

<p>MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON FRIDAY, 26 FEBRUARY 2021</p>
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PRESENT: Councillors	H Bornman	(Speaker)
PRESENT: Councillors	H Bornman	(Speaker)
	H Hendricks	(Executive Mayor)
	B Williams	
	F Campher	
	D Benson	
	B Rheeder	
	Cllr F Baxter	
	B Dhludhlu	
	L Vorster	
	R Jantjies	
	T Jantjes	
	W Gertenbach	
	C August	
	M Biko	
	M van Niekerk	
	W Coenraad	
	J Alexander	
	M Dayimani	
	S Jujwana	
	S Makasi	
	M Peters	
	P Oliphant	
	J Mayoni	
	P Nkwalase	
	C Matroos	
	R Dennis	
	A Mabukane	
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	K Moodley	(Director: Corporate Services)
	E Oosthuizen	(Acting Director: Infrastructure & Eng)
	N Machelesi	(Director: Community Services)
	F Mabusela	(Director: Planning, Dev & Tourism)
	S Abrahams	(Manager: Budget & Treasury)
	D De Jager	(HR Manager & Acting: COO)
	L Opperman	(Manager: Legal Services)
	A Jonck	(Manager: Office of the Mayor)
	C Venter	(Manager: Waste Management)
	M Basson	(Media Liaison Officer)
	B de Groot	(Senior Admin Officer: Committees)
IDIS Delegation	Peter de Vries	
	Benita Vermeulen	
	Annami Bruwer – Meritus International	
	Jan Barnard	
	Hein Wiese	

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 those present and requested Cllr C August to open with a prayer.

3. **ABSENT WITH LEAVE**

Cllr V Vumazonke
R Lorgat (Chief Financial Officer)

4. **ABSENT WITHOUT LEAVE**

Cllr E Februarie (via sms)

5. **PRESENTATION : INTERNATIONAL DIVERSE INNOVATION SOLUTIONS (IDIS) : MS B VERMEULEN**

Presented under item **21/02/MM10**

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr D Benson extended Birthday wishes to Cllr B Dhludhlu.

Cllr M Dayimani extended condolences to the Director: Community Services who had lost a family member. The caucus had not been aware of the passing initially and requested that the Director: Corporate Services devise a system to communicate such information in future.

The Speaker agreed that such a system be devised.

Cllr D Dhludhlu congratulated to Cllr D Benson on his 42nd wedding anniversary.

Cllr C August congratulated all matriculants who had passed their 2020 examinations.

Cllr P Oliphant extended condolences to colleagues and family members, of Mr Jan Fortuin from the Community Services department, who had been a long-standing and committed employee of the Municipality.

The Speaker also extended condolences to the Fortuin family and a moment of silence was observed.

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

The Speaker requested that Ward Councillors adhere to Covid-19 safety protocols when conducting Ward Committee meetings. He further stated that although Covid-19 cases in Kouga had decreased, he urged that all health and safety regulations continue to be maintained especially for those working with the public.

The Speaker stated that participants will only be allocated 2 mins per item for discussions.

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

The Executive Mayor welcomed those present and said that it gave him great pleasure to yet again table a billion-rand adjustment budget.

The 2020/21 adjustment budget amounted to R1.2 billion which comprised of just over a billion rand (R1,03 billion) for the Operating budget and R85 million for the Capital budget.

The operating adjustment budget had been increased by just over R45m to enable the Municipality to continue with the roads resealing project. After many years of neglect, the DA took over a backlog of road maintenance that amounted to R500m.

The additional R20.5m identified in the adjustment budget would ensure that several roads throughout Kouga will be resealed which would have a positive benefit on the cost of repairing potholes in the future. The fact that many roads in Kouga needed pothole repairs were not being ignored thus there was an additional R1.5m increase for roads maintenance.

Other operating expenditure will also increase by R 9,6m to cater for the hiring of additional suction tankers, for jetting trucks R5,5m, while the hiring of landfill site equipment amounts to an additional R1,5 m.

Major changes from the special adjustment budget were an increase of:-

- R2m for other materials;
- R1,5m for roads; and R1,2m for sewerage and water chemicals.

For contracted services, increases related to adjustments:-

- Clearing of grass and bush of R2m;
- Road maintenance of R18,5m;
- Security services of R1,5m; and
- Building and Equipment of R2,2 billion

The Capital budget has been increased from R77,8m to R85,1m due to unspent MIG and Water Services grants of R14,2m being rolled over from the 2019/20 financial year after receiving approval from the National Treasury.

Internal funding of R6,9m has been re-allocated from the Capital Budget to the adjusted Operating budget.

The budgeted collection rate had increased from 85% to 90 % in the adjustment budget. Gratitude was expressed to all Kouga residents for their continued payment of Municipal accounts despite the hardships experienced during the Covid-19 pandemic period.

With a significant increase of property transfers taking place in 2018 and 2019, the resultant upswing in property prices had ensured that the property rates budget increased by R 2,1 million to an adjusted amount of R 207,8 million.

The license and permits budget, had been adjusted by R4m due to an increase in revenue from the Traffic Department, despite the numerous challenges the department encountered.

Unfortunately, the anticipated budget for facility rentals such as community halls decreased due to Covid-19 regulations. A reduction of R 2,9 million in income during the remaining financial year was anticipated.

The amount of R10m budgeted for road maintenance had been spent as at end of February which brought the adjustment budget for roads to R35m. The adjustment budget focused on expenditure related to water & sanitation, security, and the safety of all communities.

Unlike many other Municipalities across the country, Kouga remains financially stable and in a position to continue paying creditors, paying the Eskom bill within 30 days, paying staff, and offering Covid-19 relief packages to those affected by the pandemic.

The budget adjustment reflected and confirmed that Kouga remained financially viable, and that good governance was firmly entrenched.

Cllr R Dennis raised a point of clarity and questioned whether the Executive Mayor was presenting on the Budget or making a statement.

The Speaker responded that it was the Executive Mayor's prerogative

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

21/02/SBDM1 SARAH BAARTMAN REPORT: MEETING HELD ON 9 DECEMBER 2020

Resolved (26 February 2021)

1. That the Sarah Baartman Report: Meeting held on 9 December 2020 be noted.

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

Cllr M Dayimani asked what the Executive Mayor's plan of engagement in IGR meetings with other government institutions were to deal with drug trafficking and gangsterism in Kruisfontein, Gill Marcus and Vaaldam.

The Executive Mayor stated the last IGR forum had to be abandoned due to a lack of attendance. Community Safety and Gangsterism was handled on an IGR level with all Kouga relevant stakeholders. The Public Safety Summit had been launched in September 2020 and the development of the Public Safety Strategy had continued since then. Keeping Kouga safe was one of the key goals of the municipality. The Strategy was being completed and gangsterism was included. Safety was a priority for Kouga and this programme had been an absolute priority for the Municipality.

Cllr D Dhludhlu stated that the Lungiso High School has been successful in addressing gangsterism and should be seen as an example to assist other schools.

Cllr R Dennis stated that the ANC Councillors were expected to deal with crime challenges but were not included in the launch of the Public Safety Summit for guidance and assistance.

Cllr D Dhludhlu raised a Point Of Order and advised that Councillor Vumazonke was present at the Public Safety Summit.

Cllr P Oliphant stated that the Executive Mayor be proactive in addressing challenges even though no IGR took place. The Lungiso community has set an example by enforcing law and order in the respective area which was done amicably.

The Speaker handed over to the Executive Mayor to respond to questions.

The Executive Mayor stated that the process of developing the Public Safety Plan had been very consultative. There was always an open invitation to the ANC to be involved in the strategy development. He would not take responsibility for a party that was ill-disciplined.

Cllr P Oliphant raised a point of order and asked that the Executive Mayor withdraw his statement about the ANC.

The Speaker requested that the Executive Mayor withdraw his statement.

The Executive Mayor withdrew his statement and stated that the ANC had not appeared for the budget workshop as well.

11. **REPORT BACK: MUNIMEC**

None

12. **DECLARATION OF INTEREST**

None

13. **MOTION**

Motion of No Confidence In The Executive Mayor

Cllr M Dayimani stated that the Notice of Motion was submitted in terms of Rule 29 of the Standing Rules of Order which was compliant but due to the nature of the Motion he requested that the voting procedures be done by secret ballot. He expressed his concern regarding the online voting procedure and creditability of the software which first needs to be reviewed in order to protect Councillors from undue exposure. Cllr M Dayimani advised that the Motion be withdrawn until clarity is obtained in respect of the processes in respect of a secret ballot.

The Speaker advised that the request to vote in confidence was received by Cllr M Dayimani before the commencement of the Council meeting and he explained that the online polling system can be used which will only show the total of votes cast and percentage of votes. The Speaker further advised that voters will not be exposed by using this polling system. He nevertheless stated that the withdrawal of Motion of No Confidence is accepted until further submission.

Cllr P Oliphant stated that the withdrawal of the Motion is supported until clarity is obtained on other options on-line secret ballots options.

He further requested that the Speaker consider calling for a contact Council meeting at which time the Motion will be resubmitted.

The Speaker undertook to discuss the matter with the Municipal Manager in terms of prescribed regulations and will advise accordingly on the outcome and way forward.

Resolved (26 February 2021)

1. That it be noted that the Motion of No Confidence be withdrawn.

Proposed: M Dayimani

Seconded: P Oliphant

Cllr D Benson referred to Rule 30 of the Standing Rules of Order which reads as follows: -

“30. Motion of exigency

30.1 A member may direct the attention of Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving ‘that the motion to which attention has been directed be considered forthwith as a matter of exigency’.

30.2 Such motion is herein referred to as a motion of exigency.

30.3 If such motion is seconded and carried by a majority of the members present, the mover shall be permitted, without notice, to bring the matter under consideration by way of motion or question.

Cllr D Benson stated that in terms of the Standing Rules of Order, Rule 30 directs Council's attention to the matter of Cllr E Februarie who had appeared before a Court of Law.

Motion of Exigency

A Motion of Exigency was tabled by Cllr D Benson for acceptance.

Proposed: D Benson

Seconded: R Jantjies

The Speaker advised that in terms of Rule 30 of the Standing Rules of Order the submission of a Motion of Exigency may be tabled as a matter of urgency which needs to be seconded and for acceptance by the full majority of Council required a voting procedure.

Cllr P Oliphant requested a 5 min caucus break at 11:57 and returned at 12:02

Cllr P Oliphant advised that the ANC Component will reserve input when the content of the Motion is discussed but are in agreement that the Motion of Exigency be tabled in terms of Rule 30 of the Standing Rules of Order. He further stated that the matter involving Cllr E Februarie was already in the public domain and indicated that the ANC Component was of the view that the Motion of Exigency was regarded as a reactionary submission that should have followed due procedures.

Resolved (26 February 2021)

1. That it be confirmed that the full majority of Council unanimously agreed that the Motion of Exigency be tabled and accepted.

Cllr D Benson submitted the Motion of Exigency and requested the Office of the Speaker to communicate with the Eastern Cape MEC for Cooperate Governance & Traditional Affairs (COGTA), to obtain a written directive regarding the way forward in respect of an ANC Councillor stepping aside.

Proposed: D Benson

Seconded: R Jantjies

Cllr M Dayimani requested clarity on the content of the motion.

Content Of Motion

Cllr D Benson referred to a media statement which involved Cllr E Februarie who had appeared in a Court of Law. The Speaker is being requested to communicate with the Office of the MEC to obtain clarity and give direction and guidance in respect of Cllr E Februarie's situation as a Kouga Councillor as well as a Ward Councillor, as to whether he may still attend Council meetings especially when a Councillor steps aside.

Cllr M Dayimani stated that the content was unclear and stated that COGTA does not have policies on Councillors stepping aside as the stepping aside is a policy of the ANC. He further stated that the content of the motion is supported but requested that an additional point be included when communicating with the MEC:-

That COGTA investigates the possible involvement of DA Councillors and officials in the arrest of Cllr E Februarie by the Hawks which is regarded as corruption by a political party.

Cllr R Dennis stated that it is normal to have concerns regarding the matter but did not see the need to table a Motion of Exigency as clarity and guidance from the ANC Component with regards to *stepping aside* of a Councillor could be provided. He further stated that only the ANC may prevent Cllr E Februarie from engaging in organizational activities in his Ward.

The Executive Mayor stated that the Standing Rules of Order does not address the *stepping aside* issue but only leave of absence, therefore *stepping aside* is not regarded as leave of absence. He further stated that the media reported that Cllr E Februarie handed himself over to the Hawks and was not arrested publicly. Furthermore, the proposal by Cllr M Dayimani was not seconded and therefore the addition to the Motion is not recognized.

Cllr M Dayimani raised a Point of Order on the following:-

1. The statement made by the Executive Mayor that Cllr E Februarie handed himself over to the Hawks is incorrect;
2. The additional proposal to the Motion is still under discussion;
3. The investigation needs to be undertaken resulting in exposure of Councillors involvement in unlawful activities;

Cllr B Dhludhlu stated that the Motion of Exigency follows a charge of corruption which is serious and such Councillor should be suspended and removed from Council.

Cllr R Dennis raised a Point of Order in that Cllr E Februarie had not been found guilty of any offence and requested that Cllr B Dhludhlu withdraw the statement made.

The Speaker mentioned that only facts are being stated and agreed that Cllr E Februarie has at this stage not been found guilty.

The Executive Mayor raised a Point of Order in respect of the untruthful statement made by Cllr R Dennis as Cllr E Februarie had been found guilty by an internal investigation at the disciplinary hearing.

Disruption observed.

The Speaker stated that the Points of Order are unprocedural in terms of the Standing Rules of Order and are based on opinions, therefore the Motion of Exigency is not for discussion as there was a request for the Speakers office to communicate with the Office of the MEC for direction regarding Cllr E Februarie's continued role as a Councillor.

Cllr W Gertenbach stated that Cllr E Februarie had been found guilty based on the findings of the internal investigation and disciplinary hearing, as well as evidence submitted by MPAC.

Disruption observed – The Speaker silenced/muted the audio of all Councillors.

Cllr M Dayimani reiterated that the *stepping aside* of a Councillor is a policy of the ANC and requested that an additional point to the Motion of Exigency be included when communicating with the MEC: -

In addition to Motion of Exigency

That COGTA investigates the possible involvement of DA Councillors and officials in the arrest of Cllr E Februarie by the Hawks which is regarded as corruption by a political party that promotes non-corruption.

Proposed: M Dayimani

Seconded: P Oliphant

Cllr M Dayimani stated that Cllr W Gertenbach was out of order in stating that Cllr E Februarie had been found guilty. Regardless of internal processes followed, such information has not been made available as proof of evidence.

Cllr M Dayimani again disrespected Cllr B Dhludhlu and was ruled out of order by the Speaker who requested Cllr M Dayimani to withdraw the statement. Cllr M Dayimani did not withdraw the statement.

The Speaker stated disrespect shown and made by Councillors on the media platform will not be tolerated and will therefore be dealt with internally following disciplinary procedures against those Councillors.

Content of Motion of Exigency

“That the Office of the Speaker communicate with the Eastern Cape MEC for Cooperate Governance & Traditional Affairs (COGTA) to obtain a written directive regarding the way forward in respect Cllr E Februarie’s situation as a Kouga Councillor as well as a Ward Councillor and whether he may still attend Council meetings especially on the stepping aside of a Councillor.”

Voting procedures followed: -

Cllr H Hendricks	In favour
Cllr C August	In favour
Cllr F Baxter	In favour
Cllr D Benson	In favour
Cllr M Biko	In favour
Cllr F Campher	In favour
Cllr W Coenraad	In favour
Cllr B Dhludhlu	In favour
Cllr W Gertenbach	In favour
Cllr T Jantjes	In favour
Cllr R Jantjes	In favour
Cllr B Rheeder	In favour
Cllr M van Niekerk	In favour

Cllr L Vorster	In favour
Cllr B Williams	In favour
Cllr J Alexander	In favour
Cllr H Bornman	In favour
Cllr M Dayimani	Not in favour
Cllr R Dennis	Not in favour
Cllr C Makasi	Not in favour
Cllr Z Mayoni	Not in favour
Cllr P Nkwalase	Not in favour
Cllr C Matroos	Not in favour
Cllr P Oliphant	Not in favour
Cllr M Peters	Not in favour
Cllr S Jujwana	Not in favour

In favour of the recommendation with amendment	=	17
Not in favour of the recommendation with amendment	=	9

That it be noted that Cllr A Mabukane, was not present at the time of voting.

The Speaker sought clarity from Cllr M Dayimani in that all Councillors were in agreement in accepting the submission of the Motion of Exigency and yet the ANC Component had voted against the Motion and therefore questioned whether this was procedurally correct.

Cllr M Dayimani stated that the ANC Component was in agreement with the submission of the Motion of Exigency but requested that an additional point of enquiry be included when communicating with the Office of the MEC.

Cllr D Benson requested a 5 min caucus which was granted. The caucus returned at 12:55.

The Speaker advised that consultation with Legal Services took place in respect of the procedural correctness of the additional proposal to the Motion of Exigency and was advised that the addition to the Motion of Exigency is to be submitted as a separate Motion as it does not form part of the Motion under discussion. Cllr M Dayimani opted to submit a separate Motion of Exigency to The Office of the MEC (COGTA).

Resolved (26 February 2021)

1. That it be noted that the Motion of No Confidence be withdrawn.
2. That by Council's full majority, it is agreed that the Motion of Exigency be tabled and accepted.
3. That the Office of the Speaker communicate with the Eastern Cape MEC for Cooperate Governance & Traditional Affairs (COGTA), to obtain a written directive on the way forward in respect of Cllr E Februarie's situation as a Kouga Councillor as well as a Ward Councillor and whether he may still attend Council meetings or step aside as a Councillor.

Proposed: D Benson

Seconded: R Jantjies

14. **STATUTORY MATTERS**

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

15.1 Minutes of the Mayoral Committee Meeting held on 27 November 2020 were noted.

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

16.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 DECEMBER 2020**

Resolved (26 February 2021)

1. That the minutes of the Ordinary Council meeting held on 11 December 2020 be accepted.

Proposed: B Williams

Seconded: B Rheeder

16.2 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 7 JANUARY 2021**

Resolved (26 February 2021)

1. That the minutes of the Special Council meeting held on 7 January 2021 be accepted.

Proposed: T Jantjes

Seconded: C August

16.3 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 28 JANUARY 2021**

Resolved (26 February 2021)

1. That the minutes of the Ordinary Council meeting held on 28 January 2021 be accepted.

Proposed: R Jantjies

Seconded: M van Niekerk

17. **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).

18. **REPORTS OF COMMITTEES OF COUNCIL**

None

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

21/02/MM1 COUNCIL RESOLUTIONS FOR 28 JANUARY 2021

Resolved (26 February 2021)

1. That the updated Action Sheets reflecting resolutions of the Ordinary Council meeting for 28 January 2021 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.

21/02/MM4 CIRCULAR NO. 12 OF 2020: DEVELOPMENT OF THE REVISED IDP GUIDELINES FOR MUNICIPALITIES

Resolved (26 February 2021)

1. That the content of Circular 11 of 2020 which outlines the revised IDP Guidelines for Municipalities be noted and actioned.
2. That the IDP section develops a comprehensive roll-out plan to be submitted to the Executive Mayor and Municipal Manager within 7 days.

Proposed: B Williams

Seconded: W Gertenbach

21/02/MM6 REPORT ON THE PROGRESS OF THE WARD DEVELOPMENT FUND AS AT 31 JANUARY 2021

Cllr R Dennis stated that not all projects were reflected in the report. Although priority projects were submitted, Ward Councillors had not spent the allocated funding and therefore urged further engagement as some projects reflected no movement or limited progress.

Cllr R Dennis further stated that there was interference from the Office of the Speaker in respect of Ward-based projects especially in the ANC Wards which had been identified by the respective Ward Committees.

The Speaker advised that his role was to approve all Ward priorities in line with the Ward Development Policy and available fund allocations. He further advised that the concerns raised by Cllr R Dennis will be followed-up with the respective official.

Cllr S Jujwana stated that Supply Chain processes are delayed and resulted in under expenditure on projects for the current financial year. He further requested that available funds per Ward be forwarded to each Ward Councillor as well as funds envisaged for roll-overs.

The Speaker stated that Ward Councillors are to become more involved in the projects and take the lead.

Resolved (26 February 2021)

1. That the report on the Progress of the Ward Development Fund be noted.

21/02/MM8 MID-YEAR INSTITUTIONAL PERFORMANCE REPORT: 2020/21 FINANCIAL YEAR: PERIOD 1 JULY 2020 TO 31 DECEMBER 2020

Resolved (26 February 2021)

1. That the content of the Mid-year Institutional Performance Report on the implementation of the 2020/21 Service Delivery and Budget Implementation for the period 1 July 2020 to 31 December 2020 be noted.
2. That all areas of underperformance be discussed at the level of Portfolio Committees to determine corrective action to ensure that the required targets are achieved by the end of the financial year.

21/02/MM9 APPROVAL OF TERMS OF REFERENCE FOR THE KOUGA MUNICIPALITY FINANCIAL MISCONDUCT DISCIPLINARY BOARD

Resolved (26 February 2021)

1. That Council approves the Terms of Reference for the Kouga Municipality Financial Misconduct Disciplinary Board.
2. That reporting procedures for persons to report allegations of financial misconduct and financial offenses on a confidential basis, be established.
3. That the reporting procedures be made public in accordance with Section 21(1)(a) and (b) of the Municipal Systems Act.

21/02/MM10 PRIVATE PROJECT FUNDING AGREEMENT PROPOSAL: IDIS CONSULTING & DEVELOPMENT

Ms Benita Vermeulen (IDIS) presented the Private Development Funding Programme (PDFP) – *complete presentation attached.*

Purpose of the PDFP

To unlock Foreign Direct Investment (FDI) for South Africa.

To FDI projects will: -

- Stimulate economic growth and job creation.
- Result in the delivery of social, economic, and physical infrastructure to communities.
- To mobilize the private sector to assist Municipalities to achieve their social and economic development goals and objectives.
- To unlock funding for large-scale development projects that will result in long-term stability for Municipalities.

What is new about the PDFP

It is a new instrument that Municipalities can use to unlock funding for Municipal projects. The PDFP is designed around agreements that IDIS has reached with international funders and was designed to work in the South African legal environment.

- It is now available to Municipalities in South Africa.
- The levels of funding on offer are significant.
- It leverages the existing assets of a municipality to unlock funding.
- It is not a loan instrument – there are no loans to be repaid by Municipalities.
- The PDFP is ready for roll-out in South Africa.

How does it work

- IDIS and a Municipality identify and agree on the projects that will be funded.
- IDIS and the Municipality conclude a Project Funding Agreement (PFA).
- IDIS unlocks FDI and receives funding in South Africa for the agreed projects.
- IDIS and the Municipality proceed through the prescribed procurement processes on a project by project basis.
- IDIS procures, funds and appoints private service providers, experts and developers to roll-out the agreed projects.
- Completed projects are transferred onto the asset register of a municipality as determined in a BOOTT, PPP or other agreements concluded during the procurement process.
- All Infrastructure developed to be transferred at no cost.

Funding that IDIS would unlock

R 2 billion of asset value would unlock an R10 billion investment. No change of ownership or transfer of assets to IDIS or the Fiduciary Manager. Only the value of assets needed to be pledged in return for funding and implementation of projects.

After the presentation, the Speaker asked if the ANC wanted a caucus before going ahead with the questions. The ANC welcomed this and was granted a ten-minute caucus break.

Cllr R Dennis asked whether it was a loan or a grant and asked for proof in writing that it was supported by National and Provincial government. He further questioned, who would oversee the procurement processes and if there were other municipalities where this proposal had been implemented. On section 48 MFMA and security, he stated that there was ambiguity about the Municipality not having to handover of assets as security. He questioned whether the proposal was too good to be true.

Mr Jan Barnard (IDIS) on the proposal being too good to be true, stated that IDIS had partnered with international partners which had access to international funders. These partners required IDIS to create an instrument that could deliver the money to the ground in the country and it in turn created the PDFP instrument. The money received came with rules which informed how IDIS structured deals. One of the critical rules was that funding would be given for projects where IDIS had agreed with the municipality.

On the procurement process, he stated that this began after the first agreement with the municipality on projects that would be put before funders. The funds came with the condition that IDIS accepted responsibility for the rollout and ensured that funds were not lost. It would also mobilise the private sector to assist it in delivery of the programme. IDIS was accountable for the funding therefore the selection and appointment of service providers for projects was within its domain. The procurement processes were structured according to this. To access the funding from the PDFP there first had to be an agreement on the projects by the municipality. Hereafter, the amount that could be unlocked would be determined. This was the first part of the project which did not involve risk. If IDIS failed after this then the municipality could request its pledge back.

On the distinction between the Division of Revenue Act (DORA) allocation and IDIS funds, he stated that the IDIS funds were Foreign Direct Investment. The funds would not have to be paid back and was not a loan. The funds would be translated into infrastructure that would be transferred to the municipality at no cost on the basis of a BOOT or PPP agreement. This was the real benefit of the programme. It was not a loan nor a grant that went into the municipal account. The municipality's procurement responsibilities were not being given away as the municipality would still have an influence on projects as per the agreement. If

there was an agreement to do a project together on a BOOTT or PPP basis then the processes would have to go through normal procurement processes such as the Bid Adjudication Committee.

The issue would arise when it came to payment as the funds were not in the municipal environment. There were difficulties regarding procurement that had to be resolved but IDIS was engaging with COGTA, National Treasury, and the Department of Public Works (DPW). The DPW was engaging to change the rules from PPP and working towards BOOTT and these rules would take effect during rollout. Every procurement law would have to be complied with in the municipality, but problems would be addressed through engagement with National Treasury and COGTA. Therefore, the Municipality would play a key role in the procurement process going forward. The funds did not replace normal budgetary allocations.

On the letter from National Treasury and COGTA, he stated that IDIS could not do this as it was the municipality's responsibility.

Cllr B Williams enquired whether the requirements for utilizing 30% local SMMEs and local contractors will apply to Infrastructure projects.

Mr Barnard responded that it would apply. It applied across the board. It was a programme of localisation and there would be provisions for local capacity building.

Cllr Dennis requested a response on whether there were other municipalities IDIS was working with.

Mr Barnard stated that it was a new project, but it was engaging with 40 municipalities currently. He stated that IDIS had comfort that the money was available internationally and that there were other municipalities at more advanced stages of engagement. There would be proof of concept on the table before matters were concluded. There were no costs to the municipality even if things failed.

The Speaker thanked IDIS.

Cllr M Dayimani stated that the ANC had deliberated on the matter. The project appeared promising, but the processes had to go through the normal supply chain process with competitive bidding as there were other service providers with similar models. He proposed that a division of votes be held.

Cllr B Rheeder proposed that the recommendation as on page 7 of the supplementary agenda be accepted and was seconded by Cllr Dhludhlu.

The Speaker clarified that agreeing with the recommendations did not mean that the Municipality was going ahead with the IDIS

proposal but authorising the Municipal Manager to pursue it further and do vetting.

Cllr M Dayimani stated that vetting should be done for shortlisted providers that had been through a SCM process.

Division of Vote

Cllr H Hendricks	In favour
Cllr C August	In favour
Cllr F Baxter	In favour
Cllr D Benson	In favour
Cllr M Biko	In favour
Cllr F Campher	In favour
Cllr W Coenraad	In favour
Cllr B Dhludhlu	In favour
Cllr W Gertenbach	In favour
Cllr T Jantjes	In favour
Cllr R Jantjies	In favour
Cllr B Rheeder	In favour
Cllr M van Niekerk	In favour
Cllr L Vorster	In favour
Cllr B Williams	In favour
Cllr J Alexander	In favour
Cllr H Bornman	In favour
Cllr M Dayimani	Not in favour
Cllr R Dennis	Not in favour
Cllr C Makasi	Not in favour
Cllr Z Mayoni	Not in favour
Cllr P Nkwalase	Not in favour
Cllr C Matroos	Not in favour
Cllr P Oliphant	Not in favour
Cllr M Peters	Not in favour
Cllr S Jujwana	Not in favour

In favour of the recommendation with amendment	=	17
Not in favour of the recommendation with amendment	=	9

That it be noted that Cllr A Mabukane, was not present at the time of the Division of Vote.

Resolved (26 February 2021)

1. That it be noted that the Municipality intends to pursue a Project Funding Agreement with IDIS (International Diverse Innovation Solutions (PTY) LTD).
2. That Council authorizes the Accounting Officer to engage IDIS (International Diverse Innovation Solutions (PTY) LTD) and report back to Council.
3. That Council authorizes the Accounting Officer to embark on a full vetting process into (International Diverse Innovation Solutions (PTY)

LTD) as well as the funding model proposed and which process will include discussions with National Treasury.

Proposed: B Rheeder

Seconded: B Dhludhlu

20. **REPORTS BY THE EXECUTIVE MAYOR**

20.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

21/02/F5 WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE

Cllr M Dayimani requested that the write-off of equitable share be ward-based.

The Speaker stated that this had been requested previously and that the relevant department include such in future reports in respect of write-offs.

Resolved (26 February 2021)

1. That the Equitable Share write-offs for the period December 2020, amounting to R1,099,906.18, be approved.
2. That future reports indicate the area well as the Ward for the Equitable Share-write-offs.

21/02/F17 BUDGET & TREASURY: VIREMENTS REPORT FOR THE QUARTER ENDED 31 DECEMBER 2020

Resolved (26 February 2021)

1. That report on all virements approved during the quarter ended 31 December 2020 be noted.
2. That the respective Directorates arrange a meeting with their Portfolio Councillor to engage on the virements requested by the Department.

21/02/F19 SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2020

Cllr P Oliphant stated that the report was appreciated but there were issues identified that were not included in the report. He requested an opportunity to table a submission on supply chain irregularities directly to the Speaker and Municipal Manager for investigation. The Speaker welcomed the request.

Cllr D Dhludhlu requested an additional recommendation. On Supply Chain processes and its potential for fraud, he recommended that companies were truly assessed, and company directors scrutinised to ensure total fair play.

The Speaker said that there was protocol for bidders to be vetted in the policy already.

Cllr R Dennis stated that there was no mention of the court case as he wanted to know the expenditure on this. Why were Councillors reduced to writing to the Municipal Manager? The Municipal Manager's voice had to be heard.

The Speaker stated that the Municipal Manager was welcomed to speak during the meeting.

The Municipal Manager stated that all deviations had to be submitted to Council for approval as it was audited and welcomed matters being brought to his attention.

Cllr P Oliphant stated that he had wanted to submit the matter in writing as it was of a sensitive nature.

Resolved (26 February 2021)

1. That the report be submitted to Council and that the item be noted by the committee as per the reporting requirements.
2. That names of all Item Representatives submitting items to the Bid Committee Meetings be included on all future reports.

21/02/F21 RE: LIST OF OBSOLETE EQUIPMENT (ASSETS) THAT WERE IDENTIFIED FOR AUCTION

Cllr B Williams on obsolete assets, stated that the administrative process had been completed but the date for the auction still had to be set. The CFO had indicated that it would be on the 30th of April.

Cllr B Dhludhlu recommended that the policy for the disposal of assets be revised and workshopped regarding the disposal of assets where staff were concerned.

The Speaker stated that he would drive the matter from a policy point of view.

Resolved (26 February 2021)

1. That the report on the list of condemned/redundant equipment (assets) identified for auction be noted.
2. That the condemned/redundant equipment be disposed of, in terms of the Supply Chain Management Policy.
3. That the list of condemned/redundant equipment be removed from the Fixed Asset Register.

4. That a date for the intended public auction be determined following the required SCM procedures.
5. That the Disposal of Obsolete Equipment (Assets) Policy be reviewed at a Policy Workshop.

21/02/F22 2020/21 ADJUSTMENTS BUDGET

Cllr B Williams stated that due to time constraints he would not rehash what the Executive Mayor had stated. He tabled the budget for approval.

Cllr M Dayimani stated that the ANC was not obligated to attend workshops. The ANC did not support a budget that did not speak to the plight of the poor and vehemently opposed the budget.

Cllr S Jujwana stated that the poorest of the poor were not considered in the budget. He stated that the ANC and DA Chief Whips had to meet and discuss the budget.

Cllr M Dayimani requested clarity on the change in amounts for the sewerage line project for Hankey which changed from R6 million to R12 million. He was concerned as there were three months of the current financial year left, but the budget had not been spent due to a "go slow" as collection rates were anticipated to decrease. Had procurement plans been submitted to the Executive Mayor to indicate that the budget would be spent on time? If there were, these had to be made available to Council. He requested that the Municipal Manager provide clarity on the possible loss of R10.2 million due to penalisation related to a MIG funding related issue. He added that the budget could not be supported as it was.

The Municipal Manager stated that the initial budget had been conservative as there was uncertainty about the effects of Covid-19. On the procurement plan, he stated that increases were part of the budget implementation plan as well as procurement plan. Items that had to go through a new tender process were not included and it had made sure that the additional funding could be spent in the current financial year. The procurement plan would be submitted to the Executive Mayor in a few days, but it could be sent to Council as well.

On MIG expenditure, he stated that it was a historical matter where the disaster project tenders amounted to a lower amount than expected and the remainder had to be returned. Small amounts of the MIG expenditure had been lost due to Supply Chain and tender related matters.

The ANC was not in support of the recommendation to approve the Adjustments Budget and therefore called for a Division of Vote:-

Cllr H Hendricks	In favour
Cllr C August	In favour
Cllr F Baxter	In favour
Cllr D Benson	In favour
Cllr M Biko	In favour
Cllr F Campher	In favour
Cllr W Coenraad	In favour
Cllr B Dhludhlu	In favour
Cllr W Gertenbach	In favour
Cllr T Jantjes	In favour
Cllr R Jantjies	In favour
Cllr B Rheeder	In favour
Cllr M van Niekerk	In favour
Cllr L Vorster	In favour
Cllr B Williams	In favour
Cllr J Alexander	In favour
Cllr H Bornman	In favour
Cllr M Dayimani	Not in favour
Cllr R Dennis	Not in favour
Cllr C Makasi	Not in favour
Cllr Z Mayoni	Not in favour
Cllr P Nkwalase	Not in favour
Cllr C Matroos	Not in favour
Cllr P Oliphant	Not in favour
Cllr M Peters	Not in favour
Cllr S Jujwana	Not in favour

In favour of the recommendation = 17

Not in favour of the recommendation= 9

That it be noted that Cllr A Mabukane was not present at the time of the Division of Vote.

Resolved (26 February 2021)

1. The Executive Mayor recommends that the Council, by a 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, approves the 2020/21 Adjustments Budget as set out in the following tables:

- Table B1 Adjustments Budget Summary;
- Table B2 Adjustments Budget Financial Performance (revenue and expenditure by standard classification);
- Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote);
- Table B4 Adjustments Financial Performance (revenue and expenditure by type);

- Table B5 Adjustments Budget Capital Expenditure by vote and standard classification and funding source;
- Table B6 Adjustments Budget Financial Position;
- Table B7 Adjustments Budget Cash Flows;
- Table B8 Cash backed reserves/accumulated surplus reconciliation;
- Table B9 Asset Management; and
- Table B10 Basic service delivery measurement.

20.2 **REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES**

21/02/CORP3 **MONTHLY REPORT FOR THE CORPORATE SERVICES DIRECTORATE: ADMINISTRATION SECTION AS AT END DECEMBER 2020**

Cllr T Jantjes tabled the item.

Cllr S Jujwana stated that the relevant department needs to engage with Ward Councillors when the office is renovated as not all upgrading at Ward Offices is attended to.

Cllr D Dhludhlu commended the Directorate: Community Services in respect of infrastructure and upgrading of facilities.

Cllr F Campher stated that his renovated office was not wheelchair accessible and called for better accessibility.

Cllr T Jantjes in response to Cllr F Campher responded that the point was noted and was in development. Feedback would be provided on the matter.

Resolved (26 February 2021)

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

21/02/CORP5 **OHS RISK ASSESSMENT**

Resolved (26 February 2021)

1. That the report be noted.
2. That all outstanding High-Risk areas be prioritized for immediate remedial action.

20.3 REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING

21/02/I&E3 PROGRESS REPORT ON THE ROAD RESEALING PROGRAM FOR 2020/2021 FINANCIAL YEAR

Cllr W Gertenbach stated that the table on page 432 was incorrect as some projects had already been completed.

Cllr M Dayimani stated that a report regarding the investigation of the Director: Infrastructure was to have been made available. He requested an update on the matter.

The Executive Mayor stated that the investigation report had been completed but the Director: Infrastructure & Engineering had opted to resign and accepted a confidential settlement agreement. He further stated that other incumbents had also been revealed in the investigation report and were currently under investigation.

Cllr P Oliphant mentioned that since the Director: Infrastructure & Engineering had accepted a settlement agreement, the matter should no longer be regarded as confidential.

Cllr W Gertenbach raised a point of relevance as the Director: Infrastructure & Engineering is not under discussion.

The Speaker advised that the matter is not for discussion and that the correct process is to be followed in addressing a confidential settlement agreement.

Cllr M Peters expressed gratitude for the work done in respect of the resealing of roads in her Ward and requested that the process of constructing 2-speed bumps be expedited.

Cllr R Dennis enquired whether the same company who had done the resealing of Woltemade street was appointed for the resealing of roads program. The Speaker advised that it was not the same service provider.

Resolved (26 February 2021)

1. That the report be accepted.

21/02/I&E5 KOUGA MUNICIPALITY ELECTRICITY: RENEWABLE ENERGY GENERATION APPLICATION TO THE MINISTER OF MINERAL & ENERGY RESOURCES

Cllr W Gertenbach stated that the amended Electricity Regulations allows electricity to be purchased from Independent Power Producers, but permission had to be granted by the Minister first. There were three prerequisites to this, which were that it had to appear in the municipality's IDP, the municipality must be in good standing with Eskom and the municipality must be financially sound. If it was not included in the IDP, there had to be a Council decision that granted permission to write the Minister.

Cllr R Dennis asked if it not appearing in the IDP meant that the IDP processes would have to be followed to enter it.

Cllr W Gertenbach responded that the Minister could be written to whether it was in the IDP or not, but the intention was to include it in the IDP.

Cllr D Dhludhlu proposed that the recommendation be supported.

Cllr P Oliphant stated that the matter required more than a resolution for its support as there were multiple other processes such as feasibility studies and environmental impact assessments studies that had to commence. He asked if there would be a roadmap that had to be followed regarding processes that had to be followed.

He requested clarity on small-scale embedded energy and whether the same process be embarked upon apart from the renewable energy.

Cllr W Gertenbach responded that the initial road map Cllr P Oliphant had referred to could not be followed until there was a go ahead from the Minister. Once approval had been granted by the Minister a rollout plan could be created. The current priority was to get the go ahead from the Minister and thereafter have it included in the IDP.

Resolved (26 February 2021)

1. That the request to the Minister of Minerals & Energy to grant Kouga Municipality permission, to procure its Renewable Energy Plant through a request for proposals on the needs for the organization be approved.
2. That the process of the letter being drafted be accepted.

Proposed: W Gertenbach

Seconded: B Dhludhlu

21/02/I&E6 REPORT: 200 ELECTRIFICATION PROJECT: PROGRESS AND SPENDING UP TO DATE

Cllr W Gertenbach stated that R5.2 million had been received from the Department of Energy but only R3 million had been received thus far and good progress on the electrification project has been made.

Resolved (26 February 2021)

1. That the report on the Kruisfontein 200 electrification project be noted.

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

21/02/CS9 BLUE FLAG STATUS AWARD – 2020/2021 SEASON

Cllr D Benson stated that the item was for noting.

Resolved (26 February 2021)

1. That the achievement of the Blue flag Status/award for 2020/21 season be noted.
2. That a successful and compliant Blue Flag Beach status be maintained throughout the Blue Flag season.

21/02/CS11 PROGRESS REPORT ON REPAIRS AND MAINTENANCE ON KOUGA FACILITIES

Resolved (26 February 2021)

1. That the progress on repairs and maintenance/upgrades completed from October 2020 till December 2020 on all Kouga facilities be noted.

21/02/CS16 REPORT ON THE OYSTER BAY FIRE THAT OCCURRED FROM 07 JANUARY TO 10 JANUARY 2021

Cllr R Dennis enquired about the financial implications incurred for the spotter plane used during the fire at Oyster Bay.

The Municipal Manager advised that all he did not have the information at hand but will obtain such and submit a full report to Council.

The Manager: Waste Management advised that the going rate was charged but she undertook to investigate whether there were lower rates.

Alderman B Rheeder advised that a helicopter, as well as a spotter plane, were used and due to long hours, aircrew were rotated which affected the total costs.

Cllr D Benson mentioned that the Sarah Baartman District Municipality had indicated that they would contribute to the total costs incurred which would relieve the financial burden placed on Kouga Municipality.

Resolved (26 February 2021)

1. That the report on the Oyster Bay fire that occurred from 7 January 2021 to 10 January 2021, be noted.

21/02/PD1 REVISION OF DRAFT INTEGRATED LAND USE SCHEME: PROGRESS REPORT

Cllr B Rheeder advised that the item addressed the review and progress report on the draft Integrated Land Use Scheme (ILUS) but was for noting purposes as item 21/02/PD10 on the agenda addressed the final ILUS for approval.

Resolved (26 February 2021)

1. That the progress report on the revision of the Draft Integrated Land Use Scheme for Kouga Municipality be noted.

21/02/PD2 PROGRESS REPORT: ALIENATION OF 98 WET ERVEN: KRUISFONTEIN

Cllr R Dennis proposed that Council consider either transferring the said erven to the relevant persons free of charge, or alternately at a flat rate of R10 for transfer fees be charged.

Cllr B Rheeder stated that should Council consider a fixed transfer fee for the said erven; this would require that the previous Council resolution must be rescinded.

The Speaker noted the proposal. Cllr R Dennis asked for a seconder for his proposal. The Speaker clarified that the proposal was not formal as it could cause a change to a Council decision.

Cllr P Oliphant supported Cllr R Dennis's proposal and requested that the previous resolution be rescinded.

Cllr R Dennis requested that consideration be given to the plight of the poor in respect of transfer costs for the erven purchased.

The Speaker advised that transfer fees were to be charged as it was a Council decision but a formal request to rescind the previous Council resolution may be submitted in writing for consideration.

Resolved (26 February 2021)

1. That the progress report on the alienation of the 98 wet erven in Kruisfontein be noted.
2. That authorization be granted to the Accounting Officer to appoint transferring conveyances and conclude Offer to Purchase agreements as the Grantor on behalf of the Municipality.
3. That it be noted that all monies generated from the proceeds of the sold erven be ringfenced for infrastructure projects.

21/02/PD4 MONTHLY PROGRESS REPORT ON HUMAN SETTLEMENTS GRANT FUNDED PIPELINE PROJECTS

Resolved (26 February 2021)

1. That the report on the Human Settlements Grant Funded Projects be noted.

21/02/PD5 LAND AND PROPERTY: PROGRESS REPORT: QUARTER 2: OCTOBER TO DECEMBER 2021

Resolved (26 February 2021)

1. That the content in the Land and Properties progress report be noted.

21/02/PD8 REVIEW OF THE 2015 KOUGA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK: PROGRESS REPORT

Resolved (26 February 2021)

1. That the progress made on the review of the Spatial Development Framework be noted.

21/02/PD9 STATUS REPORT ON THE CONSTRUCTION OF TEMPORARY HOUSES AND RELOCATION OF BENEFICIARIES

The Speaker advised that Eskom was on-site and electricity was being installed.

Cllr M Dayimani stated that it was unfair to give preferential treatment to certain communities in Stofwolk as communities in the informal settlements namely in Ward 14 & 15 relocated at their own expense and therefore requested that they be compensated.

Resolved (26 February 2021)

1. That the progress report on the Stofwolk housing & electrification project be noted.

21/02/PD10 APPROVAL AND ADOPTION OF THE KOUGA INTEGRATED LAND USE SCHEME IN TERMS OF SECTION (24) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

Cllr D Dhludhlu commended the Municipality as being one of the municipalities reaching the final process in tabling the Kouga SPLUMA for approval and adoption and requested that Council's resolution be forwarded to the Sarah Baartman District Municipality.

Cllr R Dennis stated that the Kouga SPLUMA needs to also address disadvantaged areas.

Alderman B Rheeder advised that all areas and communities were taken into consideration when the Kouga SPLUMA was drafted.

Cllr R Dennis suggested that there be a workshop on Kouga's spatial planning be added to the recommendations.

The Speaker stated that public participation processes were duly followed when drafting Kouga SPLUMA.

Resolved (26 February 2021)

1. That in terms of section 24 (1) of the Spatial Planning & Land Use Management Act, 2013 (Act No. 16 of 2013), Council approved and adopted the Integrated Land Use Scheme for Kouga.
2. That the Integrated Land Use Scheme (ILUS) be published on the Municipal Website, Kouga Express, as well as Provincial Gazette.
3. That, in terms of Section 27(3) of the Spatial Planning & Land Use Management Act, 2013 (Act No. 16 of 2013) the Integrated Land Use Scheme be submitted to the Premier for monitoring purposes.
4. That Section 27 (1) of SPLUMA, that the municipality may review its ILUS in-order to achieve consistency with the Municipal SDF be noted.

21/02/PD11 REVIEW OF THE 2015 KOUGA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK: ADOPTION

Resolved (26 February 2021)

1. That the Draft Spatial Development Framework for Kouga Municipality be adopted.
2. That the approved Spatial Development Framework be published on the Municipal Website, Kouga Express, as well as Provincial Gazette.
3. That a copy of the Kouga Spatial Development Framework be submitted to the Member of the Executive Council (MEC) in accordance with Section 8 of the Spatial Planning & Land Use Management By-law: Kouga Municipality, 2016.
4. That the next review of the approved Spatial Development Framework be in line with the Municipal Systems Act, Act 32 of 2000.

21/02/PD12 LAND SWAP: A PORTION OF ERF 6650 IN FAVOUR OF ERF 6649, JEFFREYS BAY: MR. S. STANLEY

Resolved (26 February 2021)

1. That in-principle approval for swapping a portion of erf 6650 equivalent to the land lost in respect of erf 6649, due to the encroachment of the turning circle of Salamander Street be granted.

2. That authorization to advertise the intended swap of the immovable property herein be granted.
3. That that the land is not needed to provide the minimum level of basic municipal services be confirmed.
4. That a 2.0m building line being observed along the western lateral boundary for possible future services.
5. That a 2.0m building line being observed along the eastern lateral boundary for access to the existing water main passing through the erf.
6. That the sub-division and consolidation processes of the land be concluded.

21/02/PD13 DISPOSAL AND CLOSURE OF LONG STREET, BOKMAKIERIE STREET, PORTION OF BLOUBOK STREET AND PORTION OF HERON STREET – PUBLIC ROADS IN THE INDUSTRIAL AREA HUMANSDORP

Alderman B Rheeder stated that Woodlands Diary had purchased the public roads and were no longer used for public transport purposes and therefore the application for closure of the said public roads.

Resolved (26 February 2021)

1. That an in-principle approval for the alienation and closure of erf 763 and a portion of erf 2077 Humansdorp by way of an Out-of-Hand process as the applicant will own all the adjoining erven be granted.
2. That the alienation be subject to the outcome of the application for formal closure of Long Street, a portion of Bloubok Street, Bokmakierie Street, and a portion of Heron Street.
3. That the Accounting Officer be authorized to advertise Council's intention to alienate the immovable property erf 763 and a portion of erf 2077 Humansdorp to the applicant.
4. That Council confirms that it has considered the fair market value and accepts the valuation of the immovable property herein, as follows:

PROPERTY DESCRIPTION	VALUATION
Long Street	R210 000.00
Pnt of Bloubok Street	R180 000.00
Bokmakierie Street	
Pnt of Heron Street	

5. That Council confirms that immovable property erf 763 and a portion of erf 2077 Humansdorp is not needed to provide the minimum level of basic municipal services.

6. That the 100mm diameter water pipeline which transverses erf 2078 and Bloubok Street be rerouted along Felix Street.
7. That a 6.0m servitude be observed along Bloubok Street to accommodate the 315mm diameter water pipeline in favor of Kouga Municipality.
8. That the overhead electrical line that transverses erf 2079 and along Bloubok Street be relocated to erf 1 that is to the north-boundary of erf 2079.
9. That the applicant be responsible for the cost associated with the closure of public roads and transfer of property.

21/02/PD14 ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND: ERF 5812 JEFFREYS BAY

Cllr B Rheeder introduced the item.

Cllr W Gertenbach enquired on what would happen to the lease at the end of 25 years and if this information included in the contract. Had rezoning requirements been considered?

Cllr B Rheeder stated that due processes would have to be followed but the application was for Right of Use of erf 5812.

The Director Planning, Development and Tourism stated that it was an ongoing process. On what would happen at the end of the 25-year lease, she stated that the hope was that the project would be sustainable.

She stated that the site development plan had not been submitted but the organisation had indicated that it needed about one hectare of land to develop the facility. Therefore, there would be a need for a public participation process and the public-open space would have to be closed as well. The necessary relevant environmental studies would be completed, and this would be included with Land Use Applications.

Cllr R Dennis asked for clarity on the exact nature of the centre and who would be able to access it. He urged that there be caution when making land available.

The Executive Mayor stated that he fully supported the project and the initial assessment indicated that there was a need for centre.

Resolution (26 February 2021)

1. That in-principle approval rights to use, control or manage a Municipality owned immovable asset erf 5812, Jeffreys Bay to Centre of Grace Foundation for a period of 25 (twenty-five) years be granted.

2. That the land is not needed to provide the minimum level of basic municipal services be confirmed.
3. That the approval of the right to use, control, or manage a Municipality owned immovable asset erf 5812, Jeffreys Bay be subject to the said property being closed as a public place and rezoned to the appropriate zoning.
4. That the Accounting Officer be authorized to enter into a long-term consent use lease of erf 5812, Jeffreys Bay to Centre of Grace Foundation as a Non-Profit Organization to establish an Autism Centre.

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

21/02/LED&T3 GRANT IN AID APPLICATIONS FOR 2020/2021 FINANCIAL YEAR

Cllr F Baxter stated that the notice was published during 2020 and the closing date was on 31 August 2020. Only three applications had been received.

Resolved (26 February 2021)

1. That the grant-in-aid allocations be approved as follows:

Ukey No: 20200711024677

Humansdorp Museum Association: R 100 000.00

U-key No: 20200711023699

St Francis Bay Animal Rescue: R 80 000.00

U-key No: 20200711024679

NSRI: 261 000.00

21. **CLOSURE**

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

The meeting closed at 15:30



H BORNMAN
SPEAKER

07 June 2021
DATE