

**MINUTES OF AN ORDINARY COUNCIL MEETING OF THE KOUGA MUNICIPALITY HELD
AT THE KOUGA COUNCIL CHAMBER (JEFFREYS BAY UNIT) ON
THURSDAY, 28 FEBRUARY 2019 AT 09:00**

PRESENT: Councillors	H Bornman	(Speaker)
	H Hendricks	(Executive Mayor)
	B Williams	
	D Benson	
	F Baxter	
	FJ Campher	
	BF Rheeder	(Alderman)
	DM Nkomo	
	L Vorster	
	W Coenraad	
	FJ Louw	
	NS Botha	
	B Dhludhlu	
	WPD Gertenbach	
	C August	
	R Jantjies	
	T Jantjes	
	P Nkwalase	
	V Camealio-Benjamin	
	J Mayoni	
	M Dayimani	
	C Matroos	
	T Meleni	
V Vumazonke		
E Februarie		
C Mandeka		
M Peters		
S Jujwana		
A Mabukane		
Officials & Municipal Manager	C Du Plessis	(Municipal Manager)
	K Moodley	(Di)rector: Corporate Services)
	S Thys	(CFO)
	V Felton	(Director: I&E)
	F Mabusela	(Director: Planning, Dev & Tourism)
	N Machelesi	(Director: Community Services)
	L Opperman	(Manager: Legal Services)
	N Zode	(Committee Services)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting.

2. **OPENING AND WELCOME**

The Speaker welcomed everybody to the meeting and requested Councillor Jantjies to open the proceedings with a prayer. He then requested to move item number **19/02/F2** before the confirmation of minutes in the agenda.

Cllr Dayimani stated that poor planning in the Speaker's office must not affect the business of Council, he further stated that he hopes the shuffling of the items in the agenda will not set precedence for this meeting, but they do accept the request.

3. **LEAVE OF ABSENCE**

Cllr Vumazonke & Cllr Mabukane will arrive a bit late

4. **PRESENTATIONS**

NONE

5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Birthday wishes to:-

Cllr. B. Dhludhlu

Congratulations to:-

Cllr Benson celebrated his marriage anniversary.

Condolences to:-

One of the law enforcement officers who passed away.

One of the 75 EPWP workers who were part of the settlement agreement passed away.

Councillor Mayoni said Council must engage about the murders happening in Ward 4.

Speaker concurred and stated that the Executive Mayor is passionate about that issue and has been in consultation with SAPS.

6. **STATEMENTS OR COMMUNICATION BY THE SPEAKER**

Speaker stated that for the sake of time he will keep his statement for the next Council meeting.

7. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

The Executive Mayor welcomed all present and stated that he will be short & sweet, he then stated that the annual adjustment budget is being tabled today as per the legislative requirements, the hopes of tabling this budget is talking to additional income and grants and the performance of budget predictions in terms of our revenue collections to cater for some savings here and there and to reprioritize projects and reallocate that funding to ensure that funds are spent where it should be.

I will only highlight Speaker the additional 10million to upscale and improve maintenance of infrastructure and most of this will be spent in our poor communities, our salary budget was also reduced significantly, the CFO will correct me but I think it was around 37% to now 33% over the last few months.

Our cash on hand as of June 2017 was 34million and we it currently stands on 94million, overall I am satisfied that we have a credible and healthy adjustment budget. We have increased high priority spending and we have decreased low priority spending, let me extend my appreciation to the CFO one for being on time this year, outperforming himself and for raising the financial standards of this Municipality. I would like to extend my most sincere appreciation to our accounting officer and for him leading such a very competent team and for setting the right example.

I thank you.

8. **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVES**

None

9. **REPORT BACK: INTERGOVERNMENTAL RELATIONS FORUM (IGR)**

None

10. **REPORT BACK: MUNIMEC**

None

11. **STATUTORY MATTERS**

12. **REPORTS BY THE EXECUTIVE MAYOR**

12.1 **FINANCE**

19/02/F2 2018/2019 ADJUSTMENT BUDGET

Cllr Williams presented the Adjustments Budget and Cllr Dayimani called for a division of votes.

Cllr Dayimani stated that they are not in agreement with the adjustment budget, they can only agree if adjustment budget can reflect the fire station of Oyster bay and the Hall of Kwanomzamo. He further stated that the drought funding is also indicated in the budget, in terms of the implementation of the budget they are having concerns with the shifting of budget implementation, he then made an example of the tarring of township entrances funding was shifted to urban areas but it was intended for townships. He also stated that their view is that in the budget implementation there is an onslaught on township areas by overlooking them for the most privileged areas.

He continued to state that on the drought relief, they see that Ward 7 is continuing to be depressed in terms of budget allocation, he indicated that those are the basis of them not being in agreement with the adjustment budget.

Cllr February stated that he wants to make Council aware that he has written to the Municipal Manager and the Speaker regarding his intensions and he has not received any response from both individuals regarding his concerns, he then stated that he will pursue the Court route.

Cllr Dayimani requested to ask a question, he indicated that noting that the Executive Mayor was on the news regarding the budget that was spent or allocated to afri-forum, is there an update? What is the position of Council on the matter.

The Speaker indicated that there is still an investigation on going there is no outcome yet, nothing was misappropriated and the investigation is done by SAPS.

The Executive Mayor indicated that he thought he made it very clear in the media that there is written evidence that it was a co-funding agreement and not a donation to afri-forum, there was a portion of money that went from the Ward development fund and it was almost 50/50 to upgrade road infrastructure for Kouga. The specific purpose of upgrading that piece of road was due to the influx of tourist over December and the heavy congestion that was being experienced, the intention was to try and alleviate that stress. The money was co-funding which is in line with the laws of the MFMA, the one mistake that was made was that the written document that went to Council that the Councillors saw was written as a donation which was not the case because in terms of the trail of paper work it was a co-funding, there is

also an agreement that was drawn up. He then stated that he does not see the purpose for an investigation but rather the paper work should come to Council.

The matter was put to a vote:

In favour of the recommendations - 17

Not in favour of the recommendations - 11

The matter was moved by the majority of the Council.

The division of votes, as requested by Councillor Dayimani, occurred as follows:

Councillor N. Botha	-	In favour
Councillor B. Dhludhlu	-	In favour
Councillor B Bornman	-	In favour
Councillor B. Williams	-	In favour
Councillor F. Baxter	-	In favour
Councillor D. Benson	-	In favour
Councillor F. Campher	-	In favour
Councillor C. August	-	In Favour
Councillor W. Gertenbach	-	In favour
Councillor L. Vorster	-	In favour
Councillor H. Hendricks	-	In favour
Councillor F. Louw	-	In favour
Councillor D. Nkomo	-	In favour
Alderman B. Rheeder	-	In favour
Councillor T. Jantjes	-	In favour
Councillor W. Coenraad	-	In favour
Councillor R. Jantjies	-	In favour
Councillor V. Camealio-Benjamin-		Not in favour
Councillor S. Jujwana	-	Not in favour
Councillor CS. Mandeka	-	Not in favour
Councillor M. Dayimani	-	Not in favour
Councillor V Vumazonke	-	Not in favour
Councillor E. Februarie	-	Not in favour
Councillor M. Peters	-	Not in favour
Councillor T. Meleni	-	Not in favour
Councillor C. Matroos	-	Not in favour
Councillor P. Nkwalase	-	Not in favour
Councillor Z. Mayoni	-	Not in favour

The Speaker stated that the Adjustments Budget, as tabled and discussed, is therefore accepted and approved.

Cllr Mabukane was not present at the time of the voting process.

Resolved (28 February 2019)

1. That Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the 2018/19 Adjustments Budget as set-out in the following tables:
 - Table B1 Adjustments Budget Summary;
 - Table B2 Adjustments Budget Financial Performance (revenue and expenditure by standard classification);
 - Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote);
 - Table B4 Adjustments Financial Performance (revenue and expenditure by type);
 - Table B5 Adjustments Budget Capital Expenditure by vote and standard classification and funding source;
 - Table B6 Adjustments Budget Financial Position;
 - Table B7 Adjustments Budget Cash Flows;
 - Table B8 Cash backed reserves/accumulated surplus reconciliation;
 - Table B9 Asset Management; and
 - Table B10 Basic service delivery measurement.

13. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

The Acting Municipal Manager confirmed that all reports, are accurate and truthful.

- 13.1 The Minutes of Special Council Meeting held on 31 January 2019 were confirmed and accepted with amendments.

Proposed: B Dhludhlu

Seconded: R Jantjies

13.2 **MATTERS ARISING**

Cllr Dayimani corrected bullet number one on top of page 9 the word "compliance". He further stated that the scribes should be sent to training because Council resolutions are very important and some of the things captured in the minutes do not reflect the true essence of what was discussed and resolved.

Alderman Rheeder also corrected bullet point number two on page 9 under statement or communication by the speaker, the sentence should read as follows; "not to use Kouga Municipal Offices".

The Speaker also stated that the statements of the Executive Mayor and the Speaker are written in bullet point form which is not the norm for Council minutes and that should be corrected.

CFO corrected the 19/01/MM3 resolution, the sentence should read "section 127 (2)".

14. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

14.1 **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING**

Minutes of the Mayoral Committee meeting held on 27 November 2018
(confirmed and accepted on 20 February 2019)

14.2 **MATTERS ARISING**

Cllr Camealio-Benjamin stated that she has noticed an anomaly in the Mayoral agenda and minutes versus Council agenda and minutes, only Council can make Council resolutions and she indicated that she is worried that most of the Mayoral items are not coming to Council, whether its noted items or not, Portfolio Meetings are not Council.

Speaker assured the Cllr that everything that needs Council approval comes to Council, however he is open to debate what should and what should not come to Council.

The Executive Mayor stated that he agrees with Cllr Camealio-Benjamin whatever the Mayoral Committee cannot resolve on must come to Council, not in the minutes of Mayoral Committee but as a separate item to Council.

15. **MINUTES AND REPORTS OF COMMITTEES OF THE COUNCIL**

15.1 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

15.2 **KOUGA AUDIT COMMITTEE**

None

16. **REPORTS BY THE OFFICE OF THE ACTING MUNICIPAL MANAGER**

19/02/MM1 COUNCIL RESOLUTIONS FOR 31 JANUARY 2019

Councillors enquired why the action sheets were not populated and there is no status on the actions.

Municipal Manager stated that they did not have sufficient time to populate the action sheets before it was placed on the agenda but he assured Council that all items are being actioned and it will be reflected as such when the action sheets are populated.

Resolved (28 February 2019)

- i) That the item be withdrawn and be updated and tabled at the next meeting.

19/02/MM2 LEGAL OPINION FOR KPMG

Municipal Manager stated that after the Council agenda went out they received news that KPMG resigned, the internal auditor has been appointed.

The Speaker stated that the statement made by Municipal Manager therefore makes this item irrelevant and its withdrawn.

The Executive Mayor stated that even if the item is withdrawn the action will still be outstanding and Council will wait for a legal opinion, Council needs to take a decision.

Cllr Camealio-Benjamin stated that the item is different to what the Municipal Manager has indicated to Council, in view to the statement of the Municipal Manager its an administrative matter now.

The Executive Mayor proposed the following resolution for the item; That it be noted that due to the resignation of KPMG, the matter at hand is thus considered resolved.

Resolved (28 February 2019)

- i) That it be noted that due to the resignation of KPMG, the matter at hand is thus considered resolved.

17. REPORTS BY THE EXECUTIVE MAYOR**17.1 FINANCE**

18/07/F1

SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS, MONTHLY TENDERS AND 7 DAY NOTICES FOR THE MONTHS OF NOVEMBER 2018 AND DECEMBER 2018

Cllr Dayimani stated that there is a very thin line between interference and Cllrs playing oversight roles, the issue of deviations is increasing again, deviations fleet matters can be accepted but deviations on clean up campaigns are exposing the Municipality's internal capacity, there is a settlement agreement that was signed which can address the issue of lack of staff if that is the case. He then proposed that on legal fees which continue to rise, the Municipality should go out on tender and procure a service provider to alleviate deviations on legal fees.

Cllr Jantjies enquired whether the panel has been appointed yet.

Manager: Legal Services stated that the tender was advertised and BEC is now evaluating the bid. She indicated that she has recused herself from the evaluation process as her previous employer is one of the bidders.

Resolved (28 February 2019)

1. That the report on the Section 36 Deviations, monthly tenders and 7 Day Notices for the months of November 2018 and December 2018, be noted.
2. That the report be approved as per the reporting requirements.

17.2 **CORPORATE SERVICES**19/02/CORP1 **REPORT ON THE TELEPHONE AND PRINTING COST SAVINGS****Resolved (28 February 2019)**

1. That the report on telephone and printing cost savings and the financial implications thereof be noted.
2. That a new emergency number, for example, 043 911 be created that will ring simultaneously to all the emergency numbers
3. That the existing Telkom emergency numbers for Fire and disaster be ported to the Municipal platform after the installation of an SXT dish and that the Telkom lines be canceled.
4. That Agendas for all committees be sent and accessed electronically as far as practically possible.

5. That further computer training be provided to Councillors who require it.
6. That the printing of Agendas for Council and Committee meetings cease at the end of May 2019, as far as practically possible, with due considerations to the exceptions.
7. That the intermittent non-accessible of cell phone connectivity on the Telkom network be investigated
8. That the usage and expenditure on private Telkom lines paid for by the Municipality be referred to the Internal Auditor for further investigation, before it serves at MPAC.

19/02/CORP2

DISSOLUTION OF PORTFOLIO COMMITTEE AND ESTABLISHMENT OF PORTFOLIO COMMITTEES TO COUNCIL

The Executive Mayor indicated that he has made some changes to the Mayoral Committee which necessitates a change in the Portfolio Committees, he stated that he has increased the number of Mayoral Committee Members and reshuffled some members, all the changes will be effective as of 1 March 2019.

Cllr Camealio-Benjamin stated that the new MPAC Chairperson has not been appointed yet and therefore the name of Cllr Gertenbach must be removed from the financial implications.

Cllr Dayimani proposed that the settlement agreement be tabled at the next Council Meeting, he also stated that minutes of the Local Labour Forum should also come to Council.

The Speaker said he would suggest that the Local Labour Forum minutes serve at Portfolio Committees first.

Resolved (28 February 2019)

1. That the Planning, Development & Tourism Section 79 Portfolio Committee, established by Council under Council item: 18/06/CORP3, on 28 February 2018, be dissolved in terms of Section 79(1)(c) of the Local Government: Municipal Structures Act, No. 117 of 1998.
2. That the establishment of the new Section 79 Portfolio Committees, i.e. Planning & Development and LED & Tourism, as provided for in Section 79(1)(a) and Section

80(1) of the Local Government: Municipal Structures Act, No. 117 of 1998, be approved.

3. That the following members and Chairpersons of the newly established committees be noted and where members have not yet been identified, the respective parties submit such names to the Office of the Speaker by 1 March 2019

CORPORATE SERVICES PORTFOLIO COMMITTEE

Corporate Services Portfolio	Committee Members	Alternate Members	Functions
Chairperson	Bryan Dhludhu		<ul style="list-style-type: none"> • Administration • Human Resources • Strategic Institutional Projects
	Faan Louw	Danny Benson	
	Robin Jantjies	Aaron Nkomo	
	Wilma Coenraad		
	Velile Vumazonke		
Ex-officio	H Hendricks		

PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

Planning & Development	Committee Members	Alternate Members	Functions
Chairperson	Ben Rheeder		<ul style="list-style-type: none"> • Human Settlements • Town & Regional Planning • MPT
	C August	Ludwig Vorster	
	Wilma Coenraad	Brenton Williams	
	Aaron Nkomo		
	Chico February	Cynthia Matroos	
	Sindiswa Mandeka		
Ex-Officio	H Hendricks		

LED & TOURISM PORTFOLIO COMMITTEE

LED & Tourism Portfolio	Committee Members	Alternate Members	Functions
Chairperson	Frances Baxter		<ul style="list-style-type: none"> • Tourism • Creative Industries • Crèches • Events Committee
	Brenton Williams	Ben Rheeder	
	Cynthia August	Robin Jantjies	
	Faan Louw		
	Virginia Cameallo-Benjamin	Cynthia Matroos	
	Magaret Peters		
Ex-Officio	H Hendricks		

COMMUNITY SERVICES PORTFOLIO COMMITTEE

Community Services Portfolio	Committee Members	Alternate Members	Functions
Chairperson	Daniel Benson		<ul style="list-style-type: none"> • Environmental Management • Community Amenities & Environmental Health • Protection Services • Beaches • Mayoral Special Programmes
	Willem Gertenbach	Wilma Coenraad	
	Timothy Jantjes	Bryan Dhludhlu	
	C August		
	Timothy Meleni	Zolani Mayoni	
	Velile Vumazonke		
Ex-Officio	H Hendricks		

INFRASTRUCTURE & ENGINEERING PORTFOLIO COMMITTEE

Infrastructure and Engineering Portfolio	Committee Members	Alternate Members	Functions
Chairperson	Freddie Campher		<ul style="list-style-type: none"> • Infrastructure • Civil services • PMU • Electrical Services • Fleet Management
	Ben Rheeder	Willem Gertenbach	
	Nico Botha	Frances Baxter	
	Timothy Jantjes		
	Zolani Mayoni	Amos Mabukane	
	Malibongwe Dayimani		
Ex-Officio	H Hendricks		

FINANCE PORTFOLIO COMMITTEE

Finance Portfolio	Committee Members	Alternate Members	Functions
Chairperson	Brenton Williams		<ul style="list-style-type: none"> • Budget & treasury • Revenue • Expenditure • Assets Management • Supply Chain Management • Information, Communication & Technology • MSCOA
	Nico Botha	Faan Louw	
	Willem Gertenbach	Freddy Campher	
	Ludwig Vorster		
	Malibongwe Dayimani	Chico Februarie	
	Virginia Camealio-Benjamin		
Ex-Officio	H Hendricks		

4. That Cllr Gertenbach replace Alderman Rheeder as the MPAC Chairperson.
5. That budget provision to the amount of R124 204.32 be made in the 2018/2019 adjustment budget to accommodate the shortfall in the Councillors remuneration as a result of the additional Mayoral Committee member and the new MPAC Chairperson.
6. That it be noted that an alternate member serves as a replacement for any member except the Chairperson.
7. That the following Councillors appointed as MPAC members be noted;

Cllr. W Gertenbach – replacing Alderman Rheeder
 Cllr. C August – replacing Cllr W Gertenbach
 Cllr. T Meleni – replacing Cllr S Jujwana
 Cllr. P Nkwalase – replacing Cllr C February

17.3 **INFRASTRUCTURE & ENGINEERING**

19/02/I&E1 **DROUGHT FUNDING: BOREHOLES DEVELOPMENT AND WATER CONSERVATION AND DEMAND MANAGEMENT PROJECTS**

Alderman Rheeder stated that the Portfolio Chairperson of Planning & Development should form part of the composition and membership of the Kouga Intergovernmental Land Forum.

Resolved (28 February 2019)

1. That the report on the progress on the implementation of drought relief funds be noted and accepted.

17.4 **PLANNING, DEVELOPMENT & TOURISM**

19/02/PDT1 **INTERGOVERNMENTAL LAND FORUM – TERMS OF REFERENCE**

Resolved (28 February 2019)

1. That the Terms of Reference for the Intergovernmental Land Forum for Kouga Municipality, be adopted.

19/02/PDT2 **DEPARTMENT OF PUBLIC WORKS – APPLICATION FOR PROPERTIES TO THE EASTERN CAPE PROVINCIAL GOVERNMENT**

Resolved (28 February 2019)

1. That Council notes the application submitted by the Department of Public Works for the transfer of properties to the Eastern Cape Provincial Government.
2. That Council approves the transfer of properties as per the letter submitted by Department Public Works:

Erf 3012	Hankey	Masakhane Clinic
Erf 1999	Kwanomzamo	Lungisa Public High School\
Erf 713	Kruisfontein	Kruisfontein Clinic
Erf 968	Patensie	Masisebenze Primary School
Erf 34	Pellsrus	Pellsrus Clinic
Erf 2600	Sea Vista	St Francis Clinic

3. That the Department Public Works be liable for all and any costs derived from the transfers.

19/02/PDT3 APPLICATION FOR APPROVAL: APPOINTMENT OF A LAND SURVEYOR: SUB-DIVISION OF ERF 1324 IN KWANOMZAMO AND ERF 848 PATENSIE TOWNSHIPS FOR CLINIC PURPOSES;

Resolved (28 February 2019)

1. That the subdivision and appointment of a service provider for the surveying of the Erf 1324, Kwanozamo and Erf 848 Patensie, be approved.
2. That, the appointment of professional service providers be in accordance with Council Supply Chain Policy, be approved.
3. That the Department of Public Works be liable for all and any costs derived from the transfers, be supported.
4. That the Department of Public Works also be liable for all surveying costs regarding the Subdivision of Erf 1324 in Kwanomzamo and Erf 848 Patensie Townships for Clinic purposes, be supported.

19/02/PDT4 MINUTES OF THE INTER-GOVERNMENTAL LAND FORUM MEETING

Resolved (28 February 2019)

1. That the minutes of the Intergovernmental Land Forum meeting held on 21 November 2018, be noted.

19/02/PDT5 RED CAP IMPOFU PROPOSAL: CONSTRUCTION OF A 132 KV POWERLINE SERVITUDE ACROSS KOUGA MUNICIPAL LAND: HUMANSDORP (KRUISFONTEIN)

Resolved (28 February 2019)

1. That the proposal to construct a 132 KV powerline across several municipal properties, be approved.
2. That the subdivision of land to bring about the registration of a servitude area or lease area, be finalized.
3. That Council enters into an Option Agreement with Eskom giving them the right to construct the proposed 132 kV powerline, be supported.

The meeting closed at 10:25 for In Committee discussions.



H BORNMAN
SPEAKER

29 March 2019

DATE
