

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF THE KOUGA MUNICIPALITY
HELD ON THURSDAY, 29 OCTOBER 2020 AT 10:00**

PRESENT: Councillors

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

**Officials &
Municipal Manager**

R Lorgat	(Chief Financial Officer)
V Felton	(Director: Infrastructure & Engineering)
K Moodley	(Acting Municipal Manager)
N Machelesi	(Director: Community Services)
F Mabusela	(Director: Planning, Dev & Tourism)
M Rossouw	(Manager: Administration & Auxiliary Services)
D De Jager	(Acting: COO)
L Randall	(Media Liaison Officer)
N Zode	(Scribe)

1. NOTICE OF MEETING

The Speaker read the notice convening the meeting and advised that in terms of the amended Directions on Municipal Operations and Governance and in terms of Section 27(2) of the Disaster Management Act, 2002, that a virtual Ordinary Council Meeting will be held using the zoom platform.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present and requested Cllr F. Baxter to open the proceedings with a prayer.

3. **WITH LEAVE OF ABSENCE**

Cllr C Matroos - Sick leave
C Du Plessis - On leave

4. **WITHOUT LEAVE OF ABSENCE**

None

5. **PRESENTATION**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Birthday wishes were extended to the following persons;

Councillor J Mayoni
Municipal Manager

Councillor Benson wished all Municipal employees and Councillors who have tested positive for Covid-19 a speedy recovery. He further urged everyone to take care of themselves, sanitise and practice social distancing.

The Executive Mayor congratulated the Municipality on receiving approval for a social housing project by the social housing regulatory authority. He further indicated that this is historic for the Kouga Municipality.

The Executive Mayor also congratulated Alderman Rheeder as the head of Planning and Development, Director F. Mabusela and Mr. M. Penxa, Manager Human Settlements for the amazing achievement. He further indicated that Kouga Municipality is the only Municipality in the Eastern Cape and one of 6 Municipalities in the country that has received approval for such a project..

Councillor Dayimani concurred with the Mayor in congratulating the Human Settlements department on the project and further indicated that it is the second time Kouga Municipality received such a status, stating that the last time it was taken away was due to EIA related issues.

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

The Speaker urged Councillors to adhere to all Covid-19 regulations and take care of themselves as they work directly with the public and therefore encouraged Councillors to wear masks, sanitise and wash their hands.

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

The Executive Mayor stated that due to time constraints and the length of the agenda he will forego his statement.

9. **DECLARATION OF INTEREST**

None

10. **STATUTORY MATTERS**

11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR NOTING**

11.1 Minutes of the Mayoral Committee Meeting held on 7 May 2020

11.2 Minutes of the Mayoral Committee Meeting held on 21 July 2020

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

13.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 AUGUST 2020**

Resolved (29 October 2020)

1. That the minutes of the Ordinary Council meeting held on 28 August 2020 be accepted.

Proposed: S. Jujwana

Seconded: B. Rheeder

13.2 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 30 SEPTEMBER 2020**

Resolved (29 October 2020)

1. That the minutes of the Special Council meeting held on 30 September 2020 be accepted with amendments.

Proposed: C. August

Seconded: N. Botha

14. **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).

15. REPORTS OF COMMITTEES OF COUNCIL

15.1 INTERGOVERNMENTAL RELATIONS

20/10/IGR1 MINUTES OF THE INTER-GOVERNMENTAL COMMITTEE

Resolved (29 October 2020)

- i) That the Minutes of the Inter-Governmental Committee meeting be noted

15.2 KOUGA AUDIT COMMITTEE

20/10/KACC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Councillor Februarie stated that he disputes the collection percentages indicated in the statement made by the Municipal Manager i.e. collection rate of 98% before lockdown and 77% after lockdown as at end April 2020.

He further stated that the KAC Chairperson enquired whether the municipality is considering 10 - 20% salary cut for senior management, and there was no response to that question.

The KAC Chairperson further enquired what processes and controls are in place to mitigate fraud and theft during the lockdown period.

He then stated that what concerns him the most are the statements indicated under 4.4 of the KAC Minutes. The internal auditor has raised crucial issues which require consequence management yet there is no action and , performance bonuses have been concluded in Council despite such statements being made by internal auditor in the KAC Meeting.

The Speaker stated that the Councillor's concerns are noted, however the Councillor cannot dispute the percentages indicated in the report. With regards to the statements made at KAC, it is difficult to get the context of the meeting and information tabled before the Committee from just the statements captured in the minutes.

The Acting Municipal Manager stated that the KAC minutes tabled before Council are dated 14 May 2020. Most of those issues have been addressed excluding the collection rate which is factual information. Subsequent to that meeting the situation of the Municipality was re-assessed and an adjustments budget was tabled to Council in order to deal with these issues. With regards to the Performance report, the report was for the second quarter and the issues raised by the Internal Auditor were addressed in the fourth quarter report.

Resolved (29 October 2020)

- i) That the Minutes of Kouga Audit Committee meeting be noted

15.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

Reports dealt with in the Confidential Section of the Agenda

16. **REPORT BY THE OFFICE OF THE MUNICIPAL MANAGER**

20/10/MM1 COUNCIL RESOLUTIONS FOR 30 SEPTEMBER 2020

Resolved (29 October 2020)

1. That the updated Action Sheets reflecting resolutions of the Ordinary Council meeting for 30 September 2020 be noted.
2. That it be noted that the Action Sheets are referred to Top Management meetings for discussion and progress reports are to be submitted to their respective Portfolio Committee meetings.

20/10/MM2 CALL CENTRE REPORT ON SERVICE DELIVERY REQUESTS JULY 2020

Councillor Gertenbach and Councillor Dhludhlu urged Councillors and the public to use the Link system and the call centre to report faults in their neighbourhoods.

Resolved (29 October 2020)

1. That the report on the Call Centre Service Delivery Requests July 2020 be noted.

20/10/MM3 KOUGA MUNICIPALITY: FIRST DRAFT: ANNUAL REPORT (2019/2020)

Councillor Gertenbach stated that the annual financial statements were not included in the draft annual report. He requested an explanation in this regard as he regards the draft annual report as an incomplete report without the financial statements.

The CFO stated that normally the financial statements are submitted by the 31 August 2020 and the draft annual report must also be submitted on the same day as well as the annual performance report, however due to the pandemic, National Treasury has issued an extension of two months and the deadline is the 31 October 2020.

The CFO also stated that the financial statements have not been submitted to the Auditor General yet. They have been submitted to internal audit, the Audit Committee and Provincial Treasury for review. The Audit Committee was happy with the financial statements and pointed out minor amendments to be done before submitting to AG.

The CFO further indicated that the annual financial statements will be submitted tomorrow to the Auditor General. The annual report requires audited financial statements and a narrative from Finance which is only completed when the final version is complete and will then be tabled to MPAC.

The Executive Mayor re-iterated that MPAC must understand that they will receive the annual financial statements after the full audit has been done, which will be when the final draft goes to Council and that MPAC will draft the oversight report on a complete document.

Councillor Dayimani stated that the item is for noting but there are a couple of reservations. The CFO indicates that the Audit Committee is happy with the financial statements yet the minutes of the Audit Committee do not correlate with the statement made.

Resolved (29 October 2020)

1. That it be noted that the First Draft of the 2019/20 Annual Report shall be submitted to the Office of the Auditor General by no later than 31 October 2020.
2. That it be noted that the First Draft of the 2019/20 Annual Report shall be submitted to the Municipal Public Accounts Committee for scrutiny and preparation of an Oversight Report.

20/10/MM4 SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 2020/21 FINANCIAL YEAR

Councillor Williams enquired whether the SDBIP is for 2019/20 or 2020/21 as the plan makes reference to both financial years. He further indicated that there was a special adjustment budget which was approved in September 2020. He then proposed adding another recommendation which reads as follows; That an updated SDBIP that takes into account the changes made in the adjustment budget in September 2020 be concluded.

Resolved (29 October 2020)

1. That the Service Delivery and Budget Implementation Plan for the 2020/21 financial year as approved by the Executive Mayor, be noted.
2. That the Municipal Manager oversees the submission of monthly departmental progress reports to the relevant Portfolio Committees on the implementation of the 2020/21 Service Delivery and Budget Implementation Plan.
3. That an updated SDBIP that takes into account the changes made in the adjustment budget in September 2020 be concluded.

Proposed: B Williams

Seconded: B Rheeder

20/10/MM5 SUBMISSION OF PERFORMANCE AGREEMENTS OF SECTION 56 AND SECTION 57 EMPLOYEES: 2020/21 FINANCIAL YEAR

Councillor Oliphant stated that they feel that they mistakenly supported the Directors in terms of increasing their performance percentages because the Directors and Municipal Manager are not performing.

He further indicated that there must be consequence management in Directors failing to perform their duties. He also stated that they do not see the Directors venturing on service delivery for the poor of the poorest.

Councillor Februarie stated that his main concern is the statement made by the Internal Auditor. He indicated that he noted the statements made by the Acting Municipal Manager on the Audit Committee minutes but he does not agree with the recommendations unless they receive a full report on the discussion of the Audit committee and what transpired with consequence management. He then stated that he is not in agreement with the recommendations.

Resolved (29 October 2020)

1. That the Performance Agreements and supporting Performance Plans for the 2020/21 financial year in respect of the Municipal Manager and Directors be noted and accepted subject to correction of paragraph 6.4.1 of the Performance Agreements to ensure alignment with the correct legislative provisions on Core Competency Requirements.
2. That in terms of the provisions of Section 53(3) of the Local Government Municipal Finance Management Act 56 of 2003 the Performance Agreements of the Municipal Manager and Directors for the 2020/21 financial year be submitted to the MEC for Local Government.

The matter was put to a vote:

In favour of the recommendations - 15

Not in favour of the recommendations - 6

The matter was moved by the majority of the Council.

20/10/MM6 INTRODUCTION OF THE DRAFT POLICY ON LEGAL REPRESENTATION

Councillor Februarie stated that on the day of the Policy Workshop he could not connect. He then reported the issue to the Speaker and his PA.

He further indicated that he noted some serious recommendations from the Policy workshop and his concerns are the financial implications which might be incurred by the Municipality based on the Policy.

The Speaker stated that the concerns are noted but Councillor Februarie's name was not on the list submitted to comment on this item.

Councillor Februarie requested for a caucus for five minutes.

The Speaker granted a five minute caucus.

Councillor Februarie stated that the caucus position is to request Council to refer the Policy back for a re-workshop.

Ald Rheeder proposed to approve the policy as there was sufficient time to hand in comments and concerns on the Policy prior to the meeting

Resolved (29 October 2020)

1. That Council approve the Policy on Legal Representation.
2. That the approved Policy on Legal Representation be implemented from date of Council approval.
3. That a signed copy of the approved Policy be listed on the Municipal Website as a statutory document.

The matter was put to a vote:

In favour of the recommendations - 17

Not in favour of the recommendations - 9

The matter was moved by the majority of the Council.

20/10/MM7 INSTITUTIONAL PERFORMANCE REPORT: 2020/21 FINANCIAL YEAR: PERIOD 1 JULY 2020 TO 30 SEPTEMBER 2020

Resolved (29 October 2020)

1. That the content of the Quarter 1 Institutional Performance Report on the implementation of the 2020/21 Service Delivery and Budget Implementation Plan for the period 1 July 2020 to 30 September 2020 be noted.

17. **REPORTS BY THE EXECUTIVE MAYOR**

17.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

20/10/F7 **REPORT ON THE IMPLEMENTATION OF THE INSTITUTIONAL PROCUREMENT PLAN**

Councillor Williams stated that there is a statement under signatures which state that there was no signature from the Portfolio Head at the time of distribution and this is factually incorrect. He then requested Director Moodley to respond.

The Acting Municipal Manager indicated that by the time the items were received by Committee Service for compilation they were unsigned, however the Councillor did sign the items but they were with the PA of the CFO and Committee Services received the signed items after distribution of the agenda. She then apologized for the statement indicated under signatures and indicated that the matter will be taken up with the PA of the CFO.

Councillor Februarie stated that he has his reservations on moving forward with the Municipality based on the Audit report and the recommendations on the report which is a huge concern for him.

The Executive Mayor indicated that in ward 7 the Municipality has upgraded the Community center, handed out wheelie bins, upgraded the Sports field, purchased land for houses, purchased land for graveyards. It cannot be that the Councillor says only three hundred thousand has been spent in the last four years. The budget in terms of what has been spent on ward 7 can show expenditure.

Resolved (29 October 2020)

1. That the summary of the Institutional Procurement Plan as approved on the 31 July 2020 be noted.
2. That the Chairperson, CFO and Speaker engage with Top Management to review the timing of submission of the specifications, to the Bid Specification Committee and submit the amended Procurement Plan to the next Finance Portfolio Committee Meeting.

20/10/F8 **MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2020 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 JULY 2020 (2020/21 FINANCIAL YEAR)**

Councillor Februarie stated that he is very concerned about the reserves of Kouga as it is shrinking fast. He further indicated that he does not see the rand value versus the expenditure in his ward. He stated that for the

last three financial years only three hundred thousand rand of a billion rand has been spent in his ward.

Resolved (29 October 2020)

1. That the Executive Mayor notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

20/10/F11 MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2020 TO AUGUST 2020 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 AUGUST 2020 (2020/21 FINANCIAL YEAR)

Councillor Oliphant proposed that the Finance Portfolio Committee meet more frequently and allow Ward Councillors to give input. He further indicated that the points raised by Councillor Februarie are of relevance and should be attended to.

The Speaker concurred with Councillor Oliphant on the proposed special Finance Portfolio Committee meetings where Ward Councillors will give input and raise issues as the Portfolio meetings are open to all Councillors to give input.

Resolved (29 October 2020)

1. That the Executive Mayor notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA

20/10/F12 MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2020 TO SEPTEMBER 2020 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 SEPTEMBER 2020 (2020/21 FINANCIAL YEAR)

Resolved (29 October 2020)

1. That the Executive Mayor notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. The Executive Mayor's report on the implementation of the budget and the financial state of affairs of the municipality, in accordance with Section 52(d) of the MFMA be noted.

3. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

20/10/F13 BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 SEPTEMBER 2020

Resolved (29 October 2020)

1. That the Council notes the withdrawals that were made in terms of section 11(1) (b) to (j) of the MFMA for the quarter ended 30 September 2020.
2. That the report accordingly be submitted to the Provincial treasury and Auditor-General as determined by section 11(4) (b) of the MFMA

17.2 REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES

20/10/CORP2 HR REPORT FOR JULY 2020

Resolved (29 October 2020)

1. That the monthly HR report be noted.

20/10/CORP3 MONTHLY REPORT FOR THE CORPORATE SERVICES DIRECTORATE: ADMINISTRATION SECTION AS AT JULY 2020

Resolved (29 October 2020)

1. That the monthly report for the Corporate Services Directorate: Administration Section be noted.

20/10/CORP4 WARD COMMITTEE REPORT AS AT END JULY 2020

Resolved (29 October 2020)

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 Public Participation Officers give feedback on progress at the Ward Committee meetings
4. That Ward Councillors be requested to identify tasks which have been completed in their respective Wards in order to assist Auxiliary Services in updating the report for submission to the next Corporate Services Portfolio Committee Meeting.

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

20/10/CS4 DISASTER MANAGEMENT JOINT OPERATIONS COMMITTEE MEETINGS REPORT

Resolved (29 October 2020)

1. That the Disaster Management Joint Operations Committee Meetings Report be noted.

20/10/CS10 CLOSEOUT REPORT ON THE SEEKOEI RIVER ESTUARY ARTIFICIAL BREACH

Councillor Februarie stated that he noted on the report that there are no financial implications. He then enquired how much money has been spent thus far on the Seekoei River and what is the long term plan for the river.

Councillor Benson stated that a comprehensive report containing the financial implications and addressing the issues raised by Councillor Februarie will be tabled at the next Portfolio Committee meeting.

Resolved (29 October 2020)

1. That the Seekoei River Estuary artificial breach closure report to DEDEAT for the NEMA Section 30A application be noted.
2. That the Seekoei River Estuary Artificial Breach Closure Report be submitted to Council for endorsement prior to submission to DEDEAT for approval.

20/10/CS14 PROGRESS REPORT ON EIA FOR CEMETERIES

Councillor Benson indicated that there is an annexure missing on the report which will be circulated to all Councillors.

Councillor Februarie enquired why the Municipality needed an EIA for cemeteries when the IGR report states that a Senior Environmental Affairs Official said there is no need for an EIA.

Councillor Gertenbach stated that when there is an extension or creation of new cemeteries, it is an activity under NEMA and there is a need for an EIA.

Councillor Dhludhlu stated that the Environmental Affairs official made those comments at the IGR meeting based on level 3 of the Disaster Management Act where the EIA can be bypassed, but the country is on level 1 which means the Municipality cannot bypass the EIA processes.

The Executive Mayor concurred with the two previous Councillors and stated that the matter should be clarified by the Director and Environmental Specialist at the next Portfolio Meeting.

Resolved (29 October 2020)

1. That the progress report on EIA for cemeteries be noted by the committee

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

20/10/PD3 MONTHLY PROGRESS REPORT ON 2021/22 HUMAN SETTLEMENTS GRANT FUNDED PIPELINE PROJECTS

Councillor Jujwana indicated that in Hankey the Housing Committee still needs to be elected.

Resolved (29 October 2020)

1. That the report on the 2021/22 integrated human settlements grant - funded projects be noted.

20/10/PD4 MONTHLY PROGRESS REPORT ON HUMAN SETTLEMENTS GRANT FUNDED PIPELINE PROJECTS

Councillor Februarie requested the Planning department to indicate what the institutional plan for bulk infrastructure development and building of houses in Ward 7 was.

Resolved (29 October 2020)

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

20/10/PD6 PROGRESS REPORT ON IMPLEMENTATION OF OUTSTANDING COUNCIL RESOLUTIONS ON LAND DISPOSALS

Councillor Oliphant stated that they cannot support the item due to reasons that they will elaborate on and submit to the Office of the Speaker and the Executive Mayor. He further stated that they are not in support of the disposal of land and that there must be concurrence from Provincial and National Treasury on disposal of land by Council as indicated in the Municipal Finance Management Act.

The Speaker indicated that Council had already resolved on those pieces of land and that the report is for noting progress thereof.

Resolved (29 October 2020)

1. That the report be noted.

20/10/PD7 REPORT ON CELLPHONE TOWERS OF MTN AND VODACOM

Councillor Williams commended the department on the progress. He further enquired whether all the cellphone towers in Kouga are covered on this report?

Councillor Februarie stated that according to page 116 of this report there are more leased properties which need reconciliation, which indicates that the report is incomplete. He further indicated that the Municipality is selective in handling lease issues, other leases get terminated with immediate effect, yet others are given an opportunity to pay they money.

Councillor Oliphant concurred with Councillor Februarie and indicated that the Municipality must practice consistency. He then requested Administration to supply Council with the duration of each agreements entered into with the cellphone towers.

Director Mabusela indicated that the areas of the towers reflected in the report is indicated on page 115. She further requested Council to take into account that this is an investigative exercise and the department is aware that there are other service providers which still need to pay and that it is an ongoing process. She also indicated that there were lease agreements which had lapsed and there was no billing done hence the service providers are requested to pay, which is different from a service provider that has an existing lease and does not honour the terms of the lease agreement resulting in termination thereof.

Resolved (29 October 2020)

1. The report to be noted and supported.
2. That Council authorises the Accounting Officer to sign an acceptance the outstanding monies due to the Municipality from Vodacom and MTN for the period of expired lease, in the amounts of Vodacom: **R828,613.95** and MTN: **R325,232.88** respectively.
3. That the Accounting Officer in accordance to the powers delegated to him enter into a Lease Agreement with Vodacom and MTN for a period not exceeding three years, provided that Vodacom and MTN complies with any provisions stipulated in the Kouga Telecommunication Mast Policy.
4. That the fair market related monthly rental be determined.

20/10/PD8 APPROVAL OF COUNCIL POLICIES: PLANNING & DEVELOPMENT

Councillor Februarie stated that he has indicated previously that he could not log in to the Policy Workshop. He further stated that he has reported that his tools of trade are hindering him from his duties and he is supposed to be receiving a new laptop but IT has not issued him with one.

The Speaker requested the CFO to take note of the Councillors complaint.

Councillor Oliphant stated that since there are Councillors who wanted to join the workshop but could not due to unforeseen circumstances, he requests that the Policies be referred back for a re-workshop to afford those Councillors a fair chance to participate.

The Executive Mayor stated that when Councillors do not attend a Policy Workshop, the onus is on them to submit their inputs to the Committee.

Councillor Februarie requested the matter to be put to the vote.

The Speaker stated that at the Policy Workshop the opposition party was represented and inputs could have been submitted.

Resolved (29 October 2020)

1. That Council Approves the following policies:
 - a. Policy on Naming/ Renaming and Numbering of streets
 - b. Policy and Procedures for the Disposal of Immovable Assets
 - c. Policy on Leasing of Council Owned Immovable Assets
2. That the policies approved above replaces all policies and procedures previously used for the same purposes.

The matter was put to a vote:

In favour of the recommendations - 17

Not in favour of the recommendations - 7

The matter was moved by the majority of the Council.

20/10/PD9 RE: DISPOSAL OF ERF 1382, SEA VISTA (ST FRANCIS BAY) THROUGH SALE TO EDG3 PROJECTS.

Councillor Februarie disagreed with the first recommendation which indicates a name a beneficiary to whom the land must be disposed. He state that Land should be disposed after public participation and this item does not indicate any public participation.

Councillor Oliphant stated it is unfair for the Municipality to quote the MFMA when it suits them. He indicated that there is a name to whom the land will be disposed, in the recommendation and he disagrees with rubber stamping a decision that has already been taken. He further stated that the process of disposing land should be a fair, open and transparent bidding process for everyone.

Director Mabusela stated that in terms of Public Participation, the second recommendation is in terms of the Municipal transfer regulations. The recommendation is seeking approval to go on a Public Participation process. She further indicated that in terms of their policy on procedures for disposal of immovable assets, it is allowed that a Municipality may transfer ownership otherwise dispose of non-viable immovable assets which can be of no practical use to any other person. She then indicated that they are invoking section 5 (11) of the Municipal Policy in that respect.

Alderman Rheeder indicated that the request is for Council to grant permission to advertise the intent to dispose of land. After the Public Participation process, if there are any objections,, the matter will come back to Council.

The Executive Mayor requested clarity on whether this is a solicited bid or unsolicited bid.

It was clarified that this was an unsolicited bid.

Resolved (29 October 2020)

1. That Council grant in-principle approval for the disposal of erf 1382 to Edg3 Projects, at a fair market related value.
2. That Council grant authorization to advertise the intended disposal of the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That a fair market value be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.

The matter was put to a vote:

In favour of the recommendations - 17

Not in favour of the recommendations - 8

The matter was moved by the majority of the Council.

20/10/PD10 APPLICATION: ALIENATION OF LAND AND PURCHASE OF VARIOUS PROPERTIES IN HANKEY: MGM TRUST (MR. DU PREEZ)

Alderman Rheeder proposed adding a recommendation which reads as follows; The Municipality must ensure that the land is not suitable for housing development.

Councillor Februarie quoted Regulations 5 (1) (a) of the Municipal Approval Transfer Regulations (2008) - a Municipality may transfer or dispose of non-exempted capital assets only after Public Participation process to facilitate determinations. He then indicated that the leading department is quoting certain legislation yet leaving crucial pieces of legislation out.

Resolved (29 October 2020)

1. That 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 to MGM Trust as contemplated in Plan No. Y101 Baser3 as prepared by Maarschalk and Partners, at a fair market related value.
2. That Council grant authorization to advertise the intended disposal of the immovable property herein.
3. That Council consider disposing the land parcels Out of Hand based on historical use of land by MGM Trust, and on the condition provided in the resolution to lease with the option to purchase.
4. That Council confirm that the land to MGM Trust as contemplated in Plan No. Y101 Baser3 as prepared by Maarschalk and Partners is not needed to provide the minimum level of basic municipal services as stipulated in s14 of the MFMA.
5. That the unregistered erven 303 and 326, Hankey be registered in the name of Kouga Municipality.
6. That market related valuations be done on the applicable portions of erf 17, 303 and 326, Hankey.
7. That MGM Trust ensure that the adjoining property owners of 261, 273, 289, 305, 322 and other privately owned plots have secure access.
8. That Council ensures that the land in question is not suitable for future housing development.

The approved Land Alienation Policy stipulates:

Conditions of Sale

- 8.1 All costs pertaining to a transaction shall be borne by the successful bidder/purchaser, e.g. survey, advertisements, valuation, rezoning, relocation or provision of services where necessary, etc. The Municipality may, however, waive its right to claim the costs should it be to its advantage to bear the costs.
- 8.2 Should existing services need to be relocated or secured by means of the registration of a servitude in favour of the Municipality as a result of the alienation of the immovable property, all related costs shall be for the account of the successful bidder/purchaser.
- 8.3 Small areas of land such as closed roads or portions of public place sold to an adjacent owner must be consolidated with the existing property of the adjacent owner, unless circumstances exist which, in the opinion of the Municipality, make such consolidation undesirable.

Proposed: B. Rheeder

Seconded: C. August

The matter was put to a vote:

In favour of the recommendations - 16

Not in favour of the recommendations - 5

The matter was moved by the majority of the Council.

20/10/PD12 IN RE: SECTION 14 (2) VERIFICATIONS IN RESPECT OF A PORTION OF ERF 17 HANKEY AND ERF 8813 OCEAN VIEW, ERF 4587 & 4588 KRUISFONTEIN AND ERF 190 PELLSRUS, ERF 589 OYSTER BAY

Councillor Williams made a correction on page 1256 as follows; "That the outstanding debt on erf 8813 be referred to the Bad Debts Committee to recommend the amount to be written off in respect of rates only and not service-related charges".

He further indicated that on page 1258, according to his understanding that a traffic impact assessment was done and that the school was to erect a traffic circle. He then indicated that on the last recommendation, Administration will have to guide Council as there are no valuation certificates attached to the item.

Councillor Februarie stated that the opposition party requested the Executive Mayor to do an audit on Council properties and land and that they are still waiting for the outcome.

Director Mabusela stated that the land audit is a project for this financial year and is still in progress. The disposal of land in this item is to confirm old Council resolutions that have been taken already. She further indicated that all the evaluation certificates were attached when the items initially served in Council hence they are not attached now.

Resolved (29 October 2020)

1. That Council confirm that Portion of Erf 17, Hankey and Erf 8813 Ocean View, Erf 4587 & 4588 Kruisfontein and Erf 190 Pellsrus and Erf 589 Oyster Bay is not needed to provide the minimum level of basic municipal services.
2. That Council confirm that Council has considered the fair market value of the assets referred to in '4.1' above and has considered the community value to be received in exchange for the assets referred to in '4.1' above.
3. That Council confirm the fair market value to be in the amount of R170 000 for erf 4587 Kruisfontein, R190 000 for erf 4588 Kruisfontein and R225 000 for erf 190 Pellsrus.

The matter was put to a vote:

In favour of the recommendations - 16

Not in favour of the recommendations - 6

The matter was moved by the majority of the Council.

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

20/10/LED&T1 BIOMASS HARVESTING PROJECT

Resolved (29 October 2020)

1. That the Biomass Harvesting Project virtual meeting be noted.

20/10/LED&T2 SUPPORT TO EMERGING FARMERS: PERSONAL PROTECTIVE EQUIPMENT SUPPLY

Resolved (29 October 2020)

1. That the handover of PPE to Kouga emerging farmers be noted and supported.

20/10/LED&T3

LGSETA SMME AND CO -OPERATIVES DATABASE FOR TRAINING

Resolved (29 October 2020)

1. That the database for SMME's and Co-operatives submitted to LGSETA be noted.

20/10/LED&T6

REPORT ON THE KOUGA HOMELESS SHELTER ESTABLISHED IN PELSRUS CARAVAN PARK AS COVID-19 RESPONSE AT LOCKDOWN LEVEL 5

Resolved (29 October 2020)

1. That the report on the homeless shelter be noted

20/10/LED&T7

GRANT IN AID ALLOCATION FOR 2020/2021 FINANCIAL YEAR

Councillor Baxter requested that the word "winterfest" be removed from the heading of the item as it was an error.

Councillor Februarie expressed his disappointment in the Municipality granting funding to the same beneficiaries yet there are other NPO's who were doing a great job such as Masikhathalelaneni whose application was declined.

He further enquired whether a grant in aid to an applicant can be rolled over?

Director Mabusela stated that in terms of the policy there are mandatory documents to be submitted with an application in order for applications to be considered and when applicants fail to submit all required documents, the Committee will deem them unsuccessful.

She further indicated that with respect to the rollover, the KLTO was granted the funding on the previous financial year for hosting and events but due to Covid-19 all festivals and events were cancelled and the money had already been transferred to the organization. The organization then submitted a request for rollover since the funding was not utilized due to covid-19 and the Committee agreed and indicated that a new SLA will be entered into for 2020/21.

Resolved (29 October 2020)

1. That Council **approves** the recommendations of the Grant-in-aid Committee to allocate funds as follows:

ORGANISATION	GRANT ALLOCATION AS PER GRANT IN AID COMMITTEE RECOMMENDATION	FUNDING DEPARTMENT
SPCA ASSISI	R240 000-00	Community Services Directorate.
OASIS RADIO STATION	R100 000-00	Planning, Development & tourism
JBAY ANIMAL RESCUE	R80 000-00	Community Services Directorate.
KLTO	R776 500- 00	Roll- over funding from 19/20 FY

The matter was put to a vote:

In favour of the recommendations - 16

Not in favour of the recommendations - 7

The matter was moved by the majority of the Council.

20/10/LED&T8

PARTENRSHIP AGREEMENT TO HOST KOUGA MUNICIPALITY SUMMER EVENTS PROGRAMME FOR 2020 / 2021 FINANCIAL YEAR.

Resolved (29 October 2020)

1. Council grants in-principle approval for the Municipality to enter into a Commercial Partnership Agreement with Oomph Media Group for the hosting of Summer Festival Events 2020-2021.
2. Council approves the contribution of R475 000.00 (Four Hundred and Seventy- Five Thousand Rands only) by Kouga Municipality into the Summer Festival programme partnership. The breakdown of such costs being R400 000.00 cash contribution (Four Hundred Thousand Rands Only) and R75000.00 (Seventy-Five Thousand Rands) non- cash contribution.
3. That the organizers must submit an event application to the events committee and ensure that Covid-19 safety plan is included to ensure compliance with Covid-19 protocols and provisions of the Disaster Management Act to combat spread of Covid-19.

The matter was put to a vote:

In favour of the recommendations - 16

Not in favour of the recommendations - 7

The matter was moved by the majority of the Council.

18. **CLOSURE**

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

The meeting closed at 14:10



H BORNMAN
SPEAKER

11 December 2020

DATE
