

MINUTES OF A SPECIAL COUNCIL MEETING OF THE KOUGA MUNICIPALITY HELD AT THE NEWTON HALL (JEFFREYS BAY) ON THURSDAY, 26 MARCH 2020 AT 10:00

PRESENT: Councillors

H Hendricks	(Executive Mayor)
H Bornman	(Speaker)
B Williams	
F Baxter	
BF Rheeder	(Alderman)
B Dhludhlu	
Cllr F Campher	
D Benson	
N Botha	
W Gertenbach	
C August	
T Jantjes	
R Jantjies	
W Coenraad	
M Biko	
M Dayimani	(late arrival at 11:00)
P Nkwalase	
M Peters	
C Makasi	
E Februarie	
V Vumazonke	
C Matroos	
S Jujwana	
Z Mayoni	
P Oliphant	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
S Abrahams	(Acting: Chief Financial Officer)
K Moodley	(Director: Corporate Services)
F Mabusela	(Director: Planning, Dev & Tourism)
V Felton	(Director: Infrastructure & Eng.)
L Randall	(Media Liaison Officer)
Z Gongqoba	(Acting Manager: Budget & Treasury)
N Zode	(Committee Officer)
M Jantjies	(Committee Clerk)
S Mtyhobile	(Committee Clerk)
B Klopper	(Senior Admin Officer: Committees)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting and advised that due to the National lockdown declared by the President, a Special Council meeting was called for in order to table all compliance reports as prescribed by legislation. The Speaker also advised that the proceedings will still be recorded and that due to no provision being made in respect of microphones, the Speaker requested that Councillors speak distinctly and clearly for recording purposes.

2. **OPENING AND WELCOME**

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

3. **ABSENT WITH APOLOGY**

Cllr L Vorster
Cllr M van Niekerk
Cllr T Meleni
Cllr A Mabukane
N Machelesi (Director: Community Services)

Cllr Februarie advised that Cllr Meleni and Cllr Mabukane will be absent from Council meetings indefinitely due to health issues.

Cllr Februarie requested clarity on the Dress Code of Councillors attending Council meetings in terms of Rule 53 of the Standing Rules of Order as not all Councillors were wearing jackets. The Dress Code contained in the Standing Rules of Order need to be taken seriously.

The Speaker stated that he will address the matter in writing to those Councillors not adhering to the Dress Code.

Cllr Februarie stated that he fully understands the circumstances under which the Special Council meeting was called but places on record that the Council agenda was not received electronically nor were hardcopies delivered to those Councillors who had requested such in the past. Only one ANC Councillor (Cllr M Peters) received the agenda. Due to the agenda and supporting documents not being available, no oversight could be done and therefore the ANC component cannot provide input and participate in discussions.

Cllr Februarie stated that he was elected by the community to serve on the Ward Committee, but disregard is shown in respect of the envisaged projects and progress of projects in Wards, especially Ward 10. Cllr Februarie was of the opinion that the lack of consultation by the Executive Mayor with the respective Ward Councillors with regards to the status of projects is

unacceptable and shows disrespect. He also referred to meetings held with businesses in the Wards with no consultation with the Ward Councillors.

The Speaker advised that the issues being raised does not form part of the agenda and requested Cllr Februarie to lodge his grievances in writing and forward such to the Office of the Speaker.

The Speaker placed on record that all Kouga areas will be supplied with enough running water to respective communities during the National Lockdown period and jo-jo tanks will be filled for the community during this period of disaster.

Cllr Februarie referred to the delegation visiting Cape Town and whether proper health and safety measures were implemented to avoid being at risk of the COVID-19.

The Speaker advised that the Council notice and agenda were distributed electronically 48 hours prior to the meeting and due to health and safety measures (COVID-19), no hardcopies were delivered. Due to the National Lockdown, the Ordinary Council meeting could not take place therefore a Special Council meeting was called for. The Speaker also mentioned that with technology, a read report is generated to see who actually opened and read the agenda and an audit of previous meetings was done and it proved that agendas were only opened and read on the day of the meeting.

Cllr Jujwana stated that hardcopies of the agenda should have been made available to the ANC component for their caucus in the IT Boardroom prior to the meeting.

Cllr Oliphant stated that the items on the agenda are all compliance reports which needs Council's approval but requested to place on record that only the document he had received was the Oversight Report. Due to the non-receipt of the required documents, it did not allow for proper input and to preparation.

The Executive Mayor raised a point of order in terms of Rule 34 as the Speaker had addressed the matter sufficiently and Councillors are now responding to the Speaker's comment and by allowing such is resulting in a debate.

Cllr Oliphant stated that as a recipient of the agenda, which he did not receive nor Cllrs of the ANC Component, its was their right to voice dissatisfaction and it cannot be expected to participate in deliberations on matters. Cllr Oliphant further stated that should items be approved and be forwarded to Province for concurrence, a full motivation by the ANC Component will be submitted as to why they did not participate in the discussions.

The Speaker advised that a delivery and read receipt option is attached to all distributed agendas via email and no undelivered notifications were received in respect of the distribution list.

Cllr Februarie requested a caucus with the Chief Whip of the DA as it was being implied that the ANC Component was not being truthful by stating they did not receive the Council agenda and supporting documents.

The Speaker stated that not once did he imply that any Councillor was being untruthful but only submitted the proof in respect of the distribution of the agenda and supporting documents.

The Speaker granted a 10min break as requested by Cllr Februarie.

The meeting resumed at 10:44

Cllr Februarie advised that the Chief Whip of ANC had arrived and was part of the discussions held with the Chief Whip of the DA.

Cllr Februarie advised that an agreement was reached to request that an audit be undertaken regarding the electronic distribution of the agenda which will prove that most Councillors received the agenda but not the ANC component and that only the Oversight Report was received.

The Speaker stated that he respects the discussions held with the Chief Whip of the DA and suggested that a one-hour break can be taken to afford the ICT department to undertake the requested audit as no intention to disrespect or undermine any Councillor by not distributing the agenda had occurred.

The Speaker stated that due to the disaster/crisis currently being dealt with in terms of the National Lockdown effective as from midnight on 26 March 2020, that the meeting is to continue as Top Management needs to attend to issues for implementation.

The Speaker stated that the Director: Corporate Services was currently undertaking an audit in terms of the distribution of Council agenda and will be made available and should there be any disputes, this may be taken further. The Speaker reiterated that there is no intention to undermine/disadvantage any Councillor by the non-distribution of agendas and should there be any foul play and this is proved, the Speaker will implement serious consequence management.

Cllr Dayimani raised a Point of Order and stated that it is not the first time that the ANC component did not receive the Council agenda. Cllr Dayimani further stated that currently he does not have laptop therefore on what basis is the meeting to continue with no agenda. As guided by the Rules of Order, Councillors have an oversight role and with no agenda received, how do Councillors participate in discussions.

The Speaker stated that based on the fact that agendas were electronically distributed and successfully delivered, with proof, the Council meeting is therefore to continue.

Cllr Oliphant stated that the ANC Component were not going to allow being treated as outsiders and by not having received the agenda, they were disadvantaged and will therefore not participate in the meeting. The non-receipt of agendas must be seen in a serious light.

The Speaker stated that there are two options:-

1. To proceed with the Council meeting and address compliance matters;
2. Adjourn the Council meeting with the non-approval of the Draft Budget;

Alderman B Rheeder proposed that the Council meeting proceed.

Proposed: B Rheeder

Seconded: B Dhludhlu

Cllr Februarie stated that on behalf of the ANC component to afford the Chief Whip of the DA an opportunity to report on the caucus discussions held. Cllr Februarie further stated that the ANC component are disciplined and law abiding and should not be tested to become unruly.

The meeting was disrupted at this point.

The Speaker stated that due to the uncalled-for disruptions to the meeting, that the meeting is to adjourn and to continue at the Humansdorp Council Chambers.

Meeting adjourned at 11:10

The meeting reconvened at 12:00 in the Newton Hall, Jeffreys Bay.

The Speaker welcomed all Councillors back to the meeting and thanked both political components for agreeing to continue the meeting in a productive manner.

The Speaker stated the following:-

1. That the Municipal Manager and Director: Corporate Services request the ICT Department to undertake an audit of the distribution of agendas to Councillors and that such report be submitted to the next Council meeting.
2. That an investigation be done to determine who had instructed Law Enforcement and Traffic officials to be called to the Council meeting.

Cllr Oliphant stated that it was unacceptable that armed Law Enforcement Officers enter the House of Council and make threats. Cllr Oliphant urged that the matter be investigated by the Municipal Manager with possible suspension of such officials.

4. **ABSENT WITHOUT APOLOGY**

None

5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

None

6. **PRESENTATIONS**

None

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**

20/03/MM1 ANNUAL REPORT (2018/2019)

Resolved (26 March 2020)

1. That the 2018/19 Annual Report be approved without reservations in terms of the provisions of Section 129(1) of the Municipal Finance Management Act
2. That the Accounting Officer make the approved 2018/19 Annual Report public and submit the 2018/19 Annual report to:

The Auditor-General;
The Provincial Treasury;
The Provincial Department for Local Government;
Other institutions as prescribed by legislation.

Proposed: B Williams

Seconded: E Februarie

20/03/MM2 2020/21 DRAFT IDP REVIEW OF THE 5 YEAR IDP (2017/2022)

Resolved (26 March 2020)

1. That the **Draft 2020/21 IDP** of the 2017/22 Integrated Development Plan be accepted in terms of the provisions of Section 25 of the Local Government Municipal Systems Act, 32 of 2000.
2. That the **Draft IDP** document be submitted to the MEC and relevant stakeholders within 10 days of acceptance by Council.
3. That the Draft 2020/21 IDP be published on the municipal website within 10 days of acceptance by the Council.

Proposed: H Hendricks

Seconded: B Dhludhlu

20/03/MM3 2018/19 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE OVERSIGHT REPORT

After having fully considered the 2018/2019 Annual Report of the Kouga Municipality and representations thereon, the Oversight Report be adopted with the following recommendations to Council:

Resolved (26 March 2020)

1. That the highlights and commendable achievements of the Municipality as reported in the 2018/19 Annual Report be noted.
2. That more effort should be engaged during the Public Satisfaction survey, to get a fair and accurate indication of the satisfaction of residents.
3. That the Telkom Contract for the purchasing of cellular phones be referred back to MPAC for a recommendation to Council.
4. That the payment of R 990 000 for job grading to Sarah Baartman District Municipality be investigated as fruitless and wasteful expenditure.
5. That Council be alerted to the escalating personnel expansion and cost.

6. That a panel of Legal Service Providers be appointed as a matter of urgency.
7. That a program to reduce water losses and funds for the replacement of ageing infrastructure be implemented.
8. To replace the bucket system and upgrade conservancy tanks to a waterborne system where possible and to improve the efficiency of the sewer system and rising mains.
9. To negotiate with the Provincial Roads Department to devolve the maintenance of the roads that run through Kouga towns.
10. That the landfill sites be licenced, provision of wheelie bins be expedited, old refuse collection vehicles be replaced, and residents be educated to combat littering.
11. That internet services be provided at all our public facilities including Libraries.
12. That it be requested that both the CWP and WCP programmes be referred to COGTA for their attention.
13. That the Municipality executes the provisions and undertakings in the Vacant Land/Plot Cleaning Policy.
14. That new cemeteries be planned for Kouga and that the existing cemeteries be upgraded and fenced.
15. That the Municipality engage with the Department of Transport to solve the problem at the Licence Department.
16. That a marketing plan for Kouga Municipal Caravan Parks be drafted.
17. That the conditions as stipulated in the Grant-in-Aid Policy be applied, both in respect of financial reporting and interval of allocation.
18. That the process of acquiring land for new settlements be streamlined and that Kouga Municipality again be awarded Municipal Housing Accreditation.
19. That payment of market related rentals on Council properties be enhanced and that the register of Council properties be updated.
20. That a committee of Council and relevant senior staff members investigate the future functioning of the EMF with the aim to terminate it.

21. That the performance of Supply Chain Management be streamlined to expedite service delivery.
22. That the identified five risks of Kouga Municipality namely, a housing backlog, lack of bulk infrastructure, containment of water and electricity losses, natural disasters and lack of skilled work force be mitigated.

Proposed: H Hendricks

Seconded: C August

20/03/MM4 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: 2019/20 FINANCIAL YEAR: AMMENDMENT OF SDBIP TARGETS FOLLOWING THE MID-YEAR PERFORMANCE ASSESSMENT

Resolved (26 March 2020)

1. That in terms of the provisions of Section 54(1)(c) of the MFMA, the proposed amendments to the non-financial targets of the 2019/20 Service Delivery and Budget Implementation Plan as set out in Annexure "A" be approved.
2. That in terms of the provisions of Section 54(1)(c) of the MFMA, the amendments to the financial targets of the 2019/20 Service Delivery and Budget Implementation Plan as set out in Annexure "B", that resulted from the adoption of the Adjustments Budget be noted.
3. That it be noted that at the time of the preparation of this report, the adjusted Procurement Plan was not available to incorporate any possible adjustments resulting from additional funding and/or the re-allocation of funding.
4. That a report be submitted by all Directorates at the next meeting of the Mayoral Committee indicating how the additional procurement resulting from the adjustments budget will be implemented.
5. That the Municipal Manager effects the required changes to the performance plans to ensure that the performance plans are aligned to the SDBIP targets for the 2019/20 year.

20/03/MM5 REQUEST FOR APPROVAL FOR THE ALIENATION OF NON-VIABLE IMMOVABLE PROPERTY DESCRIPTION: ERF 1289 SEA VISTA

Resolved (26 March 2020)

1. That the item be withdrawn and referred to the next Council meeting to be held in April 2020.

7.2 REPORTS BY THE CHAIRPERSON: FINANCE

20/03/F1 DRAFT MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) - BUDGET FOR 2020/21 TO 2022/23 FINANCIAL YEARS

The voting process by show of hands:-

In favour of recommendation = 15
(Cllrs M van Niekerk and Cllr L Vorster not present)

ANC Component present but abstained from voting = 10
(Cllr T Meleni and Cllr A Mabukane not present)

Resolved (26 March 2020)

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 16 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approve the 2020/21 – 2022/23 Draft Annual Budget, as set out in the following tables:

- a) Consolidated Budget Summary [Table A1]
- b) Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2]
- c) Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3]
- d) Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4]
- e) Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5]

2. That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables:

- a. Budgeted Financial Position; [Table A6]
- b. Budgeted Cash Flows; [Table A7]
- c. Cash backed reserves and accumulated surplus reconciliation; [Table A8]
- d. Asset management; [Table A9]
- e. Basic service delivery measurement. [Table A10]

3. That the tariffs be increased as follows, with effect from 1 July 2020:

Property rates	6.5%
Water	8.1%
Sanitation	7%
Refuse	7%

Electricity (average increase in electricity income)	8.1%
Environmental Management Fee	0%

a) Indicative tariffs for 2021/22 and 2022/23 will be increased as follows:

	<u>2021/22</u>	<u>2022/23</u>
Property rates	6.5%	6.5%
Water	8.1%	8.1%
Sanitation	8%	8%
Refuse	8%	8%
Electricity (average increase in electricity income)	5.2%	8.9%
Environmental Management Fee	0%	0%

4. That it be noted that the Draft Medium-Term Revenue and Expenditure Framework (MTREF) - Budget For 2020/21 to 2022/23 Financial Years will be workshopped to all Councillors after the National lockdown period.

7.3 **REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES**

Cllr Februarie stated that the agreement reached in caucus was that only compliance matters be dealt with.

The Speaker apologised for the oversight of the Delegated Authority item and advised that due to the National Lockdown declared, that Council resolve on the matter.

Cllr Dayimani urged fellow Councillors to accept the item due to the COVID-19 National Lockdown as there could be implications by not reviewing the item which could lead to consequences.

Cllr Oliphant advised that fellow Councillors adhere to the requested by Chief Whip of the ANC to address the item as it was critical and important but also stated that the Opposition component should have been advised thereof.

Cllr Dayimani enquired what further steps have been implemented in terms of the National Lockdown in respect of the delivery of services to all areas.

The Speaker advised that a strategic plan is in place in which all concerns raised are being addressed and are in place. This has been communicated to relevant parties.

The item was unanimously accepted.

Resolved (26 March 2020)

1. That it be noted the President has declared a national lockdown due to COVID-19 from 26 March to 16 April 2020.
2. That the Executive Mayor be granted delegated authority to deal with all Council affairs during the lockdown period, subject to the following undermentioned conditions:
 - a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;
 - b) That the parameters of the Procurement Policy be complied with.
3. That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of the Council be submitted to Council in report format for information or review at the first Ordinary Council Meeting after the National Lockdown;
4. That the Municipal Manager consults with the Executive Mayor on matters that are of a potentially sensitive nature prior to using the authority granted of paragraphs (1) and (2) above.

Proposed: F Campher

Seconded: B Rheeder

The meeting closed at 12:40



**H BORNMAN
SPEAKER**

29 May 2020

DATE
