

<p>MINUTES OF AN ORDINARY COUNCIL MEETING OF THE KOUGA MUNICIPALITY HELD AT THE KOUGA COUNCIL CHAMBER (JEFFREYS BAY UNIT) ON THURSDAY, 12 DECEMBER 2019 AT 10:00</p>

PRESENT: Councillors

H Bornman	(Speaker)
H Hendricks	(Executive Mayor)
B Williams	
D Benson	
F Baxter	
BF Rheeder	(Alderman)
B Dhludhlu	
L Vorster	
W Coenraad	
NS Botha	
R Jantjies	
T Jantjes	
WPD Gertenbach	
C August	
M Biko	
M van Niekerk	
M Dayimani	
E Februarie	
V Vumazonke	
S Makasi	
M Peters	
P Oliphant	
A Mabukane	
P Nkwalase	
J Mayoni	
S Jujwana	
C Matroos	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
F Mabusela	(Director: Planning, Dev & Tourism)
S Thys	(CFO)
V Felton	(Director: Infrastructure & Eng)
K Moodley	(Director: Corporate Services)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
L Randall	(Media Liaison Officer)
M Rossouw	(Acting Manager: Administration)
M Jantjies	(Committee Services)
B de Groot	(Committee Services)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting. Cllr A Mabukane was requested to open the proceedings with a prayer.

The Speaker welcomed DA Councillor, Cllr M van Niekerk who was appointed in the place of Cllr F Louw. Formal procedures took place on 29 November 2019 in the Office of the Speaker.

3. **WITH LEAVE OF ABSENCE**

Cllr F Campher - sick leave
Cllr T Meleni - sick leave

4. **WITHOUT LEAVE OF ABSENCE**

None

5. **PRESENTATION: MR ANDREW WISEMAN – OWN HAVEN SOCIAL HOUSING**

History of Own Haven

- Inspired by 2nd UN World Habitat Conference in 1996,
- Dutch-based Van der Leij Foundation (now known as Intervolve) initiated a training program for the underprivileged in the townships of East London called the “High Return Housing Project” in partnership with BCM.
- The approved development included 132 project-linked low cost ‘RDP’ units and 318 rental apartments.
- With support of “Eigen Haard” of Amsterdam, Own Haven Housing Association was established in 2001 to manage the rental stock of the development, consisting of 318 two and three-storey walk-ups.

Establishment period – 2002 to 2007

- Growth period – 2008 to 2011
- Consolidation & refinancing period – 2012 to 2016
- The Present: scene set for aggressive growth
- Greenfields development – such as Erf 335, Kouga Municipality
- Decentralized business model
- 3rd Party management

Social Housing Programme Intent

To provide good quality affordable and well managed rental accommodation in well located parts of our cities to low and moderate income households:

- Affordable households income R2500 – R15 000 per month

- To spatially restructure 'apartheid' cities via targeted Restructuring Zones
- National programme using affordable rental accommodation to drive the economic integration of residential development within designated PRZ's
- Governed by Social Housing Act 2008, linked regulations and SH policy

Key Elements of SH Programme

Accredited SHI's - Effective and efficient non-profit businesses

- Government subsidy of capital development cost – CCG
- Affordable well-located land in Restructuring Zones – such as Erf 335
- Effective & efficient regulation of sector by SHRA to ensure compliance

Social Housing – The Benefits

- Not merely shelter
- Shifts and re-engineers the form of our cities
- Gives low- and moderate-income households access to socio-economic resources of our cities
- Serves over 5 families during building life cycle of 25 to 30 years
- Reduces infrastructure costs and creates rates and revenue streams and payments
- Offers a built form that is managed

The positive impacts of social housing

- Densification of CBD targeting transport routes
- Strategic use of municipal land to provide well-located accommodation
- Contributing to providing additional steps in the “housing ladder” of Kouga Municipality introducing social rental and FLISP ownership

Achieved through a Smart Partnership

Partnership between an accredited SHI (Own Haven) & Kouga Municipality with SHI acting as agent for delivery of socio-economic objectives. (Programmatic not ad-hoc)

- Reciprocal relationship
- Municipality provides incentives
- Regulation of SHI ensures that affordable rentals and socio-economic objectives are realized in the medium and longer term

An enabling environment

- A Social Housing Policy
- Propose formulation of a comprehensive social housing policy - acknowledging the delivery mandate of the social housing partner and the legislated, enabling mandate of the Municipality
- To deal with / address:-
- Land release process & policy (Social housing Partnership process)
- Development contribution / levies (SHI to pay for connector infrastructure)

- Plan approval fees (BNG dwelling dispensation applied)
- Appropriate Utility Tariffs (Indigent grant accessibility)
- Rates rebate for NPC / Accredited SHI (up to 100% rebate for accredited SHI's)
- Planning requirements (parking relaxation & building height)

The next steps

- Market demand – to verify demand & product preference (suggested 80/20 or 70/30 split)
- Appointment of professional team
- EIA requirements
- Rezoning & sub-division
- Detailed design & costing
- Availability of bulk infrastructure
- Packaging & funding submission – target date April 2020
- Tendering & appointment of contractor incl SMME's
- Target construction date – July 2020 & 9 months to tenanting

Concerns/Questions

- Impact on 1st time homeowners;
- Already benefitted from RDP and sold;
- Local job creation;
- Would Kouga employees benefit from housing program;
- Qualifying threshold (R2500.00);
- Default in paying rental;
- SMME's involvement;

Response/Clarification

- RDP house already received will not qualify/benefit from the rental intent in terms of the Social Housing Program;
- Integration - Applicants obtain a grant on a sliding scale from a financial institution;
- Kouga Municipality would benefit should the income fall within the bracket of R3500,00 – R5500,00 – rental based on housing ladder;
- 60% Government Grant and 40% commercial loan funded – applicants are checked to determine credibility;
- Default on rental payment – arrangements may be made – last resort will result in eviction;
- Appointed contractor would appoint sub-contractors – therefore local job creation will be considered meeting criteria;

General

Further engagements to be scheduled with relevant stakeholders with submission of more detailed development program for Kouga Municipality.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Speaker welcomed DA Councillor, Cllr M van Niekerk who was appointed in the place of Cllr f Louw.

Birthday Wishes

Cllr W Gertenbach	-	15 December 2019
Cllr L Vorster	-	25 December 2019
Cllr P Nkwalase	-	15 January 2020

Cllr F Campher and Cllr T Meleni in prayers due to being ill.

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

The Speaker stated that 2019 held many challenges with achievements and thanked all Councillors for adhering to the Standing Rules of Order and for maintaining discipline in Council.

The Speaker expressed his gratitude for the positive debates and that the community's interests were prioritised and for Councillors going beyond the call of duty to solve community issues. The Speaker also thanked the DA and ANC Councillors for their positive contribution in Council and support during 2019 which is appreciated.

The Speaker wished all Councillors a safe and prosperous Festive Season.

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

The Executive Mayor advised that a full statement reflecting challenges, achievements and goals will be submitted at the fist Council meeting to be held in 2020.

The Executive Mayor mentioned that the CFO had accepted and signed the offer of employment with Nelson Mandela Municipality and that his last working day will be on 10 January 2020. He thanked the CFO for another successful audit and that KM is left in a strong financial position and wished him well in his career.

The Executive Mayor thanked the Mayoral Committee for their support as the Advisory Team and expressed gratitude for their hard work in terms of Good Governance. The community was also thanked for their understanding during the drought and load shedding period.

The Executive Mayor thanked all Councillors and Senior Management for their hard work and wished all a prosperous Festive Season.

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

None

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

None

11. **REPORT BACK: MUNIMEC**

MUNIMEC Reporting: Provincial Political MUNIMEC Meeting Held On 31 October 2019 at the Osner Hotel Conference Room in East London

The Department of Public Works is in the process of transferring properties to Municipalities as well as all relevant properties to respective Municipalities and Municipalities are encouraged to take Council resolution on the matter.

There are approximately 500 properties that the Department of Public works is in the process of transferring to Municipalities that need Council resolutions.

Municipalities are requested to survey all the land in their respective areas in order to determine which properties belongs to whom. Department Public Works is urging Municipalities that have not billed to bill the Department accordingly. Municipalities are expected to register with Logis but they are battling. Municipalities are urged to resolve on the matter of transfer of properties.

Resolved (12 December 2019)

1. That it be noted that the Department of Public Works is in the process of transferring properties to all respective Municipalities.
2. That a land survey in Kouga area be undertaken, as requested by the Department of Public Works, in order to determine ownership of all land.
3. That it be noted that the Department Public Works has urged that all Municipalities who have not billed the Department, to do so accordingly.
4. That it be noted that all Municipalities are expected to register with Logis.
5. That a progress report, as contemplated above, regarding the transfer of property to Municipalities by the Department of Public Works be submitted to the next Council meeting.

12. **DECLARATION OF INTEREST**

None

13. **STATUTORY MATTERS**

14. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS OF 30 OCTOBER 2019**

14.1 Minutes of the Ordinary Council Meeting held on 30 October 2019

The minutes of the Ordinary Council meeting held on 30 October 2019 were confirmed and accepted.

Proposed: R Jantjies

Seconded: D Benson

That it be noted that the minutes of the Special Council meeting held on 25 November 2019 will be submitted to the January 2020 Council meeting for confirmation as the minutes were omitted.

15. **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).

16. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING**

Minutes of the Mayoral Committee meeting held on 29 November 2019 were noted.

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

17.1 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

None

17.2 **KOUGA AUDIT COMMITTEE**

None

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

19/12/MM1 **COUNCIL RESOLUTIONS FOR 30 OCTOBER 2019**

Resolved (12 December 2019)

- 1, That the updated Action Sheets reflecting resolutions of the Council meeting held on 30 October 2019 be noted.
2. That all Directorates submit full status feedback/progress reports on outstanding matters as contained in the Action Sheets to the respective February 2020 Portfolio Committee meetings.

3. That a status report on the Management of the Aston Bay Hall by the Aston Bay Ratepayers Association **(19/08/CS13)** be submitted to the February 2020 Community Services Portfolio Committee meeting.
4. That a status report on the land swop of Hankey erven 668, 680, 681 & 682 owned by W&M Kleyn Boerdery (Pty) Ltd for portion of erf 17, Hankey owned by Kouga Municipality **(19/10/PD6)** be submitted to the February 2020 Community Services Portfolio Committee meeting.

19/12/MM3 REPORT ON THE PROGRESS OF THE WARD DEVELOPMENT FUND AS AT OCTOBER 2019

Resolved (12 December 2019)

1. That the report on the Progress of the Ward Development Fund, be noted.
2. That it be noted that capital funds will be transferred to operating budget with the Adjustment Budget.
3. That the remainder of the capital budget that is unspent as at 30 June 2020, be rolled over to the 20/21 budget.

19/12/MM4 MEC COMMENTS ON THE INTEGRATED DEVELOPMENT PLAN (IDP) (2017-2022): REVIEW PERIOD 2019/20

Resolved (12 December 2019)

1. That it be noted that the municipality received an overall high credibility rating from the Office of the MEC for the 2019/2020 review period.
2. That the comments of the MEC be addressed and included in the 2020/2021 IDP.
3. That consideration be given to make provision for a fully-fledged IDP unit in the review of the 2020/2021 organizational structure of the municipality.

19/12/MM5 APPROVAL TO EMBARK ON SECTION 55 OF THE LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT PROCESS – FOR ELECTION OF AN DEPUTY EXECUTIVE MAYOR

The voting process took place by show of hands

In favour	=	16
Not in favour	=	8

That it be noted that Cllrs Mayoni, Februarie and Jujwana were not present at the time of voting.

Resolved (12 December 2019)

1. That Council support the intention to elect an Executive Deputy Mayor for the Kouga Municipality Council.
2. That the Accounting Officer be authorised to approach the office of the MEC for Local Government for Eastern Cape Department Corporate Governance and Traditional Affairs to seek the approval for the election of an Executive Deputy Mayor

19/12/MM6 PURCHASE OF PORTION 77: FARM KLAARFONTEIN: THORNHILL

Resolved (12 December 2019)

1. The Municipal Manager be empowered to:
 - (a) Re-negotiate with Tony Ward Family Trust for the purchasing of portion 77 of 449 Klaarefontein.
 - (b) Re-negotiate the selling price of portion 77 of 449 Klaarefontein which is not to be more the R130 000 and to be in line with the value as determined by DDP Valuers.
 - (b) Initiate and authorise all procedures including legal and land surveyor requirements that may be required to ensure the finalisation of the entire process to secure the land on which the elevated water tower is currently situated.
2. The revised valuation of R130,000.00 as provided by DDP Professional Valuers in June/ July 2019 be accepted and approved.

19. **REPORTS BY THE EXECUTIVE MAYOR**

19.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

19/12/F1 **AMENDMENTS TO THE 2019/20 OPERATING BUDGET – APPROVAL FOR UTILISATION OF PROJECTED SAVINGS**

Cllr Februarie requested clarity on “Unspecified Assets” and what the urgency was to move the funds. Cllr Februarie also stated that items were budgeted for and now Council is under pressure to move funds and that the re-direction of funds should be done with the Adjustments Budget.

The Municipal Manager advised that should the re-direction of funds only take place with the Adjustments Budget, the SCM process will then be followed as funds are currently available and may be spent where needed in terms of Roads and Maintenance.

Cllr Williams stated that funds from the savings are being utilised to upgrade the entrances to Oyster Bay and Hankey.

Cllr Oliphant proposed that a maintenance programme on the expenditure be made available indicating where the funds are being spent.

Cllr Dayimani stated that no detail of where the funds are going to be utilised is contained in the report and therefore an expenditure programme/report is essential.

The Municipal Manager advised that the maintenance of roads is in need due to the recent heavy rains and currently a shortage on Roads and Maintenance is evident.

Proposal

That the redirection of funds for road maintenance be utilised in Wards 1, 6 & 7.

Proposed: M Dayimani

Seconded: p Oliphant

Counter Proposal

That the recommendation as submitted to Council be accepted.

Proposed: D Benson

Seconded: B Rheeder

Voting by show of hands:-

In favour	=	16
Not in favour	=	11

Resolved (12 December 2019)

1. That Council, by resolution taken by the majority of its full number, and in terms of Section (30)(2) of the Local Government and Municipal Structures Act No. 117 of 1998, as amended, read in conjunction with Section 28 of the MFMA 56 of 2003, approved the following proposed amendments to the 2019/20 Approved Operating Budget.

PROJECTS	U-KEY NUMBER	2019/20 Approved Budget	Adjustments	2019/20 Adjusted Budget
		R	R	R
Contractors: Maintenance of unspecified assets: Roads (Infrastructure & Engineering)	20170702071238	1,900,000	2,250,000	4,150,000
Clearing and Grass Cutting Services (Community Services)	20190911002554	0,00	350,000	350,000
Hire charges (Community Services)	201909109959521	0,00	150,000	150,000
Grant-in-Aid (Community Services)	20190910995057	0,00	250,000	250,000
Legal Costs: Legal advice and Litigation (Executive & Council)	20190710992030	5,215,600	-3,000,000	2,215,600

19/12/F2 SUPPLY CHAIN MANAGEMENT/ STORES: S36 DEVIATIONS, MONTHLY TENDERS AND 7-DAY NOTICES FOR THE MONTH OF AUGUST 2019

Cllr Williams advised that provision will be made on the budget to purchase compactor trucks vs the hiring of compactor trucks. Two landfill compactors were hired for the landfill sites for a period of 3 months as Council does not have sufficient equipment to service all the landfill sites in Kouga. Problems were encountered regarding the tender process and therefore compactor trucks were hired. It is envisaged that the tender process will be finalised during February 2020 for the purchase of compactor trucks.

Cllr Februarie raised concern regarding the emergency transformer for the industrial area in Humansdorp and questioned whether comparative costs were obtained and considered.

Electrical suppliers were contacted and only supplier had the required transformer in stock and due to the emergency, it was not possible to follow the normal procurement process.

Cllr Februarie raised concern that Kouga employees are not capacitated to perform repairs to burst pipes and that consultants and service providers are appointed to repairs.

The Municipal Manager advised that the pipe burst was on the main water supply line of potable water to all residents in St Francis Bay and Cape St Francis. A local service provider was appointed who had the necessary experience and resources to repair the water supply to the mentioned areas.

Cllr Dayimani enquired about the appointment of a legal panel to deal with legal matters. The Manager: Legal Services advised that the appointment of the legal panel is in process and SCM is currently busy with the procurement of the specifications of such panel.

Resolved (12 December 2019)

1. That the report on the Section 36 Deviations, monthly tenders and 7-day notices for the month of August 2019, be noted.

19/12/F3

SUPPLY CHAIN MANAGEMENT/ STORES: S36 DEVIATIONS, MONTHLY TENDERS AND 7-DAY NOTICES FOR THE MONTH OF SEPTEMBER 2019

Cllr Februarie requested that the water supply to areas in need be addressed.

Director: Infrastructure & Engineering advised that some areas need more water than other areas and the allocation thereof is restricted by Department Water & Sanitation. Two boreholes are linked up for the supply of water which are grant funded.

Cllr Dayimani requested an update on the status of the Suction Trucks tender.

The Municipal Manager advised that the contract is still in place with the current service provider and written notification has been forwarded to the contractor to ensure that all vehicles used to provide the services to Kouga Municipality are licenced failing which the contract will be cancelled with immediate effect.

Resolved (12 December 2019)

1. That the report on the Section 36 Deviations, monthly tenders and 7-day notices for the month of September 2019, be noted.

19/12/F4

SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS FOR THE QUARTER ENDED 30 SEPTEMBER 2019

Cllr Dayimani enquired whether the SDBIP will be updated at the time of the Adjustments Budget. The Municipal Manager confirmed that the SDBIP will be updated.

Resolved (12 December 2019)

1. That the SDBIP, for the quarter ended 30 September 2019, be noted.

19/12/F5

REPORT ON POSSIBLE PHASING OUT OF THE ENVIRONMENTAL MANAGEMENT FEE

Resolved (12 December 2019)

1. That a Task Team be established, consisting of representatives of the Finance and Community Services Directorates, in order to investigate and report back on the associated financial and tariff implications of the possible phasing out of the Environmental Management Fee.
2. That the following members serve on the Environmental Task Team:-

Director Community Services
Chief Financial Officer
Municipal Manager
Environmental Manager
Cllr W Gertenbach
Portfolio Chairperson Community Services
Portfolio Chairperson Finance
The Executive Mayor
The Speaker
Cllr M Peters
Cllr P Oliphant

Proposed: B Williams

Seconded: B Rheeder

19/12/F6 MEMBER REPLACEMENT FOR BAD DEBT COMMITTEE

Cllr P Nkwalase was nominated to serve on the Bad Debts Committee which was unanimously accepted.

Resolved (12 December 2019)

1. That Cllr V Camelio-Benjamin be replaced on the Bad Debts Committee, with immediate effect.
2. That Cllr P Nkwalase serve on the Bad Debts Committee as replacement.

Proposed: M Dayimani

Seconded: P Oliphant

19.2 REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES

19/12/CORP7 JOB EVALUATION SYMPOSIUM AND STATUS OF JOB EVALUATION

Resolved (12 December 2019)

1. That the report and progress made in finalizing job descriptions and evaluations be noted.

Proposed: H Hendricks

Seconded: M Dayimani

19/12/CORP9 SDBIP REPORT AS AT 30 SEPTEMBER 2019

Resolved (12 December 2019)

1. That progress on the SDBIP as at 30 September 2019 be noted.

19/12/CORP10 RESIGNATION AND REPLACEMENT OF DA COUNCILLORS ON PORTFOLIO COMMITTEES AND MPAC

Resolved (12 December 2019)

1. That, it be noted that the following resignations and replacements of DA Councillors have taken place in terms of item 1, Schedule 1 and item 11, Schedule 2 of the Local Government: Municipal Structures Act, 1998:

OUTGOING COUNCILLOR	INCOMING COUNCILLOR	COMMITTEE
Cllr Aaron Nkomo	Cllr Melanie Biko	Corporate Services Portfolio Committee
Cllr Faan Louw	Cllr Marthina van Niekerk	Corporate Services Portfolio Committee
Cllr Faan Louw	Cllr Marthina van Niekerk	LED & Tourism Portfolio Committee
Cllr Faan Louw	Cllr Marthina van Niekerk	Finance Portfolio Committee – Alternate Member
Cllr Faan Louw	Cllr Marthina van Niekerk	MPAC

2. That it be noted that Cllr Faan Louw has been elected to the Sarah Baartman District Municipality and that all IEC processes have been followed.

19/12/CORP11

COUNCIL RECESS: DELEGATED AUTHORITY: THE EXECUTIVE MAYOR

The Executive Mayor advised of amendments to the recommendation by giving him delegated authority instead of the Municipal Manager for reason that should a notice regarding the upper limits for Councillors be received during the recess period that he may make the decision with Council's approval in terms of the delegated authority granted.

Unanimous acceptance of amendments.

Resolved (12 December 2019)

1. That it be noted that the Council will be in recess for the period 12 December 2019 to 13 January 2020.
2. That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 12 December 2019 to 13 January 2020, 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 for 2020.
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 (i) and (ii) above.

Proposed: B Dhludhlu

Seconded: M Dayimani

19.3 **REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING**

19/12/I&E1 **RE: REDIRECT MIG FUNDING 2020/2021 FINANCIAL YEAR**

The resolution was by unanimous vote.

Resolved (12 December 2019)

1. 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 2020/2021 Proposed Capital Budget.

Patensie Sewage Package Plant budget will increase by R 6,241,026.68 from R 1,095,906.50 to an amended Budget of R 7,336,933.18

Upgrade Sanitation System Old Hankey will decrease by R 3,120,513.34 from R 12,888,727.00 to an amended Budget of R 9,768,213.66

Upgrading of Gravel Roads in Humansdorp will decrease by R 3,120,513.34 from R 12,974,561.50 to an amended Budget of R 9,854,048.16

2. That the 2020/2021 budget be adjusted as follows:

Project Name	2020/2021 Proposed Budget
Patensie Sewage Package Plant	R 7,336,933.18
Upgrade Sanitation System Old Hankey	R 9,768,213.66
Upgrading of Gravel Roads in Humansdorp	R 9,854,048.16

Patensie Sewage Package Plant budget will increase by R 6,241,026.68 from R 1,095,906.50 to an amended Budget of R 7,336,933.18

Upgrade Sanitation System Old Hankey will decrease by R 3,120,513.34 from R 12,888,727.00 to an amended Budget of R 9,768,213.66

Upgrading of Gravel Roads in Humansdorp will decrease by R 3,120,513.34 from R 12,974,561.50 to an amended Budget of R 9,854,048.16

19.4 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

19/12/CS4 FIRE ASSESSMENT REPORT CONDUCTED BY PHOENIX FIRE

Resolved (12 December 2019)

1. That Council note and approve the report.
2. That Council also approve the following recommendations as stipulated by the service provider.
 - 2.1 The Kouga Fire and Rescue Control Room in Humansdorp should be provided with a suitable call and voice logger.
 - 2.2 The Kouga Municipality should consider making suitable wide fire breaks at strategic points where veld and bush interface with the urban areas with the installation of additional Fire Hydrants in the fire break areas. This is of special importance in St. Francis Bay in the thatched roof urban areas.
 - 2.3 One area that has a specific high fire risk, is the residential areas surrounding the Cove. The residential areas surrounding the Cove are all the thatched roof structures. In the event of a south easterly as well as a westerly wind, the fire can/will spread to the nearby residential thatched structures. An effort needs to be made to control or eliminate open fires to prevent fires and damage to surrounding residential thatched roof structures.
 - 2.4 The Kouga Fire Department should continue to guide the home owners to improve upon their own fire protection arrangements.
 - 2.5 The Kouga Fire Department need to arrange continuous fire prevention training with all stake holders and affected communication where possible risks are present.
 - 2.6 The Kouga Department need to put proper Risk Reduction Plans in place.
 - 2.7 The Kouga Fire Department should put strategic fire plans in place and each stakeholder's role needs to be clearly identified.

- 2.8 The Kouga Fire Department should put basic firefighting courses in place for all volunteer groups and other relevant role players.
- 2.9 The Kouga Fire Department should investigate the possibility of appointing retainer firefighters on a stipend basis to supplement the professional firefighters of the Kouga Municipality.
- 2.10 The Kouga Fire Department should investigate an Operational Agreement with The Working Water Organization to carry out risk reduction activities such as clearing alien vegetation in the Kouga Municipalities area of jurisdiction.
- 2.11 The Kouga Fire Department should investigate an Operational Agreement with the Working on Fire Organization to assist in clearing of bush and creating and maintaining fire breaks in high risk areas.
- 2.12 The Kouga Fire Department should investigate a program to refurbish, replace and maintain the water reticulation system, especially the isolating valves so that it will be fully operational. The Kouga Fire Department can then close valves in order to direct increases.

19/12/CS6 PROGRESS REPORT ON EIA FOR CEMETERIES

Resolved (12 December 2019)

1. That the progress report on the EIA on cemeteries be noted.
2. That a status report on all cemeteries be submitted to the February 2020 Portfolio Committee meeting.

19/11/CS7 REPORT ON GREENEST MUNICIPALITY COMPETITION

Resolved (12 December 2019)

1. That the report on the Greenest Municipality Competition be noted.
2. That the funds won for the Greenest Municipality Competition be used for Green initiatives and that a Business Plan be developed for the utilization thereof.

19/12/CS9 PROGRESS REPORT ON THE IMPLEMENTATION OF THE SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) AS AT 30 SEPTEMBER 2019

Resolved (12 December 2019)

1. That the progress report on the implementation of the SDBIP as at 30 September 2019 be noted.

19/12/CS10 REPORT ON THE FESTIVE SEASON READINESS PROGRAM: DIRECTORATE COMMUNITY SERVICES

Resolved (12 December 2019)

1. That the content of the report in preparation of the festive season 2019/20, be noted.
2. That the overtime implications during the festive season to render an acceptable level of service, be noted.
3. That a shift system for Caravan Parks, Beaches and ablution facilities cleaning in Jeffreys Bay, and St Francis Bay units, be implemented.

e.g. 3 shifts - 05h00am to 13h00pm (8 hours) -
Casuals
- 07h30am to 16h15pm (8 hours) -
Permanents
- 14h00pm to 22h00pm (8 hours) -
Casuals
4. That it be noted that the shift system within Safety & Security section will be implemented as from 31 December 2019.
5. That the temporary closure of the Pellsrus and Paradise Lagoon areas for motor vehicles for the period: 30 December 2019 to 02 January 2020, be approved.
6. That the temporary conversion of the Diaz street to be a one-way street from the 15 December 2019 up to the 02 January 2020, be approved.
7. That the temporary road closure of following streets from the 01st December 2019 - 02 January 2020, be approved:-

Duine Road between Da Gama Road, Tornyn Street
8. That a formal notice be published in the local newspapers and Council Notice boards of Councils intentions of the temporary closure of motor vehicle access to the Pellsrus and Paradise Lagoon picnic areas and the above street closures.

19.5 **REPORTS BY THE CHAIRPERSON: PLANNING AND DEVELOPMENT**

19/12/PD2 **REPORT ON ESTABLISHMENT OF HOUSING COMMITTEES**

Resolved (12 December 2019)

1. That the report on the establishment of Housing Committee members, be noted.
2. That the names of the Housing Committee members, be approved.

KOUGA MUNICIPALITY HOUSING COMMITTEES: COMMUNITY REPS.				
No.	NAME	SURNAME	AREA	WARD
1	Mervin Chris	Barendse	PELLSRUS	2
2	Leonard	Perils	PELLSRUS	2
3	Thabo	Seli	PELLSRUS	2
4	Kobie	Adams	SEA VISTA	1
5	Faith	Vena	SEA VISTA	1
6	Thabo	Hermanus	KWANOMZAMO	6
7	Ntombizanele	Mbuqe	KWANOMZAMO	6
8	Clifton	Brits	KRUISFONTEIN	4
9	Sirwallie	Rondganger	KRUISFONTEIN	4
10	Siyabonga	Gosani	OCEAN VIEW	14
11	Noluthando	Magwa	OCEAN VIEW	14
12	Makhaya	Njokweni	THORNHILL	7
13	Gladys	Philander	THORNHILL	7
14	Thenjiwe	Mbenya	THORNHILL	7
15	Jerome	Matobielie	THORNHILL	7
16	Nobuhle	Langa	GOLF COURSE	12
17	Alec	Siziba	GOLF COURSE	12
18	Nomakula	Sinoko	GOLF COURSE	15
19	Samkelo	Langklaas	GOLF COURSE	15
20	Thembisa	Breakfast	GOLF COURSE	15
21	Vusumzi	Swartbooi	GOLF COURSE	15
22	Sithembiso	Ziboti	WESTON	13
23	Joseph	Lewis	WESTON	13

24	Mieta	Matross	WESTON	13
25	Lorriane	Oerson	WESTON	13
26	Japie	Dirk	PATENSIE	10
27	Kosie	Van Rooyen	PATENSIE	10
28	Shirley	Stuurman	PATENSIE	10
29	Emmerenthia	Grootboom	PATENSIE	10
30	Monde	Mketshine	PATENSIE	10
31	Grace	Staalmeester	ARCADIA	5
32	Margaret	Valgee	ARCADIA	5
33	Steven	Langs	ARCADIA	5
34	Joudi	Potgieter	ARCADIA	5
35	Resheen	Lucas	LOERIE	7
36	Andile	Mbovana	LOERIE	7
37	Johanna	Windvogel	LOERIE	7
38	Sandile	Doyi	LOERIE	7

19/12/PD3 INSTITUTIONAL PERFORMANCE REPORT: 2019/20 FINANCIAL YEAR: PERIOD 1 JULY 2019 TO 30 SEPTEMBER 2019

Resolved (12 December 2019)

1. That the content of the Quarter 1 Institutional Performance Report on the implementation of the 2019/20 Service Delivery and Budget Implementation Plan for the period 1 July 2019 to 30 September 2019, be noted.

19/12/PD4 REVIEW OF THE 2015 KOUGA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK: PROGRESS REPORT

Resolved (12 December 2019)

1. That the progress made on the review of the Spatial Development Framework, be noted.
2. That once the scheduled consultation process has been finalised with the Services Provider, such dates be made available.

COUNCIL IN-PRINCIPLE APPROVAL OF DEVELOPMENT PROPOSAL ON PORTION OF ERF 499, HUMANSDORP AND AUTHORISATION TO ADVERTISE FOR PUBLIC PARTICIPATION

Resolved (12 December 2019)

1. That in terms of the Regulation 5(1) (b) of the Municipal Transfer Regulations (2008), Council grants in-principle approval of the project development proposal for Agri- hub and Port Terminal on a Portion of erf 499, Humansdorp.
2. That in terms of the Regulation 5(3) (b) of the Municipal Transfer Regulations (2008), Council authorises the Accounting officer to embark on a Public Participation Process on the proposed development of a Portion of erf 499.
3. That in terms of Section 14(2) (a) and (b) of the Local Government: Municipal Finance Management Act 56 (2003):-
 - a) Council resolve that Portion of erf 499, Humansdorp, in extent of 376.3013Ha is not required for the provision of the minimum level of basic municipal services;
 - b) Council confirm that the fair market value of the asset described in (4) above and the economic and community value to be received in exchange for the asset (portion erf 499, Humansdorp) have been considered;
4. That erf 499 be subdivided into land parcels suitable for the Agri-hub precinct as follows:
 - a) Agri-processing plant
 - b) Port Terminal
 - c) Agricultural Machinery & Technology Industry
 - d) Large scale farming
 - e) Green & Renewable energies in Agriculture plant
5. That a Agri-hub precinct plan be developed for the purposes stated in (d) above.
6. That the subdivided portions (as per (d) above) of a Portion of erf 499, Humansdorp, be disposed of through a competitive bidding process subject to conditions to be imposed by the Council and/or Accounting Officer according to his delegated authority.
7. That any gain or loss incurred by the Municipality in respect of the transfer of the asset be included on the adjustment budget of the municipality (section 28 of the MFMA);

8. That a Technical Working Group be established to steer the project and ensure all legislative and technical compliance.
9. That the Accounting Officer appoint a Technical Working Group as referred to in 5.8 above.

Proposed: B Rheeder

Seconded: W Coenraad

19/12/PD7 ENDORSEMENT AND CONDONEMENT OF THE PROCESS FOLLOWED IN ALIENATION OF MUNICIPAL ERVEN (ERVEN 2078,2079,2081,2082,3296,3297 HUMANSDORP -ZONING INDUSTRIAL 1 AND RESCINDMENT OF PREVIOUS RELATED COUNCIL RESOLUTIONS

The Municipal Manager advised that all legal implications have been scrutinized by the Manager: Legal Services.

Cllr Oliphant stated that no investor is to be given preference and Council is not to be dictated by any investor. Cllr Oliphant reiterated that the bidding process may not be done for a preferred bidder or investor failing which a formal investigation will be lodged in terms of not following due processes.

Voting by show of hands followed:-

In favour of amended recommendation	=	16
Not in favour of amended recommendation	=	10

That it be noted that Cllr Mayoni was not present at the time of the voting process.

Resolved (12 December 2019)

1. Council condones and endorses the tender notice 127/2019 initiating a competitive bidding process for disposal of erven 2078, 2079, 2081, 2082. 3296 and 3297 that was published in the absence of Council authorisation.
2. Council authorises the Accounting Officer to proceed and conclude with the disposal process as initiated

3. Council rescinds the following Council resolutions:

14/10/F27 **LAND: PROPOSED SALE OF ERVEN 2078, 2079, 2081, 2082, 2954, 3296, 3297, HUMANSDORP AND A PORTION OF THE ABUTTING STREET (HD1/3769)**

Resolved: (30 October 2014)

- i) That the application for the sale of Erven 2078, 2079, 2081, 2082, 2954, 3296, 3297 Humansdorp, and a portion of the abutting street, situated in the Industrial area, Humansdorp be approved.
- ii) **That Council Resolution 11/12/FAME4** dated 20 December 2011 be rescinded.
- iii) That in terms of Section 14 of the Municipal Finance Management Act, Erven 2078, 2079, 2081, 2082, 2954, 3296, 3297, Humansdorp and a portion of the abutting street, situated in the Industrial area, Humansdorp are not required for minimum basic municipal services.
- iv) That all legislative requirements for the sale of the property be adhered to.
- v) That all costs incurred by the sale for the relocation or installation of any services, including the consolidation of the properties, will be for the account of the purchaser.
- vi) That the comments and objections from the public be taken into consideration.
- vii) That where rezoning is required, it be expedited by the IPD Directorate, in terms of the preparation of a report to be presented at a National level.

**11/12/FAME4 LEASE OF IMMOVABLE MUNICIPAL ASSETS:
ERVEN 2078 AND 2081, HUMANSDORP
(INDUSTRIAL AREA)**

Resolved: (20 December 2011)

- i) That the application for the lease of Erven 2078 and 2081, Humansdorp with an option to buy for the construction of an Abattoir be approved, subject to the proposed Lease Policy to be drafted, which will contain a termination and escalation clause.
- ii) That in terms of Section 14 of the Municipal Finance Management Act, Erven 2078 and 2081, Humansdorp are not required for basic level of municipal services.
- iii) That a fair market value of the assets and the economic and community value to be received in exchange for the assets be obtained.
- iv) That the relevant Directorate proceeds to advertise the intention of the Council to lease Erven 2078 and 2081, Humansdorp to Eastcape Poultry Processors (Pty) Ltd. at market related value.
- v) That the comments and objections from the public be taken into consideration.

**17/12/F12 LAND ADVISORY COMMITTEE MINUTES-
NOVEMBER 2017**

Resolved 19 December 2017

**Erven 2078, 2079, 2081, 2082, 3296, 3297 –
Humansdorp Woodlands**

- iii) That the purchase agreements be drawn up for the disposal of erven 2078, 2079, 2081, 2082. 3296 and 3297 to Woodlands Dairy.

4. In terms of the Regulation 5(1) (b) of the Municipal Approval Transfer Regulations (2008), Council grants in-principle approval for the disposal of erven 2078, 2079, 2081, 2082, 3296 and 3297, Humansdorp;
5. In terms of Section 14(2) (a) and (b) of the Local Government: Municipal Finance Management Act 56 (2003) and clause 5.3 of Kouga Policy and Procedures for disposal of Immovable Assets (2018):-
 - i. Council resolves that erven 2078, 2079, 2081, 2082, 3296 and 3297, Humansdorp, are not required for the provision of the minimum level of basic municipal services; and
 - ii. Council confirms that the fair market value of the asset described in (4) above and the economic and community value to be received in exchange for the asset (erven 2078, 2079, 2081, 2082, 3296 and 3297, Humansdorp) have been considered;

19.6 **REPORTS BY THE CHAIRPERSON: LOCAL ECONOMIC DEVELOPMENT & TOURISM**

19/12/LED&T1 **INSTITUTIONAL PERFORMANCE REPORT: 2019/20 FINANCIAL YEAR: PERIOD 1 JULY 2019 TO 30 SEPTEMBER 2019**

Resolved (12 December 2019)

1. That the content of the Quarter 1 Institutional Performance Report on the implementation of the 2019/20 Service Delivery and Budget Implementation Plan for the period 1 July 2019 to 30 September 2019, be noted.

19/12/LED&T5 **LOCAL ECONOMIC DEVELOPMENT FORUM MEETING**

Resolved (12 December 2019)

1. That the report on the meeting of the Local Economic Development Forum, be supported.

19/12/LED&T6 **REQUEST FOR SPONSORSHIP FOR THE JEFFREYS BAY WINTERFEST FOR PERIOD OF THREE YEARS**

Resolved (12 December 2019)

1. That the request for sponsorship of R 1 500 000.00 annually for a period of three years (2020, 2021, and 2022) be allocated towards the Jeffreys Bay Winterfest as per Municipal Sponsorship Policy, **be withdrawn**.

20. **MATTERS FOR INFORMATION**

20.1 **OFFICE OF THE MUNICIPAL MANAGER**

19/12/MM2 **CALL CENTRE REPORT ON SERVICE DELIVERY REQUESTS JULY – SEPTEMBER 2019**

Resolved (12 December 2019)

1. That the report on the Call Centre Service Delivery Requests July – September 2019 be noted.
2. That it be noted that the above report serves at all service delivery Portfolio Committee meetings and that the relevant Directorates are requested to follow-up on pothole issues reported per ward.
3. That the option of providing a customer management centre/office be investigated where service delivery requests may be reported by the community.

20.2 **FINANCE**

None

20.3 **CORPORATE SERVICES**

19/12/CORP1 **MONTHLY REPORT FOR THE CORPORATE SERVICES DIRECTORATE: ADMINISTRATION SECTION**

Resolved (12 December 2019)

1. That the monthly report for July-September 2019, be noted.
2. That critical institutional records and information be sent to Records for capturing on the EDMRS.

19/12/CORP2 **REPORT ON THE PROGRESS OF REPAIRS AND MAINTENANCE FOR MUNICIPAL ADMINISTRATION BUILDINGS AND WARD COUNCILLOR OFFICES**

Resolved (12 December 2019)

1. That the report on the progress of repairs and maintenance for Municipal Administration Buildings and Ward Councillor offices be noted.
2. That consideration be given to allocating additional funds in the adjustments budget.

19/12/CORP5

REPORT ON REDUNDANT ASSETS

Resolved (12 December 2019)

1. That the report on Redundant Assets, be noted.
2. That the Assets Department update their Assets register regularly.

19/12/CORP6

HR REPORT FOR JULY 2019 TO SEPTEMBER 2019

Resolved (12 December 2019)

1. That the monthly HR report be noted.
2. That the statistics and monitoring movement on a monthly basis, be noted.
3. That departments monitor sick leave trends and utilize the Employee Wellness Programme (EWP) to pro-actively deal with underlying issues that may result in high absenteeism.
4. That department's pay attention to the high-risk areas and implement measures to reduce or eradicate the risks.
5. That service delivery departments monitor overtime claims over the 2019 Festive Season.

19/12/CORP8

PUBLIC PARTICIPATION PROGRESS

Resolved (12 December 2019)

1. That the report on the progress of Public Participation, be noted.
2. That respective Departments action the issues raised at Ward Committee meetings.
3. That the item be tabled at Top Management for Departments to give feedback.

20.4 **INFRASTRUCTURE & ENGINEERING**

None

20.5 **COMMUNITY SERVICES**

19/12/CS1 MONTHLY REPORT COMMUNITY SERVICES: JULY-SEPTEMBER 2019

Resolved (12 December 2019)

1. That the quarterly report of Community Services Directorate for July -September 2019, be noted.

19/12/CS2 REPORT ON QUALITY OF DRINKING WATER AUGUST 2019

Resolved (12 December 2019)

1. That the report on the quality of drinking water for Kouga Municipality be noted.

19/12/CS3 REPORT ON THE QUALITY DRINKING WATER SEPTEMBER 2019

Resolved (12 December 2019)

1. That the report on the quality of drinking water for Kouga Municipality be noted

19/12/CS5 LIFESAVING TRAINING REPORT

Resolved (12 December 2019)

1. That the Lifesaving Training report be noted.
2. That future lifesaving training be supported by Council.

19/12/CS8 KOUGA LIBRARIES: PROGRESS REPORT ON INSTALLATION OF COMPUTERS AND NETWORK

Resolved (12 December 2019)

1. That the report be noted.
2. That the process to install the network at the Thornhill Library, Sea Vista Library, and Tokyo Sexwale Library be prioritised.

20.6 REPORTS BY THE CHAIRPERSON: PLANNING AND DEVELOPMENT

19/12/PDT1 TOWN PLANNING PROGRESS REPORT: 1 AUGUST 2019 TO 30 SEPTEMBER 2019

Resolved (12 December 2019)

1. That the content in the Town Planning progress report be noted.
2. That all land use planning applications and planning issues published for public participation, be circulated to all Councillors on a monthly basis.

19/12/PD5 MONTHLY PROGRESS REPORT ON HUMAN SETTLEMENTS GRANT FUNDED PIPELINE PROJECTS

Resolved (12 December 2019)

1. That the report on the human settlements grant funded projects be noted.

20.7 LOCAL DEVELOPMENT & TOURISM

19/12/LED&T2 DESIGN AND CONSTRUCTION OF KOUGA MINI FRESH FOOD AND CRAFT MARKET STALL IN HANKEY

Resolved (12 December 2019)

1. That that the LED Capital Budget of R1 000 000.00 (One Million Rands only) be used for the construction costs of the Mini Fresh Produce and Craft Market Stalls, on Erf 2055 in Hankey. This is in addition to the allocated MIG funding of R1 400 000.00 (One Million Four Hundred Thousand Rands Only), be supported.
2. That the LED & Tourism section be authorised to apply for further MIG funding for the construction of Jefferys Bay and other phases of the Site Development Plan in Hankey site, be supported.

19/12/LED&T3 EVENTS APPLICATIONS RECEIVED AND DISCUSSED FOR THE PERIOD 23 AUGUST 2019

Resolved (12 December 2019)

1. That the report on the Events Planning Committee on 23 August 2019, be noted.

21. **CLOSURE**

The Speaker thanked all present for their valuable input and moved onto the confidential section of the agenda.

The meeting closed at 14:30 for In Committee discussions.



H BORNMAN
SPEAKER

30 January 2020

DATE
