

MINUTES OF AN ORDINARY COUNCIL MEETING OF THE KOUGA MUNICIPALITY HELD AT THE KOUGA COUNCIL CHAMBER (JEFFREYS BAY UNIT) ON THURSDAY, 29 MARCH 2018 AT 10:00

PRESENT: Councillors	H Hendricks	(Speaker)
	EC van Lingen	(Executive Mayor)
	H Bornman	
	B Williams	
	D Benson	
	F Baxter	
	FJ Campher	
	BF Rheeder	(Alderman)
	DM Nkomo	
	L Vorster	
	FJ Louw	
	B Carstens	
	NS Botha	
	B Dhludhlu	
	WPD Gertenbach	
W Coenraad		
D Biggs		
Officials & Municipal Manager	K Moodley	(Acting Municipal Manager)
	C Dreyer	(Manager: IDP)
	D de Jager	(Manager: HR)
	J Hammes	(Acting Manager: Corp Serv)
	A Perils	(Manager: PMU)
	K Marais	(Acting Director: P&D)
	L Randall	(Media Liaison Officer)
	L Opperman	(Manager: Legal Services)
	M Jantjies	(Committee Services)
B Klopper	(Committee Services)	

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting and advised that Director: Corporate Services would be Acting Municipal Manager. Cllr Botha requested clarity on the Acting Appointment in terms of whether it is to be a Council decision for such appointment. The Speaker then proposed that Director: Corporate Services be appointed as Acting Municipal Manager for the Ordinary Council meeting which was then unanimously accepted by those present.

The Speaker advised that a supplementary item was submitted regarding the Draft SDBIP: 2018/2019 and requested a unanimous decision for the acceptance to table the item. The supplementary item was unanimously accepted.

2. **OPENING AND WELCOME**

The Speaker welcomed everybody to the meeting and requested Councillor Cllr Nkomo to open the proceedings with a prayer.

3. **LEAVE OF ABSENCE**

Cllr Mabukane (sick leave)	- with leave of absence
Cllr Peters	- with leave of absence
Cllr Vumazonke	- with leave of absence
Cllr Matroos	- with leave of absence
Cllr Nkwalase	- with leave of absence
Cllr Meleni	- with leave of absence
Cllr Dayimani	- with leave of absence
Cllr Mandeka	- with leave of absence

The Speaker advised that the remaining ANC Councillors requested permission to be excused from the meeting as they had to address the community and to attend to the protest in Thornhill. Permission was granted.

VA Camealio-Benjamin	- with permission
ER Februarie	- with permission
S Jujwana	- with permission
Z Mayoni	- with permission

4. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Executive Mayor presented the following Long Service Awards to:-

Mr Samuel Eksteen
24 years of service with Kouga Municipality

Charles Brown
35 years of service with Kouga Municipality

The Executive Mayor thanked both officials for their dedication and commitment while employed at the Kouga Municipality.

5. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

None

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

That Executive Mayor stated that 262 Title Deeds were handed over in Thornhill on 21 March 2018. DoHS to continue with Title Deeds.

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

None

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

None

9. **REPORT BACK: MUNIMEC**

The report back from MUNIMEC was noted.

10. **STATUTORY MATTERS**11. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

- 11.1 The Minutes of an Ordinary Council Meeting held on 28 February 2018 were confirmed and accepted.

Proposed: B Dhludhlu

Seconded: F Campher

- 11.2 The Minutes of a Special Council Meeting held on 7 March 2018 were confirmed and accepted.

Proposed: B Williams

Seconded: H Bornman

12. **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).

13. **MINUTES AND REPORTS OF COMMITTEES OF THE COUNCIL**13.1 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MINUTES**

None

13.2 **KOUGA AUDIT COMMITTEE**

None

14. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**18/03/MM1 **RESOLUTIONS FOR FEBRUARY & MARCH (COUNCIL)**

Cllr Rheeder expressed his concern that the Action Sheets tabled did not contain any actions taken or reflected any progress made which is regarded unacceptable and requested that updated Action Sheets be revised and distributed within 2 working days. Updated Action Sheets are to be emailed to all Cllrs by Thursday, 5 April 2018.

Resolved (29 March 2018)

1. That the updated Actions Sheets reflecting resolutions of Council Meetings for February & March 2018 be accepted.
2. That it be noted that the outstanding reports from all Directorates are to be submitted to their respective Portfolio Committee meetings.
3. That the updated Action Sheets be distributed to all Councillors by Thursday, 5 April 2018.

18/03/MM2 DRAFT 2018/19 REVIEW OF THE 2017/22 INTEGRATED DEVELOPMENT PLAN (SECOND EDITION)

The Executive Mayor expressed concern that Wards were to identify 5 top priority items during the public participation process which is to be in line with the provision on the budget failing which, an expectation is created in the community. Illegal electrical connections is also a matter of concern.

- Priorities are indicated as funded and unfunded projects;
- Main priorities of Kouga Municipality cover certain areas and need of community;
- Transparency towards the community is of utmost importance and the IDP forward planning must be explained to the communities;
- Expectations are not to be created – main priorities of KM cover certain areas and the needs of the community are to be addressed;

The Speaker stated that the Municipal Manager and Directors are appointed on a strategic level and are required to attend the Public Participation Processes when strategic documents are presented to the community, failing which their non-attendance will result in dereliction of their duties.

Resolved (29 March 2018)

1. That the **Draft 2018/19 review** 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 it be noted that the Draft IDP Public Participation Process commences on 16 April 2018.
4. That it be noted that the Municipal Manager and Directors are appointed at a strategic level and are required to attend the Public Participation Processes when strategic documents are presented, failing which their non-attendance will result in dereliction of their duties.

15. **REPORTS BY THE EXECUTIVE MAYOR**

15.1 **FINANCE**

18/03/F1 **APPROVAL OF COUNCIL POLICIES – REVISED IN NOVEMBER & DECEMBER 2017**

Cllr Williams stated, as discussed in the caucus, that the item be presented under protest as the item was not signed off by him and never came through him and had no opportunity to engage with the item, however it was agreed in the caucus that the item will be presented and that all policies, except for the Policy and Procedures for the Disposal of Immovable Assets which is to be referred to the next Finance Portfolio Committee meeting, be adopted.

Resolved (29 March 2018)

1. That the following revised policies be approved by Council for adoption:-
 - Supply Chain Management Policy
 - Indigent Support Policy
 - Draft Customer Care, Credit Control and Debt Collection By-Law
 - ICT Policies
 - Corporate Governance of ICT Policy
 - ICT Charter
 - ICT Disaster Recovery Policy
 - ICT Strategy
 - ICT Risk Management Framework
2. That the Policy and Procedures for the Disposal of Immovable Assets be referred to the Finance Portfolio Committee meeting to be held in April 2018.
3. That the Indigent Policy be adopted "in principle" with the amendment as reflected below until public consultation has taken place:-

6.1 Water

Each registered indigent household shall receive water fully subsidized to a maximum of 6 kl per month, including the basic charges for such supply; provided that –

4. That during the Public Participation Process with the presentation of the IDP, the community be informed that the maximum 12kl has been brought down to a maximum of 6kl per month due to the drought situation in Kouga.
5. That the approved policies be placed on the Kouga Website by the leading department.

18/03/F2

DRAFT MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) – BUDGET FOR THE FINANCIAL YEARS 2018/19 TO 2020/2021

Cllr Williams presented the Draft Budget for the Financial Years 2018/2019 to 2020/2021 with amendments and proposed that Council adopt the Draft Budget.

The Speaker stated that Cost Containment Measures which will be a Regulation from Treasury, was open for comment until 30 March 2018 whereafter it will be workshopped for implementation and mentioned that it will have an effect on the budget.

The Speaker proposed that Councillors vote by show of hands, for the adoption of the Draft Budget, with amendments, which was unanimously accepted:-

H Hendricks	-	In Favour
EC van Lingen	-	In Favour
H Bornman	-	In Favour
B Williams	-	In Favour
D Benson	-	In Favour
F Baxter	-	In Favour
FJ Campher	-	In Favour
BF Rheeder	-	In Favour
DM Nkomo	-	In Favour
L Vorster	-	In Favour
FJ Louw	-	In Favour
B Carstens	-	In Favour
NS Botha	-	In Favour
B Dhludhlu	-	In Favour
WPD Gertenbach	-	In Favour
W Coenraad	-	In Favour
D Biggs	-	In Favour

In Favour of Recommendation	=	17
Not in Favour of the Recommendation	=	0

Resolved (29 March 2018)

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 16 of the Local Government: Municipal Finance Management Act, Act 56 of

2003, approves the 2018/19 – 2020/21 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 proposed Tariff increases for the 2018/2019 Financial Year be as follows, with effect from 1 July 2018:

Property rates	-	7.5%
Water	-	11.5%
Sanitation	-	9%
Refuse	-	8%
Electricity (average increase in electricity income)	-	6.84%
Environmental Management Fee	-	6%

4. Indicative tariffs for 2019/20 and 2020/21 will be increased as follows:

	<u>2019/20</u>	<u>2020/21</u>
Property rates	7.5%	7.5%
Water	11.5%	11.5%
Sanitation	9%	9%
Refuse	8%	8%

Electricity (average increase in electricity income)	6.84%	6.84%
Environmental Management Fee	6%	6%

5. That the Director: Infrastructure and Engineering reports on the implementation of a strategy by 20 April 2018 to the Office of the Municipal Manager, to reduce non-technical and technical electricity losses.
6. That the Director: Infrastructure and Engineering reports on the implementation of a strategy by 20 April 2018 to the Office of the Municipal Manager, to reduce water losses.
7. That the Director: Community Services reports on the implementation of a strategy by 20 April 2018 to the Office of the Municipal Manager, to collect outstanding traffic fines.
8. That the Director: Corporate Services reports on the implementation of a strategy by 20 April 2018 to the Office of the Municipal Manager, to contain personnel expenditure.
9. That the relevant Directors submit their respective Maintenance Plans, in support of the 2018/19 – 2020/21 Draft Annual Budget to the Office of the Municipal Manager, by not later than 20 April 2018.
10. That the relevant Directors submit their respective Procurement Plans, in support of the 2018/19 – 2020/21 Draft Annual Budget to the Office of the Municipal Manager, by not later than 04 May 2018.
11. That the 2018/19 – 2020/21 Draft Annual Budget be referred to the Budget Steering Committee for further deliberations on 10 April 2018 and 24 April 2018 respectively, whereafter the Draft Budget be referred to a Special Mayoral Committee Meeting as well as a workshop for all Councillors.
12. That the Revenue Enhancement Task Team report back to Council by the next Council meeting on strategies to reduce debt impairment and increase revenue.
13. That the EMF be ringfenced and used for the purpose for which it was created.

18/03/F3

LEASING OF COUNCIL LAND AND PROPERTIES

Cllr Williams stated that the item was being tabled under protest as he was not consulted on the matter. Cllr Williams also stated that the item was the most poorly crafted item yet in Council since his time in 2011 and the item does not contain a recommendation.

Cllr Williams referred to the wording at the bottom of the item "**Relevant signatories not available at the time of submission of the item**" – that he had no idea what it meant.

Cllr William proposed that the item be referred to the Finance Portfolio Committee meeting to be held on 3 April 2018.

The Executive Mayor stated that she was a little perturbed when advised this morning that no items were received, and that all Portfolio Committee meetings to be held on 3, 4 & 5 April 2018 were cancelled.

The Acting Municipal Manager confirmed that only 2 Portfolio Committee meetings were continuing during the 1st week of April 2018.

Cllr Bornman raised a matter of concern that deadlines for submission of items were not being met and urged that Directorates adhere to the deadlines to allow Administration to compile and distribute agendas timeously.

Cllr Williams stated that he shared the concerns of Cllr Bornman regarding the adhering to the deadlines for submission of items and mentioned that it was getting to the point that consequence management for not submitting items timeously, not only to Administration but in order for Directorates to engage on items prior to items going to Administration, be implemented. Deadlines are missed regularly and it is unfair to direct the concern to the Acting Municipal Manager and proposed that the Municipal Manager, on his return, address the issues with the Directorates to ensure that deadlines are met.

The Speaker requested the Manager: Legal Services to liaise with the Chief of Staff of the Metro to obtain the Consequence Management Policy.

Cllr Botha stated that he shared the same concerns mentioned by Cllrs Bornman and Williams and was shocked to receive an email indicating that the Portfolio Committee meetings had been cancelled and expressed that it was not acceptable that on that particular level, a decision like that is taken by an official.

Cancelling of meetings at least needs to be discussed with the Maycom and not from an official to decide to cancel meetings. Cancelling of meetings effects the calendar which is not acceptable and needs to be addressed by the Municipal Manager.

The Speaker stated that service delayed is service denied and therefore, delaying meetings have an influence on service delivery and blocks social justice which raises a concern.

The Acting Municipal Manager tendered an apology as the communication was premature. The standing arrangement is that when there is no Portfolio Committee to be held, it is normally discussed with the relevant Portfolio Chairperson and Director and in this event,

the only two Portfolio Committee meetings continuing is Community Services and Finance. The remaining Portfolio Committee meetings will be held at a later stage.

The Acting Municipal Manager confirmed that the agenda for the Community Services agenda had been distributed and that the Finance items were received today and Committee Services is currently compiling the agenda for distribution by close of day.

The Speaker mentioned that the Acting Municipal Manager should not be accounting for the other Directorates as Directorates are to be accountable for non-submission of items timeously.

Cllr Williams stated Directorates need to take accountability as a communication was sent on 12 February 2018 indicating certain items which needed to appear on the agenda for the next Finance Portfolio Committee meeting and eventually the items were only received on 29 March 2018.

Cllr Williams stated that he was in agreement with Cllr Botha, that as the Portfolio Chairperson, the final decision for a meeting to be held or not, rests with the Chairperson.

The Speaker stated that Cllr Williams was covered by the Rules of Order of Council which is applicable to his Committee and as the Chairperson, has full right on the agenda for the inclusion of items.

Cllr Bornman stated that with items being received so late puts pressure on the Committee Services as the Finance Portfolio Committee agenda therefore needs to be compiled in one day and distributed which is not regarded as fair on Administration.

Resolved (29 March 2018)

1. That the item be referred to the Finance Portfolio Committee meeting to be held on 3 April 2018.
2. That the Manager: Legal Services be requested to obtain the Consequence Management Policy from the Chief of Staff of the Metro as a matter of urgency.
3. That the Municipal Manager be requested to address the non-adherence to deadlines being met by Directorates regarding the submission of items for inclusion on all Council agendas.
4. That it be noted that the cancellation of Council Committee meetings are called by the Chairperson of such Committee in terms of the Standing Rules of Order and not cancelled by any official of Council.

15.2 **CORPORATE SERVICES**

18/03/CORP1 **DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: 2018/2019**

Resolved (29 March 2018)

1. That it be noted that the Draft 2018/19 Service Delivery and Budget Implementation Plan was tabled but not discussed.
2. That the Final 2018/19 Service Delivery and Budget Implementation Plan be submitted to the Council meeting to be held in June 2018.


15.3 **INFRASTRUCTURE & ENGINEERING**

18/03/I&E1 **DEVELOPMENT OF ESTURARY MANAGEMENT PLAN: SEEKOEI RIVER ESTUARY**

Resolved (29 March 2018)

1. That the Seekoei Estuary Management plan as prepared by Nelson Mandela University be accepted and adopted.
2. That the following procedure to implement the recommendations in the Estuary Management Plan and Seekoei Maintenance Plans be adopted:-
 - a) That the plans be submitted to DEDEAT for approval;
 - b) That an Estuary and Wetland Management Committee be established;
 - c) That a Monitoring Plan of the status of the Estuary be implemented;
 - d) That provision be made in the 2018/2019 budget to execute the Plan;

The meeting closed at 10:50 for In Committee discussions.



H HENDRICKS
SPEAKER

25 April 2018

DATE