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The Secretary
Portofolio committee on Cooperative Governance and Traditional Affairs
P. O Box 15
Cape Town
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BRIEFING TO PORTFOLIO COMMITTEE OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS (COGTA)
ON THE PETITION RECEIVED FROM BHAMBAYI, MAMBA AND BROOKS FARM AND AMAOTI WARD 52
RESIDENTS

Attention Ms S Cassiem


On the 16th of October 2020, the portfolio committee on national Cogta visited the areas of Bambayi, Mamba, Brookes farm and Amaoti to respond to a petition which had been forwarded to the chairperson of the above portfolio committee. Prior and during this visit, the portfolio committee engaged different stakeholders including administrative and political leadership of the city, residents in these areas and organized formations of civil society.

On the 28th of March 2020, the city received a formal request for a report back in terms of progress to be submitted to the portfolio Committee in time for its meeting scheduled to convene on the 7th of April 2021. Over and above this request the COGTA study group (ANC caucus) requested a draft report to be submitted to it in advance for the deliberations in the meeting scheduled for the 1st of April 2021.

Attached please find a draft report as requested. It comprises of a detailed progress report as a response to the petition, a detailed response to community and honourable members' comments which were raised in the last meeting after visit to the above areas.

I hope that our response meets your expectations.

Kind regards


Siphho Cele 31/03/2021
Acting City Manager

**Response by the City of
eThekweni to Ward 52 Petition
and other additional issues
raised in the meeting**

Response by the City of eThekweni to Ward 52 Petition

By 2030 eThekweni will be Africa's most caring and liveable city

Item raised

1. In respect of housing, the municipality had submitted stage 1 application to the KwaZulu-Natal Department of Human Settlements in March 2020. The COVID-19 outbreak delayed the process. The Department was now assessing the application, following the easing of the lockdown. The Municipality will commence with advertising the tender for the Bhambayi Housing Project once it has obtained SPLUMA approval. Construction was in progress (340 units completed) in respect of Amaoti Cuba pilot project under Greater Amaoti, following approval of Stage 1 planning and implementation by the Human Settlements

Progress Report

Bhambayi Housing Project

- Bhambayi Ph1 Ext(Pat Marshal): Stage 1 planning funding was approved by DoHS and SPLUMA application was approved in September 2020.
- This is completed.
- Tender documentation preparation for construction of services is in progress. Contractor is anticipated to start on the ground by April 2021.
- Greater Amaoti is a catalytic project under ward 52, 53, 56, 57, 59 and 102 which is estimated to yield 20000 sites. This project is at planning stage. Stage 1 funding is approved. EIA is anticipated to be complete by June 2021. SPLUMA approval is anticipated to complete by May 2022.
- Amaoti Cuba is the pilot project under Greater Amaoti. Project is divided into 4 phases. Phase 2&3 are still in planning stage. Phase 1 is completed with 166 houses built. Yield for Phase 4 is total to 383 sites. 42 units completed to date. Contractor is on site and construction is in progress. There are challenges with regard to informal structures which are on the way of services hence result into slow progress.
- The target date is December 2021.

Item raised

2. In terms of roads and stormwater, the municipality presented a list of projects due for implementation in the area.

Progress Report

- ▶ 3rd concrete road/ accessway via PQ is 50 % complete and final completion expected end April 2021.
- ▶ 4th concrete road (420m) under Regravelling contract VO is 95% complete.
- ▶ Blading was last done towards the end of 2020 and expected to next circle at the beginning of April 2021.
- ▶ Inspections on the formal network in this ward is ongoing, as per the inspection schedule and the necessary maintenance work implement as required.

- ▶ Scheduled to Bid Specification committee today, anticipated start date is September 2021

- ▶ Completed in November 2020

- ▶ CIP contractor appointed. Awaiting PSP appointment for project roll-out. Ward Councillor to submit ward projects to the Office of the DCM for project recording and prioritisation.

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- ▶ V-Drains in Bhambayi stormwater upgrade Completed in October 2020.
- ▶ 48 Heysham Completed in November 2020.
- ▶ Erosion Protection in Inanda Comprehensive School Completed in October 2020.
- ▶ Ntombi Mbiko Street (opposite Dube Village) Stormwater Upgrade which involves the extension of Stormwater pipe from MR25 discharge this require funding but design and documentation is completed. Capital Budget provision made in 21/22 financial year.

Item raised	Progress Report
<p>3. On the matter of satellite healthcare facility, the municipality was to engage the eThekweni District Office of KZN Health Department to undertake feasibility</p>	<p>➤ According to the South African PHC normative guidelines, Health service users should be living or travelling within 5 kilometre radius of health care facility. Ward 52 has access to the new Dr Pixley ka Seme Hospital and is surrounded by Inanda Community Health centre (approx. 1km away); Bester Clinic 3km away; Sivananda Clinic 1.5 km and Amaoti Clinic.</p>
<p>4. Regarding request for satellite police station, SAPS was of the view that the current policing arrangements were sufficient</p>	<p>➤ SAPS is of the view that the current policing arrangements are sufficient.</p>
<p>5. On the matter of electricity contractor, the municipality re-issued the tender to the contractor and the project would resume August 2020.</p>	<p>➤ The project is complete</p>
<p>6. In respect to R30M multi-purpose centre, the municipality furnished the committee with architectural design report, and demonstrated that the facility will accommodate ward 52</p>	<p>➤ The project was planned by the Dept of Justice during the TRC and it was never implemented.</p>

Item raised	Progress Report
<p>7. Ward committee members earning 2 salaries, the municipality indicated that these committee members were not municipal employees. However, it was incumbent to the municipality to pay them out of pocket traveling expenses while performing ward committee duties</p>	<p>It is confirmed that a stipend or out of pocket expenses of R1000 is said to be paid to each ward committee member. For those members that don't attend meeting or submit their claims the stipend is suspended</p>
<p>8. In relation to labour exploitation, GNS contractor indicated that there was no exploitation of workers. The municipality undertook to verify the contractors claim</p>	<ul style="list-style-type: none"> ➤ The Roads Provision Department, Engineering Unit, appointed GNS Civils for the construction of Road 121603. This road runs through Ward 52 and Ward 57. ➤ The contractor advises that they have not received any complaints from local labour, Ward Councillors or the Community Liaison Officer regarding payments. ➤ Labour is paid weekly by the contractor, and payslips are issued. ➤ Monthly EPWP reports and payment certificates are submitted monthly. This can be verified by the Ward Councillors for Ward 52 and 57, as well as the CLO.
<p>9. In relation to the partisan distribution of food parcels, the municipality requested evidence for submission to the Office of the Speaker. Perceptions alone did not constitute adequate evidence. There needed to be names provided in relation to the councillors assumed to be the recipients of food parcels. The distribution of food parcels did involve ward councillors, as it was part of their responsibility to do so. The fact that there have been no court challenges in relation to this indicates that there are no legal issues. However, the food distribution process excluded PR councillors to ensure that there was no politicisation of the matter.</p>	<ul style="list-style-type: none"> ➤ The Municipality requested evidence for submission to the Office of the Speaker. Perceptions alone did not constitute adequate evidence. There needed to be names provided in relation to the councillors assumed to be the recipients of food parcels. ➤ The distribution of food parcels did involve ward councillors, as it was part of their responsibility to do so. ➤ The fact that there have been no court challenges in relation to this indicates that there are no legal issues. However, the food distribution process excluded PR councillors to ensure that there was no politicisation of the matter.

Item raised	Progress Report
<p>10. In relation to allegations that ward 52 employment and sub-contracting opportunities are politically biased. The municipality indicated that their procurement process does not discriminate amongst entrepreneurs and job seekers based on their political affiliation.</p> <p>11. The municipality via Speaker's office had also looked into the matter of the alleged arrogance of Councillor Sthembiso Zulu and found that his refutation of all the allegations levelled against him satisfactory.</p> <p>12. The appointment of a second housing company (Vuvamu) to undertake exactly the same project (Pat Masheba Project) as the previous company was confusing and causing unnecessary delays. The community was not happy with the response from the municipal officials in this regard.</p>	<p>➤ The Municipality indicated that their procurement process does not discriminate amongst entrepreneurs and job seekers based on their political affiliation.</p> <p>➤ The Municipality via Speaker's office had also looked into the matter of the alleged arrogance of Councillor Sthembiso Zulu and found that his refutation of all the allegations levelled against him satisfactory.</p> <p>➤ Vuvamu is appointed to complete planning of Pat Marshal Project (Bhambayi Ph 1 Ext). Planning of Pat Marshal is completed.</p>
<p>13. The municipality had no open door policy and there has been no proper communication to the Brooksfarm community in relation to the Brooksfarm Housing Rectification project. The community engagement skills of the project's Community Liaison Officer, Mr. Gazu, were extremely deficient. Alternative solutions, other than demolishing people's houses, are available if the municipality is willing to sit down and discuss with the community.</p>	<p>➤ Mr Gazu was appointed as CLO by eThekweni Municipality via interview process before construction started in 2016.</p> <p>➤ The rectification project commenced in 2016 to rectify 465 units. There are 404 units completed. Currently construction of 3 units are in progress. There are 58 substantial houses which required to be demolished to make way for new houses. Existing houses and new houses cannot fit on these 58 sites (approved layout). Beneficiaries of these 58 sites are refusing to demolish existing structures. Municipality and KZNDoHS are exploring the option of supplying building material to these 58 beneficiaries. Once approval from MEC is obtained building material will be supplied.</p>

Response to additional issues raised in the meeting

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Item Raised	Progress Report
1. Leakages on the road caused by the skips	<ul style="list-style-type: none"> ➤ Bhambayi Housing Project
2. Greater Amaoti, Juba Blose and Pat Marshal projects need to start urgently. Update required	<ul style="list-style-type: none"> ➤ Bhambayi Ph1 Ext(Pat Marshal): Stage 1 planning funding was approved by DoHS and SPLUMA application was approved in September 2020. ➤ This is completed. ➤ Tender documentation preparation for construction of services is in progress. Contractor is anticipated to start on the ground by April 2021. ➤ Greater Amaoti is a catalytic project under ward 52, 53, 56, 57, 59 and 102 which is estimated to yield 20000 sites. This project is at planning stage. Stage 1 funding is approved. EIA is anticipated to be complete by June 2021. SPLUMA approval is anticipated to complete by May 2022. ➤ Amaoti Cuba is the pilot project under Greater Amaoti. Project is divided into 4 phases. Phase 2&3 are still in planning stage. Phase 1 is completed with 166 houses built. Yield for Phase 4 is total to 383 sites. 42 units completed to date. Contractor is on site and construction is in progress. There are challenges with regard to informal structures which are on the way of services hence result into slow progress. ➤ The target date is December 2021.
3. There is a leak on Pat Marshal road affecting 60 houses as there is water coming underneath	<ul style="list-style-type: none"> ➤ Team has been sent to go and verify
4. House number 16 on Juba Blose road there is a danger that that house can sink any time	<ul style="list-style-type: none"> ➤ Investigation has been done and family need to be relocated to another area.
5. There is a challenge of blocked sewer system on Mingadi road	<ul style="list-style-type: none"> ➤ This was attended to by the team but will dispatch the team to confirm if there is still sewer spillage on the road. There was an issue pertaining to stormwater according to the councillor.

Item Raised	Progress Report
<p>8. Since 1995 Bhambayi areas still have shacks and RDP houses of 1995. Update on current and proposed housing projects in the area</p>	<p>➤ Please refer to Pat Marshall slide</p>
<p>9. There are 30 people in Brookes farm who don't have houses. These people have letters from court because they are seating in houses that don't belong to them. The first house is number 1646 which belongs to Mfeka and the occupants of the house still wants his house. There was money set aside for transit camp to decant people but did not happen and the explanation they were given was that the province has refused to build more transit camps. There are houses which were built on unstable parcels of land and these houses are likely to be destroyed. The inspectors are refusing to issue occupancy certificates because these houses don't pass the building control requirements.</p>	<p>➤ Brooks Farm housing project. All houses built are certified by NHBRC. See update on Brooks Farm above</p>
<p>10. The city is refusing to build retaining walls, update required</p>	<p>➤ Retaining wall are built as and when required by NHBRC. Currently there is no site that requires retaining walls under the storm disaster program as identified by the NHBRC.</p>
<p>11. There is a ward 52 war room but the issues emanating from there are ignored; reasons for non-follow up on issues required and plan to deal with them</p>	<p>➤</p>
<p>12. There was a Gedleyihlekisa project which became Greater Amaoti because there is no progress.</p>	<p>➤ See presentation on Greater Amaoti housing project</p>
<p>13. Gabions in Ncadodo area were built to avoid houses from flooding as there is a road next to this area which allows water to flow into these houses. Update on how to resolve the matter is required.</p>	<p>➤ Site meeting with Ward Cllr will be arranged for next week to investigate, create a plan of action and execute.</p>
<p>14. There are sickly people who live in waterlogged houses and we need to move them very quickly</p>	<p>➤ Pat Marshall housing project will prioritise critical cases.</p>

Item raised	Progress Report
<p>15. Irregular expenditure of R351m was written off - how did we arrive at such a decision</p>	<p>➤ All instances of UJFW were investigated by CIU, the recommendations from CIU were then submitted to MPAC in a report, based on the CIU recommendations, MPAC then recommended to Council to write-off this expenditure. Council Adopted accordingly.</p>
<p>16. R2.3b unaccounted for as part of IRPTN project.</p>	<p>➤ There is no R2.3 billion, which is unaccounted for as part of IRPTN project. Monthly and quarterly reports are submitted to Department of Transport, Presidential Infrastructure Coordinating Committee, and the Audit Committee</p>
<p>17. Cornubia R70m has been used but the A.G. visited the area and found leaking ablution facilities, update on the repairs required</p>	<p>➤ Defects are part of maintenance. Contractors are on site dealing with maintenance issues as part of their responsibilities.</p>
<p>18. Debt recovery is still a problem and what is the plan</p>	<p>➤ Credit control activities were suspended due to Covid-19. There will be full implementation of credit control procedures including disconnections. Encouraging customers to enter into payment arrangements. Profiling of customers and their property portfolio within the municipality. Transfer of payments within the portfolio. Attaching rentals on leased properties. Taking legal process. Design and implement write-off strategy.</p>

Item raised	Progress Report
<p>19. Only 48 functional ward committees, this is a serious area of concern, what is the plan</p>	<ul style="list-style-type: none"> ➤ Intervention meetings are held with Wards that are not holding meetings as required, and where the political intervention is required, the Speaker attends to those. ➤ Annually a Workshop is held with Ward Councillors to outline operational challenges and proposed interventions relating to Ward Committees. The next Ward Councillor Workshop will be held on Friday, 09 April 2021.
<p>20. According to COGTA report eThekweni city has the highest number of sewer spillage and water losses yet we have 128 engineers. The question is what these engineers are doing.</p>	<p>Challenges with sewer spillages are caused by the following:</p> <ul style="list-style-type: none"> ➤ Sewer spillages are most prevalent in the congested areas especially the following areas within the City: INK, Umlazi and Lamontville, Clermont/Kwadabeka, Cato Crest/Mayville/Cato Manor/Chesterville. These areas have experienced significant growth in the infrastructure especially housing developments and there has been minimal upgrade in the sewer infrastructure in these areas in terms capacity to handle the volume of sewer. ➤ Infrastructure abuse (dumping of foreign objects in the sewer infrastructure i.e manholes), vandalism and theft are also contributing to the frequent spillages. ➤ Lack of resources (equipment and staff) to deal with increased coverage areas. Additional blockage trucks and jetting machines are required as well as additional staff to operate these machines. ➤ Location of depots – Some depots are located far from the areas with problematic sewer infrastructure resulting in delayed response. Additional depots or satellite depots maybe required in the following areas INK, Southern (Umlazi and Lamontville), Cato Manor/Chesterville/Mayville/Cato Crest. ➤ Aged sewer infrastructure -The City has not invested much in the sewer infrastructure renewal programme and emphasis has been on water infrastructure. Sewer pipes have aged with time and a serious investment on the sewer pipe replacement programme is required.
<p>21. The issue of the retiring CFO, what is the succession plan</p>	<ul style="list-style-type: none"> ➤ The matter of the CFO is under control as the Council accepted his retirement after finishing 40 years of unbroken service in the organization. ➤ It was agreed that he needs to service three months till the end of May 2021 to assist in the recruitment of the new CFO. ➤ The post has been advertised and it closed on the 26th of March 2021. ➤ This arrangement will also afford the newly appointed CFO an opportunity to be inducted by the outgoing

Item raised	Progress Report
23. How was the issue of 62 corrupt Cllrs not dealt with in the ethics committee	<ul style="list-style-type: none"> ➤ There haven't been any confirmed allegations towards the 62 Councillors to enable the matter to be referred to Ethics Committee for consideration.
24. Details of the covid19 expenditure	<ul style="list-style-type: none"> ➤ Refer to slide 16
38. Sewer spillage	<ul style="list-style-type: none"> ➤ Will send the team to verify if there is still sewer spillage.
25. What action is taken about RMS and what are we going to do with officials involved	<ul style="list-style-type: none"> ➤ There is no action required to be taken about officials involved in the RMS because the system is functional. ➤ However, there was a forensic report which made certain recommendations and these are being considered by relevant structures of Council.
26. Sewer Spillage into Umbillo river is problematic	<ul style="list-style-type: none"> ➤ Sewer spillages emanating from the blocked sewer manholes was attended on a proactive maintenance basis. Will send the team to confirm if there are any blocked sewers again. ➤ In addition to the above, tender has been advertised and is being evaluated for the hiring of aerators, sludge removal and the purchasing of chemicals to deal with odour issues at Umbillo Treatment Works.
27. Update on Umbillo crematorium furnace	<ul style="list-style-type: none"> ➤ Crematorium is currently temporarily closed due to gas contractual issues. Currently dealing with SCM and Finance to prepare a section 36 report. Resolution anticipated by the 30th June 2021 - Cremation services are being referred to the Tongaat Crematorium (City owned) and or the other 4 privately owned crematoria
28. Capital expenditure is on the decline and the reasons for that need to be clarified	<ul style="list-style-type: none"> ➤ Refer to slide 16

Item raised	Progress Report
29. UIFW and its contributing factors IMU RIMS = R840m. update is required on actions taken	Awaiting outcome of CIU investigation which is currently in progress. The recommendations from CIU will then be enforced.
30. Status of disciplinary cases on contributing factors to UIFW	65% of the cases have been completed since the start of the process.
31. Update on commissioning of western aqueduct	
32. Are there disaster management plans in the City	Yes, a generic offsite plan is in place and specific plans for certain sites have been prepared and awaiting signoff
33. Update on the money spent on security during lockdown (metro police and security)	With regard Homelessness year to date expenditure = R15.2m) - (Last year = R65.9m) Metro Police and Security year to date overtime = R111.9m) - (avg of app. 30% relates to the lockdown activities) Protection expenditure is done on a monthly base to COGTA
34. Status report on Mobeni crematorium	Crematorium is currently temporarily closed due to gas contractual issues. Currently dealing with SCM and Finance to prepare a section 36 report. Resolution anticipated by the 30th June 2021 - Cremation services are being referred to the Tongaat Crematorium (City owned) and or the other 4 privately owned crematoria
35. Officials block major roads when they strike, what have we done about it and what is the status of their cases	Investigations were undertaken and have yet to be concluded.
36. R30m spent on entertainment and leisure	
37. Has the municipality spent the allocated budget for disaster	Not all the allocated funds have been spent due delays and disruptions with projects within the Human Settlements and Trading Services environments

Item raised

38. Ward committees are dysfunctional

Progress Report

- eThekweni Municipality has 110 functional Ward Committees. In terms of the Municipality's standards, these committees are functional since they're able to carry out their responsibility as contained and outlined on the Rules that regulate the establishment and operation of Ward Committees.
- Support in the form of capacity building programmes; quarterly operational meetings are held; monthly agendas are drafted and circulated to Ward Committees.
- The functionality is also based on the fact that these Committees are meeting monthly as required and submit minutes from their engagements and sectorial reports as required.
- The slight challenge is with the COGTA quarterly functionality assessment that is undertaken, which makes use of six (06) Indicators to measure functionality.
- It is with some of the said indicators that the Ward Committees are mostly deemed non-functional, especially the indicator measuring Community engagements by Ward Councilor with the Ward Committee.
- As an intervention the Municipality supports community engagements by making available officials to record the meeting proceedings to have a record thereof; making resources available to enable Cllrs hold community engagements, such as marquees, sound, etc.
- The city has registered significant progress on consequence management where for the first time up to 65% of backlogged cases have been dealt with

39. Disciplinary cases were not prosecuted for senior management

Annexures by Finance

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Details of the covid19 expenditure

	19/20	20/21
Covid Related Expenditure		
Operating Expenditure		
Employee Related Costs	88 110 689	3 357 365
Building Contractors	38 535 044	
Poverty Relief	74 875 629	863 500
Grant in Aid (Ushaka Marine Theme Park)	42 658 373	30 000 000
Hire Charges	63 598 181	23 867 479
Consumables	24 504 290	2 873 973
General Expenses	18 398 010	8 019 916
Medical Requisites	14 297 272	19 255 022
External Security	8 732 556	
Cleaning Materials	7 425 675	
Uniform and Protective Clothing	6 081 316	
Contracted Services	5 196 722	16 434 514
Capital Expenditure		
Inventory	21 116 757	
Computer Equipment	14 962 483	8 713 906
Covid Protective Screens	14 583 402	2 237 240
Static Water Tanks	7 370 000	5 953 179
Water Dispensers	1 599 190	-
Total	452 045 587	121 576 094

Capital expenditure is on the decline and the reasons for that need to be clarified

WARD 52

Description	UNIT	Project Number	Region(ward code)	Adjustment Budget	YTD Actuals	Comments
48 Heysham PL, Phoenix stormwa	HSI-Engineering	P14024	W052	0,470	0,559	
Construction of Ablution Facility	TRC-Sanitation	Y9021	W052		2,017	Installation of Urine Diversion ablation facilities, this is through the utilisation of the CIP Blocksum. The full allocation for the ward is R3 million.
Worst Condition Assets-Halls	CES-Parks, Recr, Cem & Culture	N2679	W052	16,409	6,468	Newtown A Hall (in ward65, 52,57,56,108,42 and 107), currently allocated R6 million and the expenditure to date is around R4 million. (According access mapping the hall can be utilised by the following wards: 42, 65, 52, 56, 57, 107 and 108).
Whetstone Library	CES-Parks, Recr, Cem & Culture	N1712	W052	0,099	0,099	
Qalakabusha Garden	CES- Agro Ecology	N2679	W052	0,300		Procurement will commence in April 2021 with costs expected to reflect in May/June 2021.