

- MINUTES -

**OF THE SKYPE MEETING OF THE HUMAN SETTLEMENTS PORTFOLIO
COMMITTEE HELD ON THURSDAY 8 OCTOBER 2020 AT 10:00**

PRESENT: DEMOCRATIC ALLIANCE (DA)

Cllr B van Reenen – Chairperson
Ald S Moodley – Deputy Chair
Cllr M R Abrahams
Cllr J P Fitz
Cllr X Joja
Cllr P S Mzolisa
Cllr K Nethi
Cllr P Nyakaza-Sandla
Cllr M J Petersen
Cllr C Pophaim
Cllr O Solomons
Cllr S Vuba

AFRICAN NATIONAL CONGRESS (ANC)

Cllr T M Batembu
Cllr R Bazier
Cllr J J Maxheke

AFRICAN CHRISTIAN DEMOCRATIC PARTY (ACDP)

Cllr G Classen

DEMOCRATIC INDEPENDENT (DI)

Cllr A Adams

ECONOMIC FREEDOM FIGHTERS (EFF)

Cllr M Dambuza

PAN AFRICAN CONGRESS OF AZANIA (PAC)

Cllr M K Bafo

PATRIOTIC ALLIANCE (PA)

Cllr B Truter

MAYCO MEMBER

Cllr M Booï

MEDIA

Ms K Mafolo Reporter: Daily Maverick

LEAVE / APOLOGIES

Cllr S Taliep

OFFICIALS

R Rughubar	Director: Housing Development
R Pretorius	Director: Informal Settlements
S September	Acting Director: Public Housing
A Delport	Support Assistant: Office of ED Human Settlements
J de Waal-Pressly	Senior Media Liaison Officer, Communications
J Dreyer	Manager: Project Management Office: Human Settlements
J Fillies	Administrative Officer 3, Housing Development
X Fula	Manager: Staff Housing & Hostels Management, Public Housing
T Gwadiso	Legal Advisor: Legal Services
J Harmse	Clerk: Executive and Council Support
G Joyce	HR Business Partner: HRBP Human Settlements
H Lotze	Head: Housing Development Co-ordination, Housing Development
C Minnaar	Executive Committee Officer: Committee Services: Executive and Council Support
L Nobaza	Manager: Land and Forward Planning, Human Settlements
A Paulsen	Manager: Finance, Human Settlements

S Saungweme	Senior Professional Officer, Organisational Performance Management
H Steyn	Manager: Housing Implementation, Housing Development
L Valeta	Manager: Support Services: Human Settlements
J Yslie	IDP Officer: Process, Policy and Strategy

HS 01/10/20 OPENING

The Chairperson, Councillor van Reenen, opened the meeting at 10:00, and welcomed all to the Human Settlements PC meeting held via Skype.

She requested that a moment of silence be observed.

ACTION: C MINNAAR

HS 02/10/20 APOLOGIES / LEAVE OF ABSENCE

Councillor

Cllr S Taliep – family responsibility leave

Officials

Ms N Gqiba

Mr A Kermis

RESOLVED that the apologies and leave of absences be noted.

ACTION: C MINNAAR

HS 03/10/20 CHAIRPERSON'S ADDRESS / REPORT

'Good morning Alderman, Councillors, Officials and the media.

Thank you all for attending this morning's meeting.

Members will recall, that, at the last PC meeting some of you enquired about a suitable venue at the Civic Centre for the remaining two PC meetings for the year be secured,

Although enquiries were made, we were informed by the Speaker's office that the current status quo pertaining to virtual meetings is still applicable and that onsite meetings should only be held where permission from the Speaker was obtained and where a suitable venue is available where all Covid-19 safety requirements can be adhered to.

According to Facilities Management, the only suitable venue for Human Settlements is the Council Chamber. From previous requests, it was made clear that the Chamber is not available for the PC meetings.

In view of the aforementioned, our last meetings can unfortunately only be held via Skype.

Needless to say members, I can report that quite a lot has happened since our last meeting of 3 September 2020.

These inter alia relate to:

Tuesday, 29 September 2020 – a site visit to Lourensia Park Phase 2 housing development in Somerset West for a key handover (the Mayor and a number of Portfolio Committee members attended the ceremony)

Wednesday, 30 September 2020 - Dido Valley Heritage Month Celebration (together with Cllr Malusi Booi Mayoral Committee member)

5 October 2020 – Masiphumelele phase 4 walkabout

7 October 2020 – Launch of the first Rental Stock & Maintenance Repairs Programme for CRU residents (NHFC contractor and implementing agent)

Today, I am not going to belabour you with a lengthy speech as there are about 18 items on our Agenda serving before the Human Settlements Portfolio Committee for consideration.

These relate to the Review of the IDP, Review of Performance Management System, the Chairperson's Oversight Work Plan, our Allocations Policy and the different various Housing Projects under construction.

Thank you.

Cllr Beverley van Reenen'

COMMENTS

Cllr Abrahams thanked the Chairperson for the opportunity to accompany her on a number of the events listed in the Chairperson's Address. She said that it was a valuable learning experience and proposed that all members of the PC attend future events.

Cllr Bazier noted that houses were also handed over at the Pentech-Belhar housing site. She and Cllr Truter were in attendance at this ceremony.

The Chairperson agreed with Cllr Abrahams' sentiments that invitations to events be extended to the entire PC. Cllr Booi confirmed that his office forward invitations to all the PC members and that those members who do not receive invitations, contact his office to be added to the invitation list.

RESOLVED that the Chairperson's Address be unanimously noted and accepted.

ACTION: C MINNAAR

HS 04/10/20

**CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON
3 SEPTEMBER 2020**

p 11: paragraph 3; the word 'touch' be replaced with tough

RESOLVED that the Minutes of the meeting held on 3 September 2020, as amended, be accepted.

PROPOSER: CLLR M PETERSEN

SECONDER: ALD S MOODLEY

ACTION: C MINNAAR

HS 05/10/20

MATTERS ARISING FROM THE MINUTES

NOTED that there were no matters arising from the Minutes.

PROPOSER: CLLR M ABRAHAMS

SECONDER: ALD S MOODLEY

ACTION: C MINNAAR

HS 06/10/20

MATTERS RECEIVING ATTENTION

Item 2: Forensic investigation into illegal occupations and billing of rental stock to be initiated

Mr Rughubar reported that though there were engagements between the ED and the Forensic Unit, the investigation did not commence yet. Cllr Pophaim remarked that the feedback provided is unacceptable. He iterated that the resolution taken by the PC in respect of this matter was not open ended and that it specifically referred to the clear prima facie evidence of the disconnect between the vacancies of rental stock, the occupation of the units and the billing thereof. He said that this clearly indicates that there are people living in rental stock units who are not paying for those units, which could either be construed as the City being complicit in this actions, or could point to an element of maladministration, since it seems that no effort is being made to correct it. He repeated that the investigation is not open ended; the allegation is specific in that there is a mismanagement or complicity in the rate of debt collection, vacancies and occupation of rental units. He requested that a clear way forward be provided at the next meeting as to what exactly the Forensic Unit will be investigating, and that this feedback include a timeline.

Item 7: Implementation Agreement Between City of Cape Town and the South African National Roads Agency Limited (SANRAL) in respect of the Management and Relocation of Illegal Occupiers on SANRAL Properties in the Nomzamo, Firlands and Helderzicht areas

Mr Nobaza noted that the report that served before the PC at the meeting of 3 September 2020 did not include the proposed recommendations to Mayco. He mentioned that he requested guidance from the Chairperson and the ED on how to rectify this situation.

The Chairperson expressed serious concern about the fact that the recommendations to Mayco were not included in the report that was submitted to the PC. She stated that the PC is delegated to review and amend recommendations in reports submitted by officials. She affirmed that recommendations made by the full Human Settlements Portfolio Committee are legal and binding on all members and that amendments to recommendations cannot be made after the PC resolved on it; this would be illegal and unauthorised. She said that she herself, as Chairperson, is not entitled to amend recommendations made by the PC. She further stated that should Mayco not agree with the recommendations made by the Human Settlements Portfolio Committee, they are at liberty to make their own recommendations, which might supersede the recommendations of the Portfolio Committee.

She reprimanded the official about this practice and urged him to ensure that future reports to the Portfolio Committee include all the recommendations deemed necessary. She also noted that this is not the first time that an incident like this occurs and cautioned that it not be repeated.

Cllr Pophaim emphasised that the Human Settlements Portfolio Committee is established by Council in terms of section 79 of the Structures Act. The PC is delegated to execute its role and responsibilities as specified in its Terms of Reference. He stressed that he has a fundamental issue when the PC is being constantly undermined. He acknowledged that the PC is not a decision making body but asserted that it has every right to make recommendations

to the Mayoral Committee, Council and the Administration. He said that it is unacceptable that decisions made by the PC, which, according to the law, are binding, are afterwards questioned by officials or colleagues, or even attempted to be amended or influenced. He concurred with the Chairperson that this cannot happen again.

Cllr Dambuza enquired about the feedback provided in respect of the database and questioned why there are engagements about this matter between the Chairperson and ED only, and not with the entire PC. He also asked when the report on the database will be submitted to the PC.

The Chairperson replied that the Terms of the Reference make provision for engagements between the Chairperson, Deputy Chairperson and Mayoral Committee member, as well as with the ED. A discussion point on the Agenda of this engagement was the cleansing of the database, as the Chairperson said she needed to understand the process, so as to have insight into this matter when reports for interrogation are tabled at the PC meetings. However, the meeting where this matter would have been discussed, did not take place. It was subsequently referred to the relevant Working Group and the Chairperson of this Working Group will report on it when that specific Agenda item is discussed. The Chairperson reassured Cllr Dambuza that no information or reports will be withheld from the PC and that the information that she is privy to, will be shared with the PC.

Feedback on the other items on the MRA, is recorded on the list.

RESOLVED that the updates, comments and action taken in respect of the MRA list, be **NOTED**.

PROPOSER: CLLR SOLOMONS

SECONDER: CLLR M BAFO

ACTION: C MINNAAR

Cllr Bazier queried the fact that no written reports were submitted and the Chairperson agreed that formal reports on the Working Groups' activities should be tabled at PC meetings.

WORKING GROUP 3 – DATABASE, NEW HOUSING, SOCIAL HOUSING, ETC

Cllr Petersen, Chairperson of Working Group 3, provided verbal feedback on the Working Group meeting held on Monday, 5 October 2020. It was noted that not all the members of the Working Group attended and that the councillors that did attend were herself, Ald Moodley, Cllr Taliep, Cllr Adams, as well as the PC Chairperson. One of the Agenda discussion points was the housing database and she noted that Maintenance will be a standing item on the Agenda going forward. She mentioned that fruitful discussions were held and thanked the ED for availing Ms Alicia Delport from her office who provided outstanding administrative and secretarial support to the Working Group. She indicated that a formal report with recommendations will be tabled at the next PC meeting.

WORKING GROUP 2 – SALEABLE UNITS, SALES CAMPAIGN IRO CRU'S, ETC

Ald Moodley, Chairperson of Working Group 2, reported that a potential meeting date of 19 October 2020 for this Working Group has been diarised.

WORKING GROUP 1 – POLICY MATTERS, ETC

Cllr Pophaim, Chairperson of Working Group 1, reported that he has received a new laptop and that his written report of their inaugural meeting, which he has compiled himself, will be resubmitted. He noted the commitment from the line department to do the minutes at future Working Group meetings. He advised that the Working Group will meet again in the coming week regarding the Human Settlements Strategy, which is out for public participation.

RESOLVED that

- (a) the verbal feedback from the Chairpersons of the respective Working Groups be noted, and

(b) the Agenda and Minutes of the working group meetings be included in the reports that will be submitted to the PC.

PROPOSER: ALD S MOODLEY

SECONDER: CLLR M PETERSEN

ACTION: C MINNAAR / CHAIRPERSONS OF WORKING GROUPS

HS 08/10/20

INTEGRATED DEVELOPMENT PLAN (IDP) ANNUAL AMENDMENT PROCESS

The Chairperson alerted the PC to the fact that this is the final annual review amendment process of the five-year plan. The focus ideally should be on maximising of performance and the delivery/implementation of programmes and projects contained in and imperative to the IDP.

She furthermore requested that the template attached as Annexure A in the report be used for all proposed amendments to the IDP and noted that the closing date for feedback is 31 October 2020. Completed feedback forms must be submitted directly to the email address provided in the report.

The Chairperson requested Mr Rughubar, who is standing in for the ED, to scrutinise the report as it pertains to the projects of the Human Settlements PC and to submit input, where it is deemed necessary.

RESOLVED that

(a) the commencement of the Integrated Development Plan (IDP) annual review and amendment process as per the Council approved IDP and Budget Time-schedule be noted;

(b) proposals to amend the IDP on or before 31 October 2020 be submitted, and

(c) all Subcouncil chairpersons who serve on a Section 79

Committee note this process for purposes of their Subcouncils' information.

PROPOSER: CLLR S SOLOMONS

SECONDER: ALD S MOODLEY

ACTION: MEMBERS OF PC / SUBCOUNCIL CHAIRPERSONS

HS 09/10/20

**ANNUAL REVIEW OF ORGANISATIONAL PERFORMANCE
MANAGEMENT SYSTEM**

The Chairperson mentioned that the deadline for input to this document as indicated on page 43 of the report is 30 October 2020.

Ms Sandra Saungweme noted that she represents the OPM Department and requested that the PC support the recommendation.

RECOMMENDED that

- (a) the process for the review of the Organisational Performance Management system be noted, and input be given, if necessary, and
- (b) it be submitted to the Executive Mayor together with Mayco for submission to Council as part of the annual review process.

PROPOSER: CLLR S VUBA

SECONDER: CLLR C POPHAIM

ACTION: C MINNAAR

HS 10/10/20

**TERMS OF REFERENCE OF ALL SECTION 79 PORTFOLIO
COMMITTEES: FOR REVIEW AND FINAL ADOPTION BY
COUNCIL**

Cllr Pophaim requested that feedback from Committee Services be requested as to why the recommendations from the PC were not

included in the amended Terms of Reference.

RECOMMENDED that

(a) the relevant amended Terms of Reference document for the Portfolio Committee be supported, and

(b) the Terms of Reference be submitted to Council for adoption.

The PC furthermore **RESOLVED** that Executive Committee Services be requested for a report back on why the recommendations submitted by the PC were not included in the amended Terms of Reference.

PROPOSER: CLLR C POPHAIM

SECONDER: ALD S MOODLEY

ACTION: C MINNAAR

HS 11/10/20

**HUMAN SETTLEMENTS PORTFOLIO COMMITTEE 2020/21
ANNUAL OVERSIGHT WORK PLAN**

There was general agreement from the councillors that the Annual Work Plan speaks of the commitment of the Chairperson and the members to the work of this PC.

Cllr Bazier noted that though the Oversight Work Plan is a good document, the deliverables and performance of the Human Settlements Directorate need improvement. She said that there are still a number of challenges that the Directorate are encountering, and that the implementation of projects and the meeting of deadlines, remain a concern.

RECOMMENDED that

(a) the 2020/21 Chairperson's Annual Oversight Work Plan be noted and adopted by the PC, and

(b) it be supported for submission to the Executive Mayor, together

with the Mayoral Committee, for onward submission to Council for noting.

PROPOSER: CLLR M PETERSEN

SECONDER: CLLR C POPHAIM

ACTION: C MINNAAR

HS 12/10/20

OUTCOME OF THE RE-OPENING OF THE PUBLIC PARTICIPATION PROCESS ON THE REVISED DRAFT ALLOCATION POLICY: HOUSING OPPORTUNITIES

RESOLVED that the content of the report be noted.

PROPOSER: CLLR C POPHAIM

SECONDER: CLLR M PETERSEN

ACTION: C MINNAAR

HS 13/10/20

HUMAN SETTLEMENTS' FINANCIAL MONITORING REPORT (FMR) – AUGUST 2020

Mr Paulsen presented the updated information as at end September 2020 that was forwarded to the members via email the day before. These annexures will be enclosed with the Minutes.

The PC noted the various challenges experienced causing projects to be delayed and the impact of this on the budget. It is also noted that increased performance with regard to staff capacity is required as this will assist with alleviating the pressures faced by the various line departments.

RESOLVED that

- (a) the content of the report be noted;
- (b) the PC expressed its concerns with the current status and slow progress of the projects managed by Western Cape Provincial

Government, which inter alia relate to

- i. Du Noon: Objections to the development received;
- ii. Kosovo: Awaiting transfer of land; and
- iii. Ithemba: Land still to be released for development

(c) the Provincial Government institute mitigating measures in order to unblock the stalemates that are preventing progress in these developments;

(d) insofar as the multiple delays with the Imizamo Yethu UISP project are concerned, the Informal Settlements Department provide the PC with a detailed report, specifying

- i. the challenges relating to the delays;
- ii. the current status of the legal proceedings, and
- iii. what the community resistance challenges are

(e) the PC expressed its concern about the non-compliance to s116 (3) of the MFMA insofar as the contracting services are concerned.

PROPOSER: CLLR M PETERSEN

SECONDER: CLLR M ABRAHAMS

ACTION: C MINNAAR

HS 14/10/20

STATUS REPORT ON HUMAN SETTLEMENTS CURRENT AND PLANNED PROJECTS

Mr Rughubar noted that the report tabled emanated from the request made at the previous meeting for this information to be provided to the PC. He provided comment on the various projects listed and noted that many of the projects in the planning stage which are ready for implementation, are affected by the spate of land invasions occurring in the City during the last few months.

Mr Rughubar also mentioned that two requests for tenders were recently advertised for panels of contractors to undertake services construction in different CIDV gradings, which will minimise the time spent on the tender phases of the construction. This will allow

Human Settlements to have a database of contractors who will provide quotations for construction on new projects. The process will still be competitive but the contractors would already have been assessed for functionality and their ability to undertake the work. A similar exercise for the top structures is being undertaken.

Cllr Bazier enquired about the way forward with the land invasions as this impact on the development of projects and on the expenditure of the budget. Cllr Booi responded that money is being reprioritised to make provision for private security entities to safeguard the sites.

Cllr Adams and Cllr Dambuza commented on the issue of land invasions and enquired about the delays with moving beneficiaries into completed top structures, which has the ripple effect of those vacant structures being illegally occupied.

Cllr Joja responded to the comments made by Cllr Adams and pointed out that the land invasions are politically motivated and that in most instances, it is private land that is been invaded and that the City cannot provide services on private land.

Cllr Booi concurred with Cllr Joja that the land invasions are well orchestrated. He noted that where possible, the City does make provision for services. Cllr Booi requested that Cllr Adams refer his questions to the Water and Sanitation Directorate.

Ms Pretorius responded that there is a process in which the provision of services to invaded settlements are being considered but due to a myriad of challenges, including operational and financial constraints, it is not always within the City's means to provide such services immediately.

Cllr Bazier requested that a report to the next PC meeting be submitted of land invaded of government institutions and other entities where services from the City are consequently being sought. The Chairperson replied that this information will become available in due course as the PC visits the various project sites.

The Chairperson thanked Mr Valeta for the comprehensive information provided in the report. She requested that site visits for the PC to the various projects be scheduled and following that, a workshop be arranged where the respective officials could take the PC through the progress of the projects, the challenges experienced and how the delivery of the projects impact on the IDP, especially the review thereof.

RESOLVED that

(a) the content of the report be noted, and

(b) site visits for the PC to the various projects, followed by a workshop, be arranged.

PROPOSER: CLLR M ABRAHAMS

SECONDER: CLLR X JOJA

ACTION: C MINNAAR

HS 15/10/20

**STATUS REPORT ON HUMAN SETTLEMENTS CANCELLED –
REPLACEMENT TENDERS**

RESOLVED that monthly progress reports on the replacement tenders be submitted to the PC.

PROPOSER: CLLR M PETERSEN

SECONDER: ALD S MOODLEY

ACTION: C MINNAAR

HS 16/10/20

**RELOCATION OF AGED AND DISABLED TENANTS TO
GROUND FLOOR IN RENTAL UNITS**

Cllr Petersen expressed appreciation for the redress in moving qualifying tenants to ground floors and proposed that this matter be referred to the relevant Working Groups, which are Working Groups 1 and 3. The Working Groups will explore the issue and will report

back to the PC with recommendations.

Cllr Bazier raised concern about the records that were destroyed as mentioned on page 189 of the report. The Chairperson noted the comment and shared the sentiments expressed by Cllr Bazier. She said that this concerning matter will have to be explored by the Working Groups.

RESOLVED that

(a) the content of the report be noted, and

(b) this matter be referred to Working Group 1 and Working Group 3 for further deliberation, and to submit a report with recommendations to the PC.

PROPOSER: ALD S MOODLEY

SECONDER: CLLR M ABRAHAMS

ACTION: C MINNAAR

HS 17/10/20

CLOSE OUT REPORT: EPWP PERFORMANCE FOR 2019/20

Cllr Pophaim noted that he cautiously accepts the outcome of the report and that the next quarterly report is eagerly awaited to monitor the indicator on EPWP performance.

The Chairperson commented that there is still concern about the unspent R10m and asked for feedback on this issue. Mr Fillies replied that the misalignment of targets in the previous financial year was addressed. The next report will speak to performance of this quarter and will indicate the operational challenges and will include input from the line department in this regard.

RECOMMENDED that

(a) the content of the report be noted;

(b) the realignment of the targets as indicated on page 197 of the report insofar as the Directorate's 2020/21 financial year is

concerned, be agreed to, and

(c) the targets as amended be escalated to the Executive Mayor, together with the Mayoral Committee members for notification, and for onward submission to Council for noting.

PROPOSER: ALD S MOODLEY

SECONDER: CLLR M ABRAHAMS

ACTION: C MINNAAR

HS 18/10/20

HUMAN SETTLEMENTS VACANCY ANALYSIS AS AT 31 AUGUST 2020

Mr Joyce noted that the report reflects the current status of vacancies in the Human Settlements Directorate. He further noted that 6 positions identified were not included in the report due to a timing issue, which brings the actual vacancy rate to 10,49%.

Cllr Bazier reiterated that the point raised earlier in the meeting about the importance of vacancies being filled, remains relevant and a concern.

RESOLVED that the content of the report be noted.

PROPOSER: CLLR M ABRAHAMS

SECONDER: CLLR J FITZ

ACTION: C MINNAAR

CLOSURE

The meeting ended at 12:47.

CHAIRPERSON: B VAN REENEN

DATE