

<p>MINUTES OF AN ORDINARY COUNCIL MEETING OF THE KOUGA MUNICIPALITY HELD AT THE KOUGA COUNCIL CHAMBER (JEFFREYS BAY UNIT) ON FRIDAY, 29 JUNE 2018 AT 10:00</p>

PRESENT: Councillors

H Bornman	(Speaker)
H Hendricks	(Executive Mayor)
B Williams	
D Benson	
F Baxter	
FJ Campher	
BF Rheeder	(Alderman)
DM Nkomo	
L Vorster	
FJ Louw	
NS Botha	
B Dhludhlu	
WPD Gertenbach	
W Coenraad	
R Jantjies	
P Nkwalase	
J Mayoni	
T Meleni	
V Vumazonke	
E Februarie	
S Jujwana	
C Mandeka	
M Peters	
A Mabukane	
C Matroos	

**Officials &
Municipal Manager**

K Moodley	(Acting Municipal Manager)
S Thys	(CFO)
E Oosthuizen	(Representing Director: I&E)
F Mabusela	(Director: Planning, Dev & Tourism)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
D de Jager	(Manager: Human Resources)
L Makupula	(Committee Services)
B Klopper	(Committee Services)

SBDM

M van Niekerk	(Councillor)
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COGTA

ND Jam-Jam	
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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 Cllr Meleni to open the proceedings with a prayer. A Special welcomed was extended to Ms Jam-Jam from Cogta as well as Cllr V Camealio-Benjamin who had been off on sick leave.

The Speaker advised that with the resignation of Mrs Atri Carstens the process was followed and condoned by the IEC for the appointment of the appointment of the new Councillor.

The Speaker advised that Cllr T Jantjes will be sworn in as a Councillor and requested Cllr T Jantjes to step forward to undertake the Oath of Office.

OATH OF OFFICE

*I, **Timothy Jantjes**, do hereby swear that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic, and I solemnly promise to perform my functions as a Councillor of the Council of Kouga Municipality to the best of my ability – SO HELP ME GOD.*

The Speaker advised of the Supplementary Agenda and referred to Rule 19.3 of the Rules of Order that the Speaker or Chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

Item 18/06/MPAC1 was to be move to the open part of the agenda;
Item 18/06/CORP7 was to move to the confidential part of the agenda;
Item 18/06/F10 was to move to the confidential part of the agenda;

Cllr Meleni requested a 10min recess – 10:10
Council reconvened at 10:20

Cllr Meleni tendered apologies for not submitting names of speakers and duly submitted names to the Speaker.

3. **LEAVE OF ABSENCE**

D Biggs	- with leave of absence
M Dayimani	- with leave of absence
Municipal Manager	- with leave of absence

4. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

None

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

The Speaker reported on the following matters: -

- Ward Development Fund Policy adopted for Wards to be more productive, processes in place regarding the allocation of funds in Wards;
- Ward Committees not functioning properly as reflected in the reports submitted and will be visiting all Wards within the next 2 months in terms of the functioning of all Wards regarding the services in communities;
- Customer Care Survey – Ward Committees will be required to complete the survey for respective communities and submit to the Office of the Speaker – Ward Councillors to ensure that Customer Care Survey forms are completed and submitted;
- Initiation Forums established in Wards;
- moralisation regeneration movement to ensure that all communities benefit;

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

The Executive Mayor welcomed all present and stated that the KM has reached the end of another financial year in which losses were suffered but has also made significant gains. The loss of the previous Executive Mayor stands out most and the only thing that can be done is to honour her memory and continue the legacy of good governance through service excellence.

The drought situation which affects the Gamtoos area mostly has gone from critical to imminent and present danger. The dam level has dropped to under 7% and should there be no significant rain forthcoming, there will most probably be no citrus harvest next year which will mean an economic crisis and seasonal unemployment. As a Municipality, water tanks were distributed and have KM has drilled 10 boreholes with additional boreholes provided for in the new budget. As a community, the conservation of water is of utmost importance.

It is envisaged that 1688 Title Deeds will be handed over to the community during June 2018 to October 2018. Project 391 in Arcadia – electrification 29 June 2018.

Investors Conference (2 days) – coastal development, KM presented to possible investors and a number of expression of interest, was received. Infrastructure investment in Kouga will result in development and growth. Strategic Planning over a period of 3 days (Mayoral Committee) took place in Port Alfred in order to achieve the objectives.

The theme for ensuing financial year “Measure for Success” – if you can't measure it, you can't manage it.

The intention is to start cascading performance management from senior management to the lowest level and also intend to place monitoring and

evaluation as a function in office to further strengthen performance management.

In conclusion, the new financial year with the tabling of the budget, priorities movement in the right direction to remaining disciplined and focussed on those who have been left behind.

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

None

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

Ward Councillors are to focus on matters relevant to ward matters and assist the communities.

Resolved (29 June 2018)

1. That Human Settlement be requested to update Council on matters and a report is to be submitted to Council.
2. That a communication by the Office of the Mayor be distributed to all Councillors to attend IGR meetings.

9. **REPORT BACK: MUNIMEC**

None

10. **STATUTORY MATTERS**

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

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

- 11.1 The Minutes of Council Meeting held on 31 May 2018 were confirmed and accepted.

Proposed: B Dhludhlu

Seconded: W Gertenbach

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).

- 12.1 Minutes of a Mayoral Committee Meeting held on 17 April 2017, noted.

- 12.2 Minutes of a Mayoral Committee Meeting held on 22 May 2017, noted.

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

13.1 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

18/06/MPAC1 **WRITE-OFF OF IRREGULAR EXPENDITURE**

Resolved (29 June 2018)

- 1.1 That in accordance with Section 32(2)(b) of the MFMA, the irregular expenditure in the amount of R 2 569 299.73, incurred during the 2013/14 financial year, be certified as irrecoverable and be written off, be supported.
- 1.2 That the Municipal Manager ensures compliance with the Municipal Supply Chain Management Regulations and the Municipal Supply Chain Management Policy, in order to prevent a recurrence of instances of irregular expenditure, be supported.

13.2 **KOUGA AUDIT COMMITTEE**

None

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

18/06/MM2 **RESOLUTIONS FOR MAY 2018 (COUNCIL)**

Resolved (29 June 2018)

1. That the updated Actions Sheets reflecting resolutions of Council for May 2018 be noted.
2. That Directorates submit reports on all outstanding matters to their respective Portfolio Committee meetings.
3. That timeframes be indicated in the Action Sheets in order to track progress as well as the responsible official to monitor unactioned matters for implementation/finalisation.
4. That Administration report on the progress for the appointment of a professional, experienced Service Provider to further investigate desalination as a sustainable source of water supply as a long-term measure and affordability, as approved by Council in January 2018.

18/06/MM3 ESTABLISHMENT OF THE FINANCIAL MISCONDUCT DISCIPLINARY BOARD IN LINE WITH THE MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS

Resolved (29 June 2018)

1. That the report on the Establishment of The Financial Misconduct Disciplinary Board in Line with the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, be approved.
2. That the Financial Misconduct Disciplinary Board be constituted as follows:
 - a. A member of the Audit committee;
 - b. The Head of the Internal Audit function;
 - c. The Legal Services Manager of the Kouga Local Municipality;
 - d. A representative from Provincial Treasury;
 - e. An external expert with the necessary skills, experience and qualifications may be appointed if necessary;
3. That only subsistence and Travelling allowances be paid to members of the board in terms of the SARS rates.
4. That the Financial Misconduct Disciplinary Board develop Terms of Reference in line with the Municipal Regulations on Financial Misconduct Procedures, processes and Criminal Proceedings.
5. That reporting procedures be established to report allegations.
6. That the developed Terms of Reference be submitted to Council for approval.

18/06/MM4 INSTITUTIONAL PERFORMANCE REPORT: 2017/18 FINANCIAL YEAR: QUARTER 3: PERIOD 1 JULY 2017 TO 31 MARCH 2018

Resolved (29 June 2018)

1. That the content of the Institutional Performance Report for the period 1 July 2017 to 31 March 2018 be noted.
2. That evidence and verification in terms of the percentage of targets attained on the institutional scorecard be submitted in future reports.

3. That a productive management plan be implemented for the conservation of water and that proper communication to the community be made via the media.
4. That a full Maintenance Management Plan indicating measures to combat water losses/water leakages in all areas be put in place.

15. **REPORTS BY THE EXECUTIVE MAYOR**

15.1 **FINANCE**

18/06/F1 SUPPLY CHAIN MANAGEMENT/ STORES: MONTHLY TENDERS, S39 DEVIATIONS FOR MARCH 2018

Resolved (29 June 2018)

1. That the report on the monthly tenders, Section 39 Deviations and tenders for the month of March 2018, be noted.
2. That the report as per the reporting requirements, be approved.

18/06/F2 WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE

Resolved (29 June 2018)

1. That the Equitable Share write-offs for the period January 2018 to March 2018, amounting to R2 987 011.80 be approved.
2. That the credit control policy be reviewed to investigate the installation of water flow meters relating to outstanding water debt.

18/06/F3 REVENUE MANAGEMENT: INDIGENT SUPPORT POLICY

Resolved (29 June 2018)

1. That the item be withdrawn.

18/06/F4 REVENUE MANAGEMENT: HIRING OF MUNICIPAL FACILITIES TARIFFS

Resolved (29 June 2018)

1. That the Council by resolution taken by majority of its full number and in terms of Section 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended) read in

conjunction with Chapter 4 of the Local Government: Municipal Financial Management Act, Act 56 of 2003 approved the corrected fees and charges for the hiring of Municipal facilities, as reflected in Annexure A with effect 1 July 2018.

18/06/F5 **OUTSTANDING CURRENT LAND MATTERS ON THE LEASING AND DISPOSAL OF MUNICIPAL PROPERTIES**

Resolved (29 June 2018)

1. That the item be referred to a Finance Portfolio Work Session to be held on 13 July 2018 to deal with all compliance related matters whereafter the item be referred to a Special Finance Portfolio Committee meeting to be held on 20 July 2018.
2. That the report be submitted to the Ordinary Council meeting to be held on 26 July 2018 be consideration.

18/06/F6 **WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE**

Resolved (29 June 2018)

1. That the Equitable Share Drive write-offs for the month of April 2018, amounting to R2 556 354.33, be approved.
2. That the credit control policy be reviewed to investigate the installation of water flow meters relating to outstanding water debt.

18/06/F7 **WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE**

Resolved (29 June 2018)

1. That the Equitable Share write-offs for the month of May 2018, amounting to R 2 282 113.56, be approved.
2. That the credit control policy be reviewed to investigate the installation of water flow meters relating to outstanding water debt.

18/06/F8 **WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE**

Resolved (29 June 2018)

1. That the Equitable Share write-offs for the period June 2018, amounting to R2,107,297.06 be approved.
2. That the Credit Control Policy be reviewed to investigate the installation water flow meters on outstanding water debtors water connections.

18/06/F9 **REVENUE: WRITE-OFF OF LONG OUTSTANDING DEBT**

Resolved (29 June 2018)

1. That the outstanding debt as per Annexure "A", in the amount of R1 159 508,89 be written-off as bad debt, and be implemented as at 30 June 2018.
2. That it be noted that a Bad Debts Policy is in place and needs to be applied.

18/06/F10 **REVENUE: WRITE-OFF OF LOANS – CELLPHONES OF COUNCILLORS**

Resolved (29 June 2018)

1. That the item be dealt with under the confidential section of the agenda.

18/06/F11 **REVENUE: WRITE-OFF OF CONTINUED MEMBERS ACCOUNTS – MEDICAL AID**

Resolved (29 June 2018)

1. That the outstanding debt as per Annexure "C", in the amount of R 361 095.43 be written-off as bad debt, and be implemented as at 30 June 2018.
2. That it be noted that a Bad Debts Policy is in place and needs to be applied.

15.2 **CORPORATE SERVICES**

18/06/CORP1 **EMPLOYMENT EQUITY: STATUS QUO REPORT**

Resolved (29 June 2018)

1. That Employment Equity: Status Quo Report be noted
2. That new Employment Equity Plan of Kouga Local Municipality for the period 1 July 2018 to 30 September 2020, be approved.

18/06/CORP2 **COUNCIL POLICIES – REVIEWED MAY 2018**

Resolved (29 June 2018)

1. That the revised Tools of Trade & Pauper & Social Burial Policies be approved.
2. That the approved Council Policies be placed on the Kouga Website.

18/06/CORP3 **DISSOLUTION OF PORTFOLIO COMMITTEES AND ESTABLISHMENT OF PORTFOLIO COMMITTEES TO COUNCIL**

Resolved (29 June 2018)

1. That the Section 79 Portfolio Committees, established by Council under Council item 18/02/CORP4, 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 proposed new Section 79 Portfolio Committees be established 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.

Corporate Services

Corporate Services Portfolio	Committee Members	Alternate	Functions
Chairperson	Francis Baxter		<ul style="list-style-type: none"> • Administration • Human Resources • Strategic Institutional Projects • Legal Services
	Faan Louw		
	Robin Jantjies		
	Diana Biggs		
	Danny Benson	Alternative	
	Aaron Nkomo	Alternative	
	Sibongile Jujwana		
	Lefty Vumazonke		
	Phumza Nkwalasa	Alternative	
Ex-officio	H Hendricks		

Planning, Development and Tourism

Planning, Development and Tourism Portfolio	Committee Members	Alternate	Functions
Chairperson	Bryan Dhludhlu		<ul style="list-style-type: none"> • Economic Development • Human Settlements • Town & Regional Planning • MPT • Tourism • Creative Industries • Crèches • Events Committee
	Diana Biggs		
	Wilma Coenraad		
	Aaron Nkomo		
	Ludwig Vorster	Alternative	
	Brenton Williams	Alternative	
	Virginia Camealio-Benjamin		
	Sindiswa Mandeka		
	Cynthia Matroos	Alternative	
Ex-Officio	H Hendricks		

Community Services

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

Infrastructure & Engineering

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

Finance

Finance Portfolio	Committee Members	Alternate	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		
	Willem Gertenbach		
	Ludwig Vorster		
	Faan Louw	Alternative	
	Freddy Campher	Alternative	
	Malibongwe Dayimani		
	Virginia Camealio-Benjamin		
	Chico Februarie	Alternative	
Ex-Officio	H Hendricks		

18/06/CORP4

MUNICIPAL FINANCE MANAGEMENT PROGRAMME POSTPONEMENT

Resolved (29 June 2018)

1. That the suspension of the Municipal Finance Management Program be noted.
2. That the SLA be amended to cater for the 15 Finance officials who are funded by the National Treasury grant, be supported.

2. That the commencement of the programme for Councillors and non -finance officials be activated once the LG SETA Funding Agreement has been finalized and the learners have complied with entry requirements, and have completed the registration form, learner agreement and the training acknowledgement form, be supported.

18/06/CORP5

KOUGA MUNICIPALITY – CALENDAR OF MEETINGS: 1 JULY 2018 TO 30 JUNE 2019

Resolved (29 June 2018)

1. That the Calendar of Meetings for Council Committees for the period 01 July 2018 to 30 June 2019, be adopted.

18/06/CORP6

REVIEW OF THE STAFF ESTABLISHMENT

Resolved (29 June 2018)

1. That the item be withdrawn.

18/06/CORP7

MEMBER REPLACEMENT AND ADDITIONAL MEMBER FOR RULES AND ETHICS COMMITTEE

Resolved (29 June 2018)

1. That the item be discussed under the confidential section of the agenda.

15.3 INFRASTRUCTURE & ENGINEERING

18/06/I&E1 RE-NEW DECLARATION OF A LOCAL STATE OF DISASTER IN THE KOUGA MUNICIPAL AREA DUE TO PREVAILING DROUGHT CONDITIONS

Resolved (29 June 2018)

1. That Council, in terms of Section 55(1) of the Disaster Management Act No57 of 2002, renew the declaration of a local state of disaster.
2. That Administration arranges for the gazetting of said declaration in the provincial gazette.
3. That the Sarah Baartman District Municipality be informed accordingly.

4. That a schedule of Council resources, personnel and funds be allocated for the implementation of water conservation and demand management initiatives, to reduce water usage.
5. That application be made to provincial and national government for additional funds to assist Kouga Municipality with the implementation of emergency measures.

The meeting closed at 12:30 for In Committee discussions.



H BORNMAN
SPEAKER

26 July 2018

DATE
