

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON
MONDAY, 13 DECEMBER 2021 AT 10:07**

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 Ndzaleni	
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)
M Rossouw	(Acting Director: Corporate Services)
K Moodley	(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 Basson	(Senior Media Liaison Officer)
E Goliath	(Acting Manager: Office of the Mayor)
L Opperman	(Manager: Legal Services)
N Zode	(Acting Senior Committee Officer)
M Julius	(Committee Clerk)

1. **NOTICE OF MEETING**

2. **OPENING AND WELCOME**

Cllr T Jantjes opened with a prayer.

Cllr M Dayimani asked if the correct persons were in attendance.

The Speaker stated that members of the public were not included and asked that Cllr Dayimani message him privately on the matter.

Cllr P Oliphant stated that he was using his son's gadget hence his name reflected differently. He further stated that participants who were not meant to be in attendance were present.

The Speaker stated that the Acting Deputy Municipal Manager was present as well as Mr E Goliath who was the Acting Manager: Office of the Mayor.

3. **ABSENT WITH LEAVE**

None

4. **ABSENT WITHOUT LEAVE**

None

5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Speaker extended condolences to Cllr Oliphant for the loss of his brother and requested that a moment of silence be observed.

Cllr D Benson stated that he did not have a list of all the Councillors birthdays yet, but he would obtain a list from the Speaker's Office. He extended birthday wishes to those with upcoming birthdays in December as well as those whose birthdays had passed.

Cllr V Zana expressed gratitude to the Office of the Speaker on behalf of the ANC caucus for postponing the previous week's meeting due to the late Sarah Baartman District Municipality Mayor, Mr Mzimkhulu Njadayi's funeral. The organisation was grateful for this.

The Speaker asked that a moment of silence be observed in memory of the late mayor.

Cllr Dayimani congratulated Cllr Yali on his recent marriage.

The Speaker extended his congratulations to Cllr Yali.

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

The Speaker stated that it had been a busy time for all Councillors since the new Council had been inaugurated on the 17th of November 2021.

While there had been some issues with Ward Offices, these issues had been largely resolved and most offices were open and functioning throughout the Municipality.

He had visited each Ward Office and had personal engagements with the Ward Councillors and was pleased to witness the commitment to serve communities in each town.

Some wards were vast and required an additional office in certain areas like Oyster Bay, Hankey and Patensie and together with these Ward Councillors as well as the administration, solutions were being developed to ensure every resident in Kouga has access to their Ward Councillor. He thanked the officials for their support in resolving issues experienced with ward offices.

While there were many issues to resolve, and budgets were going to be cut to fund drought related projects in the adjustment budget, every effort would be made to support the requests from Ward Councillors.

With the number of positive Covid cases rising, the Office of the Speaker had a fruitful engagement the previous week with the Department of Health. This had resulted in a vaccination programme that will be rolled out to wards across Kouga Municipality, starting the following day.

He urged Councillors to reach out to their respective communities and encourage residents to make use of this opportunity to get vaccinated to protect lives and livelihoods in Kouga Municipality.

Elections for Clinic Committees would take place around March next year and the Department of Health had also requested the Municipality's support to ensure communities were properly represented on these committees.

He would be meeting with a representative of the District Municipality later that week to discuss the roll out of Ward Committee Training which would take place early in 2022.

Ward Councillors were encouraged to network within their communities to ensure the election of diverse and strong Ward Committees who would assist in bringing local government closer to the people in Kouga. These Ward Committees needed to become part of the IDP process and the review of and the adoption of a new IDP which would also take place in 2022.

Properly capacitated Ward Committees were essential in ensuring the Municipality had a vibrant IDP that captured the strategic needs of every community in the Municipality.

The shortlisting process of Ward Assistants had begun, and interviews would take place shortly so that appointments could be made by 1 January 2022.

The Maycom had attended a Strategic Planning Workshop towards the end of November and one of the issues that was highlighted was the turn around time for service delivery complaints. He was aware that this was a frustration to Councillors who reported service delivery issues and could not give feedback to complainants as to when the problem will be resolved.

These issues would be addressed as part of effective performance management system and timelines would be agreed upon so that accurate feedback could be given to communities. Councillors had to continue reporting issues to the call centre and use the WhatsApp number so that the precise stats of what and where problems were occurring could be captured.

The Public Participation Unit had embarked upon a programme to educate the community on reporting water leaks and saving water as the Municipality was in danger of taps running dry in Kouga, despite the good rain received.

He was sure the Mayor would elaborate on the crises facing the Municipality at present. He urged Councillors and officials to continue to spread the message that there was currently a crisis and that we all need to play our part in saving water.

Councillors received training on the Code of Conduct and the Rules of Order, and he wished to remind Councillors of the following. In terms of the Rules of Order each Councillor may speak on an item once and was entitled to ask a question of clarity at the end of the debate of an item.

Should a Councillor still have concerns that have not been addressed, the Rules of Order allowed for a written question was to be submitted, which then needed to be answered at the following meeting of Council. To facilitate constructive debate, he urged Councillors to abide by the rules so to enable constructive and meaningful debates in Council.

Council would be going on recess from that day, but this did not mean that Councillors could go home and relax over the festive season. Councillors still needed to be accessible to communities and be available to resolve issues as they occurred. Both the Mayor, and himself, together with the Maycom and top management would also be available to assist where needed to ensure service delivery continues throughout the festive season.

Enjoy the time with your families and loved ones and I wish you all a blessed Christmas and New Year.

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

The Executive Mayor greeted those present. He extended his sincere condolences to the family of the District's late Executive Mayor and thanked Speaker for postponing the meeting.

He acknowledged the newly elected Councillors and wished them a productive term. He hoped that politics would be set aside and that the focus would be on good governance through service excellence.

Covid-19 remained a danger to all especially to lives, livelihoods and the local economy. The prevalence of the new variant, Omicron, was increasing. Considering this and the expected increase in tourism during the upcoming holiday season, he implored citizens and holiday patrons to adhere to Covid-19 safety protocols.

This coupled with the ongoing long drought and the availability of water was of concern, which had taken a drastic turn due to the Department of Water and Sanitation reducing the Municipality's quotas for the foreseeable future. This placed pressure on citizens and the systems, which would be under pressure during the holiday season. He urged people to save water and asked Councillors to further the cause within communities. Day zero had to be pushed back. Councillors' information had been released to allow communities to report water leaks as an urgent priority.

He thanked Director Moodley, for stepping up to manage the Municipality's response to the water crisis as the acting Director Infrastructure and Engineering. He assured Council that her presence in the department had already made a tremendous difference.

Considering the drought and the prevalence of Covid-19, a decision was made to sacrifice the Summer Programme at the risk of further damaging the local economy. This had been a difficult decision to take but safety came first, and the Municipality had to protect its citizens.

He wanted all Directors and Mayoral Committee members to be present during the summer season to allow immediate responses to any arising challenges. The citizens had to be taken care of in respect to water and Covid-19 thus the crisis had to be managed.

He was looking forward to the next five years and believed that the current Council would work together as a productive team. The theme for the next five years was: "If we want more, we have to become more".

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

None

Cllr Dayimani stated that District Representatives had been elected but it came as a surprise that there was no report especially considering that its Council had been inaugurated as well. The District Representatives had to be encouraged to come together and formulate a reporting format in order for a report to serve at the next Council meeting. How the Representatives would be channelling the reports had to be formalised.

The Speaker welcomed the suggestion.

The Executive Mayor agreed with Councillor Dayimani and said that an inauguration report had to be forthcoming.

Other Municipalities such as Makhanda and Ndlambe had recalled their Sarah Baartman District Representatives and were in consultations to have new elections. He wanted to know if the Municipality could do the same and re-elect its Representatives. He required a legal opinion on the matter.

The Speaker asked that the Manager: Legal Services respond.

The Manager: Legal Services responded that she would follow up with the Executive Mayor directly.

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

None

10. **REPORT BACK: MUNIMEC**

None

11. **DECLARATION OF INTEREST**

None

The Speaker reminded Councillors to submit their declaration of interest forms by the 17th of January.

Cllr W van der Linde reported that his wife and her partner were doing business with the Municipality, but he had no interest in the company.

The Speaker noted this.

The Executive Mayor explained that there was a clear distinction between a disclosure of interest and a declaration of interest.

The Speaker agreed with the Executive Mayor and stated that this would be corrected going forward.

12. **STATUTORY MATTERS**

None

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

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

14.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 SEPTEMBER 2021**

The Speaker stated that the minutes had been dealt with and discussions were open for clarity or corrections.

Cllr Zana stated that the ANC caucus would not be making corrections to the minutes.

Resolved (13 December 2021)

1. That the minutes of the Ordinary Council meeting held on 30 September be accepted.

Proposed: D Benson

Seconded: C August

14.2 **MINUTES OF THE INAUGURAL COUNCIL MEETING HELD ON 17 NOVEMBER 2021**

Resolved (13 December 2021)

1. That the minutes of the Inaugural Council meeting held on 17 November 2021 be accepted.

Proposed: B Dhludhlu

Seconded: M Biko

15. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

16. **REPORTS OF COMMITTEES OF COUNCIL**

None

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

21/12/MM1 **COUNCIL RESOLUTIONS FOR 30 SEPTEMBER 2021, 14 OCTOBER, 28 OCTOBER AND 17 NOVEMBER 2021**

Cllr H Bornman stated that there were several resolutions dated back to 2019-2020 which had not been addressed. There were multiple actions that could be addressed. He asked the Municipal Manager to consider how quickly matters resolved on within Council could be resolved as matters were outstanding for a year or more. He asked that the Municipal Manager expedite these cases.

The Speaker stated that the items recommendations indicated that all resolutions are referred to Top Management meetings for discussion whereafter outstanding reports are submitted to their respective Portfolio Committee meetings. He asked that Municipal Manager note this and Cllr Bornman's concerns. The Municipal Manager stated that this would be done, and the updated list would be presented at Portfolio Committees.

Cllr M Mbandana stated that he was disappointed by implementation timeframes. He pleaded for implementation to be improved as service delivery was a serious challenge. He hoped that there would be urgency regarding implementation going forward.

The Speaker noted the Councillor and stated that as Portfolio Committees would be formed in due course, Councillors had to raise matters on these platforms to ensure that recommendations were implemented.

Cllr W Gertenbach requested an update on the renewable energy application to the Minister mentioned on page 59.

The Municipal Manager responded that the letter was tabled to the Minister but there had not been feedback yet. Different forums had indicated that attention had been given to the application. Director Moodley could provide a more detailed update.

The Acting Director: I&E stated that the letter sent to the Minister had been de-escalated to the Department of Cooperative Governance and Traditional Affairs(COGTA). COGTA was on-board with the process, and it was working with the Development Bank of Southern Africa (DBSA) to support Municipality's in this endeavour specifically from a non-leading perspective. A high-level task team had been established to handle the project together with the Municipality's team. The Municipality had been identified by COGTA as one that would be supported. This was discussed at MUNIMEC therefore COGTA had stepped in. A meeting was being scheduled with COGTA's renewable energy team, for the following week. It was an on-going process, but the appointment of a task team indicated that there was progress at a high level.

The Speaker asked that Council be kept updated on the matter.

MOTION OF EXIGENCY

EXTENSION OF AMNESTY PERIOD FOR FAULTY ELECTRICAL METERS

Cllr Gertenbach proposed a Motion of Exigency under rule 30.1 to extend the amnesty on faulty electricity meters, if the Speaker would allow.

The Speaker stated that the Councillor would be allowed to table the Motion of Exigency. If Council accepted the motion, a vote would be held on the recommendations.

Cllr Gertenbach stated that the Motion was for Council to extend amnesty on faulty electrical meters until end of January 2022.

Cllr Dhludhlu seconded the Motion of Exigency.

The Speaker stated that there had to be a vote and asked if anyone objected to the Motion. No one opposed and therefore the motion was carried.

Cllr Yali stated that the Motion had to be amended to indicate that it be properly advertised in the Kouga Express

The Speaker stated that an amendment was not required as the information would have to be advertised. The media department had to note that the information had to be widely distributed and communication such as pamphlets had to be provided to Ward Offices for distribution.

Cllr Yali welcomed the Speaker's way forward.

Resolved (13 December 2021)

1. That the amnesty period for faulty electrical meters be extended until the end of January 2022.

Proposed: W Gertenbach

Seconded: B Dhludhlu

Further discussion on item 21/12/MM1

Cllr Dayimani on the purchase of the Klaarfontein Farm mentioned on page 53, proposed that a full report on the progress and future plans for the land be tabled at the next Portfolio Meeting.

On the International Diverse Innovation Solutions (IDIS) funding mentioned on page 53, he said the ANC had previously been very clear that Councillors had to be workshopped on the funding with a clear indication of the associated risks. It appeared that the institution was taking an unsolicited approach on the matter.

This presented a risk and opportunity cost, as there could be better options. The lack of variety presented an opportunity cost and risk therefore a workshop was proposed. Failure to do this may result in the ANC caucus engaging National Treasury to block the project. He hoped that there would be further engagement on the matter.

On the Public Participation Third Quarter Report mentioned on page 54, he raised concerns about unmet targets despite the creation of the Public Participation Unit.

The report indicated that serious targets were not met. The Unit had to present on how this would be rectified at the next Council meeting.

On the OHS Risk Assessment mentioned on page 58, he stated that the target was not met and sufficient reasons were not provided. These targets were meant to be met in September, yet no reasons had been provided since.

He began to speak on the Sport Field Custodians mentioned on page 50.

Cllr Dhludhlu raised a point of order. He stated that Cllr Dayimani was repeating a resolution which Council had already decided upon. On IDIS funding, he stated that item 21/12/MM8 addressed the matter.

The Speaker noted Cllr Dhludhlu but indicated that as there were several new Councillors, he would allow the Councillor to continue. He hoped that the recommendations on page 51, which called for Portfolio Committees to interrogate outstanding items, would address the Councillor's concerns.

Cllr Dayimani thanked the Speaker and stated that the points he had raised were relevant to the item. Once wards and sports organisations were treated differently the Municipality would be accused of favouritism. If sports fields were given to certain sports clubs this had to be done uniformly in all wards. He proposed that a report on the status of repairs for sports fields be tabled at the next Council meeting.

The Speaker asked that the outstanding issues be addressed by the relevant Portfolio Committees. He would only allow points of clarity.

Cllr Mbandana stated that there was an issue in his community but was unable to complete his sentence.

The Speaker interjected and stated that only points of clarity would be allowed as the Councillor had spoken on the matter. He requested that issue be submitted in writing to himself and the Municipal Manager. He felt that the recommendations covered all the issues raised by the speakers but Council had to ensure that the matters were addressed at Portfolio Committees.

Cllr Benson proposed that the recommendations be accepted and was seconded by Cllr Dhludhlu.

Resolved (13 December 2021)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings and resolutions approved during the period of the Executive Mayor's Delegated Authority, 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.

Proposed: D Benson

Seconded: B Dhludhlu

21/12/MM2

REPORT ON DELEGATIONS REGISTER

The Executive Mayor requested that a recommendation be added which indicated that the Delegations Register be submitted for review by Council. The register had to be amended and this had to be done as soon as possible.

The Manager: Legal Services stated that recommendation 5.4 covered the review process which the Mayor had referred to. She was thereafter inaudible.

The Executive Mayor responded that the recommendation referred to an administrative review which was different to his request. A recommendation 5.2 which indicated that the Delegations Register be referred for review and workshop to Council had to be inserted.

The Acting Director I & E indicated that the process followed for the review of policies was that the administration would make amendments or recommendations which would then go to a Policy Workshop. At the Policy Workshop, which the full Council was invited to, the Councillors could interrogate the administrative review further and make changes. The Mayor was correct as the political review would be the Policy Workshop review from which the register would go to Council for final adoption. This was the process the Mayor was referring to and it could be captured as such.

Cllr Dayimani stated that he supported the item with the amendments. He was seconded by Cllr Dhludhlu.

Resolved (13 December 2021)

1. That the Delegations Register be confirmed and adopted;
2. That the Delegations Register be referred to a Council workshop for review.
3. That the Municipal Manager be instructed to submit a report to the Mayoral Committee with recommendations on any changes to the Delegation Register mentioned in 1 above;
4. That the Mayoral Committee submit recommendations thereon to the Municipal Council for resolution.

Proposed: M Dayimani

Seconded: B Dhludhlu

21/12/MM3

2021/22 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS UP TO THE QUARTER ENDING 30 SEPTEMBER 2021

Cllr Dayimani stated that the SDBIP was directly linked to Top Management's performance. The SDBIP that had been adopted was being reviewed in comparison to the SDBIP currently being presented. It was noted with concern that there were some targets which were not met.

The Speaker stated that the SDBIP would be reviewed together with the Adjustment Budget as funds would be diverted towards drought projects.

Cllr Gertenbach stated that page 297 mentioned the Revenue by Source. For the revenue for property rates in the first three months it appeared that the budget was only R4 million but a R100 million had been collected. This might appear incorrect to the new Councillors, but it had to be noted that some residents paid their rates annually whilst others paid it monthly hence the skewed figure. It might appear as if Water Revenue was less than budgeted for, which was disturbing.

The Speaker stated that what Cllr Gertenbach had highlighted was similar to what Cllr Dayimani had highlighted. Within the table all the administration had unfortunately done was to divide everything by four which was not an accurate reflection of the state of income within the Municipality. This had to be addressed as the calculation resulted in an inaccurate reflection of income. It was disappointing to see that this had happened as it had been discussed before.

Cllr Zana stated that he had been covered by Cllr Dayimani and Cllr Gertenbach.

The Speaker stated that the item was for noting but an amended document would be presented to Council once the necessary review linked to the Adjustment Budget had taken place.

Resolved (13 December 2021)

1. That the Quarter 1 Operational and Institutional Performance Report on Progress made with the implementation of the 2021/22 Service Delivery and Budget Implementation Plan be noted.

21/12/MM4

HANDOVER REPORT: EXECUTIVE MAYOR

The Speaker stated that it had been requested that the report be noted and referred back for corrections.

Resolved (13 December 2021)

1. That the handover report, as presented by the Executive Mayor, be noted.
2. That the report be referred back for corrections.

21/12/MM5

HANDOVER REPORT TO THE NEWLY ELECTED COUNCIL

The report was noted.

Resolved (13 December 2021)

1. That the handover report be noted.
2. That the Municipal Manager submit the report to DCOG, Provincial and National Treasury.

21/12/MM6

HANDOVER REPORT: SPEAKER

The report was noted.

Resolved (13 December 2021)

1. That the handover report, as presented by the former Speaker, be noted.

21/12/MM7

APPOINTMENT OF KOUGA AUDIT COMMITTEE CHAIR AND EXTENSION OF MEMBERS TERMS

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

Cllr Jantjes proposed the recommendations be adopted and was seconded by Cllr Dhludhlu.

Resolved (13 December 2021)

1. That Greg Billson be appointed as Chair of the Kouga Audit Committee for a period of 2 years (ending 30 June 2023) and the existing members (R Coetzer and Y Ngqele) contracts be extended to 30 June 2022.
2. That the Remuneration and Disbursements of the Kouga Audit Committee Members be in accordance with the rates regulated by latest Treasury Regulation plus the payment of the additional travel claims (if any).

Proposed: T Jantjes

Seconded: B Dhludhlu

21/12/MM8

REPORT ON VETTING: PRIVATE PROJECT FUNDING AGREEMENT PROPOSAL – IDIS CONSULTING & DEVELOPMENT

The Executive Mayor asked that the last sentence of paragraph three on page 393, which indicated that the funding proposal be declined, be removed. Recommendation 5.1 had to be amended to indicate that Council resolved to further investigate the proposal. A recommendation 5.2 had to be included which indicated that the funding proposal be workshopped with all Councillors and that further funding models be investigated.

Cllr Gertenbach proposed that the amended recommendations be accepted. He was seconded by Cllr August.

Resolved (13 December 2021)

1. That Council resolves to further investigate the Funding Proposal received from International Diverse Innovation Solutions (PTY) LTD (IDIS).
2. That the funding proposal be workshopped with all Councillors and that further funding models be investigated.

Proposed: W Gertenbach

Seconded: C August

21/12/MM9

REPORT ON EXERCISE OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR

The Speaker requested a proposer and seconder for the item as there were no speakers.

Cllr Gertenbach proposed that the item be accepted and was seconded by Cllr Dhludhlu.

Resolved (13 December 2021)

1. That the report by the Executive Mayor be accepted.

Proposed: W Gertenbach

Seconded: B Dhludhlu

21/12/MM10

VIRTUAL MEETINGS

The Speaker asked for a proposer and seconder.

Cllr L Maree proposed and was seconded by Cllr August.

Cllr Dayimani stated that upon the completion of the recess period Council had to be furnished with a report indicating what had transpired. There had to be transparency.

The Speaker responded that Cllr Dayimani's concern was noted.

Resolved (13 December 2021)

1. That Council approves the continuation of virtual meetings for Ordinary Council, Special Council and Portfolio Committee meetings.

Proposed: L Maree

Seconded: C August

18. REPORTS BY THE EXECUTIVE MAYOR

18.1 REPORTS BY THE CHAIRPERSON: FINANCE

21/12/F1

AMENDMENTS TO THE 2021/22 APPROVED CAPITAL BUDGET AND APPROVAL OF UNSPENT FUNDS AS AT 30 JUNE 2021 (MUNICIPAL INFRASTRUCTURE GRANT-CAPITAL PROJECTS)

The Executive Mayor handed over to Cllr Gertenbach to table the finance items.

Cllr Gertenbach introduced the item and stated that there were three grant funded projects which could not be completed before the end of the financial year hence a roll-over application was made. Treasury had approved the rollover of R5.9 million.

Cllr Dayimani stated that a Director had been given a golden handshake due to the Mayor implementing consequence management. There were unspent funds but there was no explanation on why these funds were not spent. He supported the rollover, but it had to be avoided. The Mayor had to continue holding those who did not spend funds timeously accountable. What would be done by the Mayor and the Municipal Manager to inhibit the repetition of rollovers every financial year?

The Speaker stated that the reasons for rollovers were indicated within the item but agreed that rollovers were not ideal.

Cllr V Gunuza stated that she was covered.

Cllr Zana stated that based on the principle of good governance, the ANC caucus wanted to see funds spent on communities as planned. If this did not happen, people had to be held accountable. There had to be consequences for those who did not spend the funds.

The Speaker stated that the item had to be approved by the majority of Council and requested a vote by show of hands. There were 22 hands in favour, which was a majority of Council therefore the recommendation was carried.

Resolved (13 December 2021)

1. That Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the following amendments to the 2021/22 Adjusted Capital Budget.

UKEY NR	DEPARTMENT	FUNDING	PROJECTS	Approved Budget 2021/22	NT Approved Rollover Amount	Adjusted Budget 2021/22
20190710991734	Sewerage	MIG	Upgrade Sanitation System Old Hankey	12 867 392	2 431 453	15 298 845
20201002061450	Mig Administration Unit	MIG	Mini Fresh Food and Craft Markets in Jbay & Hankey	-	838 062	838 062
20200304025410	Mig Administration Unit	MIG	Upgrading of Sea Vista Sports Facility	-	2 693 400	2 693 400
			Total	12 867 392	5 962 915	18 830 307

21/12/F2

DETERMINATION OF DATE VALUATION 2023-2027 GENERAL VALUATION ROLL

Cllr Gertenbach introduced the item which was for the determination of a date for the general valuation to begin.

The item was unanimously approved.

Resolved (13 December 2021)

1. That the date of valuation, for the purpose of compiling the general valuation roll for the period 1 July 2023 to 30 June 2027 be determined as 1 July 2022.

18.2 REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES

21/12/CORP1 COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

The Executive Mayor tabled the items for Corporate Services which would be handled by Cllr Jantjes.

Cllr Jantjes introduced the item and read the recommendations.

The item was unanimously approved.

Resolved (13 December 2021)

1. That it be noted that the Council will be in recess for the period 13 December 2021 to 14 January 2022.
2. That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 13 December 2021 to 14 January 2022, subject to the following undermentioned conditions:
 - a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;
 - b) That the parameters of the Procurement Policy be complied with.
3. That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of the Council be submitted to Council in report format for information or review at the first Ordinary Council Meeting for 2022.

21/12/CORP2 STRUCTURING OF THE MUNICIPAL COUNCIL: APPOINTMENT OF MEMBERS TO SECTION 79 AND 80 COMMITTEES

Cllr Jantjes stated that the item had been split into two items to deal with Section 79 and 80 Committees respectively.

21/12/CORP3 STRUCTURING OF THE MUNICIPAL COUNCIL: COMPOSITION OF MEMBERS TO SECTION 80 COMMITTEES

Cllr Jantjes introduced the item and read the recommendations.

Cllr N Ntengwane asked that Cllr Zana speak on her behalf.

The Executive Mayor requested that Portfolio Councillors avoid reading the recommendations as a standard order unless a recommendation had to be amended.

Cllr Yali stated that the Chief Whip would submit the names.

Cllr Zana stated that the ANC supported the recommendations and that the names would be submitted.

Cllr Oliphant requested a caucus and was granted a 5-minute caucus by the Speaker.

The meeting readjourned at 11:49.

Resolved (13 December 2021)

1. That the report regarding the composition of members to Section 80 Committees be noted;
2. That Council resolves to compose the Section 80 Committees as follows:

2.1 A minimum of 10 (ten) committee members.

2.2 Allocation of seats for members will be 5 (five) DA Councillors, 2 (two) ANC Councillors, 1 (one) PA Councillor, 1 (one) EFF Councillor and 1 (one) FFP Councillor

2.3 Allocation of seats for alternate Councillors will be 2 (two) DA Councillors and 1 (one) ANC Councillor

3. That the Council notes the announcement of the Chairpersons for each Section 80 Committee by the Executive Mayor as follows:

Corporate Services	- Cllr T Jantjes
Planning, Development & Tourism Portfolio	- Cllr H Bornman
Monitoring & Evaluation Portfolio	- Cllr S Ruth
Community Services Portfolio	- Cllr D Benson
Infrastructure and Engineering Portfolio	- Cllr L Maree
Finance Portfolio	- Cllr Gertenbach

4. That names of nominated members, including names of alternate members to the Section 80 Committees be submitted to the Acting Director: Corporate Services, within 7 (seven) days from the date of the Council Meeting.

21/12/CORP4

STRUCTURING OF THE MUNICIPAL COUNCIL: COMPOSITION OF MEMBERS TO SECTION 79 COMMITTEES

Cllr Jantjes introduced the item which dealt with the composition of multiple committees.

The Speaker requested nominations for the Chair of the Rules and Ethics Committee.

Cllr Dhludhlu nominated Cllr van der Linde as the Chair of the Committee and was seconded by Cllr R Foley.

Cllr Zana nominated Cllr Mbandana as the Chairperson.

The Speaker asked if there were any other nominations.

Cllr Dayimani raised a point of order and stated that Cllr Zana's nomination had to be seconded.

Cllr Gunuza seconded the nomination of Cllr Mbandana.

A vote was held by a show of hands. The Speaker stated that there were 18 votes in favour of Cllr van Linde therefore he was elected as Chairperson of the Rules and Ethics Committee.

Cllr Dayimani raised a point of order and stated that a vote had to be held for the second nominee as well. The vote also had to be recorded to ensure transparency.

The Executive Mayor raised serious concern at the extremely poor and erratic Wi-Fi signal within the institution. He lost connection during the voting process. The poor internet connectivity posed a serious threat to Council, which he could not tolerate nor allow to continue. The issue had been ongoing for a few months. It was raised as a critical concern that Wi-Fi in the institution be addressed.

The Speaker agreed with the Mayor.

The Municipal Manager stated that the matter would be addressed.

The Speaker asked that the Mayor and himself receive a report back by Friday that week.

A vote was held for the second nominee. There were 11 votes in favour of Cllr Mbandana as the Chairperson of the Rules and Ethics Committee.

The Speaker called for nominations for the Chairperson of MPAC.

Cllr Zana nominated Cllr Oliphant as the Chairperson of MPAC and was seconded by Cllr Yali.

Cllr Dhludhlu nominated Cllr J Alexander as the Chairperson of MPAC and was seconded by Cllr August.

Cllr Oliphant stated that he accepted the nomination.

The Speaker indicated that Cllr Alexander had connectivity issues but had accepted the nomination.

Cllr Oliphant requested confirmation that Cllr Alexander had accepted the nomination.

The Speaker responded that Cllr Alexander had sent him a direct message and requested that the Councillor send the message to all attendees in the Zoom chat. Cllr Alexander raised his hand as confirmation.

The Speaker indicated that there were 11 votes in favour of Cllr Oliphant and 18 votes in favour of Cllr Alexander. He congratulated Cllr Alexander on his election as the Chairperson of MPAC.

Cllr Jantjes nominated Cllr Dhludhlu as Chairperson of the Municipal Bylaws and Policy Committee and was seconded by Cllr August.

The Speaker asked if there were any other nominations.

Cllr Zana nominated Cllr M Valgee as Chairperson as there was a lack of gender representation.

Cllr Dayimani seconded the nomination. He raised serious concerns about the lack of gender representation as the positions of Council were dominated by males. It was concerning that the DA was electing itself as the chair of MPAC and would be holding itself accountable.

Cllr Dhludhlu and Cllr Valgee accepted their nominations.

The Speaker indicated that there were 18 votes in favour of Cllr Dhludhlu and 12 votes in favour of Cllr Valgee. He congratulated Cllr Dhludhlu on his election as Chairperson.

The Speaker issued Cllr Dayimani with a warning for speaking out of turn.

Cllr Dayimani apologised and was noted by the Speaker.

Resolved (13 December 2021)

1. That the report regarding the composition of members to Section 79 Committees be noted;

2. That Council resolves to compose a **Disciplinary Committee (Rules and Ethics Committee)** as follows:
 - 2.1 A minimum of 5 (five) committee members.
 - 2.2 Allocation of seats for members will be 3 (three) DA Councillors and 2 (two) other Councillors.
 - 2.3 That Council resolves that Cllr W van der Linde be elected as chairperson of the Disciplinary Committee (Rules and Ethics Committee).
 - 2.4 That names of nominated members to the Disciplinary Committee (Rules and Ethics Committee) be submitted to the Acting Director: Corporate Services, within 7 (seven) days from the date of the Council Meeting.
3. That the Terms of Reference for the Rules and Ethics Committee be reviewed and referred to a future Council meeting for approval.
4. That Council resolves to compose a **Municipal Public Accounts Committee** as follows:
 - 4.1 A minimum of 12 (twelve) committee members.
 - 4.2 Allocation of seats for members will be 6 (six) DA Councillors, 2 (two) ANC Councillors, 1 (one) EFF Councillor, 1 (one) PA Councillor and 1 (one) FFP Councillor
 - 4.3 That Council resolves that Cllr J Alexander be elected as chairperson of the Municipal Public Accounts Committee.
 - 4.4 That names of nominated members, to the Municipal Public Accounts Committee be submitted to the Acting Director: Corporate Services, within 7 (seven) days from the date of the Council Meeting.
5. That the following Councillors are excluded from being a member of the MPAC:
 - a. Executive Mayor
 - b. Executive Deputy Mayor (if applicable)
 - c. Speaker
 - d. Whip
 - e. Members of the Mayoral Committee
6. That it be noted that Municipal officials are excluded from being members of MPAC.

7. That an advertisement be placed in the local newspapers for the appointment of a member of the public to serve as Public Representative on the MPAC for the same period as the elected Councillors.
8. That the Terms of Reference for the Municipal Public Account Committee be reviewed and referred to a future Council meeting for approval.
9. That Council resolves to compose a **Municipal By-laws and Policy Committee** as follows:
 - 9.1 A minimum of 5 (five) committee members.
 - 9.2 Allocation of seats for members will be 3 (three) DA Councillors and 2 (two) other Councillors.
 - 9.3 That Council resolves that Cllr B Dhludhlu be elected as chairperson of the Municipal By-Laws and Policy Committee.
 - 9.3 That names of nominated members to the Municipal By-Laws and Policy Committee be submitted to the Acting Director: Corporate Services, within 7 (seven) days from the date of the Council Meeting.
10. That the Terms of Reference for the Municipal By-Laws and Policy Committee be developed and referred to a future Council meeting for approval.

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

21/12/CS1 REPORT ON THE FESTIVE SEASON READINESS PROGRAM: DIRECTORATE COMMUNITY SERVICES

The Executive Mayor tabled the items for Community Services which would be handled by Cllr Benson.

Cllr Benson introduced the item.

Cllr Mbandana requested that related expenses for the festive season be presented at the next Council meeting. There appeared to be politically appointed volunteers and requested clarity on the recruitment process.

The Executive Mayor asked if the Councillor was proposing that each volunteer be questioned on their political affiliation.

The Speaker stated that a report on the outcomes and expenditure would be requested for when the festive season closed. He called on Cllr Valgee as well as Cllr Alexander to speak but there was no response.

Cllr Zana stated that the institutions Wi-Fi was problematic. A report back had to be created on what had transpired during the festive season period.

The Speaker noted the request.

The report was unanimously adopted.

Resolved (13 December 2021)

1. That the Festive Season preparedness report for Community Services be noted and supported.

18.4 REPORTS BY THE CHAIRPERSON: PLANNING AND DEVELOPMENT

21/12/PDT1 PARTNERSHIP AGREEMENT BETWEEN KOUGA LOCAL TOURISM ORGANISATION AND KLM TO CO-HOST THE 2021 FESTIVE SEASON EVENTS UNDER THEME "SUMMER OF LIGHTS"

The Executive Mayor tabled the items for Planning, Development and Tourism which would be handled by Cllr Bornman.

Cllr Bornman introduced the item. It was proposed that Council withdraw its support from its own events, but businesses did not have to do so. The Municipality could not be responsible for super spreader events during the festive seasons.

Cllr van der Linde enquired whether the funds had been paid over and whether the funds would be returned if the support was withdrawn.

The Director: PDT stated that payments had not been made yet as this would have been done after Council's approval.

The Speaker asked if recommendation 6.2 had to remain considering the withdrawal of support. He asked that the Director comment, but he felt it could be deleted.

The Executive Mayor stated that the item as a whole be withdrawn instead of the recommendations being discussed.

Cllr Bornman withdrew the item.

21/12/PDT2 RE-PRIORITISATION OF ESKOM FUNDING ALLOCATION FOR THE INSTALLATION OF ELECTRICAL CONNECTIONS IN THE GAMTOOS VALLEY MUNICIPAL AREA

Cllr Bornman introduced the item.

The item was unanimously approved.

Resolved (13 December 2021)

1. That the report on the grant funding approval of **R 10 440, 000,00** for the electrification of informal settlements in the 2022/23 and **R 14 912, 000.00 in the 2023/24** Financial years be noted;
2. That Council approves the re-prioritization of the electrification program of Ramaphosa Village due to challenges with the Stuurmanskop relocation site;
3. That Council approves the electrification of Cyril Ramaphosa (278) informal houses in the 2023/24 FY.

21/12/PDT3

**EXTENSION OF PERIOD FROM 1ST JANUARY 2022 TO 30 JUNE 2022:
WAIVING OF PENALTIES IMPOSED ON BUILDING PLAN SUBMISSIONS
FOR UNAUTHORISED BUILDING WORK IN TERMS OF THE NATIONAL
BUILDING REGULATIONS AND STANDARDS ACT (103 OF 1977)**

Cllr Bornman introduced the item.

Cllr Dayimani thanked that DA caucus for considering Cllr Oliphant's concerns regarding the previous item.

The item was unanimously approved.

Resolved (13 December 2021)

1. That the Council approves the extension of amnesty period for submission of building plans applications on existing unauthorised buildings from January 2022 to the end of 30 June 2022.
2. That the waiver of penalties will only apply to building works done before January 2019 (1st amnesty period).
3. That, the applicant shall where applicable, be required to comply with the national building regulations and Standards Act ,1977(Act 103 of 1977, as amended) to ensure sound building control management.
4. The Council reserves the right to impose conditions to ensure compliance to other legislation.
5. The proposed period for exemption determined by the Council be published in the local newspaper, municipal website, and other platforms to inform all residents of the amnesty period for penalties.

21/12/PDT4

KOUGA FINAL OUTDOOR ADVERTISING AND SIGNAGE BY-LAW FOR ADOPTION

Cllr Bornman introduced the item.

The item was unanimously approved.

Resolved (13 December 2021)

1. That Council adopts the Outdoor Advertising and Signage By-law, and
2. That the Outdoor Advertising and Signage By-law, so passed by Council, be published in the Provincial Gazette.

21/12/PDT5

APPLICATION FOR A 22KV OVERHEAD LINE SERVITUDE: ERF 499 AND PORTION 21 OF FARM ZWARTENBOSCH NO 347: HUMANSDORP AREA: WOODLANDS DAIRY

Cllr Bornman introduced the item.

The item was unanimously approved.

Resolved (13 December 2021)

1. That Council grant approval for the 22kV overhead line servitude over erf 499 and portion 21 of the Farm Zwartebosch No 347, Humansdorp in accordance with the concept surveyor diagram as prepared by *Maarschalk and Partners Incorporated*.
2. That Council obtain the fair market related monthly rental value for the servitude area over the immovable properties contemplated herein.
3. That Council confirm that the proposed servitude area over the immovable properties listed in 1. above is not needed to provide the minimum level of basic municipal services. This is subject to the following conditions that must be taken into consideration:
 - 3.1 That the provisional route of the planned bulk water line from the boreholes north of the highway (N2) to the waterworks in the Humansdorp industrial area be taken into consideration by the applicant and to ensure that the proposed bulk water line route is not infringed.

- 3.2 That it be noted that the piece of land in close proximity of Melkhout Substation and which forms part of erf 499 is earmarked for renewable energy projects hence, further activities and applications need to be limited and carefully considered.
- 3.3 That the two pole structures which the applicant will have to install on either side of the N2 where the line cross the N2 be high enough, to steer clear of the municipal installed 18-meter poles across the N2.
- 3.4 That the application obtains the correct clearances where the line crosses the Municipal and Eskom lines, and should the clearances be too low then it is recommended that the applicant use a cable to go underneath the Eskom and Municipal lines.
- 3.5 That the servitude be registered in favour of the Municipality for access purposes.
- 3.6 That the applicant be responsible for the cost associated with the land use application and registration of the servitude.

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

21/12/I&E1

AUGMENTATION POLICY AMENDMENT

Cllr Maree introduced the item.

Cllr Bornman requested a 5 min caucus for the DA.

The meeting reconvened at 12.39.

The Executive Mayor on policy insertion of 13.1 below 4.6, questioned the use of the term "Council Engineer". He asked the Manager: Legal Services to advise whether this was the correct choice of wording or whether the I&E Director had to be specifically mentioned.

The Manager: Legal Services requested that the question be repeated as she had poor internet connectivity.

The Executive Mayor clarified his question and stated that the current wording was concerning as there was no mention of the Director and who was accountable which could be misleading. The Acting Director I&E stated that when terminology as such was used it referred to the Director of the specific department. In this case Council Engineer would refer to the Director I&E. The terminology was confusing.

The recommendation was for the clause to be deleted from the policy and 13.1.1 would be inserted. Clause 13.1.1 would provide clarity on who was accountable for considering agreements. The initial negotiations would be done by the Municipal Manager and the Director: I&E and thereafter Council would be the body granting approval.

The Executive Mayor thanked the Director for the clarity and stated that the delegated persons be named in 13.1.1. Cllr Bornman stated that the policy was approved in 2013 and asked that the review of the full policy be at the top of the Speaker's priorities.

Cllr Dayimani stated that he was pleased that Council was finally dealing with the policy as issues had been raised in 2017 about the haphazard way augmentation had been dealt with. He asked if the policy had been workshopped. If not, the policy had to be workshopped. He agreed that the policy refer to a directorate instead of Council Engineer.

The Speaker agreed and stated that the policy was tabled urgently in light of the budget discussions but it had to be workshopped.

The Executive Mayor stated that new insertion 13.1.1 did not refer to any position therefore a title had to be inserted to indicate who the designated persons were.

The amended policy was unanimously adopted.

Resolved (13 December 2021)

1. That the augmentation fees must be charged for all additional structures and developments in accordance with the approved tariffs of Council be inserted as 6.2 to the policy.
2. That all Augmentation fees be paid in cash, be inserted as 6.3 to the policy.
3. That 6.2 of the policy be changed to 6.4, 6.3 be changed to 6.5 and respective numbering be changed accordingly.
4. Where the Augmentation fees is paid in kind, the Service Level Agreement as negotiated by the Accounting Officer and Director: Infrastructure & Engineering, must be submitted to Council for consideration, be inserted as 13.1.1

5. That the Service Level Agreement presented to Council must include: -

- Revenue to be received based on the approved tariffs.
- Breakdown of costs of in kind infrastructure to be implemented.
- Monitoring mechanisms.
- Proof of payment of all cost implemented.
- That the above be included as 13.1.2.

6. That the section appearing below be deleted from the policy:

13.1 Provision of Infrastructure by the owner

The Municipality's Council Engineer may request an owner/developer to provide bulk infrastructure, in accordance with the Municipality's requirements, in lieu of payment of Augmentation contribution fees of a particular service, subject to such an arrangement being agreed to in writing and included in the Services Agreement.

19. **CLOSURE**

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

The meeting closed at 12:50



B WILLIAMS
SPEAKER

10 March 2022

DATE
