

<b>MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON FRIDAY, 30 JULY 2021 AT 10:05</b>
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**PRESENT: Councillors**

H Bornman	(Speaker)
H Hendricks	(Executive Mayor)
B Williams	
F Campher	
D Benson	
B Rheeder	
F Baxter	
B Dhludhlu	
L Vorster	
R Jantjies	
T Jantjies	
W Gertenbach	
C August	
M Biko	
M van Niekerk	
W Coenraad	
J Alexander	
S Jujwana	
S Makasi	
M Peters	
P Oliphant	
Z Mayoni	
P Nkwalase	
C Matroos	
R Dennis	
A Mabukane	
V Vumazonke	

**Officials &  
Municipal Manager**

C du Plessis	(Municipal Manager)
K Moodley	(Director: Corporate Services)
F Mabusela	(Director: PDT)
E Delport	(Acting Director: I & E)
N Machelesi	(Director: Community Services)
R Lorgat	(CFO)
D De Jager	(HR Manager & Acting Deputy Municipal Manager)
E Oosthuizen	(Manager: Technical Services)
T Madatt	(Manager: Electrical)
M Penxa	(Manager: Human Settlements)
L Opperman	(Manager: Legal Services)
M Basson	(Senior Media Liaison Officer)
N Zode	(Acting Senior Committee Officer)
M Julius	(Committee Clerk)

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 August to open with a prayer. He welcomed the new incoming Acting Director: I&E Mr. Eddie Delport.

Cllr Oliphant stated that Cllr M Dayimani and Cllr Z Mayoni might be joining late. He questioned why the Speaker had not apologized for starting the meeting late.

The Speaker noted Cllr Oliphant and indicated that he was waiting for Councillors to join the meeting but was thereafter inaudible.

3. **ABSENT WITH LEAVE**

None

4. **ABSENT WITHOUT LEAVE**

Cllr M Dayimani

Cllr E Februarie

5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Benson stated that some Councillors were still trying to join the meeting and indicated he was grateful that there were no casualties among the Councillors.

Cllr Vumazonke stated that he was present and was with Cllr Matroos but had to leave the meeting due to a family emergency.

Cllr Gertenbach extended his condolences to the Manager: Technical Services on the passing of his mother. The Speaker extended his condolences as well.

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

The Speaker stated that Ward Councillors had to make a call on whether Ward Committees would convene or not. No one would be forced to do this if they felt unsafe. The Speaker's office had to be informed if Ward Committees were convening or not. If meetings were convened, the relevant documentation had to be forwarded for stipends to be paid.

For Councillors' information, he stated that he had been recently contacted about a presentation regarding taxes for outgoing Councillors. There would be further communication on the presentation from the Speaker's office.

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

The Executive Mayor stated that at the same time in the previous year the peak had begun and there was a lot of bereavement. There was also a differentiated approach as working from home came into place and many efforts had to be made to keep things running. He was inaudible thereafter.

There were predictions of a fourth wave and new variant. The Municipality had been on its knees for over a year. Day Zero was predicted to be less than two months away. The Municipality would run out of surface water and there would be complete dependence on borehole or augmented water.

These natural disasters had been the biggest socio-economic destabiliser. Despite this what had transpired during the financial year, showed a Municipality which had responded and community that was resilient. Hundreds of food parcels and social relief had been delivered.

He was particularly proud of the resealing programme as the Municipality continued to deliver services and addressing the backlog of infrastructure that it inherited in 2016.

There would be an announcement that day regarding the new programme for upgrading of gravel roads. The Municipality had been appointed as an implementing agent to install services in Hankey, Stofwolk as well.

He was proud of the Municipality's electrification programme as hundreds of houses, which never had electricity had since been electrified and its investment portfolio. There were multiple new windfarms in Kouga as well as investment into the Municipality's Cultural Centre, Country Club, and various other capital projects. There had been a successful application for R18 million in informal settlement upgrades. Housing projects were continuing exceptionally well like nothing else in the province and Ward Offices had a new lease on life. He was thereafter inaudible.

In the face of two devastating disasters, he was proud of what the Municipality had achieved. As the financial year ended it would almost be 5 years ago since the election. There had been so much turnaround since then. Looking back at the five years and what had been achieved over the past few years he was proud of the governance team and administration. It had been a privilege to be a part of the Municipality's revival from the brink of death.

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

None

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

None

11. **REPORT BACK: MUNIMEC**

None

12. **DECLARATION OF INTEREST**

None

13. **STATUTORY MATTERS**

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

Cllr Oliphant stated that a list of speakers had been submitted but the ANC took the position not to contest the Mayor's statements. He was inaudible thereafter.

The Speaker asked that Councillors be addressed according to their proper titles.

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

15.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 MAY 2021**

Cllr Dennis requested an update on the mobile toilets for Chris Hani and No R10 informal settlements mentioned in the minutes.

The Speaker responded that it was a matter arising and it could be addressed at the upcoming Portfolio meeting.

Cllr Gertenbach stated that the toilets at Kruisfontein and Thornhill had already been installed. There was a battle with the communities as the toilets had to be close to sewerage and water lines which made it difficult. The toilets were however on the way for Ocean View and No R10.

Alderman Rheeder on page 76, stated that "R30 million" had to be amended to "R 40 million".

Cllr Williams stated that the word "headed" on page 56 had to be changed to "presented".

**Resolved (30 July 2021)**

1. That the minutes of the Ordinary Council meeting held on 31 May be accepted.

Proposed: C August

Seconded: B Dhludhlu

15.2 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 29 JUNE 2021**

**Resolved (30 July 2021)**

1. That the minutes of the Special Council meeting held on 29 June 2021 be accepted.

Proposed: B Rheeder

Seconded: W Gertenbach

16. **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).*

17. **REPORTS OF COMMITTEES OF COUNCIL**

17.1 **KOUGA AUDIT COMMITTEE**

**21/07/KACC1 MINUTES OF THE KOUGA AUDIT COMMITTEE**

Cllr Dennis on the Internal Audit Report : Inventory Stores – Jeffreys Bay Caravan Park, expressed his disappointment that the same attention was not given to other resorts such as Pellsrus Caravan Park, which was in a dilapidated state. Yellow Woods and the Cultural Centre also had to receive the necessary attention. All facilities and resorts in Kouga had to receive the same attention.

The Speaker noted the Councillor but was inaudible thereafter.

Cllr Gertenbach queried the status of the Audit Committee post.

The Speaker stated that the CFO and Municipal Manager had to note the concern.

Cllr August stated that Yellow Woods had been upgraded.

The Executive Mayor noted Cllr Dennis's comments. There were challenges at Pellsrus Caravan Park. It was disingenuous to mention that attention had to be paid to other parks. Yellow Woods had received multiple upgrades and the Cultural Centre was currently under investment proposal.

The HR Manager and Acting Deputy Municipal Manager stated that the Kouga Audit Committee post had been advertised and only three out of the five applicants met the requirements.

**Resolved (30 July 2021)**

1. That the minutes of the Kouga Audit Committee be noted.

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

21/07/MM1

**COUNCIL RESOLUTIONS FOR 31 MAY 2021 AND 30 JUNE 2021**

The Speaker indicated that there were no speakers on the item.

**Resolved (30 July 2021)**

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.
2. That it be noted that all resolutions are referred to Top Management meetings for discussion whereafter outstanding reports are submitted to their respective Portfolio Committee meetings.
3. That Directorates complete the Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.

21/07/MM2

**SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 2021/22 FINANCIAL YEAR**

The Speaker indicated that there were no speakers on the item.

**Resolved (30 July 2021)**

1. That the Service Delivery and Budget Implementation Plan for the 2021/22 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 2021/22 Service Delivery and Budget Implementation Plan.

19. **REPORTS BY THE EXECUTIVE MAYOR**

19.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

21/07/F1

**MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2020 TO JUNE 2021 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 JUNE 2021 (2020/21 FINANCIAL YEAR)**

Cllr Williams introduced the item and indicated that it was the last report for the financial year.

Credit had to be given where due, considering the challenges experienced during the financial year as the Mayor had highlighted. The year began with a collection rate of 85% due to uncertainty of the impact of Covid-19 but it had moved to 90% in the adjustment budget. It was pleasing to have a 96% collection rate. In a time when other Municipalities across the country were dropping their collection rates the Kouga Municipality had not. He thanked the Revenue Department for its efforts. Capital expenditure was a challenge at 76.92%.

He welcomed the new Acting Director: I&E. He was thereafter inaudible.

On Capital Expenditure, he commended the Director and Councillor of the Community Services directorate which had spent 95% of its Capex, which was a great achievement. He was thereafter inaudible.

Repairs and maintenance expenditure was at 92%, which was pleasing as there had previously been under expenditure on the item.

Cllr Dennis on the cost coverage mentioned on page 203, stated that for 28 February 2020 cost coverage was indicated at two months but at 30 June 2021 it was 0.62 months. This was a reduced position and the collection rate had dropped. Was the Municipality really on 94%?

On expenditure by type, he stated that there had been over expenditure on "other expenditure" and queried what the exact expenditure was. There had also been over expenditure for contracted services which he was concerned about. He queried what the exact over expenditure was.

On legal advice and litigation, he queried the over expenditure and asked why there had been such a high amount of overspending.

On page 209, the 212% over expenditure was concerning. On page 212, a provision had been made for the Mayor's vehicle but there had been no expenditure. Was the vehicle with the Mayor's logo on the door not a Municipal vehicle?

On page 213, he queried why the budgeted amount of R500 000 for "New bypass Sewer Rising Main and Pump Stations Jbay" had not been spent. He stated that page 217 indicated "cash held" was R90 million but the actual figure was R53 million. Was this due to over expenditure or was there another reason?

He questioned the massive increase of R40 million in overdue debts mentioned on Page 226.

He was also concerned about the shortfall indicated on page 228. The ANC required feedback as to why the Municipality's commitments exceed its cash backed reserves.

Cllr Gertenbach stated that he had been concerned about the impact of the pandemic, drought and the strike on financial state of the Municipality. The financial statements had to be applauded considering the difficulties faced during the financial year.

The CFO on the cost coverage mentioned on page 203, stated that the reason for the change was that in the prior year Water Service Infrastructure Grant (WSIG) funds were rolled over and spent at the end of the financial year which resulted in a high creditors balance. The creditors balance had been significantly reduced. He was inaudible thereafter. It was measured differently, and Provincial Treasury had been questioned regarding the exact criteria for a funded budget as there were some concerns. It had been corrected and the best way that this could be done was to have creditors as low as possible at year end. Of the R43 million at year end, the main portion was the outstanding Eskom amount and R10 million for (inaudible) thus not much was left outstanding at year end. There was a pay-run end on the 29 of June and this was why the balance had reduced. He was thereafter inaudible.

On the over expenditure indicated on page 205, he stated that "other expenditure" indicated was directly linked to (he was inaudible) as well as Municipal Services over expenditure. Corrective measures had been put in place for Municipal Services such as trying to reduce Eskom accounts and due to these corrective processes in place for (he was inaudible thereafter). There were also specific instances that had resulted in over expenditure such as additional security and additional legal costs. When budget verification was done it was indicated that the budget would not be exceeded but reporting had to indicate the exact totals. There had technically been under expenditure but within line items there had been over expenditure.

On the Mayoral vehicle, he asked that the Mayor provide clarity.

On the sewer rising main, he stated that an award had been made and the Manager: Technical Services could confirm. He was inaudible thereafter

On debt increasing, the CFO stated that this had been a long time coming and the main reason was the increase in the debtors book in the Gamtoos Valley area. The reason for this was that there was no collection mechanism as electricity, rates and sewerage were being billed but there was a lack of payment. The Development Bank of South Africa (DBSA) had been engaged on the matter as it provided assistance on such matters. Eskom had to be engaged on whether the Municipality had to be given the electrical services infrastructure, but this required an internal discussion. Without providing electrical services in the area, the only other option that had been discussed was to slow down water which did not assist in revenue collection. The best option would be to have electrical services taken over by the Municipality so that revenue protection could be implemented.



On page 228 and the shortfall of R1.6 million, he stated that this was the status but there was R11 million which was with the lawyers which were meant to be received this year. The funds could only be recognised once the funds were in the municipal accounts. Once this had been received there would be a positive of R10 million.

The Speaker commented on rising sewer main, indicating that those are some of the capital budget projects which had unspent funds that had to be rolled over. He hoped his response provided clarity on the issues raised by Cllr Dennis.

The Executive Mayor on the Mayoral vehicle, stated that it was a vehicle for the Office of the Mayor, which was being leased. It was used for multiple purposes such as events not only by him but other MAYCOM members, his office as well as the Speaker. It could also be considered as a pool vehicle. No budget had been spent on purchasing a Mayoral vehicle but this could not continue and a Mayoral vehicle would be purchased.

On contracted services, litigation increases and over expenditure, he stated that there were three cost orders which amounted to R300 000. The South African Municipal Workers Union(SAMWU) had been served and if the funds were not paid within 12 days necessary action would be taken to recover the costs. There was a damage claim in excess of R2 million that would be served on SAMWU as well. The over expenditure was directly linked to the unlawful protest.

Cllr Dennis welcomed the responses provided. He was inaudible thereafter. On over expenditure, he queried the exact figures for security expenditure and to which company payment was made had to be disclosed.

Cllr Dhludhlu raised a point of order and stated that as per rule 33.1 a new matter could not be introduced into debate. Cllr Dennis was introducing a new matter.

The Speaker noted Cllr Dhludhlu's point and asked Cllr Dennis to not repeat himself.

Cllr Dennis stated that it was concerning that corrective measures were only being put into place after five years as the CFO had indicated, that the situation had a long time coming. More detail on over expenditure had to be provided as it had been mentioned that it was linked to security services.

Cllr Dhludhlu stated that Cllr Dennis was continuing on a point of order that had been recognised.

Cllr Dennis stated that the logo had to be taken off the Mayoral Vehicle considering that it could be used by anyone.

On increasing debt in the Gamtoos Valley, he queried how there was no system in place.

The Speaker stated that he had allowed Cllr Dennis to have a follow up and not raise new issues.

Cllr Dennis on the increasing debt in the Gamtoos Valley, queried how there was no system in place of decreasing the debt.

The Speaker stated that the CFO advised that a plan was being discussed internally about water restrictors on the Gamtoos Valley issue.

Alderman Rheeder proposed that the report be accepted.

Cllr Dennis stated that the ANC accepted the report with the concerns raised.

**Resolved (30 July 2021)**

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.

**21/07/F2 WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE**

Cllr Williams introduced the item and it was approved.

**Resolved (30 July 2021)**

1. That the Equitable Share write-offs for the period March 2021, amounting to R1,716,043.06, be approved.

**21/07/F11 MONTHLY REPORT OF ALL COUNCIL PROPERTIES LEASES AS AT 31 MARCH 2021**

Cllr Williams introduced the item for noting.

The Speaker asked if item no. 21/07/F12 could be discussed simultaneously as the speakers list were the same.

Cllr Williams tabled item no. 21/07/F11 and 21/07/F12.

Cllr Dennis queried the outstanding balance of R103 000 indicated on page 251. How was this possible and what was being done to collect the funds?

The Municipal Manager stated that there had been communication with the entity requesting that the funds be paid back urgently and if not, due processes would be followed.

Cllr Nkwalase questioned the Municipality's consistency as Oasis FM had an outstanding balance but Kouga FM had been evicted. Why was Oasis FM not evicted?

The Municipal Manager responded that there was an issue of non-payment of water and electricity accounts. Overdue payments had to be dealt with as per the contract and there would be a follow up with the radio station. If the radio station did not address it there was no other choice but to cancel the contract.

Cllr August on Erf 543 in Hankey mentioned on page 257, sought clarity on the rental status of the home as Cllr Dayimani had moved out and someone else had inhabited it thereafter but had also since moved out. How could the house have a valid lease if it was empty?

The Speaker asked that Cllr August put her request in writing to the Municipal Manager.

The Executive Mayor stated that Oasis FM had a valid lease agreement but Kouga FM did not have a valid lease agreement in the Cultural Centre. The Municipality had made numerous attempts to have a lease agreement signed but the station manager had refused.

**Resolved (30 July 2021)**

1. That the Operating Lease of Council properties as at 31 March 2021, be noted.
2. That Council note the comments on each lease.

21/07/F12

**MONTHLY REPORT OF ALL COUNCIL PROPERTIES LEASES AS AT 30 APRIL 2021**

**Resolved (30 July 2021)**

1. That the Operating Lease of Council properties as at 30 April 2021, be noted.
2. That Council note the comments on each lease.

**21/07/F18 WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE**

Cllr Williams introduced the items and it was unanimously approved.

**Resolved (30 July 2021)**

1. That the Equitable Share write-offs for the period June 2021, amounting to R2,162,507.51, be approved.

**21/07/F19 BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 JUNE 2021**

Cllr Williams introduced the item and stated that there had been a withdrawal for motor registration fees and R40 million had been transferred to investment accounts for better interest rates.

Cllr Peters stated that the item was for noting the withdrawals, but the Municipal Manager had to provide clarity on the R40 million withdrawal and what the funds would be utilised for.

The Municipal Manager stated that all investments could not be at one bank and had to be moved around to ensure protection and diversify the risk.

The CFO stated that it was a Cash flow Management strategy as transfers to a call account yielded better interest rates. Cash Flow was managed in this manner as per the investment policy.

Cllr Dennis requested clarity on the number of call accounts.

Cllr Williams responded that there were four different call accounts at four different banks to diversify the risk as indicated by the Municipal Manager.

There was a break from 11:27 – 11:36.

**Resolved (30 July 2021)**

1. That Council notes the withdrawals that were made in terms of section 11(1) (b) to (j) of the MFMA for the quarter ended 30 June 2021; and
2. That the report accordingly be submitted to the Provincial Treasury and Auditor-General as determined by section 11(4) (b) of the MFMA.

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

**21/07/CORP3 MONTHLY REPORT FOR THE CORPORATE SERVICES DIRECTORATE: ADMINISTRATION SECTION AS AT END APRIL 2021**

Cllr Jantjes introduced the item. The report included the comparative summary of all the costs, summary of cellphone claims, which was quite high, and the progress report for Ward Office upgrades.

Cllr Jujwana was opposed to the recycling of cellphones. The report did not mention the number of workers that had disciplinary hearings nor feedback regarding settlement agreements.

The ANC component wanted a response on these matters. He welcomed the decrease in over time. He further enquired the status of 46 workers settlement agreements.

The Speaker stated that the HR report was noted at Mayoral and the latest HR report would be tabled at the upcoming Portfolio Meeting and questions could be raised then.

Cllr Makasi stated that ANC Councillors' offices were not up to standard as there was no toilet or boardroom in her office. This matter had to be taken up.

The Speaker stated that Cllr Makasi had to submit her concerns in writing to himself, Cllr Jantjes and Director Moodley.

Cllr Dhludhlu urged the Municipal Manager and CFO, from an MPAC perspective, to ensure (he was inaudible) into tenders awarded to upgrade Councillors' offices. He would be doing checks and balances.

Cllr Dennis raised a point of order. He stated that recently a Mr Gysman had done an audit in ANC Ward Offices.

The Speaker indicated that it was a point of clarity and noted Cllr Dennis.

Cllr Jantjes stated that Cllr Jujwana's concerns would be addressed.

**Resolved (30 July 2021)**

1. That the monthly report for the Corporate Services Directorate: Administration Section be noted.
2. That the Speaker requests Councillors to access agendas electronically in an attempt to curb printing costs.
3. That printing at Ward Offices be exercised with caution.

## 20.3 REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING

21/07/I&E1

### RE: PROGRESS ON GRANT FUNDING (MIG, WSIG & EPWP) AS AT 24 MAY 2021

Cllr Gertenbach introduced the item and stated that a lot of progress has been made since June which would be presented at the portfolio meeting. On grant funding, there was over 60% expenditure despite some challenges.

#### **Resolved (30 July 2021)**

1. That the progress report be accepted.

21/07/I&E2

### PROGRESS REPORT ON THE ROAD RESEALING PROGRAM FOR 2020/2021 FINANCIAL YEAR

Cllr Gertenbach introduced the item and indicated that almost 20 kms were resealed and 49 000 sqm of potholes were done. The budget allocated was R28 million and the budget available at present was R 38 000. It had to be noted that this was not a grant funded project.

Cllr Matroos asked why the remaining R 38 000 was not used in other areas as funds were mainly used in affluent areas.

Cllr Dhludhlu raised a point of order and stated that Cllr Matroos was incorrect as all areas were serviced.

The Speaker stated that disrupting a meeting and raising a point of order differed. He asked what areas had to be resealed as all the towns had areas which had been resealed. He requested that Cllr Matroos provide clarity on her concerns and the precise roads that had to be resealed.

Cllr Matroos indicated that she was referring to the streets in locations. In the Golf Course area, a quarter of the road was being sealed instead of the whole street. She asked if streets in non-affluent areas could be redone as they were in a bad condition.

The Speaker stated that the tarring of gravel roads, which was the case of the Golf Course entrance, was within the scope of the following item. He added that multiple roads had been resealed in Kouga including those in informal settlements such as KwaNomzamo and Ramaphosa Village.

Cllr Dennis raised a point of order and stated that the Speaker was responding instead of allowing the Directorate or Portfolio Chair to do so.

Cllr Benson stated that the Speaker had a right to respond and queried how a point of order could be raised on the Speaker. The Speaker clarified that he had responded in order to assist Council in making informed decisions as opposed to making broad statements.

Cllr Matroos asked who was responsible for the road that came from Port Elizabeth to Loerie and Hankey as it was in a bad state.

The Speaker stated that the Department of Transport was responsible, and it had recently appointed a contractor.

Cllr Oliphant asked how many point of orders each Councillor could raise in a meeting.

The Speaker responded that one was allowed.

Cllr Oliphant stated that Cllr Dhludhlu had raised multiple points of order within a short period of time.

He further stated that black water was sprayed over the roads in non-affluent areas instead of being resealing. The contractor had to return to complete the resurfacing where it had not been done.

He mentioned that the R14 million or R7 million which was allocated for resurfacing of roads must be prioritised. The Mayor had mentioned matters the current regime had inherited from the previous regime and perhaps the drought had also been inherited from the previous regime.

The Speaker stated that the roads in all the areas were being resealed in the same manner.

The Executive Mayor stated areas were being resealed in non-affluent areas contrary to Cllr Oliphant's statements.

Cllr Oliphant interjected stating that the Speaker should go and inspect the resealing in KwaNomzamo.

The Speaker warned Cllr Oliphant that he would be fined if he spoke out of turn again.

The Executive Mayor continued that the drought started years back and if there was a proactive government in 2010 the current issues would have not arisen.

Cllr Gertenbach in response to Cllr Matroos stated that the remaining funds could only cover the resealing of 200 metres of road. The Municipality had tried to reseal areas throughout Kouga.

Cllr Oliphant asked that the Speaker accompany him to inspect the work that had been done in KwaNomzamo.

**Resolved (30 July 2021)**

1. That the report on the progress of the road resealing program for the 2020/21 financial year be accepted.

**21/07/I&E3**

**RE: UPGRADING OF GRAVEL ROADS PROGRAMME – MIG PROJECT**

Cllr Gertenbach stated that a consultant had surveyed the roads for the project and made recommendations for the work that had to be completed. The actual construction would start (he was inaudible). There was a request at Portfolio level that Koerat Street be included.

**Resolved (30 July 2021)**

1. That Koerat Street, in the Humansdorp Arcadia area, be added to the priority list.
2. That the upgrading of gravel roads programme be noted and accepted.

**21/07/I&E6**

**REPORT: 200 ELECTRIFICATION PROJECT: PROGRESS AND SPENDING UP TO DATE**

Cllr Gertenbach stated that the work had almost been completed.

Cllr Oliphant asked if the electrification was done internally or through a national government grant.

Cllr Gertenbach responded that it was a grant.

**Resolved (30 July 2021)**

1. That the report on the Kruisfontein 200 electrification project for the month of April 2021, be noted.

**21/07/I&E10**

**REPORT: AMNESTY TO CONSUMERS WITH ELECTRICITY METERS NOT SEALED, FAULTY OR REMOVED BY THE MUNICIPALITY**

Cllr Gertenbach stated that there was a challenge with electricity theft.

The intention was that amnesty be given for September 2021 in order for consumers to buy new meters and avoid being fined for illegal electricity usage.



The Speaker stated that the plan was progressive. The item was unanimously approved.

Cllr Dennis queried the cost of a new prepaid meter.

Cllr Gertenbach indicated that it was approximately R400. He later made a correction and indicated that a prepaid meter was R1700 and not R400.

**Resolved (30 July 2021)**

1. That the report for one month amnesty for all meters not sealed, by-passed and faulty be approved.
2. That all consumers found to be guilty of the above be asked to purchase the prepaid meter only.
3. That this process will only be granted for the month of September, and all consumers guilty of 1. be registered in that month through an amnesty form.
4. That the revenue generated from the sale of the prepaid meters be ring-fenced and allocated to the procurement of additional prepaid meters.
5. That this project be handled by the task team that will be established for the execution thereof.

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

**21/07/CS5**

**UPDATE REPORT ON CAPE ST FRANCIS DUNE REHABILITATION**

Cllr Benson introduced the item for noting.

**Resolved (30 July 2021)**

1. That the update report be noted and supported by the Council.

**21/07/CS6**

**UPDATE REPORT ON OYSTER BAY DUNE REHABILITATION**

Cllr Benson introduced the item and read the recommendations.

**Resolved (30 July 2021)**

1. That the task team be given time to explore Mr. Brandstetter's option of purchasing Erf 386 before continuing with plans to register a servitude.

2. That a formal letter issuing Mr. Brandstetter with a deadline be issued by legal.

21/07/CS7

**NOORSEKLOOF NATURE RESERVE MANAGEMENT PLAN**

Cllr Benson introduced the item.

Cllr Gertenbach welcomed the Plan and stated that the initiative had to be extended to other kloofs in Kouga as well. The suggestion was welcomed by the Speaker.

**Resolved (30 July 2021)**

1. That the draft plan be workshopped with all the Kouga Municipality directorates for inputs and advise.
2. That the Draft plan be placed out for 30 days public participation process.

21/07/CS10

**PROVISION OF SERVICES BY MUNICIPALITY THROUGH EXTERNAL MECHANISMS – POUND SERVICES**

Cllr Benson introduced the item and stated that this was the way forward as there was currently no pound.

Cllr Oliphant stated that it was a contentious issue. He proposed that there had to be an intensive public participation and a diagnostic approach had to be utilised to determine the root of the issue.

The Speaker agreed and urged Councillors to assist public participation processes by informing residents.

**Resolved (30 July 2021)**

1. That the Municipal Manager be authorised to explore the possibility of providing the service through an external mechanism as provided for in Section 78(2) in the Systems Act, and
2. That the Council authorises the Municipal Manager to proceed with a public participation process as envisaged in section 78(3)(a).

21/07/CS21

**APPROVAL AND ADOPTION OF NEW DISASTER MANAGEMENT PLAN BY COUNCIL**

The Executive Mayor asked that a picture with an appropriate background be included.

Cllr Benson stated that he would address the matter and stated that the plan had to be approved by Council.

The Speaker indicated that the plan had been unanimously approved and adopted by Council.

**Resolved (30 July 2021)**

1. That the new Disaster Management Plan be approved and adopted by Council.

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

**21/07/PD4** **MONTHLY PROGRESS REPORT ON HUMAN SETTLEMENTS GRANT FUNDED PIPELINE PROJECTS**

Alderman Rheeder introduced the item for noting.

**Resolved (30 July 2021)**

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

**21/07/PD8** **APPOINTMENT OF DIRECTOR PLANNING, DEVELOPMENT & DEPUTY CHAIRPERSON FOR THE KOUGA MUNICIPAL PLANNING TRIBUNAL**

Alderman Rheeder introduced the item.

**Resolved (30 July 2021)**

1. That Ms FF Mabusela, Director: Planning, Development and Tourism, be designated as the deputy chairperson of the MPT in the absence of Mr B Brooker for the remainder of the term of the current MPT.
2. That the designation be published in the Provincial Gazette in accordance with Section 39(4) of the Spatial Planning and Land Use Management By-Law: Kouga Municipality.
3. That the designation be effective from date of publication of the notice in the provincial gazette.

**21/07/PD9** **APPOINTMENT OF KOUGA MUNICIPALITY AS AN IMPLEMENTING AGENT FOR THE CONSTRUCTION OF INTERNAL SERVICES FOR THE HANKEY 990 HOUSING PROJECT**

Alderman Rheeder stated that the Municipality had been appointed as an implementing agent for the Hankey 990 Housing Project as indicated by the Mayor in his opening speech.

Cllr Gertenbach stated that the Municipality had previously had the capacity to be appointed as implementing agents and welcomed that after 10 years it was in a position to drive projects itself again. He congratulated the Planning and Development department.

The Executive Mayor agreed with Cllr Gertenbach. The Municipality had froze in 2007 and started reliving in 2016. The appointment was a clear indication that the province had confidence in the Municipality.

**Resolved (30 July 2021)**

1. That the appointment of Kouga Municipality as an Implementing Agent for construction of internal services for Hankey 990 be noted.
2. That the CFO places the received grant funding in a dedicated interest-bearing account.
3. That the interest accumulated from the grant funding be ringfenced for future Human Settlements projects.
4. That monthly, quarterly and annual expenditure reports with supporting documentation be reported to Council and ECDHS; and
5. That the approved grant funding of **R 40, 545 232.32** be recognized through an adjustment process in accordance with the provisions of the MFMA.

21/07/PD10

**RESCISSION OF COUNCIL RESOLUTION: LAND SWOP OF HANKEY ERVEN 668, 680,681 & 682 OWNED BY W&M KLEYN BOERDERY (PTY) LTD FOR PORTION OF ERF 17, HANKEY OWNED BY THE KOUGA MUNICIPALITY**

Alderman Rheeder stated that the reason for the rescission was that the initial land indicated for the swop was not for equally valued land.

**Resolved (30 July 2021)**

1. That Council **rescinds** section 2.1 and 2.4 of the Council resolution dated 30 October 2019 reading as follows:

**“2.1 That Council grant approval for the land swop between W&M Boerdery (PTY) Ltd and Kouga Municipality:**

<b>Erf 668 Hankey South:</b>	<b>851m<sup>2</sup></b>	<b>Business 1</b>
<b>Erf 680 Hankey South:</b>	<b>914 m<sup>2</sup></b>	<b>Residential 1</b>

<b>Erf 681 Hankey South:</b>	<b>960 m<sup>2</sup></b>	<b>Residential 1</b>
<b>Erf 682 Hankey South:</b>	<b>897 m<sup>2</sup></b>	<b>Residential 1</b>
<b>TOTAL</b>	<b>3622 m<sup>2</sup></b>	

**FOR**

**A portion of Erf 17 Hankey in the extent of 3 hectares as indicated on the attached map.**

**And**

**2.4 That the extent of the land to be subdivided for swop from erf 17 should be equivalent to the combined erven to be transferred to Kouga Municipality i.e. (3622 m<sup>2</sup> in size)."**

2. That Council approves the land swop between W&M Boerdery (PTY) Ltd and Kouga Municipality on the following properties:

Erf 668 Hankey South:	851m <sup>2</sup>	Business 1
Erf 680 Hankey South:	914 m <sup>2</sup>	Residential 1
Erf 681 Hankey South:	960 m <sup>2</sup>	Residential 1
Erf 682 Hankey South:	897 m <sup>2</sup>	Residential 1
<b>TOTAL</b>	<b>3622 m<sup>2</sup></b>	<b>(owned by W&amp;M Boerdery (PTY)Ltd)</b>

**FOR**

A portion of Erf 17 Hankey in the extent of 3 hectares as indicated on the attached map (owned by Kouga Municipality).

21. **CLOSURE**

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

The meeting closed at 12.30



**H BORNMAN**  
**SPEAKER**

01 October 2021

**DATE**