



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

**To be held in the
Civic Centre Council Chambers,
Nanagolo Mbumba Drive,
Walvis Bay**

**ON TUESDAY
08 OCTOBER 2024
AT 18:00**



Municipality of Walvis Bay

Civic Centre · Nangolo Mbumba Drive · Private Bag 5017 · Walvis Bay · Namibia
Phone +264 (0)64 201 3111 · Fax +264 (0)64 204 528 · www.walvisbaycc.org.na

Enquiries: Gwenneth !Gaoses
Phone: (064) 201 3236
E-mail: ggaoses@walvisbaycc.org.na
Date: 27 September 2024

NOTICE

His Worship the Mayor and Councillors
General Managers

AUGUST 2024 - 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 at the Civic Centre Council Chambers, Nangolo Mbumba Drive, Walvis Bay on: -

Tuesday 08 October 2024 at 18:00

Yours faithfully,

Victoria N. Kapenda
Chief Executive Officer

Date	Time
27/09/2024	13 : 19

Official	Date	Time	Signed off
Compiler	27/09/2024	10 : 44	
AGM: HRCS	27/09/2024	10 : 45	



Please address all correspondence to the Chief Executive Officer

Agenda

1. **Opening by prayer** (File 3/1)

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2. **Adoption of agenda and declaration of interest**

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3. **Application for leave of absence by members of council** (File 3/3/1/4)

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4. **Confirmation of minutes of previous meeting/s** (File 3/3/2/3/1)

- 4.1 Minutes of the Ordinary Council Meeting held on Thursday 15 August 2024, to be confirmed and approved.
4.2 Minutes of the Special Council Meeting held on Thursday 29 August 2024, to be confirmed and approved.
4.3 Minutes of the Special Council Meeting held on Tuesday 10 September 2024, to be confirmed and approved.

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5. **Interviews with deputations or persons summoned or requested to attend meetings** (File 3/3/2/3/2)

Tuesday 13 August 2024

- Onrisk Consultancy
- Mr Enrico van Wyk
- Sunflower Namibia Oil Production (Pty) Ltd
- Namibia Ports Authority
- Frankfort Investments

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6. **Official announcements, statements, and communications**

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7. **Petitions** (File 3/2/1/6)

None.

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8. **Motions of members** (File 3/3/1/1)

No motions received.

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

None.

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10. **Reports of the Management Committee for August 2024**

None.

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11. **Recommendations of the Management Committee for August 2024**

11.1 **The rezoning of Erf 113 Meersig from “Single Residential” (1:500m²) to “Single Residential” (1:300m²) and subsequent subdivision of Erf 113 Meersig into Portion 1 and Remainder** (Add. No. 1; M/C Meeting 29/08/2024; File: 113M)

The purpose of the report is to obtain the approval of the Municipal Council for the following:

- (a) The typographical error in point no. 1(b) concerning the betterment fees, which incorrectly states the amount as N\$ 27,623.60, is hereby corrected to reflect the accurate amount of N\$ 27,625.60.
- (b) The typographical error in point no. 3, which currently reads as follows: 'That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the application for the subdivision of Erf 738 Walvis Bay into new Portion X and Remainder Erf 738 Walvis Bay, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan WAL/738 dated 03/11/2023, which bear the approval stamps of the Municipal Council.

Is hereby corrected to read:

“That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the application for the subdivision of Erf 113 Meersig into Portion 1 and Remainder Erf 113 Meersig, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 113/M/SP dated 25/09/2023, which bear the approval stamps of the Municipal Council.”

An application for the rezoning of Erf 113 Meersig from Single Residential (1:500m²) to Single Residential (1:300m²) and the subsequent subdivision of Erf 113 Meersig into Portion 1 and the Remainder was submitted for the Council's consideration and approval in November 2023. The application was approved and recommended to the Urban and Regional Planning Board, although several typographical errors were noted in the recommendations.

A correction of the approved recommendations is now required for submission to the Urban and Regional Planning Board to obtain final approval of the application.

The Management Committee RECOMMENDED:

That the Municipal Council recommends for approval the correction of conditions (1)(b) and (3) in Ordinary Council Meeting minutes dated 06 March 2024 Item 11.6, to read as follows:

- (1)(b) That the applicant pays a betterment fee deposit of N\$ 27,625.60, being 20% of the increase in value of the rezoned erf, prior to the submission of the rezoning application to the Urban and Regional Planning Board, whichever is earlier.

- (3) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the application for the subdivision of Erf 113 Meersig into new Portion 1 and Remainder Erf 113 Meersig, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 113/M/SP dated 25/09/2023, which bears the approval stamps of the Municipal Council.

11.2 **Aims to offer financial relief to both single residential and business rate payers of Walvis Bay: continuous backdated writing-off of debt** (Add. No. 2; M/C Meeting 29/08/2024; File: 5/17/1)

The purpose of this submission is to recommend to Council on to the resurfacing of pensioners who were sixty plus years of age as on 30 February 2022, but not registered as pensioners on Council's Financial System.

Council at its meeting held in March 2022 under item 11.18 resolved amongst others as follows: *"That Council take note of pensioners who are not on the data base, and that such cases be registered with Customer Services, as they surface"*.

It is clear that this resolution does not cater for pensioners who turned 60 years old consequent to the resolution of 30 February 2022. However, as per the resolution as quoted above, it caters all those customers who were 60 plus year by the time and or before the time the above resolution was taken.

These pensioners were however not registered on the financial system at that time, hence did not benefit from the write-off.

Consequent to the resolution and after all the debt of registered pensioners were written-off, the Department of Finance was inundated with pensioners who registered consequent to the resolution on financial system and their debt were written-off.

Even though the number of these pensioners has reduced, the Department of Finance is still receiving applications from pensioners who were 60 plus as on the 20 February 2022, requesting to be registered on the system and consequently requesting to benefit from the write-off.

The biggest challenge experienced with the continuation of this resolution is that most of the pensioners surfacing now are not physically residing at the premises and are not users of the services being used that now stand to be written off. Such premises are occupied by children, grandchildren and relatives that are below 60 years of age, i.e. its only that the property is registered on the pensioner's name. Other administrative technicalities experience is the administrative task this involves in term of maintaining statistic of write off, accuracy in calculation of backdated calculations due to the priority in allocation of payments by the financial system becomes a biggest challenge especially when calculation of interest is involved.

Opinion is therefore held that the grace period be set and all pensioners which were 60 plus on or before 28 February 2022, to come forth, register as a pensioner for the activation of monthly benefits and for once off mass written-off of debt as per the resolution.

The Management Committee RECOMMENDED:

- (1) That all the pensioners who turned 60 years of age before or on the 16 February 2022, be given until 29 November 2024 to register at the Customer Service desk, for a once-off mass write-off of debt as resolved on 31 March 2022.

- (2) That the above information be made known to the public at large through all available means and that the ad-hoc write-off of debt will not be entertained after 30 November 2024.
- (3) That it be noted that the resolution dated 23 March 2024 taken under item 11.18, sub resolution 3 thereof shall lapse after 30 November 2024.

11.3 **Joint management of a public park in State House Crescent - Zone 6 Neighbourhood Watch Group** (Add. No. 3; M/C Meeting 29/08/2024; File: 4/3/3/5/22)

The purpose of this submission is to recommend to Council to consider the granting of approval for the joint management between the Zone 6 Neighborhood Watch Group and the Municipal Council of Walvis Bay, for managing the public park located on Erf 2331, State House Crescent, Extension 6, and to utilize the park as a central base for the fight against crime, vandalism and drug abuse.

The Zone 6 Neighborhood Watch Group (Z6NHW) is an active neighborhood watch entity. It is formally constitutionalized and registered with NAMPOL. The purpose of the Z6NHW is to assert its presence in particularly Extension 6 Walvis Bay, and ancillary neighborhoods, in the fight against crime, vandalism and drug abuse. The Z6NHW operates as a voluntary, free patrol, watch service in conjunction with NAMPOL, the Walvis Bay Traffic Section, NAMPOL Reservists, other neighborhood watch groups and security companies.

The Z6NHW has now approached Council with a request for the joint management of a public park in Extension 6 Walvis Bay, also known as Dune Park, and also to utilize this park as central area to the Z6NHW operations.

Dune Park measures approximately 18 954m² and is centrally located in Walvis Bay Extension 6. It is surrounded by residential properties. The park is enclosed with a small, open wooden pole fence and consist of large grass patches, fully grown trees & shrubs. It is also equipped with play park equipment and freshwater taps.

Although, the park is served with ample light poles for illumination purposes, the electricity system has been dysfunctional for some time now. The grassed and planted areas have also deteriorated significantly over the years.

The presence of bushy vegetation and the lack of a lighting system have created a hiding place for criminals and homeless people. The presence of criminals and homeless people at the park have resulted in the abuse and vandalization of park facilities and subsequently to the underutilization of the park. Currently, Dune Park is identified as a "hot spot" in terms of criminal activities, drug dealing, movement of stolen goods and providing refuge and hiding for criminal elements.

It is self-evident that Dune Park has slowly but surely deteriorated as a beautiful park facility over the years. According to NAMPOL and security companies, criminal activities has increased in the eastern town areas, particularly due to the large contingent of unemployed people residing at the refuse dump. With a large component of residents absent from their residences during the day, the park, like some other parks in Walvis Bay, has developed in a popular area for drug dealings.

It is for these reasons that the park is no longer being utilized for what it was intended for. Children are not allowed by parents to play in the park and specifically the elderly have stopped using the park in fear of being attacked by criminals.

In order to endeavor addressing these social ills within the neighborhood and specifically at the park, Z6NHW proposes the following:

- The establishment of lighting in the park, using current lamp poles to fit spotlights.
- Erecting a temporary facility for the storage of equipment and from where Z6NHW can operate from. Such facility will also be utilized to accommodate members of Z6NHW in the changing of shifts or other law enforcement agencies to do reporting on patrolling activities and information sharing. Such facility could also be used to provide a welcome cup of coffee/hot chocolate in the mid of night.
- Such temporary facility would also include a basic ablution facility for neighborhood watch members.

The Z6NHW further proposes the upgrade of the park and recreation facilities.

- Members of the neighborhood watch and residents within Extension 6 are prepared to take hands with the Municipality towards the upkeep, cleaning and maintaining of the park and garden surroundings.
- The establishment of outdoor gym recreation facilities.
- Presentation of community-based fundraising activities to fund expenses for the above actions, but also to put life back into the park as it was intended to.

Henceforth, the Z6NHW intends to create an environment not only to fight crime and assist law enforcement agencies to do so, but also to restore the park and its environs to its former glory and to enable a proud community. Their actions clearly indicate a community that wish to take hands with the Municipality and thus take ownership of their environment and its facilities, by being willing to invest both financially and physically.

A joint effort between the Municipality, Z6NHW and the residents of that area, will no doubt contribute towards restoring the park to what it was originally intended for. It will greatly assist Council in its efforts to maintain the park. It will also afford valuable support towards the fight against crime and drug abuse.

It should be mentioned that the concept proposed by Z6NHW is not a new concept. Various towns, especially in Windhoek as well as in South Africa, have established even formal structures in public open spaces and parks, to allow law enforcement entities to operate from in residential areas, in an effort to keep areas safe and to assist formal law enforcement (Police) in this regard.

It is also suggested that should this proposal be executed and run successfully, it could serve as a catalyst for other neighborhoods and areas within Walvis Bay to follow suit and in doing so create a safer total community. The principle of such a joint management proposal between Council and Z6NHW is therefore supported.

In supporting such a venture, it is however important that certain conditions be recognized and included in a memorandum of agreement between Council and the Z6NHW. Such conditions should include:

1. That the park area be provided at no cost.
2. That the Z6NHW be allowed to establish a few temporary structures and open-air gym facilities as proposed and take responsibility for all cost implications involved in the erecting, maintenance and removal of such structures.
3. Only temporary structures should be erected.
4. That the area where the temporary structures to be erected be temporarily closed as a Public Open Space in line with the Public Open Space Closure guidelines.
5. That prior to the erection of temporary structures on the site, the approval of the General Manager: Roads and Building Control be obtained.

6. That the municipality shall not held liable to reimburse the Z6NHW for any improvements on the site, should activities cease to take place.
7. That Z6NHW, on vacating the site, rehabilitate the areas where structures were erected.
8. That Z6NHW be responsible for the provision of additional services (water, electricity, sewage).
9. That Z6NHW be allowed to host functions/gatherings or events at the park, but that Council be notified of such actions.
10. That Council reserves the right to refuse any function/event to be hosted at the park.
11. That Council may terminate this agreement at any time should any reason arise or if the activities of the Zone 6 Neighborhood Watch and its members is found to be in contrary to the objective of this agreement or against the wishes of the residents.
12. That the park always remains a public park for all and anyone to utilize as a park facility.
13. That the management of the park and Council staff working there, remains the responsibility of the Council.
14. That the Z6NHW shall comply with the regulations relating to Public Amenities, General Notice 359 of 2020 at all times.
15. That Council be indemnified against any loss, damage or harm arising from the approval of this joint management arrangement.

The Management Committee RECOMMENDED:

- (1) That approval be granted for the joint management of Dune Park, by the Municipality of Walvis Bay and the Zone 6 Neighbourhood Watch (Z6NHW).
- (2) That a memorandum of agreement be entered into by and between the Municipal Council and the Z6NHW to formalize such joint management venture and to outline all relevant terms and conditions as listed in the submission motivation.

11.4 Application for additional land on existing lease on Farm 38 and extension of the lease period: King Charcoal Namibia (Pty) Ltd (Add. No. 4; M/C Meeting 29/08/2024; File: Farm 38)

The purpose of this submission is to recommend to Council to consider the granting of approval, amongst others, that additional 3.3 ha of Farm 38 be leased to King Charcoal Namibia (Pty) Ltd (the applicant), for purpose of establishing a charcoal bagging plant and briquette manufacturing.

Council at its meeting held on 29 May 2018, under item 12.6, inter alia resolved that 1 ha (10,000 m²) of Farm 38, be leased by private transaction to King Charcoal Namibia (Pty) Ltd for N\$ 5,000.00 plus N\$ 750.00 (15% VAT) per month, escalating with 10% per annum, for production and packaging of charcoal.

In addition, Council at its meeting held on 17 November 2020, under item 12.4, inter alia resolved that additional 2 ha (20,000 m²) of Farm 38, be leased by private transaction to King Charcoal Namibia (Pty) Ltd for N\$ 11 000.00 (N\$ 0.55/m²) plus N\$ 1,650.00 (15% VAT) per month, escalating with 10% per annum, for establishing a charcoal bagging plant and briquette manufacturing.

The applicant has now applied for additional land on their current lease at Farm 38 for establishing a charcoal bagging and briquette manufacturing plant and to grow the volumes of exported charcoal. The applicant further requests that the original lease be extended from 10 years to 20 years with an option to renew for further period of 20 years.

The applicant has already done on their leased site earthworks, construction of site and are fully operational from the new factory on Farm 38 but would like to expand their business. Currently, they are exporting raw charcoal products in bulk bags without adding potential value to the product. Value adding is mainly confined to bagging charcoal directly for foreign retailers in their branded craft paper bags and briquette manufacturing from the smaller charcoal fractions. The applicant aspires to do both this activities on Farm 38, therefore is applying for additional land. It is projected that the estimated capital required for the project is more than N\$ 20,000,000.00. Therefore, the applicant is requesting for a longer lease period to substantiate the capital investment to be made.

The applicant indicates that; they have already employed approximately 100 permanent jobs at its factory, but this expansion in their business will employ at least 30 local Namibians.

Although the King Charcoal applied for an additional 2 hectares, the preliminary layout designs make provision for 3.3 hectares, just behind their existing site. Such is offered and the applicant has confirmed that they can proceed with the 3.3 hectares.

The current leases at Farm 38 are N\$1.07 cents/m². Therefore, Therefore, the lease of 3.3 ha (33,000 m²) of Farm 38 must be set at a monthly rental of N\$ 35 310.00 (N\$ 1.07 cents/m²) plus N\$ 5 296.50 (15 % VAT), as it is in line with their current rental at Farm 38.

This project will further underscore the Government's initiative of value addition to Namibian products and ultimately result in skills transfer to Namibians. Therefore, the application for additional 3.3 ha of Farm 38, be leased to King Charcoal Namibia (Pty) Ltd for establishing a charcoal bagging plant and briquette manufacturing is supported.

The Management Committee RECOMMENDED:

- (1) That additional 3.3 ha (33,000 m²) of Farm 38 be leased to King Charcoal Namibia (Pty) Ltd (the applicant) at a rental of N\$ 35 310.00 (1.07 cents/m²) plus N\$ 5 296.50 (15 % VAT) per month, escalating with 10% per annum, for establishing a charcoal bagging plant and briquette manufacturing.
- (2) That the lease period for additional 3.3 ha be set at the remaining period of the original lease term of 3 years and 8 months, to be leased to King Charcoal Namibia (Pty) Ltd with an option to renew.
- (3) That the request for the extended period only be considered six (6) months prior the end of the existing lease term.
- (4) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 3.3 ha of Farm 38 surveyed at the applicant's cost.
- (5) That an addendum to the existing lease agreement be signed and the monthly rental be levied once the agreement has been signed by all parties.
- (6) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.
- (7) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.

- (8) That a refundable, non-interest-bearing deposit of N\$ 10,000.00 be paid by the applicant on date of signing the lease agreement, to cover the costs of rehabilitation of the site should the applicant fail to do so.
- (9) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (10) That the applicant shall, at own cost, enclose the leased area.
- (11) That electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (12) That the applicant has to comply at all times to all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.
- (13) That the Municipal Council of Walvis Bay not be held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended after the remaining 3 years and 8 months.
- (14) That the applicant guarantees and indemnifies the Municipality of Walvis Bay against any action, claim or loss, injury or damage which the applicant or any third party may suffer as a direct or indirect result of the development covered by the lease agreement.
- (15) That the applicant accepts the conditions of this approval within 14 days after the notification of the Council resolution and if no response is received the approval will be regarded as null and void.
- (16) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.

11.5 Request for approval for council to make provision in its budget to budget for the Mayoral Relief Fund (Add. No. 5; M/C Meeting 29/08/2024; File: 5/8/6)

The purpose of this submission is for the Council to consider the granting of approval for contributing from its funds to the Mayoral Relief Fund on an annual basis.

Initially, the Mayoral Relief Fund (MRF) was established upon the dissolution of the Mayoral Disaster Fund, the Kuisebmond Food Bank and the Youth Project Fund. The Mayoral Disaster Fund was established with the objective of providing financial assistance for burying victims and assisting survivors of a bomb blast that happened in Walvis Bay in 1986. In turn, the Kuisebmond Food Bank was started to assist in the provision of food for the needy in Kuisebmond.

Arising out of a profound need to apportion assistance to residents in distress, either as a result of economic or health impairment, the Fund has provided some relief to many such residents over the years. In this way, the Municipality of Walvis Bay has added value to the community it serves. In recent years, the concept of social responsibility has assumed an even more prevalent role, given the deteriorating economic climate globally. It is therefore necessary and fitting for the organisation to continue to help alleviate people's suffering.

The nature of assistance is often based on urgency, such as coming to the aid of fire victims or other calamity stricken individuals. "The fund will provide assistance in cash or kind, but will not be limited, to the following:

- a) Organizations within Walvis Bay registered with the Ministry of Health and Social Services or other registering authorities as associations not for gain.
- b) Individuals within Walvis Bay who, due to ill health or ageing, are unable to afford medical equipment or apparatus or services to enable them to enjoy value added lives or those that had suffered medical setbacks.
- c) Not for gain registered Institutions involved in the care, support and rehabilitation of Orphans and Vulnerable Children (OVCs), patients terminally ill with cancer or HIV/ Aids, or other serious illnesses who might require assistance in the proper execution of their duties or help in improving patients' social or medical conditions.
- d) Registered organisations and associations involved in the management and control of search and rescue operations, during natural or other disasters, in need of assistance.
- e) Individuals of Walvis Bay who are from the designated groups as outlined in the Affirmative Action Act 29 1998 and (OVCs) who need assistance in furthering their education or training."

During the informal meeting discussions of 13 August 2024, a request was made for the submission of a supplementary budget for the purpose of annual contribution to the MRF. The amount for annual contribution will be determined during the budgeting stage depending on the need. However, the MRF requires N\$525,000.00 for this financial year to go towards the senior citizen brunch hosted annually in December. This amount will be used to purchase 1500 vouchers of N\$350.00 each to be distributed on the said day to the senior citizens.

Currently in the MRF there is N\$469,810.18 available. These funds are ear marked for any emergencies arising from now until 19 October 2024, as well as to host the Mayoral Fundraising Gala which is most funds are raised for the fund.

The Management Committee RECOMMENDED:

- (1) That the Municipal Council of Walvis Bay contributes an amount of N\$ 525,000.00 towards the Mayoral Relief Fund for this financial year.
- (2) That funds are to be sourced from savings under legal costs vote where N\$ 2.9 million is still available.

11.6 **Request for approval for Councillor Trevino Forbes to attend the Africa Urban Forum in Addis Ababa, Ethiopia from 4-6 September 2024** (Add. No. 7; M/C Meeting 29/08/2024; File: 3/4/6)

The purpose of this submission is for the Council to take note of the invitation for Cllr Trevino Forbes, Mayor of Walvis Bay, to attend the Africa Urban Forum taking place in Addis Ababa, Ethiopia from 4 to 6 September 2024.

As a signatory to the Covenant of Mayors in Sub-Saharan Africa (CoM SSA) Mayor Forbes has been selected to be part of the delegation that will be participating at the upcoming Africa Urban Forum (AUF).

We are looking forward to the inaugural AUF, which is expected to be a platform through which governments collaborate to enhance African cities, enabling them to fulfil their potential as centres of hope, growth and prosperity.

The African Union Commission and its member-states established the AUF in response to the rising consequences of rapid urbanisation in Africa, its opportunities and challenges, as well as the need to create a continental scale forum to support an inclusive and holistic approach to unlocking the potential of urbanisation on the continent.

CoM SSA RMF be hosting an in-person meeting of the CoM SSA RMF during this event (specific date and time TBC) of which Mayor Forbes is expected to participate as a signatory. Other activities where he is also expected to participate will take place during the week.

CoM SSA will provide funding for Mayor Forbes travel and accommodation cost.

The Management Committee RECOMMENDED:

That the Municipal Council of Walvis Bay takes note of the invitation by the Covenant of Mayors in Sub-Saharan Africa for Cllr Trevino Forbes to attend the Africa Urban Forum, taking place in Addis Ababa, Ethiopia from 4 to 6 September 2024 as of the delegation representing the Signatories of Mayor of Southern Africa, subject to the approval of the Minister of Urban and Rural Development.

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

None received.

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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.

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