

MINUTES OF AN INAUGURAL COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON WEDNESDAY, 17 NOVEMBER 2021 AT 11:01

PRESENT: Councillors

B Williams	(Speaker)
Ald H Hendricks	(Executive Mayor)
H Bornman	(Deputy Executive Mayor)
D Benson	
B Dhludhlu	
T Jantjes	
W Gertenbach	
H Murray	
R Foley	
F Heystek	
C August	
M Biko	
M van Niekerk	
J Alexander	
L Maree	
S Ruth	
M Dayimani	
P Oliphant	
M Yali	
V Gunuza	
K Ndzalani	
N Ntshota	
M Mbandana	
F Pietersen	
N Ntengwane	
V Zana	
E Mbuqu	
L Nkilishane	
W van der Linde	
M Valgee	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
K Moodley	(Director: Corporate Services)
E Delpont	(Acting Director: Infrastructure & Eng)
F Mabusela	(Director: PDT)
N Machelesi	(Director: Community Services)
R Lorgat	(CFO)
D De Jager	(HR Manager & Acting: Deputy MM)
M Rossouw	(Manager: Admin & Auxiliary Services)
F Jamal	(Manager : Internal Audit)
I Fakier	(Internal Auditor)
L Opperman	(Manager: Legal Services)
N Zode	(Acting Senior Committee Officer)
M Julius	(Committee Clerk)

IEC Delegation

Pumelelo Dyas
Yonelisa Msimang
Nobahle Mali
Khayakazi Magudumana

1. **NOTICE OF MEETING**

The Municipal Manager read the notice of the meeting.

2. **OPENING AND WELCOME AND EXPLANATION OF PROCEEDINGS**

The Municipal Manager opened the meeting and explained the proceedings. He welcomed the newly elected Councillors and guests. The event was being live streamed to members of the public on YouTube and Oasis FM.

3. **PRAYER**

Pastor Margaret Jantjies provided a short thought-provoking sermon and opened with a prayer.

4. **NATIONAL ANTHEM**

5. **21/11/MM1 INAUGURATION – OATH AND SOLEMN AFFIRMATION BY MEMBERS OF COUNCIL**

The Municipal Manager introduced the item and informed Councillors that they could either take an Oath or a Solemn Affirmation. The Oath could be taken individually if required but otherwise it would be done collectively.

The Oath was taken by all Councillors except for Cllr R Foley, Cllr D Benson, Cllr H Bornman, Cllr C August and Cllr M Mbandana who took the Solemn Affirmation.

Resolved (17 November 2021)

1. That all Councillors (in alphabetical order per surname) take either the applicable Oath or the Solemn Affirmation of faithfulness to the Republic and obedience to the Constitution and other laws as administered by the Municipal Manager.

6. **SIGNING OF THE ATTENDANCE REGISTER AND LEAVE OF ABSENCE**

The attendance register was circulated amongst Councillors. There were no absentees.

7. **MATTERS FOR DISCUSSION**

OFFICE OF THE MUNICIPAL MANAGER

7.1 **INTRODUCTION OF COUNCILLORS AND OFFICIALS**

Councillors were introduced by the Municipal Manager whilst their pictures were projected to the public. He apologised to those whose pictures had not been projected due to a technical glitch.

The various Directors and the Chief Financial Officer(CFO) were introduced as well. He thanked all the staff for their assistance during the meeting.

7.2 **21/11/MM2** **DECLARATION OF INTEREST OF COUNCILLORS**

The Municipal Manager introduced the item and highlighted that the form had to be submitted to his office by the 17th of January 2022.

Resolved (17 November 2021)

1. That the report regarding the Declaration of Interest by Councillors, be noted;
2. That all Councillors submit the duly completed Declaration of Interest form to the office of the Municipal Manager before 17 January 2022.

7.3 **21/11/MM3** **ELECTION OF A SPEAKER OF COUNCIL**

The Municipal Manager requested nominations for the Speaker of Council.

Cllr Bornman nominated Cllr Williams as Speaker of Council. Cllr B Dhludhlu seconded the nomination, and it was accepted by Cllr Williams.

The Municipal Manager asked if there were any additional nominations.

Cllr V Zana stated that the ANC caucus was abstaining from the election of the Speaker, and it had to be noted that they would not vote.

The Municipal Manager stated that as there were no other nominations, the position of the Speaker was uncontested. He congratulated Cllr Williams and called on him to take the Chair as Speaker.

Resolved (17 November 2021)

1. That the Municipal Council elects Cllr B Williams as the Speaker of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

7.4 TAKING OF THE CHAIR AND STATEMENT/COMMUNICATION BY THE SPEAKER

Cllr Williams welcomed those present to the swearing in of the 5th Council of Kouga Municipality. The Council meeting took place at a time when the lowest voter turnout had been experienced in democratic South Africa. It was pleasing to note that in Kouga the voter turnout was over 50% which meant that one out of every two eligible voters had gone to vote. He thanked all the Councillors present and others who had worked hard to get voters to polling stations and thereby ensuring that democracy was at work in the country and Kouga Municipality.

There was hard work ahead to ensure that the residents of Kouga felt that it was worthwhile to vote and participate in democratic processes within the Municipality. Public participation fell under the Office of the Speaker and attention would be given to ensuring that inclusive Ward Committees were elected in every ward and that Committees would be capacitated to play their role as the link between communities and local government.

Councillor training was just as important and there would be a meeting the following day where the process of electing Ward Committees would be detailed to Ward Councillors. Ward office keys would be handed over as well.

There would be internal Councillor induction training on the tentative date of 30 November 2021. Various topics would be discussed at the training such as the delegations of authority, roles and structures, declaration of interest, tools of trades and upper limits. The South African Local Government Association (SALGA) would be conducting training for Councillors as well. He urged Councillors to take advantage of available training.

He asked Councillors to read the Code of Conduct and Standing Rules of Order to familiarise themselves with what was expected from Councillors for the upcoming five years. He detailed the role of Council some of which was to pass by-laws, approve budgets and impose rates and other taxes.

There were several serious challenges facing the Municipality at present with the ongoing drought being a crisis. This crisis created a need for funds to be diverted to other projects to ensure that taps did not run dry in Kouga. The fourth wave of Covid-19 virus was predicted for the next couple of months. He encouraged people to stay alert, safe and residents had to be encouraged to get vaccinated to minimize the impact on lives and Kouga's economy.

He quoted President JF Kennedy who had said: "Ask not what your country can do for you, ask what you can do for your country."

He paraphrased the quote and said people had to ask themselves “Ask not what your Municipality can do for you, ask what you can do for your Municipality.”

7.5 **21/11/MM4 ELECTION OF AN EXECUTIVE MAYOR OF COUNCIL**

The Speaker asked if there were nominations for the Executive Mayor of Council

Cllr W Gertenbach nominated Ald H Hendricks as the Executive Mayor and was seconded by Cllr C August. Ald Hendricks accepted the nomination.

The Speaker asked if there were any additional nominations.

Cllr Zana stated that it had to be noted that the ANC abstained from the item.

The Speaker noted this and congratulated the Executive Mayor for his unopposed election.

The Executive Mayor donned the mayoral robe and chain with the assistance of the Speaker.

Resolved (17 November 2021)

1. That the Municipal Council herewith note that Kouga Municipal Council chose to have an Executive Mayor in terms of Section 55 of the Local Government: Municipal Structures Act, 1998;
2. That the Municipal Council elects Ald H Hendricks as the Executive Mayor of Kouga Municipality, having followed the procedure set out in schedule 3 of the Local Government: Municipality Structures Act, 1998.

7.6 **Statement/Communication by the Executive Mayor**

The Executive Mayor congratulated the Speaker on taking the seat of the legislature, whom it would be a pleasure to serve with. He would be announcing his Mayoral Committee for the next five years. He congratulated all Councillors that had been sworn in and elected. He wanted to be able to look each Councillor in the face and say he respected them.

He believed that there would be a productive and robust Council. He congratulated all parties that had won seats and welcomed the Patriotic Alliance(PA), Economic Freedom Fighters(EFF) and the Freedom Front Plus(FFP). He was looking forward to productive engagements for the benefit of Kouga's people over the next five years. He hoped all Councillors would serve with honour.

He welcomed the Municipal Manager and his directors, all municipal staff present and Members of Parliament- he welcomed Mr John Steenhuizen- and all members of the Provincial Legislatures that had joined. He acknowledged and thanked Ms V Camelio-Benjamin, Member of the Provincial Legislature. He recognised all political parties present, sector departments, parastatals, partners and business community and all stakeholders. He recognised Dr David Lin, Director General: Taipei Liaison Office in Cape Town, who had joined with his team. He was looking forward to working together with the Office over the next five years. He recognised the members of the media and his family and friends. He welcomed all distinguished guests.

He paid tribute to ex-Councillor Eliza van Lingen, who had started the journey in 2016 but was sadly unable to complete the term. He hoped that what the governing party had done would make her proud.

It was a new chapter for Kouga and the new had to be embraced. The Municipality was not only trying to be better than before as it was a completely new chapter. The Municipality wanted to grow not only in service delivery but in its entirety. News24's *Out of Order Index* had deemed the Municipality the best Municipality in the Eastern Cape, but this was not enough.

He quoted Jim Ron: "If you want more, you have to become more". For things to change you have to change, for things to get better you have to get better, for things to improve you have to improve, if you grow everything grows with you." This formed the basis of the next five-year term in Kouga. If the Municipality wanted more it had to become more. This would be an important concept which he would be unpacking at the Strategic Planning session where Senior Management and the Mayoral Committee-and later all Councillors- where planning for the next five years would be done.

His priorities were simple- there were ten.

1. Sustainable Water Security

The prevailing drought was concerning, and water consumption would likely triple in December. As much as the Municipality had been searching, only 50% of consumption had been found but the rest were in dams which were empty. He was concerned about December and tourism's impact on water usage as well as how this would affect the situation in January. Drastic changes were required to survive December if the rain did not come. The Plan was to ensure sustainability for the future. A comprehensive plan for this would be created. This would be his biggest priority over the next five years.

2. Consistent and Reliable Energy

The Municipality needed to ensure it had sustainable energy. Kouga had learned from best practices elsewhere, but it wanted to become more. It had six windfarms, with an additional three on the way. If it was not for the Covid-19 pandemic Kouga would have already had the first bioeconomy zone in the Country.

This would have been unique as green energy and other energy mixes were also brought into consumption. The Municipality was planning its own 10-megawatt solar farm and *Hive Energy* was proposing a solar farm that would be between 10 and 100 megawatts as well. The Municipality's consumption requirement was 35 megawatts therefore there would be over enough energy. The plan for the next five years was to become the renewable energy hub of the Country. There was a possibility that Kouga currently had the cheapest electricity in the Eastern Cape as it did not add a markup to the National Energy Regulator of South Africa (NERSA) tariffs, but it wanted more. The Municipality would be considering Renewable energy and purchasing directly from Independent Power Producers (IPPs), but it would also become self-generating. These were the plans for the next 2-3 years.

3. Infrastructure Backlog

A major backlog had been inherited in 2016. There were major backlogs for roads, sanitation and water, as well as electricity. The cake had to grow as there was only so much money especially if the neglect and decay had been left for so long-the backlog ran deep. It took a while to turn this around, but the Municipality was engaging investors. There were sufficient plans to deal with backlogs, hopefully with the term.

4. Tourism and Tourism Revival

Post Covid-19 the economy had to recover, and the biggest sector was tourism. There were plans for reviving the tourism sector over the next two to three years.

There were exciting projects such as the Pro Golfers Association(PGA) tournament, Two Rivers Marathon, a heritage route in Loerie/Thornhill and Bikers festival amongst many others.

5. Public Safety

Kouga had to be safe. Crime thrived when the Municipality was unorganized. He had begun the process of becoming organized against crime in 2020 as the first Public Safety Summit was launched. Public safety cameras were being rolled-out and an operational centre would be up and running within the next 12 months. The Municipality would ensure that it kept its people safe.

6. Investment for Growth

Investment for growth was based on the premise of decent jobs for decent livings. This was not an easy feat as the Municipality was not an employer therefore the cake had to be grown through external investment. There were local investors, but others had to be invited as well and Foreign Direct Investment was the way to go.

7. Small Town Economy

Small Town Economy was linked to Smart City Development.

8. **Smart city development**

Small Town Economy and Smart City Development were two objectives which he wished to grow simultaneously. This would be addressed at the strategic planning session. The vision was to grow small towns from the inside out. This would be unpacked at the strategic planning meeting. There was already a draft twinning agreement with a city in Taiwan. Towns like Humansdorp and Jeffreys Bay could be considered for Smart City Development. High speed fibre was being rolled out across the Municipality including rural and farm areas and this was only the beginning of developing a Smart City model.

9. **Keep Kouga Clean**

He believed residents had to live in a decent, clean Municipality which they could walk around in with a sense of pride. Kouga was not as clean in informal and low-cost housing areas- this had to be addressed. He would focus on cleaning up the entire Municipality including these areas.

10. **Sustain and develop the system of good governance**

Good governance was based on providing a capable state, accountability and abiding by the rule of law. To strengthen the rule of law the Municipality would be considering its by-laws and a Municipal Court would be established. It would sustain its vision of good governance through service excellence and zero tolerance for corruption

These were the Mayor's priorities over the next five years. The Executive Mayor was excited about the next chapter. He reiterated that If you want more you have to become more.

ANNOUNCEMENT OF THE MAYORAL COMMITTEE

The Executive Mayor announced the Mayoral Committee, which had carefully chosen considering competence and experience. A thorough process for the selection of the Mayoral Committee was followed-which included vetting as well as input from DA's provincial and federal structures.

He announced the Mayoral Committee as follows:

Portfolio Head: Planning, Development and Tourism

Cllr H Bornman

Portfolio Head: Community Services

Cllr D Benson

Portfolio Head: Corporate Services

Cllr T Jantjes

Portfolio Head: Finance

Cllr W Gertenbach

Portfolio Head: Infrastructure & Engineering

Cllr L Maree

Portfolio Head: Monitoring and Evaluation

Cllr S Ruth

The Executive Mayor stated that these Portfolio Heads would be part the team that would lead the executive over the next five years. The Mayoral Committee would sign performance agreements and plans thus would be held accountable.

The Speaker thanked the Mayor and wished Mayoral Committee well.

7.7 **21/11/MM5** **ELECTION OF A DEPUTY EXECUTIVE MAYOR**

The Speaker asked for nominations for the Deputy Executive Mayor.

Cllr Alexander nominated Cllr H Bornman as the Deputy Mayor and was seconded by Cllr T Jantjes. The nomination was accepted by Cllr Bornman.

Cllr Zana maintained that the ANC caucus would abstain.

The Speaker congratulated the Deputy Executive Mayor.

The Deputy Executive Mayor was robed by the Mayor.

The Executive Mayor requested that the recommendation be amended to include "pending approval of the Eastern Cape MEC of COGTA". Cllr Benson seconded the recommendation.

Resolved (17 November 2021)

1. That the Municipal Council elects Cllr H Bornman as the Deputy Executive Mayor of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998 pending the approval of the Eastern Cape MEC for COGTA.

Proposed: H Hendricks

Seconded: D Benson

7.8 **21/11/MM6** **APPOINTMENT OF FULL TIME COUNCILLORS**

The Speaker introduced the item, and the report was noted.

Cllr Oliphant asked that the next meeting of Council be a contact session instead of a virtual meeting.

The Speaker responded that this would be discussed going forward.

Resolved (17 November 2021)

1. That the report regarding the appointment of full-time Councillors, be noted;
2. That the following political office bearers be designated as full-time Councillors in terms of Notice 2073 of 2002: Policy Framework for the designation of Full time Councillors:
 - Speaker
 - Executive Mayor
 - Deputy Executive Mayor
 - Members of the Mayoral Committee as appointed by the Executive Mayor

7.9 **21/11/MM7** **ELECTION OF WHIP**

The Speaker asked for nominations for the Whip.

Cllr L Maree nominated Cllr D Benson as Whip and was seconded by Cllr R Foley. Cllr Benson accepted the nomination.

The Speaker asked if there were any other nominations.

Cllr Zana maintained that the ANC caucus was abstaining.

The Speaker congratulated Cllr Benson who had been nominated unopposed.

The Executive Mayor called for a 5 -10 minute caucus break at 11:15 on behalf of the DA.

The meeting reconvened at 11:37

Resolved (17 November 2021)

1. That the Municipal Council elects Cllr D Benson as the Whip of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

7.10 **21/11/MM8** **ELECTION AND APPOINTMENT OF REPRESENTATIVES TO SARAH BAARTMAN DISTRICT MUNICIPALITY**

The Speaker introduced the item and handed over to the Municipal Manager.

The Municipal Manager indicated that the election of four representatives to the District Municipality would be administered by the Independent Electoral Commission (IEC) and explained the procedure that would follow.

There was a prescribed form on which parties had to nominate their candidates on a list. Up to 8 candidates could be nominated on the list but only four would be elected as representatives. He had handed out two nomination forms and asked if other Councillors required a form. Once the lists had been received, he would verify that the candidates had accepted the nominations. Once this had been completed, he would hand over to the IEC officials to prepare the ballot papers and thereafter Councillors would be called to vote for a list of their choice. Once the voting was complete, the IEC would count the votes and provide the results of the election, which he would then announce.

The Municipal Manager stated that he had received two nomination lists which had been seconded. He would not read the lists as it would be indicated during the voting process.

Cllr Zana raised a point of transparency and asked that the Municipal Manager read names on the lists.

The Municipal Manager detailed that there were two lists. There were 30 Councillors divided by 4 positions which meant that there was a quota of 7.5 which rounded off to 8. Therefore, the quota for the number of votes a Councillor needed to become a representative was 8 votes. If there were brackets left in the end, these would be played off against one another with the highest brackets getting the win if there was no full quota.

He read the lists as follows:

List 1 submitted by Ald Hendricks(DA)

1. H Hendricks
2. C Bornman
3. M van der Linde
4. B Williams

List 2 submitted by Cllr Zana(ANC)

1. V Gunuza
2. M Valgee

The lists were given to the IEC to prepare the ballot papers, once it was ready, procedure as detailed earlier would continue.

Cllr Hattingh proposed that Council continue with the remaining items while the IEC was preparing for the election.

The Speaker welcomed the proposal.

The proceedings returned to the election once all other items on the agenda had been dealt with.

The Municipal Manager asked Councillors to commence with voting.

Cllr L Nkilishane stated that it had to be noted that the EFF would not vote for anyone.

The IEC official showed Council the empty ballot boxes and requested two party agents to observe the processes. Cllr Benson and Cllr M Yali were selected as observers.

The IEC administered the vote and thereafter the Municipal Manager read the results as follows:

The DA list had received 18 votes with 2 seats allocated and ANC list had received 11 votes with 2 seats allocated as well. The following four Councillors would represent the Municipality: Ald Hendricks, Cllr Bornman, Cllr V Gunuza and Cllr Valgee.

Resolved (17 November 2021)

1. That the following members:

Ald H Hendricks;
Cllr H Bornman ;
Cllr V Gunuza ; and
Cllr M Valgee;

Are duly elected, in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998 to directly represent Kouga Municipality in the Sarah Baartman District Municipality;

2. That it be noted that the designated official of the Independent Electoral Commission (IEC) conducted the election process mentioned above.

7.11 21/11/MM9 **PORTFOLIO (SECT 80) COMMITTEES**

The Speaker introduced the item and said that nominations for Portfolio Committee membership had to be submitted.

Resolved (17 November 2021)

1. That Council note the envisaged Portfolio Committee's in terms of Section 80 of the Act.
2. That respective political parties consider their members to the following envisaged portfolio committees and submit names to the next meeting of Council:
 - 2.1 Finance Portfolio Committee
 - 2.2 Community Services Portfolio Committee
 - 2.3 Corporate Services Portfolio Committee
 - 2.4 Infrastructure & Engineering Portfolio Committee
 - 2.5 Planning, Development & Tourism Portfolio Committee
 - 2.6 Monitoring and Evaluation Portfolio Committee

7.12 21/11/MM10 **CODE OF CONDUCT FOR COUNCILLORS**

The Speaker introduced the item, and it was noted.

Resolved (17 November 2021)

1. That the Code of Conduct for Councillors enacted as Schedule 7 of the Local Government: Municipal Structures Amendment Act 23 of 2021, as attached as Annexure A to the report, be noted;
2. That Councillors be taken through the Code Conduct at the Councillor Induction Training.

7.13 21/11/MM11 **STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL AND ALL ITS COMMITTEES**

The Speaker introduced the item.

Cllr Benson proposed that a recommendation 4.3 be included which indicated that Councillors be taken through the Rules of Order at the Induction Training. He was seconded by Cllr Dhludhlu.

Resolved (17 November 2021)

1. That the Standing Rules of Order be noted.
2. That Councillors familiarise themselves with the Standing Rules of Order.

3. That Councillors be taken through the Standing Rules of Order at the Councillor Induction Training.

Proposed: D Benson

Seconded: B Dhludhlu

7.14 **21/11/MM12** **SCHEDULE OF MEETINGS**

The Speaker introduced the item.

He stated that the Councillor meeting for the following day was not only for Ward Councillors but all new Councillors as well. It was important that all new Councillors joined as laptops would be handed out and basic training would be provided.

Resolved (17 November 2021)

1. That the schedule of meetings for December 2021 to June 2022 be noted.
2. That should the newly elected Executive Mayor and/or Speaker, wish to reconsider the approved dates, an item be submitted to Council for review.

8. **CLOSURE**

The Speaker thanked all present for their valuable input. The formal proceedings were concluded, and inaugural celebrations commenced.

The meeting closed at 13.30



B WILLIAMS
SPEAKER

13 December 2021

DATE
