



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

**To be held in the
Kuissebmond Council Chambers,
Nathaniel Maxuilili Avenue,
Kuissebmond,
Walvis Bay**

**ON WEDNESDAY
28 SEPTEMBER 2022
AT 18:00**



Municipality of Walvis Bay

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Date	22 September 2022

NOTICE

His Worship the Mayor and Councillors
General Managers

SEPTEMBER 2022 - ORDINARY COUNCIL MEETING OF THE LOCAL AUTHORITY COUNCIL OF WALVIS BAY

Notice is hereby given that the Ordinary Council meeting of the Local Authority Council of Walvis Bay will be held in the Kuisebmond Council Chambers, Nathaniel Maxuillili Avenue, Kuisebmond Walvis Bay on: -

Wednesday 28 September 2022 at 18:00

Yours faithfully,

D Dushona
Acting Chief Executive Officer

Date	Time
23/09/2022	10 : 40

Official	Date	Time	Signed off
Compiler	22/09/2022	20 : 50	
MCS	22/09/2022	21 : 10	



Agenda

1. **Opening by prayer** (File 3/1)
2. **Adoption of agenda and declaration of interest**
3. **Application for leave of absence by members of council** (File 3/3/1/4)
4. **Confirmation of minutes of previous meeting/s** (File 3/3/2/3/1)
 - 4.1 Minutes of the Ordinary Council meeting held on Tuesday 06 September 2022 to be confirmed and approved.
 - 4.2 Minutes of the Special Council Meeting held on Tuesday 20 September 2022 to be confirmed and approved.
5. **Interviews with deputations or persons summoned or requested to attend meeting**
(File 3/3/2/3/2)

None.
6. **Official announcements, statements, and communications**
7. **Petitions** (File 3/2/1/6)

No petitions have been received.
8. **Motions of members** (File 3/3/1/1)

Motion: Review of all the policies and agreements of the Walvis Bay Municipal Council

Submitted by Councillor R.N. Bramwell



MOTION FORM

To submit a motion for consideration by the Municipal Council of Walvis Bay, please complete and sign this form and submit it to the Chief Executive Officer at least 6 working days prior to the date of the next ensuing Council meeting as contemplated in Rule 13 of the Standing Rules of Order

Motion sequence number: 17
(to be completed by the administration)

MOTION: REVIEW OF THE ALL THE POLICIES AND AGREEMENTS OF THE WALVIS BAY MUNICIPAL COUNCIL

Motion submitted by: COUNCILLOR R.N.BRAMWELL

Objective of Motion: TO REVIEW ALL THE WALVIS BAY MUNICIPAL COUNCIL POLICIES AND AGREEMENTS

Rationale and motivation: It has come to the attention of Councillors that all the Policies and Agreements entered into between the Management and Staff, the Union and the Council have been in place since Independence and are all in need of a full review. The policies and agreements are listed below.

1. PERSONNEL RULES
2. RECOGNITION AGREEMENT BETWEEN THE WALVIS BAY MUNICIPAL COUNCIL AND THE NAMIBIAN PUBLIC WORKERS UNION
3. RETIREMENT POLICY

Proposal to be considered by Council: The purpose of this proposal is to review the Council's Rules, Agreements and Policies to bring them into line with the current working relationships between the Union, Management and Staff and the Council. It will go hand in hand with the restructuring exercise presently in progress and lead to a better work atmosphere and working relationship between all the affected parties.

Chairperson of Council. I so move.

Cllr insert name here

20 / 09 / 2022
Date



9. **Answers to questions of which notice has been given** (File 3/3/1/2)

No questions were received.

10. **Report of the Management Committee for September 2022**

[Report referred to in section 26(1)(e) of the Local Authorities Act]

The Chairperson of the Management Committee must put the report to the Council for information. The report may be discussed but no motion or proposal on the report may be introduced.

10.1 **Walvis Bay Fire Services – benchmarking and future** (Add. 2; M/C Meeting 20/09/2022; File 17/10/1/P)

RESOLVED:

That the matter be referred back to the submitting department to, in conjunction with the Department of Finance, provide a detailed breakdown of the costs pertaining to the proposal, including capital and operational costs as well as remuneration costs.

10.2 **Request for approval: Top Organizational Structure** (Add. 5; M/C Meeting 20/09/2022; File: 8/27/20)

RESOLVED:

1. That the minutes of all meetings pertaining to this matter, be made available to the Councillors to enable them to address the outcomes in a caucus amongst themselves on Monday 26 September 2022.
2. That, after the agenda had been determined at the caucus as per 1. above, the Councillors on Tuesday 27 September 2022 have meetings separately with all the relevant stakeholders, namely the union, management (General Managers and Managers combined, and the consultant) before the next step is taken in the process, so as to ensure proper consultation with the said stakeholders.

Recommendations of the Management Committee for September 2022

The Chairperson of the Management Committee must individually propose the recommendations of the Management Committee to the Council for consideration - Rule 22(2), and unless there are dissentient votes against a recommendation each recommendation is regarded as seconded (Rule 22(5) and adopted by general consensus.

11.1 **Payments to Umuntu Investment CC for the three (3) houses which were not part of the original scope of work – Erven 7220, 7221 and 7222 Kuisebmond** (Add. 1; M/C Meeting 13/09/2022; File 7/2/3/2/10)

The purpose of this report is to seek approval from Council to pay Umuntu Investment CC for repairs done to houses 7220, 7221 and 7222 Kuisebmond, that were not part of the original scope of work.

The main contractor, Uunongo Technologies sub-contracted Umuntu Investment CC to complete the six uncompleted houses. Houses 7219, 7224 and 7225 Kuisebmond has been completed and handed over to the Municipality as per the Completion Certificates. The remaining three (3) houses are in various stages of completion, and it is envisaged that these houses will be handed over this month.

While the sub-contractor, Umuntu Investment CC was busy with the above houses, they erroneously repaired houses 7220, 7221 and 7222 Kuisebmond and has submitted request to be paid for the repairs they made on the wrong houses. As per the sub-contractor explanation, he misunderstood that all the houses from Erf 7219 – 7228 should be repaired.

After the sub-contractor realized that he made a mistake he informed the Department of Community & Economic Development and Roads & Building Control of this oversight and has now submitted invoices for the payment of the repairs. The Department of Roads and Building Control has inspected the houses on 12 July 2022 to verify the repairs. The report from Department Roads and Building Control together with the invoices.

These houses (7220K, 7221K and 7222K) were already handed over to Council and were vandalized by the time of inspection by Mr D. Hite (The Property Valuator), in June 2021. However, there were further vandalism that took place during the period June 2021 to June 2022. In terms of the report from the Department of Roads and Building Control, the work done on the houses was satisfactory executed and completed. The material prices and material used according to the Building Inspector, is fair and reasonable. However, the mark-up of 40% on material and labor cost was identified as too high, and discussions were held with the sub-contractor to reduce the 40%. The sub-contractor has agreed and reduced the 40% to 30% on material and labour.

The payment to the houses is as follows;

- Erf 7220 Kuisebmond, N\$ 63, 037.87
- Erf 7221 Kuisebmond, N\$ 55, 598.34
- Erf 7222 Kuisebmond, N\$ 63, 037.87

This amounts for the repairs will be added to the selling prices of the houses for Council to recoup its monies. It is thus our submission to Council to consider payment for work done to Umuntu Investment CC to the amount of N\$ 181, 674.08.

However, it is important to note that Uunongo Technologies as the main contractor has ceded their right to construct the houses to Umuntu Investment CC as per the attached cession agreement.

RECOMMENDED:

- (1) That the Council takes note of the report.
- (2) That the 10% discount offered on material and labour, as deducted from the invoice, also be noted.
- (3) That the Council approves the payment of N\$ 181, 674.08 to Umuntu Investment CC for the repairs on houses 7220, 7221 and 7222 Kuisebmond, which houses were repaired due to misunderstanding between the contractor and subcontractor due to the erf number and street sequence of all the houses that were to be repaired.
- (4) That the cost of these repairs to houses 7220, 7221 and 7222 Kuisebmond, be included in the final sale price and as such be recovered to ensure that no wasted expenditure was incurred.

11.2 Feedback addendum on debts written off - motion: aims to offer financial relief to both single residential and business rate payers of Walvis Bay (Add. 1; M/C Meeting 20/09/2022; File 5/17/1)

The purpose of this report is to provide feedback to Council on the reconciliation of debts written off and to confirm/obtain clarity on the resolution taken with regards to writing-off of debts.

Council at its meeting held on 8 March 2022 resolved as follows:

- "(1) That the Municipal Council grant approval for the writing-off of all outstanding interest for improved residential properties, namely the whole outstanding interest amount as from the date from when the interest accumulated up to the end of February 2022.
- (2) That the Municipal Council grant approval for the writing-off of all outstanding debt of all pensioners who are registered in the municipal database for such purpose, for all outstanding debts up to the end of February 2022.
- (3) That a submission be made to the Council through the Management Committee on the exact total amount written-off under (1) and (2) above, for a firm decision in this regard."

As per point three of the above resolution, final resolution dated 6 April 2022 which reads as follows was taken, i.e.

- "(1) That the estimated amount of N\$ 54 million, representing the outstanding interest on improved residential properties as on 28 February 2022, be written off under Rule 8.8 of the Financial Rules, 1997.
- (2) That the estimated amount of N\$ 6,7 million, representing the outstanding pensioners' debts as on 28 February 2022, be written off under Rule 8.8 of the Financial Rules, 1997.
- (3) That Council take note of pensioners who are not on the data base, and that such cases be registered with Customer Service, as they surface.
- (4) That the Council take note of the total amount of debt to be written off in 1 & 2 above, represents 17% of the total outstanding debt."

Feedback reconciliation on written-off of interest on improved residential properties:

Total amount as per point (1) of resolution dated 6 April 2022 to be written off	54,00 million
Amount written-off	49.00 million
Balance not written-off	5.00 million

Feedback reconciliation on writing-off of pensioners:

• Total amount under point 2 of the resolution dated 6 April 2022	6,70 million
• Additional pensioners registered since the date of the above Resolution, refer point 3 of the very resolution.	10.20 million
• Totals written off	16,20 million
Balance not written off	700,000

The remaining balances of N\$ 5 million and N\$ 700,000 which is for interest on improved residential properties and pensioners respectively, giving the total of N\$ 5.7 million won't be written off due to the following reasons; quite a number of transactions took place since the date of the resolution and the date of physical write off and as a result of that, number of accounts which were active and included in the initial figures as per the resolution of 6 April 2022 became inactive due to sale, settlement, water leak credits given, levy adjustments etc.

The process to write-off debt as per the resolution was concluded by system experts/owners in South Africa and they made use of codes per service type to execute the exercise. They will then forward the list of written-off debt for our verification.

Due to the erroneous linkage of codes with the opening of accounts, especially vacant residential plots having business code for the purpose of levying "sewerage per property size", were erroneously written-off. Such were picked up, forwarded to them for correction. Human errors, like double written-off were also detected and the same were equally alerted and corrected.

A number of challenges pertaining to writing-off of debt were encountered from the public, which are mainly non-writing off Rates and Taxes. LA Act under section 73 states that *"...there shall be levied and paid by the owner..."*

It further states under section 75 of the very Act that one will be exempted from paying rates and taxes only once you fall into those categories mentioned under this act and once you have applied for such exemption. Writing-off Rates and Taxes will than have equivalent impact on the final balance as exemptions if written off, hence no action on it in terms of written-off.

The only active home-loan accounts are subsidized home loans. LA-Act under part XII of the said Act refers to housing scheme and specifically under section 61, which refers to remedies against defaulters of home loan repayment. Due to the fact the home loan accounts in place are subsidized, no action in terms of write-off was executed.

The letter attached as Annexure C was forwarded to line Ministry with self-explanatory reply w. Rates & Taxes as well as home loan instalments and loans are part of the debt and seeing that there are no clear directives from the line Ministry, writing-off on them was put on hold.

Another challenge from customers is that those having unimproved residential properties which are not in arrears did not benefit from this incentive. The reply from the administration on this was always referring to the resolution.

Another challenge which one could consider as **primary** challenge is the wording of the resolution number 2 of 6 April 2022. Two customers of which one of them went up to the level of contacting her lawyer feels that all her properties including vacant plot should be written-off. The very customer was explained the same and her lawyer was replied to as to the Council intention which is one developed and registered property per pensioner where monthly discount is applicable on services provided.

Unclearly about resolution 2 of 6 April 2022 is acknowledged and is therefore recommended that following clarity be given to public as follows, i.e., that the intention of the Council was that:

1. One improved residential property per customer which is registered for monthly discount on services accounts.
2. Rates & Taxes as well as home loans instalments & loan accounts as not to be written-off until clarity is obtained.
3. No writing-off is applicable on unimproved residential properties.

RECOMMENDED:

1. That the Municipal Council takes note of the total amount of N\$ 16,20 million for registered pensioners and N\$ 49 million for interest on improved residential properties, which has been written-off under Council's resolution 11.1 of 8 March 2022 and resolution 11.18 of 6 April 2022.
2. That, as a matter of clarity for the record, it was Council's clear intention with regards to writing-off of debt with specific focus on resolution 11.18(2) of 6 April 2022, to:
 - (1) only write off debt per one improved residential property per customer which is registered for a monthly discount on service accounts; and

- (2) rates and taxes as well as home loans and loan accounts not to be written-off; and
- (3) no writing-off is applicable on unimproved residential properties.

11.3 Provision of free water and ablution facilities (Add. 3; M/C Meeting 20/09/2022; File 17/1/4)

The purpose of this report is to provide a breakdown of free water and free chemical ablution facilities provided to certain residential areas and to formally obtain approval for the continuance of provision of such free services.

With the outbreak of Covid-19, Hepatitis E and mayor fire incidents, Council provided free essential services as follows:

Water

- Old Kuisebmond Hostel x 5 000 litre x three times per week.
- Cape Flats Narraville x 2 000 litre x three times per week.

(Water provided at these venues used as drinking water).

- Shop 4 Shading Market x 1 000 litre x two times per week.
- Ekutu Open Market x 2 000 litre x two times per week.
- Otweya x 2 000 litre x two times per week.
- Narraville Rugby Stadium x 1 000 litre x two times per week.
- Cape Flats Narraville x 1 000 litre x three times per week.

(Water provided at these venues utilised for washing purposes only. The Health Section introduced a system where IBC containers, filled with soap water, could be used to improve hygienic conditions at these areas).

The financial implication regarding water provision only, amounted to about N\$ 3 000.00 per month.

Water is delivered by the Section Protection Services by means of the Fire Brigade Water Tanker. This Tanker has already broken down a few times because of these activities, resulting in costs to the amount of approximately N\$ 52 000.00 over the past three months.

Overtime is also paid to officials delivering water over weekends.

Chemical ablution facilities

- Erongo Street Kuisebmond x 2 mobile chemical toilets.
- Otweya decongested area x 2 mobile chemical toilets.
- Old Kuisebmond Hostel x 2 mobile chemical toilets.
- Area at Pluto/Orion Streets x 1 mobile chemical toilet.

These chemical toilet facilities are serviced daily, Monday to Sunday, by the contractor involved.

The financial implication regarding the provision of this service, currently amounts to approximately N\$ 22 000.00 per month.

Council also provides a range of other basic sanitary services in the areas mentioned above, particularly by the Health Section.

It is estimated that a total of about 2 000 people benefited from the provision of free water and chemical toilets in the respective areas mentioned above.

In the meantime, pre-paid water meters have been installed at the Old Kuisebmond Hostel and at the informal settlement at Erongo Street. These meters have been installed to control the usage of water and are managed by committees at the areas. The Health Section also removed IBC containers from Otweya and Narraville Club House and free water is not provided at these sites any more.

Conditions at the areas in question are however appalling. Overcrowding and unsanitary conditions are rife, and it is essential that people residing at these areas are provided with basic services such as potable water, proper sanitation, sufficient refuse receptacles and wastewater collection points.

Current conditions at the areas mentioned above are way below prescribed public health standards and the Health Division maintains that not only should Council continue with the provision of these services, but Council should in fact provide at least 4 chemical toilets at each of these areas. The Health Section further urge that general conditions at these areas should be improved as a matter of urgency, in order to prevent the outbreak of diseases and to address a looming health disaster.

The Public and Environmental Health Act, Health Act 2015, clearly outlines the powers and functions of a Local Authority when it comes to health matters.

In view of the above, it is recommended that Council continue with the provision of free water and free chemical ablution facilities and that the necessary budget provision be made in this regard.

RECOMMENDED:

- (1) That the Municipal Council condones the actions of the Administration to, in the interest of public health and wellbeing, provide essential water and chemical toilet facilities to designated areas where the most vulnerable in society congregated, in an effort to mitigate the effects of the Hepatitis E outbreak, the Covid-19 pandemic as well as the living conditions of the fire victims.
- (2) That the Municipal Council continue to provide essential water at the following designated areas.
 - Cape Flats, Narraville.
 - Shop 4 Shading Market.
 - Ekutu Open Market.
- (3) That the Municipal Council continue to provide essential chemical ablution facilities at the following designated areas:
 - Erongo Street.
 - Otweya area.
 - Old Kuisebmond Hostel.
 - Area at Pluto/Orion Street.
- (4) That specific budget provision be made for these actions.
- (5) That the above provision be continued with only until the end of January 2023, by which time the Administration must have come up with relevant solutions to address the situation.

11.4 Revival of the Inter-Municipal Cooperation between the Municipalities of Walvis Bay and Tsumeb (Add. 4; M/C Meeting 20/09/2022; File: 2/17/10)

The purpose of this report is for Council to consider the request by the Tsumeb Municipality for the revival of the inter-municipal cooperation relationship between Walvis Bay and Tsumeb.

The Municipal Council of Walvis Bay considered this matter at its meeting held on 27 February 2007 and resolved as follows:

- (a) *That it be approved that a "friendship city" relationship with the Municipality of Tsumeb be entered into due to the close ties that bind the two local authorities as a result of both being participants in the Norwegian Municipal International Cooperation program, and in keeping with the creation of south-south partnerships under the said program.*
- (b) *That the modalities of the proposed inter-municipal relationship be worked out through normal administrative channels, whereafter it be formalised through a formal signing ceremony".*

Although several exchanges took place since the inception of the agreement, such as the introduction to the Walvis Bay Councillors of the Tsumeb Youth Volunteers against Crime Project in 2008, exposure of the Tsumeb Manager: Health and Parks on pollution control, waste management, business registration and health services through an information sharing visit in 2009, familiarization visit in September 2011 by Tsumeb Councillors to observe Walvis Bay's Management Committee and Council meetings, homebased business benchmarking in 2012, property matters in 2013, and archive staff training in 2016.

In October 2015 all the inter-municipal partners were requested to re-energise the various agreements. A letter in this regard was also sent to Tsumeb. The revival of such agreements from time-to-time is essential as the original purpose of the agreement may have been fulfilled or it may have lived it out, hence the review thereof if and when needed.

On 14 July 2022 Tsumeb requested that the cooperation be revived which in the natural course of activities is a good initiative. Once the Municipal Council approved the revival of the agreement, the 2 administrations must work out the details for final consideration by both Councils.

RECOMMENDED:

That the Municipal Council of Walvis Bay express its desire to also revive the inter-municipal cooperation with the Tsumeb Municipality, and that the details thereof be worked out through normal administrative channels.

11.5 Endorsement of the Municipality of Walvis Bay Corruption Risk Assessment Report & Councillors' nomination to the Integrity Committee (Add. 6; M/C Meeting 20/09/2022; File: 13/9)

The purpose of this report is to obtain the Municipal Council's endorsement of the *Municipality of Walvis Bay Corruption Risk Assessment (CRA) Report* and the nomination of councillors to its *Integrity Committee*.

The *Municipality of Walvis Bay Corruption Risk Assessment (CRA) Report* was drafted during a brainstorming workshop with fourteen (14) council's management cadres four (4) councillors from 18 – 21 February 2020. The implementation thereof was afterwards monitored and evaluated, and a mitigation plan was workshopped on the 11 March 2021. The final CRA Report was eventually officially handed over to Council with the signing of Integrity Pledges by management and councillors on the 24 June 2022.

The Integrity Committee is charged with overseeing the implementation of integrity systems and plans as per the *National Anti-Corruption Strategy and Action plan*. The CEO normally serves as the chairperson of the Integrity Committee. As chairperson of the committee the CEO is responsible for driving and facilitating the whole process of the implementation of the Corruption Risks Mitigation Plan (as outlined in the *Municipality of Walvis Bay Corruption Risk Assessment - CRA Report*) as well as coordinating the process between ACC and the Municipality of Walvis Bay. In addition to that, it was suggested that it could be more effective to include all General Managers of all departments to assist the CEO to facilitate and implementing the process smoothly.

Consequently, all General Managers were appointed to assisting the CEO and serving as Municipality of Walvis Bay Integrity Committee members.

RECOMMENDED:

1. That the Municipal Council of Walvis Bay endorses the February 2020 *Municipality of Walvis Bay Corruption Risk Assessment - CRA Report*.
2. That the Municipal Council of Walvis Bay nominates 3 councillors to serve on the *Integrity Committee* with the departmental heads to ensure that prioritized risks are monitored, evaluated, reviewed, and implemented as contained in the *Corruption Risk Mitigation Plan*, and that the names of the councillors to be nominated, be made at the Council meeting when this item is considered.

11.6 Approval request for twelve Municipal officials nominated to serve on the Project Management Committee, and one Academic representative from the Namibia University of Science and Technology to serve on the Project Steering Committee for the Erongo Sustainable Governance Lab Project and request for these officials to travel to Czerwonak, Poland (Add. 7; M/C Meeting 20/09/2022; File: 2/3/17/33)

RECOMMENDED:

- (1) That approval be granted for the nominated municipal staff members to serves on the Project Management Committee and one academic academic representative from NUST to serve on the Project Steering Committee for the Erongo Sustainable Governance LAB project.
- (2) That one of the Communication Officers be substituted by the Chairperson of Management Committee, Councillor R Hoaeb, as delegate, and that approval be granted for the 2 nominated council members and 11 nominated officials to travel to the Polish Embassy in Pretoria, South Africa to apply for the traveling VISAs and subsequently to travel to the City of Czerwonak, Poland on 22 to 30 October 2022 or on dates to be confirmed, for an exposure tour as part of project implementation.
- (3) That all costs of traveling and lodging be defrayed from the approved project budget as specified under budgetary line 2.1.3 ((Annexure III of the Cooperation Agreement) and that all traveling arrangements to Poland be handled by the Czerwonak team in Poland.
- (4) That it be noted that, in terms of clause 2.1.12 of the Delegation of Powers and Assignment of Duties and Responsibilities, the Chief Executive Officer shall give approval of all or any traveling and subsistence and related costs and the appointment of delegations to travel to destinations outside Namibia, for a period of up to 7 consecutive days, after consultation with the Chairperson of Council Management Committee.

12. **Reports and recommendations of Advisory Committees and the Chief Executive Officer**

None.

13. **Minutes of associations**

13.1 **Management Committee of the Association for Local Authorities (ALAN)** (File 12/1/2/1/2)

No minutes have been received.

13.2 **National Executive Committee of the Namibia Association of Local Authorities Officers (NALAO)** (File 12/1/2/1/11)

No minutes have been received.

13.3 **Namibia National Mayors' Forum** (File 12/1/2/1/17)

No minutes have been received.