



# KOUGA

local municipality

*Good Governance through Service Excellence*

## SPECIAL COUNCIL MEETING AGENDA

Date : 11 November 2022  
Time : 11:00  
Venue : Virtual Meeting

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| <p><b>KOUGA MUNICIPALITY (EC108)</b></p> <p><b><u>NOTICE CONVENING<br/>A MEETING</u></b></p> <p><b>NOTICE IS HEREBY GIVEN</b> that in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Virtual Special Council Meeting will be held on</p> <p><b><u>DATE:</u> 11 November 2022</b></p> <p><b><u>TIME:</u> 11:00</b></p> <p></p> <p><b><u>B.WILLIAMS</u><br/>SPEAKER</b></p> | <p><b>UMASIPALA I-KOUGA (EC108)</b></p> <p><b><u>ISAZISO NGENTLANGANISO</u></b></p> <p><b>ISAZISO</b> sikhutshiwe ukuba ngokweCandelo-19 uMthetho weeNkqubo zikaMasipala, (uMthetho 32 ka-2000), ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile</p> <p><b><u>UMHLA:</u> 11 EyeNkanga 2022</b></p> <p><b><u>IXESHA:</u> 11:00</b></p> <p></p> <p><b><u>B.WILLIAMS</u><br/>USOMLOMO</b></p> | <p><b>MUNISIPALITEIT KOUGA (OK108)</b></p> <p><b><u>KENNISGEWING VAN<br/>VERGADERING</u></b></p> <p><b>KENNIS GESKIED HIERMEE</b> dat ingevolge Artikel 19 van die Wet op Munisipale Stelsels, 2000 (Wet No.32 of 2000), dat 'n Virtuele Speciale raadsvergadering gehou sal word op</p> <p><b><u>DATUM:</u> 11 November 2022</b></p> <p><b><u>TYD:</u> 11:00</b></p> <p></p> <p><b><u>B.WILLIAMS</u><br/>SPEAKER</b></p> |
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*Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.*

## **A G E N D A**

1. **NOTICE OF MEETING**
2. **OPENING AND WELCOME**
3. **ABSENT WITH LEAVE**
4. **ABSENT WITHOUT LEAVE**
5. **PRESENTATIONS**
6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**
7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**
8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

9. **DISCLOSURE OF INTEREST**

10. **STATUTORY MATTERS**

11. **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).*

12. **REPORTS BY THE PORTFOLIO CHAIRPERSONS**

12.1 **REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM**

**22/11/PDT16** Council Authorisation for Sponsorship to the Non-Profit Organisation : Kouga Local Tourism Organisation

Pages: 7 - 10

**22/11/PDT17** Council Authorisation for Sponsorship to the Non-Profit Organisation: Kouga Business Forum

Pages: 11 - 13

**22/11/PDT18** Council Authorisation for Sponsorship to the Non-Profit Organisation: J-Bay Animal Rescue

Pages: 14 - 16

**22/11/PDT19** Council Authorisation for Sponsorship to the Non-Profit Organisation: St Francis Animal Rescue

Pages: 17 - 19

**22/11/PDT20** Council Authorisation for Sponsorship to the Non-Profit Organization: Society for the Prevention of Cruelty to Animals (SPCA)

Pages: 20 - 22

**22/11/PDT21** Council Authorisation for Sponsorship to the Non-Profit Organisation: National Sea Rescue Institute (NSRI)

Pages: 23 - 25

12.1 **REPORTS BY THE PORTFOLIO CHAIRPERSON: CORPORATE & DIGITAL SERVICES**

**22/11/CDS7** Mobile Data Allowances for Councillors

Pages: 27 - 28

**22/11/CDS8** Establishment of a Section 79 Committee

Pages: 29 - 36

13. **CLOSURE**

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**Distribution list:**

Executive Mayor  
Executive Deputy Mayor  
Speaker  
All Councillors  
Municipal Manager  
All Directors  
Relevant Managers  
Committee Services

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

REPORTS BY  
THE  
PORTFOLIO  
CHAIRPERSON:  
PLANNING  
DEVELOPMENT &  
TOURISM

**KOUGA MUNICIPALITY 108)**

**SPECIAL COUNCIL MEETING**

**PLANNING, DEVELOPMENT & TOURISM**

**DATE: 11 NOVEMBER 2022**

**ITEM NO: 22/10/PDT16**

**COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION:  
KOUGA LOCAL TOURISM ORGANISATION**

1. Purpose

The purpose of this item is to seek Council's approval for the allocation of funds for the 2022/2023 financial year to Kouga Local Tourism Organization assisting with the implementation of Tourism Development & Destination Marketing.

2. Background

Kouga Local Tourism Organization has a longstanding working relationship with the municipality continuously assisting in the implementation of its mandate related to Tourism Development & Destination Marketing in and around the Kouga Municipal Area.

The organization previously applied for and received funding under the Grant-In-Aid Policy, as approved by Council.

It is, however, the intention of the sponsorship to assist in achieving the organization's goals, and as the Municipality also benefits from the services rendered by the organization in and around the Kouga Municipal Area. The funding availed will be subject to budget availability.

3. Comments by Directorates:

3.1 Director: Finance

Report is supported

3.2 Director: Planning, Development & Tourism

The Item is supported.

3.3 Director: Community Services

The Item is Supported

3.4 Acting Director: Corporate & Digital Services

Item noted

3.5 Acting Director: Infrastructure & Engineering

Item is supported

3.6 Municipal Manager

The item and recommendations are supported.

4. Financial Implications

The budget allocation in the 2022/2023 FY (Financial Year) under the Planning Development & Tourism Directorate is R300 000 (Three Hundred Thousand Rands Only) all-inclusive.



5. Legislative provision

Section 67(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) provides for funding to be transferred to an organization or body outside any sphere of government, otherwise than in compliance with a commercial or other order of business transaction, subject to the accounting officer satisfying him-/herself, before transferring such funds, that such organization or body:

(a) has the capacity and has agreed to comply with any agreement with  
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- i. the municipality, for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
- ii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and
- iii. to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

6. Recommendations

6.1 That Council approves sponsorship for the 2022/23 financial year for R300 000 (Three Hundred Thousand Rands Only) all-inclusive, to the non-profit organization, Kouga Local Tourism Organization.

6.2 That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (6.1) above.

**Item prepared by Events Co-Ordinator:**  
(Ms. L Campher)



**Item approved by the Acting Director PDT:**

(Mr. K.Z Cakata)





**Item endorsed by the Municipal Manager**  
(Mr. C Du Plessis)

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**Item endorsed by Portfolio Councillor:**  
(Cllr S. Ruth, MMC)

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**KOUGA MUNICIPALITY 108)****SPECIAL COUNCIL MEETING****PLANNING, DEVELOPMENT & TOURISM****DATE: 11 NOVEMBER 2022****ITEM NO: 22/10/PDT17****COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION:  
KOUGA BUSINESS FORUM**1. Purpose

The purpose of this item is to seek Council's approval for the allocation of funds for the 2022/2023 financial year to Kouga Business Forum assisting with the implementation of Local Economic Development.

2. Background

Kouga Business Forum has a longstanding working relationship with the municipality continuously assisting in the implementation of its mandate related to Tourism Development & Destination Marketing in and around the Kouga Municipal Area.

The organization previously applied for and received funding under the Grant-In-Aid Policy, as approved by Council.

It is, however, the intention of the sponsorship to assist in achieving the organization's goals, and as the Municipality also benefits from the services rendered by the organization in and around the Kouga Municipal Area. The funding availed will be subject to budget availability.

3. Comments by Directorates:3.1 Director: Finance

Report is supported

3.2 Director: Planning, Development & Tourism

The Item is supported.

3.3 Director: Community Services

The Item is Supported

### 3.4 Acting Director: Corporate & Digital Services

Item noted

### 3.5 Acting Director: Infrastructure & Engineering

Item is supported

### 3.6 Municipal Manager

The item and recommendations are supported.

## 4. Financial Implications

The budget allocation in the 2022/2023 FY under the Planning Development & Tourism Directorate is R100 000 (One Hundred Thousand Rands Only) all-inclusive.

## 5. Legislative provision

Section 67(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) provides for funding to be transferred to an organization or body outside any sphere of government, otherwise than in compliance with a commercial or other order of business transaction, subject to the accounting officer satisfying him-/herself, before transferring such funds, that such organization or body:

(a) has the capacity and has agreed to comply with any agreement with  
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- i. the municipality, for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
- ii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and
- iii. to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

6. Recommendations

- 6.1 That Council approves sponsorship for the 2022/23 financial year for R100 000 (One Hundred Thousand Rands Only) all-inclusive, to the non-profit organization: Kouga Business Forum.
- 6.2 That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (6.1) above.

**Item prepared by Events Co-Ordinator:**  
(Ms. L Campher)




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**Item approved by the Acting Director PDT:**  
(Mr. K.Z Cakata)




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**Item endorsed by the Municipal Manager**  
(Mr. C Du Plessis)




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**Item endorsed by Portfolio Councillor:**  
(Cllr S. Ruth, MMC)

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**KOUGA MUNICIPALITY 108)****SPECIAL COUNCIL MEETING****PLANNING, DEVELOPMENT & TOURISM****DATE: 11 NOVEMBER 2022****ITEM NO: 22/10/PDT18****COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANIZATION: J-BAY ANIMAL RESCUE**1. Purpose

The purpose of this item is to seek Council's approval for the allocation of funds for the 2022/2023 financial year to the J-Bay Animal Rescue.

2. Background

The J-Bay Animal Rescue has a longstanding working relationship with the municipality and operates in an area that is in line with the mandate of PDT, which is to support local non-profit organizations with a societal impact in and around the Kouga Municipal Area.

The organization previously applied for and received funding under the Grant-In-Aid Policy, as approved by Council.

It is the intention of the sponsorship to assist in achieving the organization's goals, and as the Municipality also benefits from the services rendered by the organization in and around the Kouga Municipal Area. The funding availed will be subject to budget availability.

3. Comments by Directorates:3.1 Director: Finance

Report is supported

3.2 Director: Planning, Development & Tourism

The Item is supported.

3.3 Director: Community Services

The Item is Supported

3.4 Acting Director: Corporate & Digital Services

Item noted

### 3.5 Acting Director: Infrastructure & Engineering

Item is supported

### 3.6 Municipal Manager

The item and recommendations are supported.

## 4. Financial Implications

The budget allocation in the 2022/2023 FY under the Planning Development & Tourism Directorate is R85 000-00 (Eighty-Five Thousand Rands Only) all-inclusive.

## 5. Legislative provision

Section 67(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) provides for funding to be transferred to an organization or body outside any sphere of government, otherwise than in compliance with a commercial or other order of business transaction, subject to the accounting officer satisfying him-/herself, before transferring such funds, that such organization or body:

(a) has the capacity and has agreed to comply with any agreement with

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- i. the municipality, for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
- ii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and
- iii. to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

## 6. Recommendations

- 6.1 That Council approves sponsorship for the 2022/23 financial year for R85 000-00 (Eighty-Five Thousand Rands Only) all-inclusive, to the non-profit organization: J-Bay Animal Rescue.

- 6.2 That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (6.1) above.

**Item prepared by Events Co-Ordinator:**  
(Ms. L Campher)




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**Item approved by the Acting Director PDT:**  
(Mr. K.Z Cakata)




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**Item endorsed by the Municipal Manager**  
(Mr. C Du Plessis)




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**Item endorsed by Portfolio Councillor:**  
(Cllr S. Ruth, MMC)




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**KOUGA MUNICIPALITY 108)****SPECIAL COUNCIL MEETING****PLANNING, DEVELOPMENT & TOURISM****DATE: 11 NOVEMBER 2022****ITEM NO: 22/10/PDT19****COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: ST FRANCIS ANIMAL RESCUE**1. Purpose

The purpose of this item is to seek Council's approval for the allocation of funds for the 2022/2023 financial year to The St Francis Animal Rescue.

2. Background

The St Francis Animal Rescue has a longstanding working relationship with the municipality and is in line with the mandate of PDT in supporting local non-profit organizations with a societal impact in and around the Kouga Municipal Area.

The organization previously applied for and received funding under the Grant-In-Aid Policy, as approved by Council.

It is, however, the intention of the sponsorship to assist in achieving the organization's goals, and as the Municipality also benefits from the services rendered by the organization in and around the Kouga Municipal Area. The funding availed will be subject to budget availability.

3. Comments by Directorates:3.1 Director: Finance

Report is supported

3.2 Director: Planning, Development & Tourism

The Item is supported.

3.3 Director: Community Services

The Item is Supported

3.4 Acting Director: Corporate & Digital Services

Item noted

### 3.5 Acting Director: Infrastructure & Engineering

Item is supported

### 3.6 Municipal Manager

The item and recommendations are supported.

## 4. Financial Implications

The budget allocation in the 2022/2023 FY under the Planning Development & Tourism Directorate is R85 000-00 (Eighty-Five Thousand Rands Only) all-inclusive.

## 5. Legislative provision

Section 67(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) provides for funding to be transferred to an organization or body outside any sphere of government, otherwise than in compliance with a commercial or other order of business transaction, subject to the accounting officer satisfying him-/herself, before transferring such funds.

(a) has the capacity and has agreed to comply with any agreement with

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- i. the municipality, for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
- ii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and
- iii. to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

## 6. Recommendations

- 6.1 That Council approves sponsorship for the 2022/23 financial year for R85 000-00 (Eighty-Five Thousand Rands Only) all-inclusive, to the non-profit organization: St Francis Animal Rescue.

- 6.2 That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (6.1) above.

**Item prepared by Events Co-Ordinator:**  
(Ms. L Campher)




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**Item approved by the Acting Director PDT:**  
(Mr. K.Z Cakata)




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**Item endorsed by the Municipal Manager**  
(Mr. C Du Plessis)




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**Item endorsed by Portfolio Councillor:**  
(Cllr S. Ruth, MMC)




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**KOUGA MUNICIPALITY 108)****SPECIAL COUNCIL MEETING****PLANNING, DEVELOPMENT & TOURISM****DATE: 11 NOVEMBER 2022****ITEM NO: 22/10/PDT20****COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION:  
SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)**1. Purpose

The purpose of this item is to seek Council's approval for the allocation of funds for the 2022/2023 financial year to the Society of the Prevention of Cruelty to Animals (SPCA).

2. Background

The SPCA has a longstanding working relationship with the municipality and operates in an area that is in line with the mandate of PDT (Planning, Development Tourism), which is to support local non-profit organizations with a societal impact in and around the Kouga Municipal Area.

The organization previously applied for and received funding under the Grant-In-Aid Policy, as approved by Council.

It is the intention of the sponsorship to assist in achieving the organization's goals, and as the Municipality also benefits from the services rendered by the organization in and around the Kouga Municipal Area. The funding availed will be subject to budget availability.

3. Comments by Directorates:3.1 Director: Finance

Report is supported

3.2 Director: Planning, Development & Tourism

The Item is supported.

3.3 Director: Community Services

The Item is Supported

#### 3.4 Acting Director: Corporate & Digital Services

Item noted

#### 3.5 Acting Director: Infrastructure & Engineering

Item is supported

#### 3.6 Municipal Manager

The item and recommendations are supported.

#### 4. Financial Implications

The budget allocation in the 2022/2023 FY under the Planning Development & Tourism Directorate is R250 000-00 (Two Hundred and Fifty Thousand Rands Only) all-inclusive.

#### 5. Legislative provision

Section 67(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) provides for funding to be transferred to an organization or body outside any sphere of government, otherwise than in compliance with a commercial or other order of business transaction, subject to the accounting officer satisfying him-/herself, before transferring such funds.

a. has the capacity and has agreed to comply with any agreement with –

- i. the municipality, for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
- ii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and
- iii. to submit its audited financial statements for its financial year to the accounting officer promptly.

b. implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and

c. has in respect of previous similar transfers complied with all the requirements of this section.

#### 6. Recommendations

- 6.1 That Council approves sponsorship for the 2022/23 financial year for R250 000-00 (Two Hundred and Fifty Thousand Rands Only) all-inclusive, to the non-profit organization: Society for the Prevention of Cruelty to Animals (SPCA).

- 6.2 That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (6.1) above.

**Item prepared by Events Co-Ordinator:**  
(Ms. L Campher)




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**Item approved by the Acting Director PDT:**  
(Mr. K.Z Cakata)




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**Item endorsed by the Municipal Manager**  
(Mr. C Du Plessis)




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**Item endorsed by Portfolio Councillor:**  
(Cllr S. Ruth, MMC)




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**KOUGA MUNICIPALITY 108)****SPECIAL COUNCIL MEETING****PLANNING, DEVELOPMENT & TOURISM****DATE: 11 NOVEMBER 2022****ITEM NO: 22/10/PDT21****COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION:  
NATIONAL SEA RESCUE INSTITUTE (NSRI)**1. Purpose

The purpose of this item is to seek Council's approval for the allocation of funds for the 2022/2023 financial year to the National Sea Rescue Institute (NSRI).

2. Background

The NSRI has a longstanding working relationship with the municipality and operates in an area that is in line with the mandate of PDT, which is to support local non-profit organizations with a societal impact in and around the Kouga Municipal Area.

The organization previously applied for and received funding under the Grant-In-Aid Policy, as approved by Council.

It is the intention of the sponsorship to assist in achieving the organization's goals, and as the Municipality also benefits from the services rendered by the organization in and around the Kouga Municipal Area. The funding availed will be subject to budget availability.

3. Comments by Directorates:3.1 Director: Finance

Report is supported

3.2 Director: Planning, Development & Tourism

The Item is supported.

3.3 Director: Community Services

The Item is Supported

3.4 Acting Director: Corporate & Digital Services

Item noted

### 3.5 Acting Director: Infrastructure & Engineering

Item is supported

### 3.6 Municipal Manager

The item and recommendations are supported.

## 4. Financial Implications

The budget allocation in the 2022/2023 FY under the Planning Development & Tourism Directorate is R250 000-00 (Two Hundred and Fifty Thousand Rands Only) all-inclusive.

## 5. Legislative provision

Section 67(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) provides for funding to be transferred to an organization or body outside any sphere of government, otherwise than in compliance with a commercial or other order of business transaction, subject to the accounting officer satisfying him-/herself, before transferring such funds, that such organization or body:

(a) has the capacity and has agreed to comply with any agreement with

–

- i. the municipality, for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,
- ii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and
- iii. to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

## 6. Recommendations

- 6.1 That Council approves sponsorship for the 2022/23 financial year for R250 000-00 (Two Hundred and Fifty Thousand Rands Only) all-inclusive, to the non-profit organization: National Sea Rescue Institute (NSRI).



- 6.2 That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (6.1) above.

**Item prepared by Events Co-Ordinator:**  
(Ms. L Campher)



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**Item approved by the Acting Director PDT:**  
(Mr. K.Z Cakata)



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**Item endorsed by the Municipal Manager**  
(Mr. C Du Plessis)



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**Item endorsed by Portfolio Councillor:**  
(Cllr S. Ruth, MMC)



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REPORTS BY  
THE  
PORTFOLIO  
CHAIRPERSON:  
CORPORATE SERVICES

**KOUGA MUNICIPALITY (EC 108)****SPECIAL COUNCIL MEETING****CORPORATE & DIGITAL SERVICES****DATE: 11 NOVEMBER 2022****ITEM NO: 22/11/CDS7****MOBILE DATA ALLOWANCES FOR COUNCILLORS****1. Introduction**

The purpose of this item is to seek approval of Council for payment of Mobile Data Allowances in accordance with the Remuneration of Public Office Bearers Act (20/1998): Amendment of Determination of Upper Limits of the Salaries, Allowances and Benefits of Different Members of Municipal Councils Gazette published on 2 November 2022.

Attached find the relevant Gazette.

**2. Background**

On the 10<sup>th</sup> of June 2022, Council approved a R300 Data Allowance for Councillors. The R300 Data Allowance was previously applied in terms of section 10 of the Upper Limits Gazette 46470. Following the publication of the Remuneration of Public Office Bearers Act (20/1998): Amendment Upper Limits Gazette on 2 November 2022, the allowance must be applied under Section 11A.

Section 11A is indicated below:

**Insertion of item 11A in Notice**

**4.** The following item is hereby inserted in the Notice after item 11:

**11A Upper limits of mobile data bundles for councillors**

A councillor may, in addition to the annual total remuneration package provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R300.00 per month".

**3. Legislative Requirements**

The Government Gazette requires that prior to the implementation of the provisions of the upper limits, the municipal Council must seek concurrence of the MEC for Local Government.

**4. Comments by Directorates:****4.1 Acting Director Corporate & Digital Services:**

Item supported

4.2 Acting Director Infrastructure and Engineering

Noted

4.3 Director Community Services

Item noted

4.4 Acting Director Planning, Development and Tourism

Item supported

4.5 Deputy Municipal Manager

Item supported.

4.6 Chief Financial Officer

Report noted.

4.7 Municipal Manager

The item is noted

5. Financial Implications

Mobile Data allowances for Councillors have been budgeted for the FY 2022/23.

6. Recommendation

6.1 That the report be noted.

6.2 That the R300 mobile data allowance be applied in terms of section 11A of the amended Upper Limits Gazette, no. 47437.

**Item prepared by: The Acting Director: Corporate & Digital Services**



**Item approved by: The Municipal Manager**




**Item noted by: The Portfolio Chairperson**

**KOUGA MUNICIPALITY (EC108)**

**SPECIAL COUNCIL MEETING**

**CORPORATE & DIGITAL SERVICES**

**DATE: 11 NOVEMBER 2022**

**ITEM NO: 22/11/CDS8**

**ESTABLISHMENT OF A SECTION 79 COMMITTEE**

1. Purpose

The purpose of the item is to request Council to consider the establishment of a Section 79 Committee in line with the provisions of Section 79 of the Local Government: Municipal Structures Act, as amended. It is the intention of Council to establish the following Section 79 Committee:

The Monitoring and Evaluation Committee

2. Background

Monitoring and Evaluation Committee

Section 79 of the Local Government: Municipal Structures Act, as amended provides that a Municipal Council may establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and the members to such committees must be appointed by Council from among the members of Council.

The purpose of this Committee would be to perform the oversight function over the executive and administration in respect of monitoring and evaluation of the institutional performance.

It should be noted that the seat of the member of the Mayoral Committee for Monitoring and Evaluation is currently vacant and it is the intention of the Executive Mayor, to disestablish the Section 80 Committee, namely Monitoring and Evaluation from his Mayoral Committee until further notice.

3. Discussion

In order to efficiently and effectively exercise the powers and functions of the municipality a Committee system is herewith proposed as envisaged in Section 33 of the mentioned Structures Act, which reads as follows:

**“33. Criteria for establishment of committees.- A municipality may establish a committee provided for in this Act if-**

- (a) the municipality is of a type that is empowered in terms of this Act to establish a committee of the desired kind;*
- (b) the establishment of the committee is necessary, taking into account-*

- (i) *the extent of the functions and powers of the municipality;*
- (ii) *the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance; and*
- (iii) *the financial and administrative resources of the municipality available to support the proposed committee; and*
- (c) in the case of the establishment of an executive committee, the municipality has more than nine councilors."

All Committees of the Municipal Council must be fairly (proportionally) representative of all (political) parties and interests.

4. Comments by Directorates:

4.1 Acting Director Corporate & Digital Services:

Item supported

4.2 Acting Director Infrastructure and Engineering

Item noted

4.3 Director Community Services

Item noted

4.4 Acting Director Planning, Development and Tourism

Item supported

4.5 Chief Financial Officer

Reported noted.

4.6 Municipal Manager

The item is noted and supported.

4.7 Deputy Municipal Manager

Item supported.

5. Financial Implications

The position is budgeted for.

6. Legal Implications

Once Council approves the establishment of this Section 79 Committee, the Committee would be at liberty to function as such.  
It is important that a Terms of Reference be drafted and approved by Council, which will assist the committee to function optimally.

7. Recommendations:

- 7.1 That the report regarding the establishment of members to section 79 committee, be noted;
- 7.2 That Council resolve to establish a **Monitoring and Evaluation Committee** as follows:
- 7.2.1 That Council resolves that **Cllr M van Niekerk** be elected as chairperson of the *Monitoring and Evaluation Committee*.
- 7.2.2 That Council resolves that the following Councillors be elected as members of the Monitoring and Evaluation Committee:
- Cllr M Biko
  - Cllr C August
  - Cllr L Maree
  - Cllr D Benson
  - Cllr K Ndzaleni
  - Cllr E Mbuqu
  - Cllr L Nkilishane
  - Cllr W van der Linde
  - Cllr B Human
- 7.3 That the Terms of Reference for the Monitoring and Evaluation Committee be drafted and referred to a future Council meeting for approval.
- 7.4 That the Committee becomes effective as of 1 January 2023.

**Item prepared by: Acting Director Corporate & Digital Services**



**Item approved by: The Municipal Manager**



**Item noted by: The Portfolio Chairperson**





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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

NO. 2698

2 November 2022

**REMUNERATION OF PUBLIC OFFICE BEARERS ACT, 1998  
(ACT NO. 20 OF 1998)****AMENDMENT OF DETERMINATION OF UPPER LIMITS OF THE SALARIES,  
ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL  
COUNCILS**

Under the powers vested in me by sections 7(1), 8(5)(a) and 9(5)(a) of the *Remuneration of Public Office-bearers Act, 1998* (Act No. 20 of 1998), I, Nkosazana Clarice Dlamini Zuma, Minister for Cooperative Governance and Traditional Affairs, after –

- (a) consultation with the member of the Executive Council responsible for local government in each province; and
- (b) taking into consideration the matters listed in paragraphs (a) to (i) of section 7(1) of the Act,

hereby amend the upper limits of the salaries, allowances and benefits of the different members of municipal councils determined in Government Gazette No. 46470 published by Government Notice No. R. 2126 of 2 June 2022 (hereinafter referred to as the "Notice"), as set out in the Schedule.

*NC Zuma*  
**NKOSAZANA CLARICE DLAMINI ZUMA, MP**  
**MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**  
DATE 26.08.2022

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.  
 \_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

**SCHEDULE**

**Substitution of the table in item 5 of the upper limits of the annual total remuneration packages of full-time councillors**

1. The table in item 5 of the Notice is hereby substituted for the following table:

| GRADE                                                                                                                                                                                                | TOTAL REMUNERATION PACKAGE     |                                                             |                                                                                                               |                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------|
|                                                                                                                                                                                                      | EXECUTIVE<br>MAYOR OR<br>MAYOR | SPEAKER,<br>DEPUTY<br>EXECUTIVE<br>MAYOR OR<br>DEPUTY MAYOR | MEMBER OF THE<br>EXECUTIVE<br>COMMITTEE OR<br>MAYORAL<br>COMMITTEE, WHIP<br>OR CHAIRPERSON<br>OF A SUBCOUNCIL | CHAIRPERSON<br>OF<br>OVERSIGHT<br>COMMITTEE |
| 6                                                                                                                                                                                                    | 1,446,388                      | 1,168,131                                                   | 1,100,361                                                                                                     | 1,068,083                                   |
| 5                                                                                                                                                                                                    | 1,078,407                      | 862,723                                                     | 808,804                                                                                                       | 785,080                                     |
| 4                                                                                                                                                                                                    | 920,656                        | 736,530                                                     | 690,808                                                                                                       | 670,243                                     |
| 3                                                                                                                                                                                                    | 886,685                        | 709,349                                                     | 665,015                                                                                                       | 651,654                                     |
| 2                                                                                                                                                                                                    | 830,248                        | 664,199                                                     | 628,615                                                                                                       | 610,176                                     |
| 1                                                                                                                                                                                                    | 806,059                        | 650,986                                                     | 610,297                                                                                                       | 592,395                                     |
| The system of plenary type of municipalities ceased to exist from 1 November 2021 and all mayors must be remunerated according to the total remuneration package column of executive mayor or mayor. |                                |                                                             |                                                                                                               |                                             |

**Amendment of item 6 of the upper limit of annual total remuneration package or allowance in respect of appointed councillors**

2. Item 6 of the Notice is hereby amended by the substitution for sub-item (2) of the following sub-item:
- (2) A district municipality is responsible for –
- (a) the payment of the remuneration or the allowance referred to in sub-item (1); **[and]**

- (b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy[.]; and
- (c) the payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy".

### **Amendment of item 11 of the upper limits of cell phone allowance for councillors**

3. The following item is hereby substituted for item 11 of the Notice:

"A councillor may, in addition to the annual total remuneration package provided for in terms of items 5 and 8 respectively, be paid a cell phone allowance not exceeding R3,400.00 per month **[inclusive of mobile data,]** in accordance with the applicable municipal council policy".

### **Insertion of item 11A in Notice**

4. The following item is hereby inserted in the Notice after item 11:

### **11A Upper limits of mobile data bundles for councillors**

A councillor may, in addition to the annual total remuneration package provided for in terms of items 5 and 8 respectively, be paid an allowance on the use of data bundles not exceeding R300.00 per month".

### **5. Short title**

This Notice is called the Amendment of Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils, 2022.