

<p><b>MINUTES OF A SPECIAL COUNCIL MEETING OF THE KOUGA MUNICIPALITY HELD AT THE KOUGA COUNCIL CHAMBER (JEFFREYS BAY UNIT) ON WEDNESDAY, 17 APRIL 2019 AT 14:00</b></p>
---

<b>PRESENT: Councillors</b>	H Hendricks	(Executive Mayor)
	H Bornman	(Speaker)
	B Williams	
	D Benson	
	F Baxter	
	FJ Campher	
	BF Rheeder	(Alderman)
	B Dhludhlu	
	N Botha	
	C August	
	T Jantjes	
	DM Nkomo	
	L Vorster	
	FJ Louw	
	R Jantjies	
	W Coenraad	
	W Gertenbach	
	TN Meleni	
	P Nkwalase	
	M Peters	
C Mandeka		
E Februarie		
V Vumazonke		
P Nkwalase		
Z Mayoni		
S Jujwana		

<b>Officials &amp; Municipal Manager</b>	C du Plessis	(Municipal Manager)
	N Machelesi	(Director: Community Services)
	F Mabusela	(Director: Planning, Dev & Tourism)
	V Felton	(Director: Infrastructure & Eng.)
	L Randall	(Media Liaison Officer)
	L Opperman	(Manager: Legal Services)
	S Moloji	(Committee Services)
	B Klopper	(Committee Services)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting.

2. **OPENING AND WELCOME**

The Speaker welcomed all Councillors and officials and asked Cllr D Benson to open the proceedings with prayer.

3. **ABSENT WITH APOLOGY**

Cllr V Camealio-Benjamin	-	With Leave of absence
Cllr M Dayimani	-	With Leave of absence
Cllr C Matroos	-	With Leave of absence

4. **ABSENT WITHOUT APOLOGY**

None

5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Birthday wishes to:-

Cllr F Baxter  
Cllr V Vumazonke  
Cllr M Dayimani

6. **PRESENTATIONS**

**PRESENTATION: SPCA: MR FOUCHE**

Introduction

- The Committees managed by KOUGA Municipality does not currently include a committee for Animal Management.
- There is a need for the formal management of animals within the KOUGA Region. To date animals have been a frustration to many residents as far as safety and health conditions are concerned.
- Animals are described to include both formal and informal farming as well as domestic animals, with known or unknown owners.

Purpose

- The purpose of this presentation is to obtain council approval for the establishment of a KOUGA ANIMAL MANAGEMENT COMMITTEE.

Need For Animal Management

- With the vast expansion of housing and infrastructure together with the ever-growing population of KOUGA, the management of animals have been neglected.
- This situation is evident all over KOUGA, with Law Enforcement playing an ever-increasing role, much to the frustration of residents having to consider R1,000 fines for stray animals causing a nuisance.
- One of the main functions of the SPCA is to play a role in the Education of our Community.

## SPCA Role

- For 64 years, the SPCA has been protecting our country's animals, preventing cruelty, promoting kindness and alleviating the suffering of animals.
- SPCA objective is to serve and protect ALL animals, to uplift their welfare and to ensure that the protection they have under South African law is upheld and respected.

The SPCA is:-

- a. NOT Government funded and relies solely on the generosity of the public.
  - b. Governed by the SPCA Act 169 of 1993 which is administered by the NSPCA, constituting us as a statutory body.
  - c. Inspectors are authorised in terms of the Animals Protection Act 71 of 1962 and the Performing Animals Protection Act No. 24 of 1935
- Although KOUGA spans 2 670 square kilometres, with SPCA ASSISI having limited resources, we endeavour to play a vital role in bringing extraordinary support to all people and their animals.
  - The SPCA has a role to play in the education of the community.

## Animal Welfare

- SPCA (Societies for the Prevention of Cruelty to Animals) believes that an animal's welfare should be considered in terms of five freedoms which form a logical and comprehensive framework for analysis of welfare:

### 5 FREEDOMS

Freedom from thirst, hunger and malnutrition.  
Freedom to express normal behaviour.  
Freedom from discomfort.  
Freedom from fear and distress  
Freedom from pain, injury or disease.

And our wish for all Wildlife. Freedom to be free.

## Animal Management Committee

It is proposed that the committee consist of:

- a) Director Community Services
- b) An appointed Ward committee member from each of the 15 Wards in Kouga.
- c) Manager of Kouga Law Enforcement
- d) Animal Management Training Coordinator
- e) Inspector from SPCA ASSISI
- f) Representatives from SPCA, St Francis and Jeffreys Bay Animal Sanctuary

- g) Pound Manager
- h) Other delegates/role players as required.

#### Duties and Responsibilities of Appointed Ward Committee member

- a) Attend a One Day seminar in Humansdorp for orientation and training.
- b) Act as the Ward Coordinator for:
  - i. Contact person within the ward for animal related issues.
  - ii. Reporting of cruelty and other serious matters.
  - iii. Assisting in the Coordination of the SPCA outreaches within the ward for dipping, spaying/neutering.
  - iv. Assisting with the distribution of educational material to residents within their ward.
- c) The role of other members of the Committee will be confirmed at a later stage once approval is obtained for the concept.
- d) Ward Councillors are requested to advise their Ward committee member associated with Animal Management Name and mobile contact no to the Speaker.

#### Discussions

- Establishment of a Animal Welfare Committee is a necessity for the welfare of all animals;
- Geographical spread/areas to be checked and educational workshops scheduled in all Wards;
- Adhoc Sub-Committee to be established within the Community Services Directorate which is to reports to Council under guidance of the relevant Regulations and Act;
- Control of breeders to be investigated and controlled;

#### **Resolved (17 April 2019)**

1. That the content of the presentation by the SPCA be noted and supported.
2. That a Kouga Animal Management Committee be established for the welfare of animals in Kouga.
3. That a report on the establishment of the Committee be submitted to the Community Services Portfolio Committee meeting for consideration.

#### **7. STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

None

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

None

9. **DECLARATION OF INTEREST**

None

10. **STATUTORY MATTERS**

11. **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).*

*The Municipal Manager confirmed that to his knowledge that all reports tabled were true and correct.*

12. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

**19/04/MM1 KOUGA MUNICIPAL SPORTS CONFEDERATION**

Cllr Gertenbach questioned whether schools are included and was advised that school are organised through different structures.

Community participation is important and therefore the focus should be to encourage the involvement of communities and community organizations in the structure.

Cllr Jujiwana stated that the new Kouga Sports Council in principle consists of geographical spread and that a Sports Forum should be in Kouga.

Cllr Februarie raised concerns on what due processes were followed in establishing the Committee and whether geographical representation was part of the process followed and requested administration to lead the process and that the Municipal Manager is to drive the process in establishing a Sports Council. Cllr Februarie also stated that no minutes or supporting documents have been made available to ensure that the election of the Committee was done properly.

Cllr Meleni stated that it was unfair should the community not be well represented on Sporting Bodies and all Bodies need to engage to form part of the KMSC with representation. Cllr Meleni also stated that the recommendation cannot be endorsed without proper information being made available to KM.

The Executive Mayor advised that the Constitution was received, and Kouga Municipality does not have jurisdiction over the Sports Council as they report to DSRC. Evidence of the election of the Committee can be requested i.e. minutes, attendance registers and advised the Kouga Municipality can also include conditions in the MOA.

The Speaker proposed that the Constitution of the KM Sports Confederation be made available to all Councillors for insight of the contents and that the matter be referred back to Council for consideration.

**Resolved (17 April 2019)**

1. That the item be withdrawn.
2. That all relevant documentation be made available to Councillors and that the item be re-submitted with the necessary supporting documents to the next Council meeting for consideration.

**19/04/MM2 MAYORS JBAY BEACH CARNIVAL 2019**

**Resolved (17 April 2019)**

1. That it be noted that the total approved budget for the Mayor's JBay Beach Carnival is R200 000 and that in terms of Section 67 of the MFMA, the amount as reflected below, be paid to the following structures, be approved:-

Sarah Baartman Netball Association	R30 000,00
Kouga Sports Developers: Reggie's Soccer Academy	R30 000,00
Gypsy Enterprises	R 6 250,00
JeVista Social Café – Official Prize Giving	<u>R 2 000,00</u>
	<u>R68 250,00</u>

2. That the Accounting Officer be authorised to enter into a Memorandum of Understanding with full details of the recipients for the funding as contemplated in (1) above, be approved.

7. **REPORTS BY THE PORTFOLIO CHAIRPERSONS**

7.1 **INFRASTRUCTURE & ENGINEERING**

**19/04/I&E1 RE: REDIRECT MIG FUNDING**

Cllr Februarie stated that it was a concern that allocated funds are not spent on projects which results in funds being re-directed due to delays. Cllr Februarie believed a legal opinion be obtained regarding the re-direction of MIG funding.

Cllr Meleni stated that proper planning needs to be done in terms of the projects to avoid roll-overs and re-direction of allocated funds on MIG funded projects.

Cllr Vumazonke questioned as to why upgrading of the sewerage treatment works has been done and was advised that the upgrading will take place in the new financial year.

Cllr Williams proposed that recommendation 4.2 be removed and that an additional recommendation be added in that written confirmation from COGTA be obtained by the Municipal Manager to re-allocate allocated funds between the two MIG funded projects.

Cllr Mabukane called for a caucus of 10mins which was granted by the Speaker,

The item was put to the vote by show of hands:-

**Proposal 1**

That concurrence from Cogta be obtained prior to the approval to implement the re-directing of any allocated funding on MIG projects whereafter a decision is to be taken by Council.

Proposed: E Februarie

Seconded: Z Mayoni

In favour of proposal 1

= 9

Against proposal 1

= 17

**Proposal 2**

That the recommendations be accepted with amendments.

Proposed: N Botha

Seconded: W Coenraad

In favour of proposal 2

= 17

Against proposal 2

= abstained

The item was put to the vote by division of votes:-

Division of Votes

Cllr B Rheeder	In favour, with amendments
Cllr F Campher	In favour, with amendments
Cllr B Dhludhlu	In favour, with amendments
Cllr B Williams	In favour, with amendments
Cllr F Baxter	In favour, with amendments
Cllr D Benson	In favour, with amendments
Cllr L Vorster	In favour, with amendments
Cllr W Gertenbach	In favour, with amendments
Cllr F Louw	In favour, with amendments
Cllr W Coenraad	In favour, with amendments
Cllr C August	In favour, with amendments
Cllr A Nkomo	In favour, with amendments
Cllr R Jantjies	In favour, with amendments
Cllr T Jantjies	In favour, with amendments
Cllr H Bornman	In favour, with amendments
Cllr H Hendricks	In favour, with amendments
Cllr N Botha	In favour, with amendments
Cllr S Jujwana	Not in favour
Cllr T Meleni	Not in favour
Cllr E Februarie	Not in favour
Cllr C Mandeka	Not in favour
Cllr V Vumazonke	Not in favour
Cllr P Nkwalase	Not in favour
Cllr M Peters	abstained
Cllr A Mabukane	abstained
Cllr Z Mayoni	abstained

In favour of proposal 2	=	17
Against proposal 2	=	6
Abstained	=	3

That it be noted that the following Councillors were not present:-

Cllr V Camealio-Benjamin  
Cllr M Dayimani  
Cllr C Matroos

**Resolved (17 April 2019)**

1. That the Executive Mayor recommends that the 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, approved the following proposed amendments to the 2018/2019 Capital Adjustments Budget.

**U-key:20180725100047**

Upgrading of the Sea Vista Wastewater Treatment Works budget will increase by R 2,796,014.50 from R 21,278,601.50 to an amended Budget of R 24,074,616.00

**U-key:20180725100050**

Upgrading of Sport Facilities within Kouga Region will decrease by R 1 871 921.00 from R 4 444 005.00 to an amended budget of R 2,572,084.00.

**U-key:20171122982627**

Outdoor Facilities (Capital) will decrease by R 924,093.50 from R1,404,093.50 to an amended Budget of R 480 000.00.

2. That written confirmation from COGTA be obtained by the Municipal Manager to re-allocate the funds between the two MIG funded projects.

7.2 **PLANNING, DEVELOPMENT & TOURISM**

**19/04/PD1 CIRCULAR 05/19 – MUNICIPAL OUTDOOR ADVERTISING BY-LAWS**

**Resolved (17 April 2019)**

1. That Council takes note of the request submitted by SALGA as per Circular 05/2019.
2. That it be noted that the Circular does not override the Municipal outdoor Advertising By-laws.
3. That Council considers the following relaxation of the By-laws.
  - a. The limitation on the number of posters to be erected.
  - b. The duration / period allowed that the posters may remain erected
4. That the fee of R800.00 be paid and proof of payment submitted before approval can be granted for the erection of election posters.
5. That the advertising of election posters for the upcoming National and Provincial Elections will only be permitted on street light poles.

19/04/PD2

**ACQUISITION OF LAND FOR HOUSING: FARM 689, PORTION 13 & 8 IN WARD 6 (KWANOMZAMO) AND PORTION 38 & 98 FARM LOERIE RIVER NO. 436 IN WARD 7**

Cllr Vumzonke questioned the purchase of land and advised that the acquisition on land can be done in communicating with Province. Cllr Vumzonke requested that a land audit in all Wards is to be done to determine the needs of the respective communities.

The Municipal Manager advised that currently a land audit in all Wards is to be done to identify available land for housing projects.

Cllr Februarie required clarity on the matter as there is a backlog from Province and advised that no consultation with the community in the Wards take place as certain areas are not suitable for housing project therefore a needs analysis should be undertaken. He required information regarding the valuations of identified land.

Unanimous that land in all Wards be identified for housing projects when undertaking the land audit.

**Resolved (17 April 2019)**

1. That Council in principle, authorizes the Accounting Officer to make an offer to purchase Farm 689 portion 13 & 8 in ward 6 for the amount of R2 600 000.00 (Two Million Six Hundred Thousand Rand);
2. The Accounting Officer further makes an offer to purchase Loerie River Farm No. 436, portion 98 to the amount of R570 000.00 (Five Hundred and Seventy thousand Rand) as determined by Council final resolution.
3. That the final offer in respect of (a) and (b) above be referred to Council for consideration and approval of the acquisition of Farm 689 portion 13 & 8 in ward 6 and Loerie River Farm No. 436, portion 98.
4. That the approved purchase prices for the land as contemplated in (1) and (2) above be paid over both 2018/2019 & 2019/2020 Financial Years, be approved.
5. That it be noted that a land audit is currently being undertaken to identify suitable land in all Wards for housing projects and on completion of the audit, consultation with the respective communities will follow.

**19/04/PD3 RE- ALLOCATION OF FUNDS FROM KOUGA CULTURAL CENTRE REFURBISHMENT PROGRAMME TO ACQUISITION OF LAND FOR HOUSING AT KWANOMZAMO AND LOERIE**

**Resolved (17 April 2019)**

1. That Council redirect of funds budgeted for the repairs of the Kouga Cultural Centre project in 2018/2019 Budget to the Acquisition of Land for Housing in kwaNomzamo and Loerieheuvel subject to the conclusion of the SCM process in light of no bids being received, be approved with amendments.
2. That the funds for repairs of the Kouga Cultural Centre be included in the 2019/2020 Budget, be approved.
3. That the call of proposals for a possible PPP with regard to the utilization and management of the KCC for sustainable and viable be facilitated through Directorate PD.

**19/4/PD4 ACQUISITION OF ERF 300, PATENSIE BY DEPARTMENT PUBLIC WORKS FOR AGRICULTURAL SCHOOL**

**Resolved (17 April 2019)**

1. That Council authorises the disposal of erf 300, Patensie through a donation for an agricultural school, be approved.
2. That Council confirms that erf 300, Patensie is not required for provision of basic municipal services, be approved.
3. That the Department of Public Works be held responsible for any costs including the land use application for the applicable zoning as well as transfer costs derived from this transaction, be supported.
4. That the Accounting Officer ensure that the Deed of Sale or Deed of Donation be signed by all relevant parties in accordance with the Council's resolution of manner of disposal.

**The meeting closed at 16:45**



---

**H BORNMAN  
SPEAKER**

30 May 2019

---

**DATE**