

**MINUTES OF AN ORDINARY COUNCIL MEETING OF THE KOUGA MUNICIPALITY HELD  
AT THE KOUGA COUNCIL CHAMBER (JEFFREYS BAY UNIT) ON  
THURSDAY, 25 JANUARY 2018 AT 10:00**

|  |                      |                                  |
|--|----------------------|----------------------------------|
| <b>PRESENT: Councillors</b>                  | H Hendricks          | (Speaker)                        |
|  | D Benson             |                                  |
|  | EC van Lingen        | (Executive Mayor)                |
|  | H Bornman            |                                  |
|  | B Williams           |                                  |
|  | F Baxter             |                                  |
|  | FJ Campher           |                                  |
|  | BF Rheeder           | (Alderman)                       |
|  | DM Nkomo             |                                  |
|  | L Vorster            |                                  |
|  | FJ Louw              |                                  |
|  | B Carstens           |                                  |
|  | NS Botha             |                                  |
|  | D. Biggs             |                                  |
|  | B Dhludhlu           |                                  |
|  | WPD Gertenbach       |                                  |
|  | W Coenraad           |                                  |
|  | M Dayimani           |                                  |
|  | VA Camealio-Benjamin |                                  |
|  | TN Meleni            |                                  |
|  | P Nkwalase           |                                  |
|  | ER Februarie         |                                  |
|  | S Jujwana            |                                  |
| M Peters                                     |                      |                                  |
| C Mandeka                                    |                      |                                  |
| C Matroos                                    |                      |                                  |
| VS Vumazonke                                 |                      |                                  |
| Z Mayoni                                     |                      |                                  |
| A Mabukane                                   |                      |                                  |
| <b>Officials &amp;<br/>Municipal Manager</b> | C du Plessis         | (Municipal Manager)              |
|  | S Thys               | (CFO)                            |
|  | K Moodley            | (Director: Corporate Services)   |
|  | V Felton             | (Director: Infrastructure & Eng) |
|  | C Dreyer             | (Manager: IDP)                   |
|  | D de Jager           | (Manager: HR)                    |
|  | H Hammes             | (Acting Manager: Corporate Serv) |
|  | L Makupula           | (Committee Services)             |
|  | M Jantjies           | (Committee Services)             |
| B Klopper                                    | (Committee Services) |                                  |
| <b>AUDITOR GENERAL</b>                       | C Somsam             | (AGSA)                           |
|  | T Mseleni            | (AGSA)                           |
| <b>COGTA</b>                                 | B Vanda              | (Cogta EC)                       |



1. **NOTICE OF MEETING**

The Speaker requested the Municipal Manager, to read the notice of the meeting.

2. **OPENING AND WELCOME**

The Speaker welcomed everybody to the meeting and requested a moment of silence or silent meditation.

The Speaker welcomed the Executive Mayor, Members of the Executive Committee, Members of Council, Municipal Manager & Officials, the delegation from the Auditor General's Office and members of the public.

The Speaker enquired whether all Councillors were connected to their laptops and whether all Councillors had received the Notice of the meeting as well the agenda electronically.

Cllr Camealio-Benjamin stated that it was unfortunate that some Councillors who will not be participating in the meeting as the agenda was not received on their new laptops issued and could also not be accessed and felt that some Councillors were disadvantaged. Cllr Camealio-Benjamin also stated that the option of going paperless/electronic should have been phased in systematically irrespective of how urgent the meeting was. Cllr Camealio-Benjamin referred to Rule 6, of the Standing Rules of Order:-

**"6. Service of notices**

*At least 7 days before any ordinary meeting of the council and at least forty eight hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager as contemplated in 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail address."*

Cllr Camealio-Benjamin once again stated that due to all Councillors not having access to the agenda, Councillors will not be able to participate in the meeting.

The Speaker referred to Rule 6 which states that the notice of the meeting is to be served 7 days prior to the meeting and not that of the actual agenda. If the agenda also needs to be delivered 7 days prior to the meeting, an amendment to the Rules of Order is then to be considered. A legal opinion is that it refers to the serving of the Notice of a meeting and not that of the agenda and therefore an agenda may be delivered even 2 days prior to the meeting. The Speaker advised that the paperless option and problems experienced will be discussed and was of the opinion that it was a premature option and should have been phased in. The Speaker requested that the meeting continue.

Cllr Dayimani requested to be recognised to address Council. Cllr Dayimani stated that this meeting was not going to continue and that how does the Speaker expect the Councillors who did not receive the agenda to participate.



The Speaker stated that he was going to discuss the paperless matter. Cllr Dayimani asked what are we going to discuss? Cllr Februarie enquired what was the intention for the meeting to continue? The Speaker said that Cllrs Dayimani and Februarie were out of order. Cllr Dayimani said that the Speaker was out of order.

The Speaker stated that he would grant Cllr Dayimani a 5min grand stand.

Cllr Dayimani stated that it will take the whole day to grand stand. Cllr Dayimani stated that this meeting was not going to continue as Councillors cannot participate. Cllr Dayimani made the following statement:-

*"We have given you enough time not to adhere to the Rules of Order and to allow your Administration to undermine us. It is not going to happen, and you can close all your computers".*

Cllr Dayimani stated that this meeting is not continuing and further stated:-

*"I am telling you today, we have been very nice all the time and it is not going to happen. We will show you today, not another day".*

The Speaker requested that Cllrs Februarie & Meleni be seated. Cllr Februarie stated that they will not be seated and said that the Speaker took a decision to go paperless and Council should have taken precautionary measures which they did not. The Speaker asked that they leave the Council Chambers. Cllr Februarie stated that they will not.

***The Speaker requested that the meeting adjourn and reconvene in 10mins (10:15).***

***The meeting reconvened at 10:35***

The Speaker read Rule 7 in the Rules of Order:-

***"7. Non-service of notices***

***Accidental omission to serve on any councillor a notice of meeting shall not invalidate the proceedings of that meeting."***

The Speaker Stated that cognisance has been taken in that the ANC Caucus was unanimous that the meeting was invalid but in terms of the Rules of Order if you accidentally did not receive the Notice, the meeting is not invalidated.

The Speaker mentioned that there has been an issue with the electronic circulation of the agenda. From the Chair, The Speaker would like to recognise that it is true. It has not only been ANC Councillors who have experienced the problem, it included all Councillors and going paperless has not been without problems.

The Speaker stated that there were compliance matters which needed to be dealt with today by 25 January 2018 and proposed that Council deal with only compliance matter and that the remaining matters be referred to a Special Council Meeting or any other meeting. During that period the paperless

problems can also then be discussed and sorted out and was of the opinion that going paperless was done too hastily, poorly planned and poorly executed. The fact of the matter was, that it was a Council decision made last year that Council go paperless, but with the implementation, there has been some problems.

The Speaker gave the ANC Caucus the opportunity to address Council to indicate whether they were willing to participate in the meeting only to deal with compliance matters.

Cllr Dayimani thanked the Speaker and stated the participation on compliance or non-compliance matters requires that all Councillors have access to documents and therefore in the absence of those documents we cannot continue to participate in the meeting unless those Councillors who received documents must discuss the items in the presence of the ANC Caucus, and we do not participate and if that is the case, where is constitutional democracy? We are suggesting as Councillors and the Caucus of the ANC that up until such time that the consequences about the issues raised continuously, we are left with no choice, the meeting of today Speaker, is not going to continue, compliance or non-compliance, you can apply your rules inconsistent and proceed with the meeting but we are not going to recognise it and we are going to do everything to make it possible not to recognise the meeting and in fact, it is not going to continue. Thank you.

The Speaker continued with the meeting and called for apologies.

Cllr Dayimani advised the Speaker that the meeting was not going to continue. Cllr Februarie stated that they do not want to go that way. Cllr Dayimani again stated that there is no meeting going to continue.

Cllr Februarie referred to Rule 7, of the Standing Rules of Order and stated that the actions were done deliberately therefore the meeting will not be recognised.

The Speaker announced that the meeting was to adjourn and that the meeting be reconvened in St Francis Bay at 11:30.

***The meeting adjourned at 10:40 to reconvene in St Francis Bay.***



---

**H HENDRICKS**  
**SPEAKER**

28 February 2018

---

**DATE**

---