (In the Chair)

**PRIVATE AND CONFIDENTIAL
NOT FOR PUBLICATION**

**Minutes of Nelson Mandela Bay Metropolitan
Council In-Committee
29 March 2018 (Ordinary Meeting)**

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COUNCILLORS:	2.	ADAMS, T P	62.	MHLOBISO, N J
	3.	ANTONI, N P	63.	MHLONGO, T S
	4.	ARENDS, J A	64.	MIGGELS, G G
	5.	BEST, J S	65.	MLUNGWANA, L V
	6.	BEYNON, S	66.	MNYIMBA, L D
	7.	BHANGA, B M	67.	MOGATOSI, M K
	8.	BIDDULPH, D N	68.	MONKS, D J S
	9.	BOBANI, M E	69.	MRARA, L
	10.	BOOI, N M	70.	MTATI, N C
	11.	BOQWANA, K K	71.	MTHI, N A
	12.	BOTI, M L	72.	MTSILA, M J
	13.	BREAKFAST, M S	73.	MÜLLER, H
	14.	BUTI, D	74.	NDONI, P S
	15.	BUYEYE, T C S	75.	NGUMBELA, K O
	16.	CAPTAIN, R N	76.	NKOSI, M M
	17.	DAAMINDS, R	77.	NODADA, B B
	18.	DANIELS, M V	78.	NOMBEXEZA, L X
	19.	DANO, L M	79.	NOMBIBA, B B
	20.	DAVIDS, S D	80.	NOMBOLA, L
	21.	DE ANDRADE, M J	81.	NOQOLI, T S
	22.	DLULA, Z	82.	NTSHIZA, S M
	23.	DYELE, V	83.	NZANZEKA, S D
	24.	FALDTMAN, G	84.	ODENDAAL, R
	25.	FALDTMAN, T	85.	PALI, Y M
	26.	FENI, M	86.	PINK, N Q
	27.	FILLIS, S	87.	PLAATJIES, S S J
	28.	GALLANT, L A	88.	QUKUBANA, L P
	29.	GARAI, C	89.	RAFANI, S
	30.	GIBBON, A B	90.	RANYELE, I F
	31.	GIDANE, M A	91.	RAUTENBACH, G
	32.	GOUWS, R	92.	RIORDAN, R B
	33.	GREYLING, F v N	93.	RWEXWANA, S
	34.	GROBBELAAR, J	94.	SABANI, X
	35.	GROOTBOOM, L P	95.	SAULS, S L
	36.	HARKER, E J	96.	SENEKAL, W (Chief Whip)
	37.	HAYSELDEN, D A	97.	SIJADU, S
	38.	HERMAANS, P	98.	SIKWEIYA, N E
	39.	HIGGINS, N R	99.	SONTI, N P
	40.	ISAACS, A D	100.	SOYES, S
	41.	JACOBS, T	101.	STEYN, M G
	42.	JODWANA, M S	102.	SUKA, L
	43.	JORDAN, A G	103.	TERBLANCHE, P W
	44.	KAYSER, R C	104.	TROLLIP, R A P (Executive Mayor)
	45.	KEPE, O H	105.	TSHAKA, M
	46.	KRUGER, L	106.	TSHANGA, P F
	47.	LOUW, T P	107.	TSHANGELA, T F
	48.	LOVEMORE, A T	108.	TYALI, X C
	49.	LUNGISA, A W	109.	TYOKWANA, A
	50.	MAFAYA, B N	110.	TYUKANA, S S
	51.	MAKUNGA, M L	111.	VAN DE LINDE, F A
	52.	MANYATI, V M	112.	VAN DER WESTHUYZEN, A
	53.	MAQOLO, A M	113.	VAN STAADEN, H C
	54.	MAQULA, G D	114.	VANI, P B
	55.	MBELEKANE, M E	115.	VENA, Z M
	56.	MBUQU, B P	116.	WEISE, T L
	57.	MEYER, R	117.	WHITFIELD, A G
	58.	MFAMA, P A	118.	YAKO, Y N
	59.	MFANA, L	119.	ZINTO, M M
	60.	MFUNDA, A C G	120.	ZUMA, N N
	61.	MGCOKOCA, M		

RESOLVED:

That the Minutes of Proceedings of the meeting of the Metropolitan Council In-Committee held on 27 February 2018, as circulated per Circular No. 25/2018 dated 26 March 2018, be hereby confirmed.

SECTION 10 - REPORT BY EXECUTIVE MAYOR IN TERMS OF SECTION 56(5) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 AND SECTION 63 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 [AGENDA PAGE 352]

RESOLVED:

That the report by the Executive Mayor be received.

(The Speaker informed the Council that various Councillors have submitted requests for review / questions on various items in terms of Rules 34 and 36 respectively which would be dealt with during the proceedings, and that the answers to the questions submitted were included in the document that was tabled at the meeting [refer **Annexure “ ”** hereto]. **With the exception** of those matters referred to hereunder, no other amendments were made to the Executive Mayor's decisions nor were any motions to the contrary moved.)

FURTHER RESOLVED:

That the actions of the Executive Mayor, as reflected in his Report be NOTED, subject to the variations hereunder:

ITEM 17; PAGE 352 – Retrospective correction of Salary Grade / Notch – Noted

SECTION 13 - REPORT BY CITY MANAGER [AGENDA PAGES 544 - 551]

RESOLVED:

That the report be received.

ITEM 4; PAGE 544 – Forensic investigation in respect of irregular appointment of Litter Pickers – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

That the Council notes the processes contained in Item 4 of the City Manager's Report to the Council dated 29 March 2018.

ITEM 5; PAGE 546 – Forensic investigation in respect of Milongani Eco-Consulting CC – Adopted

CITY MANAGER'S RECOMMENDATION PUT AND DECLARED CARRIED (Votes "For" / Votes "Against")

Resolved:

That the Council notes the processes contained in Item 5 of the City Manager's Report to the Council dated 29 March 2018.

ITEM 6; PAGE 550 – Vacancy in terms of Section 56 of the Local Government : Municipal Systems Act, Act 32 of 2000 and the appointment of an Acting Executive Director : Corporate Services – Amended and Adopted

Councillor Lovemore introduced the item and explained that paragraph (b) of the recommendation should be amended by replacing the name of Mr M Mangcotywa with that of Ms N B Xhego (a copy of the latter's *Curriculum Vitae* that was tabled at the meeting is attached to these Minutes as **Annexure "A"**).

Resolved:

- (a) That the Council notes the vacancy of the position of Executive Director : Corporate Services and the processes contained in this item.
- (b) That **Ms N B Xhego** hereby be appointed as Acting Executive Director : Corporate Services with effect from 1 April 2018 for a period of three (3) months or until the vacancy is filled, whichever occurs first.

The Speaker in concluding the Council's proceedings on 29 March 2018 wished all Councillors a blessed and safe Easter Week-End.

The meeting terminated at 16:32 on 29 March 2018.

**PRIVATE AND CONFIDENTIAL
NOT FOR PUBLICATION**

**Minutes of Nelson Mandela Bay Metropolitan
Council In-Committee
29 March 2018 (Ordinary Meeting)**

S P E A K E R

J:\ADMIN\COMMITTEES – STANDING\NELSON MANDELA BAY METROPOLITAN COUNCIL\NMBMCMN-29-3