

MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON THURSDAY, 31 MARCH 2022 AT 10:00
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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	
P Oliphant	
M Dayimani	
M Yali	
V Gunuza	
K Ndzalani	
N Ntshota	
B Human	
N Ntengwane	
V Zana	
E Mbuqu	
M Valgee	
W van der Linde	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
K Moodley	(Director: Corporate Services)
F Mabusela	(Director: PDT)
N Machelesi	(Director: Community Services)
A Liberty	(Acting Director: I&E)
R Lorgat	(CFO)
D De Jager	(HR Manager & Acting: Deputy MM)
L Opperman	(Manager: Legal Services)
M Rossouw	(Manager: Administration & Auxiliary Services)
A Jonck	(Manager: Office of the Mayor)
T Madatt	(Manager: Electrical Services)
A Koegelenberg	(Manager: PMS)
N Zode	(Committee Officer)
A Koegelenberg	(Manager: PMS)
M Basson	(Senior Media Liaison Officer)
N Mazibuko	(Committee Clerk)

AGSA

Mr Andre Stapelberg

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 Special Council Meeting will be held using the zoom platform.

2. **OPENING AND WELCOME**

The Speaker welcomed those present and asked Cllr D Benson to open with a prayer.

He extended a welcome to Mr Andre Stapelberg from the Auditor General.

3. **ABSENT WITH LEAVE**

Cllr L Nkilishane

4. **ABSENT WITHOUT LEAVE**

Cllr M Mbandana

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

None

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

The Speaker stated that Council found itself at the end of its first full quarter and that a lot had been achieved since November 2021.

Ward Committees were up and running and he was pleased to report that every Ward Committee had held its inaugural meeting in the beginning of March.

The first Ward Councillor Forum had also been held that week- where several important issues were discussed.

Most of the Ward Offices were functional and work was being done regarding satellite offices in wards that covered vast distances and a variety of communities.

In particular, Oyster Bay, Kwanomzamo, parts of Patensie, Loerie and Aston Bay still needed fully functional offices to enable Ward Councillors to deliver high quality services to their communities. This would be addressed during the month of April in line with available budget.

Several wards also held public meetings focused on service delivery during the first quarter of this year, in addition to "meet the Ward Councillor" meetings and the Ward Committee elections which all took place since January 2022.

He was satisfied that the new Council was off to a great start in terms of public participation and the vision of the Speaker's Office to bring Government back to the people. Furthermore, the Office of the Mayor would be kicking off the IDP public participation meetings from 7 April 2022 and this would provide another opportunity to interact with all the communities of Kouga.

The Draft Budget and Draft IDP would be presented to communities for their inputs. He thanked all the officials and politicians involved in ensuring that Council had a draft IDP to take to communities for consultation. The timelines were incredibly tight, and it was a sign of the dedication and commitment from the team, ably led by Director Fezeka Mabusela, that Kouga was one of the few Municipalities in the Eastern Cape which would be tabling a credible Draft Budget for consideration by Council.

Inputs were still required on the Draft IDP and Councillors as well as residents still had plenty of opportunity to have their say on this important strategic document of Council. The establishment of forums based on the different portfolio's represented on the Ward Committees would be a priority of the Office of the Speaker. Ward Councillors had been requested to finalise their various Ward Committee Portfolios at the next meetings, which were scheduled to take place by 10 April 2022.

April would be another very busy month for Council and it was pleasing to note the enthusiasm and dedication from all the Councillors in their quest to better the lives of all the people of Kouga.

The Speaker's Office remained committed to equipping Councillors to enable them to deliver effective and efficient services to all the communities of Kouga. He looked forward to a productive month ahead in this regard.

In closing, he thanked all Councillors for the co-operation extended to his office. Together Councillors were already making a mark in ensuring this Council would leave a legacy over the next five years that would be a benchmark for those who would come after.

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

The Executive Mayor greeted those present.

He stated that the Draft Annual Budget would be tabled but it would go out for public participation as there would be additional recommendations which would have a material effect.

He thanked the team responsible for leading the IDP as well as the Speaker for getting Ward Committees up and running.

He was looking forward to engaging communities during the public participation programme for the Draft Budget and IDP. The Annual Report would be tabled as well, and he thanked the MPAC Chair and committee for its Oversight Report.

He was assured that Kouga Municipality was firmly underway with its next chapter.

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

None

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

None

The Speaker stated that as the first IGR meeting had been held, a report was expected at the upcoming April Council meeting.

11. **REPORT BACK: MUNIMEC**

None

12. **DISCLOSURE OF INTEREST**

The Speaker declared an interest in item no. 22/04/MM9.

Cllr Benson declared an interest in item no. 22/04/MM10.

13. **STATUTORY MATTERS**

None

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

14.1 None

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

15.1 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 23 FEBRUARY 2022**

Resolved (31 March 2022)

1. That the minutes of the Special Council meeting held on 23 February 2022 be accepted.

Proposed: D Benson

Seconded: C August

15.2 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 FEBRUARY 2022**

Resolved (31 March 2022)

1. That the minutes of the Ordinary Council meeting held on 28 February 2022 be accepted.

Proposed: D Benson

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).

16.1 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

22/03/MPACC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Cllr J Alexander introduced the item.

The Speaker proposed that the minutes be withdrawn from the confidential agenda.

Cllr H Bornman stated that the minutes were included within the MPAC Oversight report but the minutes were not noted per se.

The Manager: Legal Services proposed that the minutes be noted.

Cllr Alexander stated that Directors had to avail themselves to attend MPAC meetings where their attendance was required.

The Executive Mayor indicated that the minutes which dealt with the Annual Report had to be noted in the public domain. It was important for the item to be moved to the Open Agenda.

Cllr Alexander proposed that minutes be moved to the Open Agenda and noted thereafter. Cllr C August seconded the proposal.

Resolved (31 March 2022)

1. That the minutes be moved to the Open Council Agenda and thereafter be noted.

Proposed: J Alexander

Seconded: C August

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

22/03/MM1

COUNCIL RESOLUTIONS AS AT 28 FEBRUARY 2022

The Municipal Manager tabled the item.

The Executive Mayor requested that the Action Sheets be referred to Top management. He was seconded by Cllr W Gertenbach.

Resolved (31 March 2022)

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.
4. That the Action Sheets be referred to Top Management.

Proposed: H Hendricks

Seconded: W Gertenbach

22/03/MM2

2020/21 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: OVERSIGHT REPORT

Cllr Alexander tabled the item.

Cllr V Zana stated that the report had to be noted and referred to a workshop.

Cllr Alexander stated that the report was discussed broadly and that all parties were represented within MPAC. The Annual Report had to be adopted together with Oversight Report but, there could be a workshop in future.

Cllr Bornman indicated that he had proposals for few minor amendments.

Cllr P Oliphant raised a point of order and stated that it was a comprehensive document and irrespective of MPAC representation, all Councilors had to be taken through the document. The document could be noted that day.

The Speaker indicated that the report had to be adopted together with the Annual Report that day. He welcomed a workshop after the report had been adopted.

Cllr Borman stated that Cllr Oliphant was a member of MPAC. He requested that recommendation 4.11 be amended with the insertion of "Kouga Dam"; that recommendation 4.18 be removed as it was contradiction to the budget; on 4.21, the section indicating " in order to improve the efficiency of the sewer system and rising mains." had to be removed as it would in-fact place more pressure on the sewer system; on 4.22 it had to be amended to indicate it was for ownership of the roads that ran through Kouga towns;

On 4.23 he said that "ECP" had to be replaced with "EPWP" and their "functioning" had to be referred to COGTA.

Cllr V Zana stated that he had noted MPAC Chairperson's comments, but he requested a workshop. Despite political party representation, Councillors had to be workshopped to allow substantive engagement on the report. The ANC was not against the adoption of the report, but Councillors had to be workshopped.

The Speaker added that a recommendation indicating that report be workshopped post-adoption could be included.

Cllr Oliphant raised a point of clarity and stated that MPAC had an oversight function therefore the Deputy Mayor had to make submissions to the Committee as it was conducting oversight over him. He appreciated that the document would be engaged post-adoption.

Cllr Alexander supported the request for a workshop. The amendments made by the Deputy Mayor were supported as well. It had to be noted that the report was an oversight report for 2019/2020.

Cllr Alexander proposed that Cllr Bornman's amendments be accepted and that an additional recommendation be added which indicated that there would be a workshop for the Report.

Cllr August seconded the recommendation.

Resolved (31 March 2022)

Council resolves that:

After having fully considered the 2020/21 Annual Report of the Kouga Municipality and representations thereon, it adopts the Annual Report without any reservations:

1. That measures be put in place to turn around the decline in the financial health of the municipality.
2. That measures be put in place to staff the performance management unit, improve on the quality of performance information, improve on the quality of performance reports and the regular review of performance.
3. That the Mayoral Committee, as a priority, review the membership and functioning of the IT Steering Committee and hold the IT Steering Committee accountable to ensure that IT Service Level Agreements are in place,
4. That the performance of IT Service Providers are being monitored,
5. That the IT Strategy is reviewed and improved on that a skills plan for IT staff is developed and implemented and that the system access controls are significantly improved on.
6. That the expenditure incurred at the Seekoei Estuary at Jeffreys Bay, be investigated, and a detailed report be submitted to MPAC.
7. That processes be put in place to enhance financial statement reviews.
8. That management is held to account for not addressing audit findings and that these measurements be incorporated into management performance compacts.
9. That Supply Chain Management expedite the approval of contracts (BSC, BEC and BAC) for implementation of projects, because it delays service delivery and give rise to fruitless and wasteful expenditure.
10. That the bulk water service agreement with the Nelson Mandela Metro be finalized.
11. That a new agreement with Department of Water and Sanitation for the provision of an increased water quota for domestic use by Kouga Dam be negotiated.
12. That the dramatic increase in growth rate and associated informal settlements be used to motivate for infrastructure grants from Government.
13. That a Repair and Maintenance Plan be drafted to ensure the realistic spending of the budget.

14. That the relocation of residents after removal from informal settlements and the removal of old shacks be guided by a Relocation Plan.
15. That new cemeteries be planned for Kouga and that the existing cemeteries be upgraded and fenced.
16. That the Disaster Management Plan be updated and improved.
17. That all the Draft Policies be updated and finalized.
18. That the increased expenditure on Employee Related Cost, Impairment Losses and Contracted Services be curtailed and that where possible, the entire Capital Budget be spent.
19. That Council be alerted to the escalating personnel expansion and cost.
20. That the replacement of the bucket system and upgrade conservancy tanks to a waterborne system where possible be expedited.
21. To negotiate with the Provincial Roads Department to take over the ownership of the roads that run through Kouga towns.
22. That it be requested that both the EPWP and CWP programmes be referred to COGTA for their attention.
23. That a marketing plan for Kouga Municipal Caravan Parks be drawn up.
24. That measures be implemented to ensure that all consumers are billed for services received from Kouga Municipality.
25. That measures be implemented to reduce water losses to more acceptable levels.
26. That measures be implemented to reduce electricity losses to more acceptable levels.
27. That the KPI's for 2022/23 Financial year be reconsidered.
28. That the report be workshopped after its adoption.

Proposed: J Alexander

Seconded: C August

22/03/MM3

ANNUAL REPORT (2020/2021)

The Executive Mayor tabled the Annual Report.

Cllr Zana stated that the official opposition noted the report.

The Executive Mayor stated that he wanted to make a correction but would inform the administration post facto.

Cllr Zana and Cllr Dhludhlu supported the adoption of the report.

Resolved (31 March 2022)

1. That the 2020/21 Annual Report be approved without reservations in terms of the provisions of Section 129(1) of the Municipal Finance Management Act
2. That the Accounting Officer make the approved 2020/21 Annual Report public and submit copies of the 2020/21 Annual report to:
 - The Auditor-General.
 - The Provincial Treasury.
 - The Provincial Department for Local Government.

22/03/MM4

**2021/22 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN:
AMENDMENT FOLLOWING THE MID-YEAR PERFORMANCE
ASSESSMENT AND FEBRUARY 2022 ADJUSTMENTS BUDGET**

The Municipal Manager introduced the item.

Cllr M Yali stated that there was in principle agreement.

Council, however, had to ensure that the spending pattern was indicated and that poorer wards were accommodated.

Cllr Oliphant agreed with Cllr Yali, and further stated that a methodology had to be included to measure the performance of senior management. Senior management had to ensure that Cllr Yali's concerns were reflected.

Cllr Bornman on page 603, raised concern about the limited measurements reflected for ICT services. This had to be addressed in the new Budget, KPIs and SDBIP.

The Speaker noted all the comments and asked that the Municipal Manager take note of this for the new draft of the SDBIP.

Cllr T Jantjes proposed that the report be accepted and was seconded by Cllr Gertenbach.

Resolved (31 March 2022)

1. That in terms of the provisions of Section 54(1)(c) of the Municipal Finance Management Act of 2003, the proposed amendments to the institutional and operational targets of the

2021/22 Service Delivery and Budget Implementation Plan be approved for implementation with effect of the date of approval by Council.

2. That the Municipal Manager affects the required changes to the performance plans of Senior Managers to ensure that the performance plans are aligned to the amended 2021/22 Service Delivery and Budget Implementation Plan targets for implementation with effect 1 March 2022.
3. That addendums to the Performance Agreements of Senior Managers following the amendment of the 2021/22 Service Delivery and Budget Implementation Plan, be submitted to Council.

Proposed: T Jantjes

Seconded: W Gertenbach

22/03/MM5

ESTABLISHMENT OF A COURT DEDICATED TO MUNICIPAL AFFAIRS – MUNICIPAL COURT

Cllr W van der Linde stated that section 170 and 179 of the Constitution were better suited for the establishment of a Court than the cited sections. He asked - was there a proper analysis to show that it would be viable to establish a Court? Would the funds raised cover the associated costs?

Cllr Zana asked where the budget would come from for the Establishment of such a Court and whether it would be viable? He asked if there had been public consultations regarding the Court's establishment. Was there concurrence from the National Department of Justice for the establishment of the Court?

On process of appointing a Magistrate, he asked who would make the appointment? There had to be clear terms of reference for the Court.

The Municipal Manager stated that page 658 made reference to income lost due to notices withdrawn and the potential loss of income would more than cover the cost operating the Court.

The Manager: Legal Services stated that the Municipal Manager addressed the financial viability of the Court. Currently a large amount of income was lost as the Regional Magistrate Court did not have capacity and resources to address municipal issues such as traffic violations.

In response to Cllr Zana, she stated that the item needed Council's support and thereafter public participation and interactions with the Department of Justice (DOJ) would continue. The DOJ was in support of the additional court as it did not have resources to address municipal issues.

On concurrency, she stated that once Council granted its support a business plan would be submitted to the DOJ for approval.

On appointment of the Magistrate, she stated that once approval had been granted by the DOJ there would be a Service Level Agreement (SLA) whereby a Magistrate would be provided. Similarly, the National Prosecuting Authority (NPA) would facilitate the appointment of a prosecutor. Payment would be made through invoice.

The Speaker requested that feedback be provided to himself, and Cllr van der Linde on the Constitutional references reflected.

Cllr Zana appreciated that work done thus far but proposed that the issue be deferred to allow for more consultation.

The Executive Mayor disagreed with Cllr Zana and indicated that a lengthy historical process had been followed before the tabling of the item. There had been bench marking- at Mossel Bay and Stellenbosch and various other engagements. There had to be a way to implement By-laws and create compliance. He proposed that the matter not be deferred and dealt with urgently.

Cllr Van der Linde indicated that Freedom Front Plus was in favour of the Court's establishment as it was clear from the Legal Manager's response that proper research had been done.

Cllr Oliphant stated that the ANC was not against the establishment but there had to be public participation ward by ward.

The item could not be hastily adopted as the opposition had to be given an opportunity to engage the information.

The Speaker indicated that a minute was allowed for a point of clarity.

Cllr B Dhludhlu stated that he was a Chairperson of the Policies and By- laws Committee and that it would be pointless to update policies and By-laws if no action could be taken.

The Executive Mayor indicated that a recommendation 3.3 could be included to make provision for seeking public comment.

Cllr Zana asked if there was a policy for the establishment of a Court.

The Speaker stated that the administrative processes would commence once support had been granted.

Cllr Dhludhlu supported the Mayor's proposal.

Cllr Oliphant had a counter proposal and indicated that based on the absence of a policy, the item be deferred. He was seconded by Cllr Yali.

Cllr Zana requested a division of vote.

A vote was held for Cllr Oliphant's proposal as follows:

Cllr N Ntengwane	In favour
Cllr V Zana	In favour
Cllr M Yali	In favour
Cllr P Oliphant	In favour
Cllr N Ntshota	In favour
Cllr E Mbuqu	In favour
Cllr V Gunuza	In favour
Cllr M Valgee	In favour
Cllr K Ndzaleni	In favour
Cllr M Dayimani	In favour
Cllr B Williams	Not in favour
Ald H Hendricks	Not in favour
Cllr H Bornman	Not in favour
Cllr D Benson	Not in favour
Cllr B Dhludhlu	Not in favour
Cllr T Jantjes	Not in favour
Cllr W Gertenbach	Not in favour
Cllr H Murray	Not in favour
Cllr R Foley	Not in favour
Cllr F Heystek	Not in favour
Cllr C August	Not in favour
Cllr M Biko	Not in favour
Cllr M van Niekerk	Not in favour
Cllr J Alexander	Not in favour
Cllr L Maree	Not in favour
Cllr S Ruth	Not in favour
Cllr W van der Linde	Not in favour
Cllr B Human	Abstain

In favour of the proposal = 10

Not in favour of the proposal = 17

Abstain = 1

A vote was held for Ald Hendricks proposal as follows:

Cllr B Williams	In favour
Ald H Hendricks	In favour
Cllr H Bornman	In favour
Cllr D Benson	In favour
Cllr B Dhludhlu	In favour
Cllr T Jantjes	In favour
Cllr W Gertenbach	In favour
Cllr H Murray	In favour
Cllr R Foley	In favour
Cllr F Heystek	In favour
Cllr C August	In favour
Cllr M Biko	In favour
Cllr M van Niekerk	In favour
Cllr J Alexander	In favour
Cllr L Maree	In favour
Cllr S Ruth	In favour
Cllr W van der Linde	In favour
Cllr N Ntengwane	Not in favour
Cllr V Zana	Not in favour
Cllr M Yali	Not in favour
Cllr P Oliphant	Not in favour
Cllr N Ntshota	Not in favour
Cllr E Mbuqu	Not in favour
Cllr V Gunuza	Not in favour
Cllr M Valgee	Not in favour
Cllr K Ndzaleni	Not in favour
Cllr M Dayimani	Not in favour
Cllr B Human	Abstain

In favour of the proposal = 17

Not in favour of the proposal = 10

Abstain = 1

That it be noted that the following Councillors were not present in the meeting: -

- Cllr L Nkilishane
- Cllr M Mbandana

The Speaker indicated that based on the outcome the Executive Mayor's recommendation was carried.

Resolved (31 March 2022)

1. That the Council notes and accepts the report on the additional Court dedicated to Municipal Affairs.
2. That the Council supports the establishment of an additional Court dedicated to Municipal Affairs.
3. That public comment be sought on the establishment of a Municipal Court.

Proposed: H Hendricks

Seconded: B Dhludhlu

22/03/MM6

**DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN:
2022/23**

The Municipal Manager tabled the item.

Cllr Ruth proposed that item be withdrawn and was seconded by Cllr K Ndzaleni

Resolved (31 March 2022)

1. That the Draft 2022/23 Service Delivery and Budget Implementation Plan be withdrawn.

Proposed: S Ruth

Seconded: K Ndzaleni

22/03/MM7

DRAFT IDP 2022-2027

The Municipal Manager tabled the item and indicated that it was a draft and inputs would be accepted until the final IDP was approved.

Cllr R Foley thanked the administration for the preparation of the IDP but was thereafter inaudible.

The Speaker asked the Councillor to submit his comment in the Zoom chat box.

Cllr N Ntshota stated that the item was appreciated but the public participation process had to be thorough.

Cllr S Ruth indicated that recommendation 7.4 had to be corrected to read as "2022/27 Draft IDP".

Cllr van der Linde, on page 757 where the top 5 priorities for 5 years was listed, asked that the dunes in Oyster Bay be included as a priority for Ward 1. On page 758, nothing was listed for Ward 12.

The Speaker asked that the Councillor refer these additions to him in writing.

Cllr Bornman stated that the Oyster Bay Dune Rehabilitation Project was listed as a priority for Ward 1 on page 741. He stated that demarcation maps were not updated and therefore irrelevant. The institutional SWOT analysis on page 802 was incomplete. There were also repetitions of information. He would submit other issues in writing.

Cllr Yali supported the Draft IDP being accepted but raised issue on Ward prioritisation. Ward committees had to be allowed to submit their own priorities, in order to allow Ward Councillors to submit proper priorities.

On page 869, he indicated that the figures for the installation of high masts were incorrect. On page 973, indicated that Tokyo Sexwale creche was in Ward 2 not 1. Similarly, the wards for King Jesus Ministries and Sunshine Service Centre were reflected incorrectly.

The Speaker asked that the inputs be submitted in writing as well.

The Executive Mayor stated that there would be a major public participation which would commence on the 7 of April 2022. There were over 1100 comments but there was a massive project ahead as processes intensified. There had to be a centralised way for all the comments to be submitted and collated.

The Speaker asked the administration to provide a way forward in this regard. Councillors had to urge communities to attend meetings.

Cllr August proposed that the Draft IDP be approved with the amended recommendations and was seconded by Cllr Dhludhlu.

The Acting Deputy Municipal Manager stated there was an email for centralised submission: idp@kouga.gov.za

The Speaker asked that Councillors note the email address.

Resolved (31 March 2022)

1. That Council approves the **Draft 2022/2027 IDP** in terms of the provisions of Chapter 5, Section 25 of the Local Government Municipal Systems Act, 32 of 2000.

2. That the **Draft IDP 2022/27** be submitted to the MEC and relevant stakeholders within 10 days of acceptance by Council in terms of Chapter 5, Section 32(1)(a) of the Municipal Systems Act, Act 32 of 2000.
3. That the **Draft 2022/27 IDP** be made public on the municipal website within 10 days of acceptance by the Council in terms of Chapter 4, Section (17)(2)(b) of the Municipal Systems Act, Act 32 of 2000.
4. That the public be invited to submit inputs and comments on the Draft IDP for 2022/27 in terms of Chapter 5, Section 21(1)(a)(b)(C) of the Municipal Systems Act, Act 32 of 2000.

Proposed: C August

Seconded: B Dhludhlu

22/03/MM8

PARTNERSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND JE'VISTA TO HOST THE 2022 KOUGA EASTER FESTIVAL

The Municipal Manager tabled the item.

Cllr Zana requested that the partnership benefit the local people of Kouga. There had to be a report after the festival to see if the partnership was official.

The Speaker indicated that there would be both a Rugby and Soccer tournament which attracted players from across Kouga and increased tourism which positively affected the economy. He agreed that there be a report back

The Acting Deputy Municipal Manager responded that there would be a report back and statistics from the local Tourism Office would be consulted to determine the impact on the economy. A detailed feedback report would be submitted post-event.

Cllr Van der Linde asked if the Municipality could afford the event.

The Acting Deputy Municipal Manager indicated that the event had been budgeted for.

Cllr Gertenbach proposed that the recommendations be approved as tabled and was seconded by Cllr Dhludhlu.

Cllr Dhludhlu asked that the administration include amounts ex vat as well in the financial implications in future.

Resolved (31 March 2022)

1. That Council approves the funding amount of R250 000.00 (Two Hundred and Fifty Thousand Rand) excluding VAT.
2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement/SLA with Je'Vista Social Café in respect of sponsorship stated in the above.

22/03/MM9

REQUEST TO CONFER ALDERMANSHIP TO COUNCILLOR BRENTON WILLIAMS

The Municipal Manager tabled the item.

Cllr Bornman and Cllr Zana both supported the item.

The Speaker thanked Council.

The Municipal Manager extended congratulations to the Speaker.

Resolved (31 March 2022)

1. That Aldermanship be bestowed on Councillor Brenton Williams for long commendable service as a Councillor of the Kouga Municipality, and always keeping the community's best interest at heart.

22/03/MM10

REQUEST TO CONFER ALDERMANSHIP TO COUNCILLOR DANIEL BENSON

The Municipal Manager tabled the item.

Cllr Bornman supported the proposal.

Cllr Zana supported the proposal. The formula and the policy had to be reviewed regarding the awarding of qualification points for aldermanship. There be a workshop on the matter.

The Speaker asked that Cllr Dhludhlu note that the Honours policy be workshopped in future.

The Speaker congratulated Alderman Benson on his achievement.

There was a break from 12:03 to 12:16.

Resolved (31 March 2022)

1. That Aldermanship be bestowed on Councillor Daniel Benson for long commendable service as a Councillor of the Kouga Municipality, and always keeping the community's best interest at heart.

18. **REPORTS BY THE EXECUTIVE MAYOR**

18.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

22/03/F1 WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE

Cllr Gertenbach introduced the item and indicated that it was an historical item which had to be written off by Council.

Cllr Oliphant proposed that item no 22/03/F1 and 22/03/F2 be combined for approval. There had to be an intensified drive to ensure that those qualifying for equitable share appeared on the Municipality's database.

The Speaker agreed. The CFO had to note that there had to be equitable share drives, which could be driven through Ward Offices.

Cllr Gertenbach agreed as well and stated that there had to be a special effort to register more indigent persons.

Cllr Gertenbach tabled both items 22/03/F1 and 22/03/F2 the F1 for approval.

Cllr Yali supported Cllr Oliphant's proposal.

Cllr Zana indicated that in the interest of time, he approved.

Resolved (31 March 2022)

1. That the Equitable Share write-offs for the period September 2021, amounting to R1,517,296.05, be approved.

22/03/F2 WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE

Resolved (31 March 2022)

1. That the Equitable Share write-offs for the period December 2021, amounting to R939,725.05, be approved.

22/03/F3 **SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTHS OF JULY TO SEPTEMBER 2021**

Cllr Gertenbach tabled item no 22/03/F3 and 22/03/F4 together for approval.

Cllr Oliphant raised concern about deviations as this reflected a lack of planning. Deviations had to be limited.

The Speaker agreed that deviations had to be limited.

Cllr Zana supported Cllr Oliphant's view. He seconded Cllr Gertenbach' proposal.

Resolved (31 March 2022)

1. That the report be approved.

22/03/F4 **SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTHS OF OCTOBER TO DECEMBER 2021**

Resolved (31 March 2022)

1. That the report be approved.

22/03/F5 **SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2021**

Cllr Gertenbach requested that item no 22/03/F5 and 22/03/F6 be tabled together for approval.

Cllr Zana asked that local businesses and SMMEs be supported.

Cllr Jantjes seconded Cllr Gertenbach.

Resolved (31 March 2022)

1. That the report be approved.

22/03/F6 **SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2021**

Resolved (31 March 2022)

1. That the report be approved.

22/03/F7 **PROPERTY RATES POLICY**

Cllr Gertenbach introduced the item. The Municipality only had until the end of June to implement the changes as informed by legislative amendments and comply with the regulations. The policy had been workshopped.

Cllr Oliphant stated that the official opposition had participated in the policy workshop and hoped that their inputs had been captured. There had to be a distinction between affluent and non-affluent areas.

He asked that the remaining budgetary items be combined. He further indicated that the opposition supported all items except item no. 22/03/F20. The Portfolio Councillor had to table the items together. He requested a second bite on the item.

The Speaker agreed with the progressive proposal.

Cllr van de Linde asked if there was an outcome on private towns and pensioner's rebates.

The CFO responded that on pensioner's rebates, this had been taken into account within the item on rates. On private towns, the policy had to be applied consistently but tariffs could be amended. This issue would be taken into account during the consultation process, and it would be dealt within the tariffs.

The Speaker asked if there was seconder for the item as proposed by Cllr Oliphant. Cllr Jantjes seconded the approval.

Cllr Oliphant requested that Cllr Dhludhlu compile a report regarding policies that were approved without being tabled before Council.

The Speaker asked that Cllr Dhludhlu note this and that the policies which required workshopping be identified.

Resolved (31 March 2022)

1. That the Property Rates Policy be approved and
2. That the policy be implemented from date of approval.

22/03/F8

DRAFT MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) BUDGET FOR 2022/23 TO 2024/25 FINANCIAL YEARS

Cllr Bornman requested that the legal guidance be sought on the combination of items for voting.

The CFO requested legal opinion of the voting.

The Legal Manager advised that the Budget be approved separately from the tariffs- which could be tabled at once.

Cllr Gertenbach stated that the possibility of the tariffs being increased was raised at the workshop. He proposed that two additional recommendations be added to all the tariffs as follows: 1. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget and 2. That the public participation process includes the proposed 7% tariff increase for public comments.

Cllr Oliphant stated that the ANC had proposed that all the budgetary items be approved together in the interest of time.

The Speaker indicated that the Budget and tariffs would be approved separately based on legal advice.

Cllr Ntshota and Cllr Yali both supported Cllr Oliphant's proposal.

The Executive Mayor tabled the Draft MTREF Budget for 2022/23 to 2024/25, which would be subject to change following public comment. The Budget was tabled with amendments as proposed by Cllr Gertenbach.

A vote was held by show of hands.

The Speaker indicated that there were 23 hands and one verbal vote in favour, which was a majority.

Resolved (31 March 2022)

1. That the 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 16 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the 2022/23 – 2024/25 Draft Annual Budget, as set out in the following tables:
 - a) Consolidated Budget Summary [Table A1]
 - b) Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2]
 - c) Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3]
 - d) Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4]
 - e) Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5]
2. That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables:
 - a) Budgeted Financial Position; [Table A6]
 - b) Budgeted Cash Flows; [Table A7]

- c) Cash backed reserves and accumulated surplus reconciliation; [Table A8]
- d) Asset management; [Table A9]
- e) Basic service delivery measurement. [Table A10]

3. That the tariffs be increased as follows, with effect from 1 July 2022:

Property rates	5.25%
Water	6%
Sanitation	6%
Refuse	6%
Electricity (average increase in electricity income)	8%
Environmental Management Fee	6%

a) Indicative tariffs for 2022/23 and 2023/24 will be increased as follows:

	<u>2023/24</u>	<u>2024/25</u>
Property rates	5.25%	5.25%
Water	6%	6%
Sanitation	6%	6%
Refuse	6%	6%
Electricity (average increase in electricity income)	6%	6%
Environmental Management Fee	6%	6%

4. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.

5. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: W Gertenbach

Seconded: P Oliphant

22/03/F9

ADOPTION OF THE PROPOSED PROPERTY RATES TARIFFS FOR THE 2022/23 FINANCIAL YEAR

The Executive Mayor proposed that the tariffs with the amendments as indicated by Cllr Gertenbach be tabled.

Cllr Benson seconded the tabling and adoption of tariffs.

Cllr Bornman proposed the tariffs for suction tankers be amended as indicated below:

<u>SUCTION TANKER SERVICE</u>			
Applicable to improved properties not served by waterborne sewerage irrespective if service is utilized. Guarantees 1 free load or part thereof per month. Excludes Eskom / NMBM supplied areas.			
<u>Basic (Minimum) Charge</u>			
Domestic	1 Load or Part Thereof Per Month	287,50	250,00
Business / Commercial / Government / Industry		402,50	350,00
			0,40
<u>Tanker Removals</u>			
Applicable to improved properties not served by waterborne sewerage, additional to the guaranteed free load per month.			
Domestic	Per load or Part Thereof	358,38	312,50
Business / Commercial / Government / Industry		503,13	437,50
Eskom / NMBM supplied areas (Paid in advance)		503,13	437,50
			0,40
<u>Domestic (per load)</u>			
Cape St Francis/Oyster Bay/St Francis Bay	Discontinued	Discontinued	957,13
Hankoy/Patensie	Discontinued	Discontinued	319,97
Humansdorp	Discontinued	Discontinued	408,61
Jeffreys Bay	Discontinued	Discontinued	319,97
<u>Commercial (per load)</u>			
Cape St Francis/Oyster Bay/St Francis Bay	Discontinued	Discontinued	957,13
Hankoy/Patensie	Discontinued	Discontinued	342,13
Humansdorp	Discontinued	Discontinued	408,61
Other	Discontinued	Discontinued	408,61
School TB Hospital	Discontinued	Discontinued	699,49
Jeffreys Bay	Discontinued	Discontinued	319,97
<u>Rural Areas</u>			
Per Load		1 168,74	1 014,58
Plus per km		57,41	49,92
			47,09

He proposed that the rates indicated within the item had to be discontinued as well.

Cllr Gertenbach on item no 22/03/F16 indicated that the tariffs were dependent on NERSA's final decision. On item 22/03/F17, he added that a recommendation had to be included to indicate that the tariff be increased to 8.61%.

Cllr Bornman proposed that tariffs be approved with the proposed amendments and was seconded by Cllr van Niekerk.

Resolved (31 March 2022)

1. That the Council, in terms of Section 30(2) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended) and the Local Government: Municipal Property Rates Act, Act 6 of 2004, read in conjunction with the Local Government: Municipal Systems Act, Act 32 of 2000, the Municipality's Rating Policy and with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, and **by resolution taken by majority of its full number**, grants the following rebates for the period 1 July 2022 to 30 June 2023, in respect of the following categories and owners of properties as set out below:

<u>Exemptions/Reductions/Rebates</u>	<u>Rebates for 2022/23</u>
<u>Exemptions, Reductions and rebates in respect of owners of categories of properties</u>	
Public Benefit Organisations: Applications for Public Benefit organizations must reach the municipality before end October of the municipal financial year in which relief is sought. A tax exemption certificate issued by the South African Revenue Services(SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act ,1962 No 58 of 1962.	

<u>Exemptions, Reductions and rebates in respect of categories of owners of properties</u>	
R 85 000, including the impermissible rate of R15 000, for Owners who qualify for Equitable Share.	R85 000
R 85 000 on one residential property, including the impermissible rate of R15 000, for Rate Payer 60 years and older with a gross household income not more than R15 000.00	R85 000

22/03/F10 REVISION OF FEES AND CHARGES FOR THE 2022/23 FINANCIAL YEAR: SPORTS AND RECREATION

Resolved (31 March 2022)

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the fees and charges for Sports and Recreation, as reflected in **Annexure 'A'**, with effect from 1 July 2022.
2. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
3. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F11 REVISION OF FEES AND CHARGES FOR 2022/23 FINANCIAL YEAR: NATIONAL TRAFFIC, LICENSING SERVICES AND PROTECTION SERVICES

Resolved (31 March 2022)

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003 approves the fees and charges as reflected in **Annexure 'B'**, with effect from 1 July 2022.
2. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
3. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F12 **REVISION OF FEES AND CHARGES FOR THE 2022/23 FINANCIAL YEAR:
FIRE FIGHTING SERVICES**

Resolved (31 March 2022)

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government : Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the fees and charges for Fire Fighting Services as reflected in **Annexure 'C'**, with effect from 1 July 2022.
2. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
3. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F13 **REVISION OF FEES AND CHARGES FOR THE HIRING OF MUNICIPAL
FACILITIES: 2022/23 FINANCIAL YEAR**

Resolved (31 March 2022)

1. That the Council, by resolution taken by majority of its full number and in terms of Section 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Financial Management Act, Act 56 of 2003 approves the fees and charges for the hiring of Municipal Facilities, as reflected in **Annexure 'D'**, with effect from 1 July 2022.
2. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
3. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F14 **COMMUNITY SERVICES DIRECTORATE: REVISION OF TARIFFS, FEES AND
CHARGES FOR THE 2022/23 FINANCIAL YEAR**

Resolved (31 March 2022)

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, adopts the proposed

tariffs, fees and charges for the Community Services Directorate, reflected as reflected in **Annexure 'E'**, with effect from 1 July 2022.

2. That the Environmental management Fee be utilised as follows:
 - Coastal area (dunes, Spits, estuaries, blue flag areas, etc)
 - Inland (estuaries, nature reserves, parks, open spaces, wetlands, streets etc)
 - Formal and informal environmental developments – waste collection and minimisation services, health and environmental management
 - Pollution control including illegal dumping, education and awareness – capacity building, air and water quality management, waste disposal and landfill management
 - Any Environmental compliance requirements in line with NEMA.
3. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
4. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F15

PROPOSED WATER AND SANITATION TARIFF INCREASES FOR 2022/23 FINANCIAL YEAR

Resolved (31 March 2022)

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003 approves the tariffs, fees and charges in respect of Water and Sanitation Services under the control of the Municipality's Infrastructure & Engineering Directorate as reflected in **Annexure 'F'**, with effect from 1 July 2022.
2. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
3. That the public participation process includes the proposed 7% tariff increase for public comments.
4. That the tariffs for suction tanker services be amended as indicated below:

SUCTION TANKER SERVICE				
Applicable to improved properties not served by waterborne sewerage irrespective if service is utilized. Guarantees 1 free load or part thereof per month. Excludes Eskom / NMBM supplied areas.				
Basic (Minimum) Charge				
Domestic	1 Load or Part Thereof Per Month	287,50	250,00	
Business / Commercial / Government / Industry		402,50	350,00	0,40
Tanker Removals				
Applicable to improved properties not served by waterborne sewerage, additional to the guaranteed free load per month.				
Domestic	Per load or Part Thereof	358,38	312,50	
Business / Commercial / Government / Industry		503,13	437,50	0,40
Eskom / NMBM supplied areas (Paid in advance)		503,13	437,50	
Domestic (per load)				
Cape St Francis/Oyster Bay/St Francis Bay		Discontinued	Discontinued	957,13
Hankoy/Patenzie		Discontinued	Discontinued	319,97
Humansdorp		Discontinued	Discontinued	408,61
Jeffreys Bay		Discontinued	Discontinued	319,97
Commercial (per load)				
Cape St Francis/Oyster Bay/St Francis Bay		Discontinued	Discontinued	957,13
Hankoy/Patenzie		Discontinued	Discontinued	342,13
Humansdorp		Discontinued	Discontinued	
Other		Discontinued	Discontinued	408,61
School TB Hospital		Discontinued	Discontinued	699,49
Jeffreys Bay		Discontinued	Discontinued	319,97
Rural Areas				
Per Load		1 168,74	1 014,58	957,13
Plus per km		57,41	49,92	47,00

5. That the rates indicated on page 1375 be discontinued.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F16 ELECTRICITY TARIFF INCREASES: 2022/23 FINANCIAL YEAR

Resolved (31 March 2022)

1. That Council notes the report.

22/03/F17 FEES AND CHARGES FOR ELECTRICITY SERVICES IN RESPECT OF THE 2022/23 FINANCIAL YEAR

Resolved (31 March 2022)

1. That the Council, by resolution taken by majority of its full number, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the fees and charges in respect of electrical services, as reflected in **Annexure 'H'**, with effect from 1 July 2022.

2. That the proposed increase be 8.61%

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F18 FINANCE DIRECTORATE: REVISION OF FEES AND CHARGES FOR THE 2022/23 FINANCIAL YEAR

Resolved (31 March 2022)

1. That the Council, **by resolution taken by majority of its full number**, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, adopts the proposed fees and charges for the Finance Directorate as reflected in **Annexure 'I'**, with effect from 1 July 2022.
2. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
3. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F19

REVISION OF VARIOUS TARIFFS: PLANNING, DEVELOPMENT AND TOURISM FOR THE 2022/23 FINANCIAL YEAR

Resolved (31 March 2022)

1. That the Council, **by resolution taken by majority of its full number**, and in terms of Sections 30(2) and 93(4) of the Local Government: Municipal Structures Act, Act 117 of 1998 (as amended), read in conjunction with Chapter 4 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the fees and charges in respect of Planning and Development, as reflected in **Annexure 'J'**, with effect from 1 July 2021.
2. That the CFO investigate the financial impact of an increase of 7% for the tariffs, on the Annual Budget.
3. That the public participation process includes the proposed 7% tariff increase for public comments.

Proposed: H Bornman

Seconded: M van Niekerk

22/03/F20

RE: LIST OF OBSOLETE EQUIPMENT (ASSETS) THAT WERE IDENTIFIED FOR AUCTION

Cllr Gertenbach introduced the item.

The Executive Mayor requested that an additional 6.4 be included which indicated that all Ward Councillors should identify organisations within their wards and request that these organisations submit letters for donation. He was seconded by Cllr August.

Resolved (31 March 2022)

1. That the disposal of the condemned/redundant assets listed above be approved.

2. That the condemned/redundant assets listed above be removed from the Asset Register.
3. That the condemned/redundant assets listed above be disposed of in terms of the Supply Chain Management Policy through a public auction / donation.
4. That all Ward Councillors should identify organisations within their wards and request that these organisations submit letters for donation.

Proposed: H Hendricks

Seconded: C August

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

22/03/CORP1 REPLACEMENT OF PATRIOTIC ALLIANCE COUNCILLOR ON SECTION 79 COMMITTEES

Cllr Jantjes introduced the item, and it was unanimously approved.

Cllr Zana congratulated and welcomed Cllr B Human on behalf of the ANC Caucus.

Resolved (31 March 2022)

1. That Cllr F Pietersen be replaced by Cllr B Human on the Rules and Ethics Committee and Municipal Public Accounts Committee.

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

22/03/I&E1 RE: PROGRESS ON GRANT FUNDING (MIG, WSIG & EPWP) AS AT END DECEMBER 2021

Cllr L Maree tabled the item for noting.

Resolved (31 March 2022)

1. That the progress report be noted.
2. That the challenges with regards to the Sea Vista Sports Field be noted and that should the procurement process not go as planned, the roll-over funds to complete the project will be lost.

22/03/I&E2 STATUS OF THE WESTON WASTE WATER TREATMENT WORKS

Cllr Maree tabled the item.

Cllr Zana noted the item and was looking forward to the engagement that would take place at the Portfolio meeting.

Cllr Bornman proposed that a recommendation 3.4 be included which indicated that a clear way forward be identified within the report and that specific budget be included.

Cllr Gertenbach asked if there was budget in the form of MIG funding.

The Speaker indicated that recommendation 3.3 covered some of the concerns raised.

Director Moodley stated that since the project was abandoned, no funding had been granted. Human Settlements had to be engaged to establish the way forward as there was a project for top structures that had been initiated. No funding was allocated in the new financial year. The Municipality had tried to contact the consultant as the design was patented but the process was on-going. There would be a report at the next Portfolio meeting.

The Speaker indicated that the recommendation 3.3 had to be amended to indicate that an updated report with a clear way forward be tabled at the next Portfolio Committee meeting.

Cllr Bornman agreed with the Speaker's way forward. It was serious matter that required a clear way forward with a budget- even if this was not reflected in the recommendation. Vandalism had to be avoided but funding had to be prioritised even if it was for fencing.

The Speaker agreed that it had to be a priority but advised against Including that budget be made available within the recommendation without a clear way forward.

Cllr Zana seconded Cllr Bornman's proposal.

Resolved (31 March 2022)

1. That the report the status of the Weston Waste Water Treatment works be noted.
2. That I&E engage with the previous consultant to establish what other information they have regarding the project.
3. That I&E present an updated report with a clear way forward at the next Portfolio Committee meeting.

Proposed: H Bornman

Seconded: V Zana

22/03/I&E3

RE: REALLOCATION OF FUNDS BETWEEN INTERNAL FUNDED CAPITAL PROJECTS AND MIG FUNDED PROJECT

Cllr Maree introduced the item.

Cllr Ntshota welcomed and appreciated the recommendation.

The item was unanimously approved.

Resolved (31 March 2022)

1. That an amount of R400 000 (Excl. Vat) be reallocated to the Sea Vista Sports Facility project (Ukey: 20220303055100) from the Mini Fresh food market in Hankey (Ukey: 20210304980948).

22/03/I&E4 RE: AUTHORITY TO ENDORSE AND DISPATCH DBSA AGREEMENT ON BEHALF OF COUNCIL

Cllr Maree introduced the item, which was unanimously approved.

Resolved (31 March 2022)

1. That Council approve the request to grant the Municipal Manager authorisation rights to endorse and dispatch the DBSA agreement on behalf of Kouga Municipality.

22/03/I&E5 RE: REALLOCATION OF FUNDS FROM KRUISFONTEIN BOREHOLE PROJECT TO HUMANSDORP BOREHOLE PROJECT

Cllr Maree introduced the item, which was unanimously approved.

Resolved (31 March 2022)

1. That it be noted that COGTA DRG has advised that internal funds expended towards the Humansdorp Borehole Project, will not be reimbursed;
2. That an amount of R 2 371 170.90 which has already been expended towards the Humansdorp Borehole project as at the date of receipt of the COGTA DRG Grant, be moved from the Internal Capital Kruisfontein Borehole to the Internal Capital Humansdorp Borehole
3. That R 2 371 170.90 be transferred from DRG Humansdorp Borehole to DRG Kruisfontein Borehole.

18.4 REPORTS BY THE CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM

22/03/PDT1 ERF 554, SEA VISTA: SUBDIVISION, REZONING & CLOSURE OF PUBLIC OPEN SPACE

Cllr Bornman introduced the item, which was unanimously approved.

Resolved (31 March 2022)

1. That the progress report on the proposed subdivision, rezoning & closure of public open space on Erf 554, Sea Vista, be noted.
2. That the appointment of a service provider for conducting a basic environmental assessment for the proposed development on Erf 554, Sea Vista, through a 7-day tender process, be approved.

22/03/PDT2 ESTABLISHMENT AND LAUNCH OF THE KOUGA ENTREPRENEURSHIP ACADEMY

Cllr Bornman introduced the item, which was unanimously approved.

Resolved (31 March 2022)

1. That the Portfolio Committee for Planning, Development and Tourism in principle endorse the proposal.
2. That Council authorizes the Accounting Officer to conclude a partnership agreement with Start-up tribe for the setting up of the Kouga -Entrepreneurship Academy web-based platform.

22/03/PDT3 IN- PRINCIPLE APPROVAL FOR DISPOSAL OF MUNICIPAL OWNED VACANT RESIDENTIAL ERVEN: ERF 13 AND ERF 752 ASTON BAY

Cllr Bornman introduced the item, which was unanimously approved.

Resolved (31 March 2022)

1. That Council **grant in-principle approval** for the disposal of erf 13 and 752, situated in Aston Bay through competitive bidding process.
2. That Council grant authorization to the Accounting Officer to advertise the intended disposal of the immovable property herein for Public Participation.
3. That Council notes internal department comments and hereby confirms in terms of section 14 of the MFMA that the land will not be needed to provide the minimum level of basic municipal services.
4. That Council consider the current market value as per the municipal valuation roll which values erf 13 at R170 000.00 and erf 752 at R240 000.00.

22/03/PDT4 APPLICATION TO PURCHASE A PORTION OF ERF 552 SEA VISTA (MR. M. JOHANSENS)

Cllr Bornman introduced the item and indicated that it had been previously approved for public participation by Council. There were objections and it was thereafter recommended that it not be approved.

He, however, wanted to amend the recommendations to approve the application.

Recommendation 6.1 had to indicate that the objections were noted and 6.5 had to be removed. He was seconded by Cllr Maree.

At a later stage of the meeting Cllr Bornman requested to return to the item and amend recommendation 6.2 to read that the costs be covered by the applicant and that 6.4 indicate the Council grant approval for the disposal which he had omitted to mention initially. The recommendations would be contradictory otherwise.

Cllr Oliphant did not welcome the item being amended after it had already been approved. He requested that the item be deferred and thereafter be amended.

The Speaker resolved to accept the original amendment.

Cllr Bornman explained that the amendment did not affect the final outcome of the recommendations.

Cllr Yali raised a point of order. He did not understand why the Speaker was undermined when he had made a ruling.

The Speaker requested a legal opinion on the matter.

Cllr Bornman further explained that his initial omission would not affect the final decision made.

The Legal Manager: concurred with the Speaker's previous decision and proposed that amendments had to be referred to the next Council meeting.

The Executive Mayor raised a point of order. He disagreed with the legal opinion as the meeting was still active.

Recommendations were valid after the meeting had closed. He did not believe the amendment could not be made as it was within the scope of the meeting.

The Manager Legal: stated that it would be the Speaker's decision to allow or disallow the amendment.

The DA Chief Whip called for a caucus.

Cllr Zana stated that the Speaker had made a ruling and processes had to be respected.

There was a caucus and the meeting reconvened at 14:10.

The Speaker stated following legal briefing, in terms of section 29.15 of the Standing Rules of Order which made specific reference to the resolution passed at Council the matter was open to the Speaker's interpretation as provision was not made for a current meeting.

Section 29.1 indicated that "Except upon the recommendation of the committee to which Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of Council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each Councillor".

Rule 10- Interpretation of Rules- which read: "The ruling of the Speaker or the Chairperson in the event of a meeting other than a Council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding, provided that the Speaker / Chairperson may be required to provide reasons for a ruling." On this basis of this rule, the Speaker indicated that he had allowed the item to be reopened as rules were silent on the matter. The reason for this was that the amendment did not alter the overall outcome of the resolution.

He therefore ruled that Deputy Mayor present his altered recommendations in support of the agreed upon outcome.

Cllr Bornman formally apologised for his omission and reiterated that the amendment did not affect the outcome of the recommendations. Recommendation 6.2 had to be amended to indicate that the land use application for closure of public open space, be done at the applicant's cost and at own risk and recommendation 6.4 had to read that Council approved the disposal of the Erf.

Cllr Zana stated that the ANC's stance on the item remained.

The Speaker stated that Rule 10 of the Standing Rules of Order allowed for him to make a ruling in the absence of a particular rule or procedure.

Cllr Van der Linde seconded Cllr Bornman's proposal.

Cllr Oliphant stated that a precedent had been set.

Resolved (31 March 2022)

1. That Council notes the objections received during public participation process against the disposal of the portion of erf 552 Sea Vista contemplated herein.
2. That the land use application for closure of public open space, be done at the applicant's cost and at own risk.
3. That Council endorses the granting of POA to the applicant who must submit a formal land use application for the closure of public open space which also makes provision for further public participation and decision of Municipal Planning Tribunal.
4. That Council approves the disposal of Portion of Erf 552 Sea Vista.

Proposed: H Bornman

Seconded: W van der Linde

22/03/PDT5 RESCINDMENT OF A COUNCIL RESOLUTION – 21/09/PD12 OF A COUNCIL MEETING HELD ON 30 SEPTEMBER 2021: APPOINTMENT OF HOUSING DEVELOPMENT AGENCY VIA AN IMPLEMENTATION PROTOCOL

Cllr Bornman introduced the item.

Cllr Oliphant noted the intention to rescind a council resolution but the motivation for rescindment was unclear. The resolution was taken in September 2021 but was only being rescinded 6 months later. There had to be a formal application to have a resolution rescinded. The motivation for the rescindment had to be clear.

Cllr Yali supported Cllr Oliphant. He indicated that public participation had taken place. For Council to rescind a resolution would compromise public participation. This would affect the Project Steering Committee as well.

Cllr Bornman indicated that the projects would continue, and the work would be completed in-house.

Cllr Yali asked for a legal opinion

Cllr Bornman stated that Council had to rescind the recommendations as the HDA was appointed to implement, when this was not necessary as the Municipality had the capacity to implement. The rescindment meant that the Municipality was taking control of the project itself.

Cllr Oliphant was glad with that and hoped that this would not negatively impact the project. He stated that agreements had to be

tabled to Council for interrogation before the Municipal Manager signed them.

Cllr Bornman proposed that the recommendations be accepted and was seconded by Cllr Heystek.

The Speaker indicated that the item was approved with the understanding that agreements would not be signed without Council's knowledge as requested by Cllr Oliphant.

Resolved (31 March 2022)

1. That Council **rescinds** the Council Resolution No.21/09/PD12 reading as follows:

APPOINTMENT OF HOUSING DEVELOPMENT AGENCY(HDA) VIA AN IMPLEMENTATION PROTOCOL/AGREEMENT BETWEEN KOUGA MUNICIPALITY AND THE HDA

Resolved (30 September 2021)

1. That approval be obtained from Council in terms of Section 110 of the Municipal Finance Management Act No. 56 of 2003 for appointment of the Housing Development Agency (HDA) via an Implementation Protocol to plan and implement integrated human settlements in the Kouga municipal area.
2. That all planned human settlements pipeline projects be included in the Implementation Protocol between the Kouga Municipality and the HDA.
3. That the Municipal Manager be granted Power of Attorney to sign the Implementing Protocol on behalf of the Municipality.

Proposed: H Bornman

Seconded: F Heystek

22/03/PDT6 AUTHORISATION FOR A 3-YEAR SPONSORSHIP AGREEMENT FOR EVENTS SUPPORT FOR THE ALOE CUP RUGBY AND NETBALL TOURNAMENT

Cllr Bornman tabled the item.

Cllr Alexander indicated that previously disadvantaged schools were not included. The Municipal Manager had to ensure that this was addressed.

The Speaker asked that this be noted.

Resolved (31 March 2022)

1. That Council approves the funding amount of R 70 000 (Seventy Thousand Rand) all-inclusive towards the Aloe Cup Rugby and Netball Tournament hosted in the Kouga Local Municipality area from 23 – 25 June 2022.
2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement / SLA with Jeffreys Bay Primary School in respect of sponsorship stated in (1.) above.

22/03/PDT7 DEVOLUTION (OFFER) OF LAND PARCELS OWNED BY THE FORMER NATIONAL HOUSING BOARD TO KOUGA LOCAL MUNICIPALITY

Cllr Bornman introduced the item and proposed that recommendation 6.3 to be deleted.

The item was unanimously approved.

Resolved (31 March 2022)

1. That Council grants in-principle acceptance of the offer from the Provincial Department of Human Settlements to devolve certain properties that belonged to the former National Housing Board to Kouga Municipality. The properties contemplated herein includes the following:
 - Erf 319 portion 5, Erf 321 portion 23 and 24 Humansdorp RD, Erf 391, Hankey
2. That the acceptance mentioned in 1. above excludes the following land parcels:
 - Erf 110, Thornhill as the Thornhill Combined Primary School is built on this property, therefore transfer must be to DOE/ DPW.
 - Remainder and portion of Erf 1, Woodlands as this land is in the jurisdiction of Koukamma Local Municipality.
3. That Council grants authorization to the Accounting Officer to enter into relevant agreement with the Provincial Department of Human Settlement for transfer of the property to KLM.

22/03/PDT8 KOUGA MUNICIPALITY: WESTERN CAPE GIS BENCHMARKING VISIT

Cllr Bornman introduced the item. He proposed that recommendation 7.4 be amended to indicate that Council moves from the current Ovvio System to a GIS based environment and that recommendation

7.5 indicate that Council engage in Change management and Intensive 1 month testing of the implementation before implementation. It had to be noted that the initial implementation would begin with Town Planning.

Cllr van der Linde asked how this would be implemented going forward?

Cllr Bornman stated that it could possibly go out on tender. There was also an option of piggybacking as the District Municipality had GIS software but the matter would be dealt with administratively.

Cllr Zana asked what had informed the decision for benchmarking in the Western Cape? According to IGR framework there had to be vertical intergovernmental relations. Were there no benchmarking options in the Eastern Cape? Why was national not consulted on GIS options?

Cllr Oliphant stated that a Council resolution had to be taken prior to the benchmarking. He wanted a copy of the resolution where the decision was taken for a trip. In the absence of such a resolution, the opposition would submit in writing for individuals to pay back the money. The Municipality could not continue as a branch of the Western Cape province.

The Speaker ruled that the Councillor clarify his point.

Cllr Bornman asked Cllr Oliphant to quote the policy which stated that a council resolution was required for a benchmarking visit.

The system was regarded as a world leader of its sort, and it was noted as such across the board. Where the visit took place was irrelevant. The Town Planning unit aimed to improve and doing better required a better system.

Cllr Oliphant stated that he had never referred to a policy.

The Speaker stated a Council resolution was not required for a benchmarking trip.

Cllr Foley proposed that amendments be accepted.

Cllr Zana stated that the ANC caucus was not in favour of the recommendations.

Resolved (31 March 2022)

1. That Council establish a GIS/ICT Steering Committee to develop an enterprise GIS Strategy and Policy for council adoption.
2. That various Directors identify GIS champions per Directorate and that the identified employees be provided with capacity building and skills training.
3. That the filling of the vacant position of GIS Technician be prioritized.
4. That Council moves from the current Ovvio System to a GIS based environment.
5. That Council engage in Change management and Intensive 1 month testing of the implementation before implementation.
6. That Council adds GIS-centric KPIs in the SDBIP reporting of all directorates.

Proposed: H Bornman

Seconded: R Foley

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

22/03/CS1 PARTNERSHIP AGREEMENT BETWEEN KOUGA MUNICIPALITY AND WORKING ON FIRE PERTAINING TO STRUCTURAL FIRE FIGHTING, VEHICLES AND EQUIPMENT

Cllr Benson introduced the item and proposed that a recommendation be added which indicated that Council grant authority to the Accounting Officer to enter an agreement with Working on Fire.

The item was unanimously approved.

Resolved (31 March 2022)

1. That the report on the partnership agreement between Kouga Municipality and Working on Fire pertaining to structural fire fighting, vehicles and equipment, be supported.
2. That the partnership agreement between Working on Fire and Kouga Local Municipality be signed after conditions in the contract are verified by a collective team to ensure due diligence.
3. That Council grant authority to the Accounting Officer to enter an agreement with Working on Fire.

19. **CLOSURE**

The meeting closed at 14: 36



B WILLIAMS
SPEAKER

DATE
