

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD IN  
THE COUNCIL CHAMBERS, JEFFREYS BAY, ON WEDNESDAY, 31 AUGUST 2022 AT 09:55**

**PRESENT: Councillors**

Ald B Williams	(Speaker)
Ald H Hendricks	(Executive Mayor)
H Bornman	(Deputy Executive Mayor)
Ald 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 Ndzelani	
N Ntshota	
B Human	
N Ntengwane	
E Mbuqu	
M Valgee	
M Mbandana	
V Zana	

**Officials &  
Municipal Manager**

C du Plessis	(Municipal Manager)
D De Jager	(Deputy Municipal Manager)
K Moodley	(Director: Corporate & Digital Services)
F Mabusela	(Director: PDT)
N Machelesi	(Director: Community Services)
T Madatt	(Acting Director: I&E)
R Lorgat	(CFO)
L Opperman	(Manager: Legal Services)
A Jonck	(Chief of Staff: Office of the Executive Mayor)
T Madatt	(Acting Director: I&E)
N Zode	(Committee Officer)
M Basson	(Acting Media Specialist)
M Julius	(Committee Clerk)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a virtual Council Meeting will be held.

2. **OPENING AND WELCOME**

The Speaker welcomed those present and requested that Cllr N Ntshota open with a prayer.

3. **ABSENT WITH LEAVE**

W van der Linde  
L Nkilishane

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

The Legal Manager presented on the Rules of Order on Standing Rules and Orders of Council and all its Committees.

The Speaker thanked the Legal Manager for the presentation and added that the Standing Rules of Order would be workshopped to allow for inputs and amendments.

Cllr P Oliphant greeted those present. The ANC appreciated the presentation and further appreciated that that it had to be taken on a policy workshop, any amendments had to be done on this level.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Speaker extended condolences to Ms Gene Thube and a moment of silence was observed.

Cllr Dayimani congratulated Mr Frank Tamboer on his appointment at Nelson Mandela Bay Municipality.

Ald D Benson congratulated Councillors with birthdays in the month of August and September.

The Speaker presented the award for Most Valuable Women Employee in Kouga Municipality in honour of Women's Month.

The Executive Mayor presented the award to Ms Yvonne Herbst for her commitment to the Municipality. He thanked her for always going above and beyond duty.

The Speaker congratulated Ms Herbst.

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

The Speaker stated that it was pleasing to be able to hold the first full Council meeting in the Council Chamber since 2020 when we were afflicted with the Covid virus, and the world changed.

He thanked his predecessor, the former speaker Cllr Hattingh Borman, that Kouga Council was able to continue conducting the business through the swift embrace of technology which ensured Council could continue.

The time had now arrived where physical meetings were possible. This included the committees of Council who would too enjoy the normality of holding meetings in the Council Chamber.

It has once again been a busy period in the office of the Speaker as it went about supporting the Ward Councillors in delivering on their mandate to serve the various communities of Kouga Municipality. As of 30 June 2022, no less than 60 Ward Committee meetings had been held and all Ward Committees remain fully functional and meet as required. Action Sheets have been produced from the Ward Committee minutes and these would serve before Council today. The Action Sheets will also form part of the Portfolio Committee agendas in future to ensure the administration engaged with the issues being raised by the members of the public.

Once communities realised that they could report problems to the Ward Committees and that the problems were being resolved, it would give the Ward Committees as well as the Ward Councillors credibility in the eyes of the community and ensure that the public was participating in the affairs of Council.

The Moral Regeneration Movement (MRM) was also fully functional, and he wished to commend the members of the MRM Committee who are showing leadership and commitment in ensuring we bring back morals that are lacking in society today, which is evident by gender based violence, criminality, drug abuse and gangsterism. He would be meeting with our Women's Caucus after Council today where a chairperson and committee would be elected to advance the cause of women in our society. He urged Kouga's women Councillors to become involved with the MRM and become part of the much-needed change in our society.

The Office of the Speaker conducted the first Customer Satisfaction Survey of the term, and the results were pleasing to note.

There were 397 respondents and they indicated that they were satisfied with overall service delivery and the way we are governing the Municipality. 81 % of respondents indicated that they are satisfied, while core service delivery such as electricity supply, refuse collection, water supply and road maintenance scored 85 %.

The Honourable Mayor rated 85 % as well. The Speaker congratulated the Executive Mayor. It was worthwhile to reflect that the Municipality scored 51 % on information supplied to the public and 44 % on opportunities for consultation on Municipal affairs.

The Executive Mayor was currently planning a series of Imbizo's to take place in October and the Municipality would be going out on the IDP review at the same time, which would give residents the opportunity to engage with both Council and the administration. However, alternative ways to further supply information to the public as well as provide opportunities for extensive consultation were required.

In conclusion, he wished to remind all of the role of the Speaker during Council meetings and detailed the relevant section of the Standing Rules of Order.

He thanked all Councillors and officials for their continued support and looked forward to a productive meeting of Council.

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

The Executive Mayor welcomed those present. He treasured the memories of the battles won and lost in the Council Chambers and remembered all the Councillors who had taken oversight seriously. This had ensured that he kept growing and that everyone could move forward for the people. There were many challenges forcing us back such as the prolonged drought, Covid-19 and a lack in bulk infrastructure. These challenges were catalytic influencers that could have easily made the Municipality financially non-viable, yet this had been the case for the Municipality.

The opposite was true Kouga had never given up and this was how it would remain. The draft annual report and institutional performance report was tabled. These reports were reflective of the difficult times, but it was also a report that indicated that the Municipality was solution drive. He thanked the administration, political leadership for their efforts especially when things became overwhelming.

He saluted the winner and nominees of the Women's month competition.

On the back of the successful Winter Fest, World Surf Competition and Mayoral Cup, the Municipality's return to a vibrant tourism sector was announced and the local economy was restabilised. The Municipality had been through the worst, as 60% of water consumption would be sourced from its own sources and implored the public to save water.

He would have the Mayoral Imbizo in October and Ward consultations would take place as well.

He ended with a quote by Socrates: "No man undertakes a trade he has not learned, even the meanest; yet everyone thinks himself sufficiently qualified for the hardest of all trades, that of government"

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

None

The Speaker requested a report back by the next Council meeting.

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

None

11. **REPORT BACK: MUNIMEC**

None

The Speaker stated that there would be a MUNIMEC in Aliwal North.

12. **DISCLOSURE OF INTEREST**

None

13. **STATUTORY MATTERS**

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

**Resolved (31 August 2022)**

1. That the minutes of the Mayoral Committee meeting held on 22 June 2022 be noted.

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

15.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 JULY 2022**

**Resolved (31 August 2022)**

1. That the minutes of the Ordinary Council meeting held on 29 July 2022 be accepted.

Proposed: H Bornman

Seconded: W Gertenbach

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

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

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

**22/08/MM2**

**MEDIA REPORT: FOURTH QUARTER 2021/2022**

The Executive Mayor tabled the item.

The Municipal Manager presented the item

Cllr Oliphant appreciated the report, but it was observed that the report was too confined on the institutional itself and positives from wards are not captured. There had to be programmes in wards of Kouga to allow for positives to be captured in the media report.

The Speaker requested that what happened in wards be included in the media reports.

Cllr R Foley congratulated the Media department for their work especially on the Drought Media Campaign.

Cllr H Bornman on events indicated, that there were multiple events across Kouga, but the Municipality's media did not assist with marketing. He asked that this be considered going forward.

**Resolved (31 August 2022)**

1. That the media report for the fourth quarter (June) of the 2021/2022 financial year be noted.
2. That the Media and Communications Policy be workshopped at the next Policy Workshop, together with the Draft Communications Strategy-for noting.

Proposed: L Maree

Seconded: H Bornman

**22/08/MM3**

**PUBLIC PARTICIPATION REPORT: FOURTH QUARTER 2021/2022**

The Executive Mayor tabled all the reports under the Office of the Municipal Manager.

The Municipal Manager presented the item.

Cllr P Oliphant stated that the concern was public participation. Covid-19 had impacted public participation and it was not as effective. Electronic public participation was conducted which the majority of the public had not had access to. Public participation had to be optimised to ensure it was effective.

The Speaker agreed, the upcoming imbizos and next round of IDP reviews would be widely advertised to ensure attendance.

Cllr L Maree congratulated the Executive Mayor and his office for their public participation work and further congratulated the Executive Mayor on his 85% rating as well.

Cllr Bornman asked that annexure C be noted and requested that the departments commit to addressing issues.

The Speaker added that the action sheets would form part of Portfolio Committee agendas. It was important to address the issues.

**Resolved (31 August 2022)**

1. That the public participation report for March-June 2022 year be noted.
2. That proposed plans and activities in support of institutionalizing Public Participation be supported by all Directorates.

**22/08/MM4**

**SPECIAL PROGRAMMES REPORT: FOURTH QUARTER 2021/2022**

The Municipal Manager presented the item.

Cllr M Yali noted the report, but the ANC caucus raised a serious concern on where the programmes emanated from. There was a lack of consultation with Ward Councillors. The Ward Committees had to be allowed to submit when it came to the determination of projects. Speaker had to ensure that Ward Committees were involved.

The Speaker stated that Ward Committees had to determine suggestions for projects and that a programme be put on the table at the next ward forum so that ward Councillors are aware.

Cllr Oliphant stated that the opposition proposed, unless there was a database, a ward-based database of persons with special needs, to ensure that the Municipality was aware of these vulnerable persons. This would ensure that when programmes were developed the vulnerable be considered. Lists of persons with special needs in different wards had to be created.

The Speaker stated that a disabled forum was being created, there had been a struggle with buy-in as geographical distances were a challenge. The database had to be developed and it had to be fed through to the forum. Buy-in was really required from all the Ward Committees and Councillors.

The Executive Mayor stated that the executive was under the oversight of the Council. The SPU was guided by legislation, internal policy and SALGA. He could not accept that wards input on the SPU and as it was an administrative duty and there were set guidelines. It was not legislatively correct for the Councillors to make the determination.

He requested that SPU Coordinator detail the guidelines for what is allowed and funded to Councillors.

**Resolved (31 August 2022)**

1. That the SPU report for the fourth quarter of the 2021/2022 financial year be noted.

**22/08/MM6**

**COUNCIL RESOLUTIONS AS AT 29 JULY 2022**

The Municipal Manager introduced the item.

Cllr Yali noted the report but raised concern on the snail approach on the implementation of Council resolutions. The Council had to attach timeframes to resolutions.

Cllr Foley on page 86, noted that the hold up was within the provincial department and requested that there be further engagement as the nature reserve was important for tourism.

The Municipal Manager stated that it was difficult to add timeframes, but the Administration scrutinised the action sheets regularly to ensure timeous implementation.

The Executive Mayor stated that concerns raised by Cllr Yali was also noted, and that the Monitoring and Evaluation(M&E) Portfolio Committee would be re-established where it would receive dedicated attention. Therefore, there would be more regular oversight.

Cllr Dayimani on a point of clarity and stated that Cllr Yali has requested that timelines be included. It cannot state in progress, the Administration, had to indicate that it was not in control. It was not easy to be held accountable without timelines.

The Speaker stated that time frames be engaged going forward when resolutions went to the M&E Portfolio Committee.

Cllr Oliphant on a point of clarity stated that the point on hand was that Council took resolutions, but consequence management was required. The M&E Committee had to place serious oversight on the Council resolutions as this affected performance bonuses.



If this approach was not taken, issues would continue. Resolutions were important yet there was a delay in implementation.

The Speaker requested that the Municipal Manager take this matter seriously.

**Resolved (31 August 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 report be tabled at the next Kouga Collective Meeting.

**22/08/MM7**

**KOUGA MUNICIPALITY: FIRST DRAFT: ANNUAL REPORT (2021/2022)**

The Municipal Manager presented the item.

Cllr L Maree on page 117, requested the addition of more detail regarding the location of projects such as the upgrade of gravel road as well as an indication of rollovers.

Cllr Oliphant stated that it was incomplete as no financials were attached. It was requested that there be a workshop on the document for clarity on the content despite time constraints.

Cllr Bornman raised some concerns on figures, the number of houses that had electricity versus number of houses sent bills to differ. The small details had to be considered. He would submit the list of corrections to the Municipal Manager's Office.

The Executive Mayor on recommendation 6.3, stated that he needed clarity regarding the mention of preparation of the Oversight Report as the Report was required after the final draft had been tabled with the Annual Financial Statements. He thus wanted to remove the section referring to the preparation of the Oversight Report by MPAC.

Cllr Dayimani stated that he would channel the issues he had noted. LED has indicated 609 jobs had been created but there was a lack of detail. The report was not clear on performance.

The Speaker indicated that be the recommendations be amended to remove that MPAC prepare an Oversight Report and that additions be included to indicate that the Report be workshopped and that corrections be submitted to the Municipal Manager's Office as well.

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

### **Resolved (31 August 2022)**

1. That it be noted that the First Draft of the 2021/22 Annual Report shall be submitted to the Office of the Auditor General by not later than 31 August 2022.
2. That it be noted that financial information shall only be included in the 2021/22 Annual Report on receipt of the findings of the Auditor General on the 2021/22 Financial Statements.
3. That it be noted that the First Draft of the 2021/22 Annual Report shall be submitted to the Municipal Public Accounts Committee for scrutiny.
4. That the First Draft Annual Report(2021/2022) be workshopped with Councillors.
5. That corrections be submitted in writing to the Office of the Municipal Manager.

Proposed: H Bornman

Seconded: M Yali

**22/08/MM8**

### **KOUGA LOCAL MUNICIPALITY WAYLEAVE BY-LAW**

The Municipal Manager presented the item.

The Speaker stated that there were no speakers for the item but a decision by the majority was required.

The matter was put to a vote by show of hands:

In favour: 16

Not in Favour: 0

Abstentions: 13

Cllr Dayimani raised a point of order.

The Speaker questioned under which Rule of Order the point was raised.

Cllr Dayimani stated that the point of order related to Council and stated that all By-laws and policies had to be workshopped.

The Speaker indicated that the policy was workshopped.

Cllr Dayimani stated that he withdrew his point of order as the Speaker was interjecting.

The Speaker stated that the policy was workshopped, and inputs could be submitted in writing.

He stopped Councillors from speaking out of turn and refreshed Council on what the consequences were if found guilty by the Rules and Ethics Committee. If found guilty of contravening the Rules of Order there could be a fine amounting to 10% of a Councillor's salary.

Cllr Dayimani raised a point of order, but the Speaker indicated that he had made a ruling that this would not be allowed.

Cllr Dayimani continued, and the Speaker stated that Cllr Dayimani was out of order as he had overruled the point of order raised. The Councillor was now objecting his ruling which was a violation of the Rules of Order.

The Speaker referred the ruling for investigation.

Cllr Oliphant interjected to object the ruling.

The Speaker indicated that there was only one rule of order per point and requested that Cllr Oliphant submit the objection to his ruling in writing.

The Speaker closed the item.

Cllr Dayimani raised to speak, and the Speaker stated that this was a continuous objection to his ruling. The Rules and Ethics Committee would decide on the matter.

### **Resolved (31 August 2022)**

1. That Council support and adopts the Draft Kouga Municipality Wayleave By- Law.
2. That the Draft Kouga Municipality Wayleave By-Law be published, for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.

3. That the Draft Kouga Local Municipality Wayleave By-Law be referred back to the Municipal Council following the implementation and finalization of the public participation process referred to in 2. above, for approval.

22/08/MM9

**INSTITUTIONAL PERFORMANCE REPORT: DRAFT ANNUAL  
PERFORMANCE REPORT: INSTITUTIONAL SDBIP - IMPLEMENTATION  
SCORECARD: 2021/22 YEAR**

The Municipal Manager introduced the item.

Cllr M Mbandana raised a critical concern on the SDBIP which had to be aligned to the budget and IDP. There were serious concerns regarding operational expenditure, there was nothing significant for Ward 10 and there were cases of funds being diverted.

It was clear that no serious allocations were made for those in the Gamtoos Valley, Kouga did not have a clear plan for expenditure in the community. He indicated to Council that if you want to scare a tiger ensure that the stick be long enough.

The Municipal Manager stated that the information would not be included in the score card but there would be projects in the Gamtoos Valley that dealt with sewerage, water and housing. The drought programme would specifically deal with areas and challenges regarding water infrastructure in the area. This information was included in the IDP. He suggested that the Councillor make an appointment with him to discuss the matter.

Cllr Dayimani on page 440, item 12, on the issue on indigents, the issue had to be followed up. On the Capital budget, he asked that the Executive Mayor and Municipal Manager comment on the 87% expenditure as it had been indicated in the previous financial years that this would be improved. The spending patterns and requests for rollovers impacted the funding the Municipality had been received. He commended the institution for payment of invoices within 30 days.

On targets not achieved, he stated that it was dangerous to change the SDBIP and there had to be consequence management when targets were not met. There had to be systems to resolve this before disciplinary action. When it came to performance bonuses, he wanted value.

On page 414, he requested clarity as the percentage compliance with procurement plan was not reported. He was concerned about targets not achieved.

Cllr Bornman stated that the item gave a lopsided view of performance, achievement was 80% but it did not provide

clarity on all the targets achieved. All the good work done had to be acknowledged.

He reminded Cllr Mbandana that the SDBIP did not specifically mention any area, this was not neglect of the Gamtoos Valley as no areas were listed. He acknowledged the I&E department for reducing electrical and water losses.

The Municipal Manager would hand over to CFO to respond regarding indigents.

He stated that the performance report was very strict to set dates, even if the target was achieved, it would not be achieved due to missing the date. The targets pushed the Directors to achieve things as soon as possible.

The targets were difficult to achieve, the goals were 100%.

On the procurement plan report, he indicated that the CFO was working on this, and it would be included in the documents handed over to the AGSA.

The CFO stated that the Data Cleansing process would deal with the matter, and it addressed the indigency issue. There were delays with receiving names from wards and only received 118 of 152 names requested were submitted. The plan would be to go online in September 2022 which would be run parallel with a door to door processes. There was a commitment that a few names would be received that day. The logistics for those that the names were received were arranged but he was still awaiting submissions. He requested that the necessary information be submitted.

The CFO further stated that the procurement plan was now finalised but not at the time of the Council Agenda distribution.

The Speaker stated that the Council needed the information.

The Municipal Manager on 86% Capital Expenditure, stated that this included all Conditional Grants. The Conditional Grants were spent and R20 000 had not been spent due to savings. There was essentially 100% expenditure on Conditional Grants. There were some Municipal projects which could not be completed.

Focus was placed on Conditional Grants, when it came to the tender process so that they were dealt with first as a priority. Other tenders from the Municipality's own budget were dealt with thereafter. The emphasis was to have expenditure on Conditional Grants.

Cllr Dayimani stated that the indigent issue had budget allocation implications from Treasury. The CFO needed support from the Ward Councillors and suggested that the programme for the indigent project be run through Ward Offices.

The Speaker requested that the CFO note the request.

Cllr Bornman defined what a point of clarity was and how it differed from a follow up.

Cllr Jantjes appreciated the CFO's response, he asked that they proceed with the exercise for the wards that had submitted. Why could the project not start and why did the CFO have to wait for all wards?

The CFO stated that he was awaiting names but if needed the online system would go online, communication would begin, and he would discuss the matter with the Speaker.

**Resolved (31 August 2022)**

1. That the content of the Draft Annual Performance Report on the implementation of the 2021/22 Service Delivery and Budget Implementation Plan be noted.

18. **REPORTS BY THE EXECUTIVE MAYOR**

18.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

22/08/F2 **SUPPLY CHAIN MANAGEMENT: S40 DISPOSAL MANAGEMENT (DISPOSAL OF SLOW-MOVING STOCK, REDUNDANT STOCK AND DAMAGED STOCK ITEMS)**

The Executive Mayor tabled the finance items.

Cllr Gertenbach presented the item and indicated that there was stock that had to be written off and sold on an auction. The stock had to be auctioned at the same time where capital items were auctioned as it would be too costly to hold a stand-alone auction for the stock.

Cllr Bornman proposed that recommendation be amended to indicate that the stock be held safe until the next public auction. He was seconded by Cllr Heystek.

**Resolved (31 August 2022)**

1. That Council approve the report on the Section 40 Disposal management of slow- moving stock, redundant stock and damaged stock as the Financial Year End of 2021/2022 (30 June 2022).

2. That the recommended disposal strategy by SCM section for these stock items be a public auction, and after approval by Council these items will be removed from the shelves at stores. Thereafter be kept safe for consideration by Manager Assets until the next public auction.
3. Considering that the fact that the last movement on the slow-moving stock was on 25/06/2020 and movement on the redundant was on the 18/08/2016. Based on these dates it is recommended on reasonable grounds that these stock items are not needed to provide the minimum level of basic municipal services.

Proposed: H Bornman

Seconded: F Heystek

**22/08/F3**

**WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE**

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That the Equitable Share write-offs for the period June 2022, amounting to R2,154,426.77, be approved.

**22/08/F4**

**MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2021 TO JUNE 2022 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 JUNE 2022 (2021/22 FINANCIAL YEAR)**

Cllr Gertenbach presented the item. He indicated that there was a correction on page 505 where the surplus was incorrectly reflected as R 225 million instead of R225 000.

Cllr Dayimani stated that the capital expenditure remained at 87%, the investment portfolio had shrunk to 47,84% and he requested clarity on contributing factors for this. In terms of standard accounting practice, MIG funds were received and SDBIP was developed and the interest on funds gathered. Where was the interest collected and did it form part of the budget?

He noted that Maintenance had improved. He asked that PDT explain the difficulties which resulted in expenditure of 65,0%. He commended the Director Community Services for the department's expenditure. There had to be an overall improvement on expenditure.

The Directors used traditional funding, but directors had to go the extra mile for funding.

Cllr Dhludhlu on page 528, stated that the amount reflected for Bulk Water was incorrectly captured as the Eskom amount.

The CFO on investment portfolio shrinkage, he stated that there was R 27.8 million in bank at the end of the year and it was much better than projected due to expenditure and was savings on operational expenditure.

On interest on page 505, he stated that the estimation was accurate, it is for all funds in the bank invested. The interest was not separated for grants unless required by grant conditions. Interest was factored into the budget when adopted.

On Capital Expenditure, he stated that if rollovers were taken into account the under expenditure reduced to a small amount. The remaining under expenditure was due to savings. The rollovers were for where tenders were awarded and where the work was in progress.

**Resolved (31 August 2022)**

1. That the Council notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.

22/08/F5

**MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2022 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 JULY 2022 (2022/23 FINANCIAL YEAR)**

Cllr Gertenbach introduced the item.

Cllr Oliphant requested a tea break.

The Speaker responded that there would be a break at 12 o'clock.

Cllr Oliphant stated that he would submit a point in writing.

There was a ten-minute break.

**Resolved (31 August 2022)**

1. That the Council notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

22/08/F6

**BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 JUNE 2022**



The Speaker stated that the only speaker on the item was Cllr Dayimani who was not present in the Council Chamber.

The report was noted.

**Resolved (31 August 2022)**

1. That the Council notes the withdrawals that were made in terms of section 11(1) (b) to (j) of the MFMA for the quarter ended 30 June 2022; and
2. That the report accordingly be submitted to the Provincial treasury and Auditor-General as determined by section 11(4) (b) of the MFMA.

**22/08/F7**

**ADJUSTMENTS BUDGET FOR THE 2021/22 UNSPENT BUDGET (ROLL-OVERS)**

Cllr Gertenbach introduced the item.

Cllr Oliphant stated that the ANC was concerned about in roll-overs, was this perhaps due a lack of proper planning? It could not be business as usual when wards needed funds. The institution had to plan properly to avoid rollovers. It was an indictment on political leaders to have rollovers each year. The Council had to assist to avoid roll overs.

The Municipal Manager stated that expenditure for grants was prioritised. Projects using the Municipality's own budget was scheduled for the end of the procurement plan. During the adjustments budget, there was a review. A procurement process could take 6 months and detailed the reasons for rollovers such as waiting lists for items. It was extremely difficult to get everything done during the financial year.

There were also supply chain processes which affected timeframes for procurement. He asked the CFO to comment on challenges regarding procurement.

The CFO stated that as soon as there were cancellations the procurement had to begin again. One of the major challenges was that the service providers did carrying out the work as required, or an unforeseen circumstance introduced variation to project. This resulted in delays. Rollovers were catered for according to the MFMA.

The Speaker stated that a vote was required.

Cllr Oliphant raised a point of clarity and questioned the need for a vote as the ANC not against the recommendation and the body of the item.

Cllr Dayimani raised a point of clarity and enquired why was the development of budget was not done in conjunction with a draft procurement plan. The Municipality had to avoid tender adverts in the 3<sup>rd</sup> quarter.

If all the procurement plans had not been submitted these had to be developed, all of the expenditure timelines had to end at the third quarter.

The Municipal Manager stated that CFO had closed the loop. Directors submitted business plans by the end of March and there were attempts to create a quicker loop.

The Speaker stated that this matter had to be monitored through the SDBIPs at M&E Portfolio Committee.

The matter was put to vote by a show of hands.

The Speaker indicated that 25 Councillors had voted in favour therefore the recommendations were unanimously approved.

**Resolved (31 August 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 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the following adjustments budget.

**22/08/F8 SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTHS OF MAY 2022**

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That Council approve the report.

**22/08/F9 SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTHS OF JUNE 2022**

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That Council approve the report.

**22/08/F10 SHIFTING OF DATE OF VALUATION FOR THE 2023-2027 GENERAL VALUATION ROLL**

ClIr Gertenbach introduced the item and indicated that the target for evaluation at end of June was not met hence the amendment to the date.

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That Council rescind Council resolution 21/12/F2.
2. That Council determines the date of valuation, for the purpose of compiling the general valuation roll for the period 1 July 2023 to 30 June 2027 as 1 September 2022.

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

**22/08/CORP14      CONNECTIVITY AND NETWORK ASSESSMENT REPORT**

The Executive Mayor tabled the items for Corporate and Digital Services.

Cllr Jantjes introduced the item.

Cllr Bornman proposed that the Network Monitoring Tool be excluded from the funding. An opensource tool should be used until the next financial year. A recommendation which indicated that "the funding table reflected in recommendation 2. Be accepted with the total less the Network Monitoring Tool" had to be included.

The Executive Mayor on recommendation 7.3, stated that Council should not have to consider the recommendation for alternator repairs. The Administration had to handle frivolous matters outside of Council.

Cllr Maree seconded the amended recommendations.

**Resolved (31 August 2022)**

1. That the Connectivity and Network Assessment report be noted.
2. That funding as shown below be urgently made available to resolve the high priority connectivity issues that have plagued the Municipality for a long time.

<b>ITEM</b>	<b>COST</b>	<b>CAPITAL BUDGET</b>	<b>OPERATIONAL BUDGET</b>
Improved Network Connectivity	R243 480		R 243 480
Top Up – Monthly Connectivity Costs	R1 000 000		R1 000 000

New Routers	R129 480	R129 480	
Local Server Space	R10 000	R10 000	
Invertors(10 of 45)	R180 000		R180 000
<b>TOTAL LESS NETWORK MONITORING TOOL</b>	<b>R1 562 960</b>	<b>R139 480</b>	<b>R1 423 480</b>

3. That funding be possibly sourced from the following avenues:
  - 3.1 Rollover Funds during the August 2022 Rollover budget
  - 3.2 Across Departmental budgets
  - 3.3 Capital Funds from I&E and Finance where capital budget has been provided for.
4. That I&E urgently repair the alternator in the generator that powers the main building during loading shedding. It must be noted that the current manual operation of the back up generator is severely compromising the integrity of network infrastructure and affecting business continuity especially the Finance System. The primary generator which is automated needs to be repaired as a matter of urgency.
5. That it must be noted that the indicative costs for internet connectivity will in all likelihood have to be adjusted upwards. This is foreseen due to us increasing the capacity from 100mb to 1TB+ to cater for future technological growth.
6. That the funding table reflected in recommendation 2. be accepted with the total less the Network Monitoring Tool.

Proposed: H Bornman

Seconded: L Maree

**22/08/CORP15**

**ORGANISATIONAL STRUCTURE: 2022/2023**

Cllr Jantjes presented the item which had been requested at the previous Council meeting. He highlighted the major changes to the structure.

Cllr Oliphant stated that he remained concerned about approval, reviewal and amendments to the organogram. He queried if the Municipal Manager was responsible for the approval of the organogram.

The ANC would research Council's role regarding the organogram. Legal Services had to check if the function had been delegated to Municipal Manager.

If this was the case, it was erroneous as the organogram was a function of Council. On behalf of ANC, he requested a formal investigation,

He was concerned about disregard of Recruitment and Selection. He requested that the Speaker's Office investigate the matter. The matter had to be referred back to the next sitting of Council.

Cllr Mbandana stated that the Local Labour Forum and Trade Unions had to approve the organogram. There were workers that were dismissed and by 1 Jan 2022 they were to be taken in. If the Municipality lost the case, who would be accountable for the case and the settlement agreements, where workers were waiting. It was a clear indication of an agreement, there would be follow up. These matters of settlements had to be taken seriously.

The Municipal Manager stated that before 1 July 2022 the organogram was the responsibility of the Municipal Manager but after 1 July 2022 the legislation had been amended to indicate that the organogram be changed once every year, approved by Council and submitted to MEC for COGTA.

The Deputy Municipal on settlement agreements, stated that the matter was sub judice. On 10 August 2022, the Municipality wrote to Unions, but nothing was heard. It was unaware of representatives and there was no formal response to the offer.

There were several meetings, and the response was only in December 2021. The case was currently sub judice and nothing could be heard. The Councillor could visit his office for further information.

Cllr Mbandana stated that the Executive Mayor had to take responsibility and be a custodian. He had to intervene.

Cllr Dhludhlu raised a point of order and stated that it was not relevant to the item.

Cllr Mbandana stated that he hoped that the Executive Mayor would address the enforcement order.

The Executive Mayor requested that the Deputy Municipal Manager provide clarity on the settlement agreement as the agreement had a three-year term and another was not signed.

The Deputy Municipal Manager stated that the settlement agreement had lapsed, and the case was on the enforcement.

Cllr Dayimani requested an item on the settlement agreement.

The Speaker asked that this request be submitted in writing to himself and thereafter he would submit the request to the administration.

Cllr Oliphant was pleased that Council was in charge of the Organogram from the 1<sup>st</sup> of July 2022.

The Executive Mayor enquired when the organogram was signed off.

The Municipal Manager stated that it was signed off at the end of June 2022.

The Deputy Municipal Manager confirmed that it was signed at the end of June and implemented on 1 July 2022.

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That the Organisational Structure as approved by the Municipal Manager be noted by Council.
2. That the filling of positions be prioritised subject to budgetary provision and organizational priorities.
3. That the critical vacancy committee be resuscitated to establish a critical vacancies list.

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

**22/08/I&E4 REGISTRATION OF NEW PROJECT ON THE MUNICIPAL INFRASTRUCTURE GRANT (MIG)- HIGH MAST LIGHT**

The Executive Mayor tabled the items for Infrastructure and Engineering.

Cllr Maree presented the item and stated that the High Mast Lights would be installed in Wards 1, 2, 4,5,6, 9,10 and 14.

Cllr Oliphant appreciated the report but proposed that the case of in Ward 1 Oyster Bay, Umzamoethu, be addressed through MIG funding. There had to be MIG funding for sewerage projects especially for these areas where raw sewerage flowed into houses.

The Speaker requested that the request be submitted in writing.

Cllr Yali stated that the recommendation was supported but the issue of pipeline projects not being possible due to Bulk Infrastructure remained. Bulk infrastructure had to be considered when making submissions for MIG funding.

Cllr Jantjes stated that the lights were important for crime prevention therefore it was welcomed but he was informed that there were more lights in future for other wards.

The Speaker requested that the Acting Director: I&E comment regarding MIG funding for sewerage projects.

The Acting Director I&E stated that an application to unlock housing projects, but there were blockages. There was a lack of infrastructure for housing developments, the Kwanamzamo and Weston projects were on the cards.

The list of wards which received lights were based of the IDP. There was only a certain amount of MIG funding available as the allocation was calculated according to EQS and a lot of projects listed required studies to determine the funding required.

The Municipal Manager stated that PMU manager submitted plans to him to resolve sewer blockages as raised by Cllr Mbandana. He was currently considering these for registration.

Cllr Gertenbach requested clarity on why the application was through MIG and not INEP.

The Acting Director I&E stated that INEP had changed its criteria as houses had to be on the ground in order to qualify for an INEP allocation.

The Speaker stated that the funding applications for sewerage had to be realized. The Green Drop Report had indicated that there was progress.

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That the Item be accepted and approved.

**22/08/I&E8 STATUS OF THE WESTON WASTE WATER TREATMENT WORKS**

Cllr Maree introduced the item.

Cllr Mbandana proposed that the sewer issues be listed.

The Speaker stated that the Municipal Manager had to provide detail on the status on the MIG applications for sewerage projects.

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That Council treat this as a high priority project.
2. That Council secure funding in order to safeguard the area as Kouga is not in compliance with the law in terms of safety.

18.4 **REPORTS BY THE CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM**

**22/08/PDT3 IN PRINCIPLE APPROVAL FOR LONG TERM LEASE OF A PORTION ERF 499, HUMANSDORP TO CD FREIGHT LOGISTICS FOR INDUSTRIAL PURPOSE**

The Executive Mayor tabled the items for Planning, Development and Tourism.

Cllr Bornman presented the item.

Cllr Oliphant enquired whether there had been public participation and if so, this had to be made available.

Cllr Bornman stated that it was not a disposal process therefore it was a long-term lease but it would be advertised but this was dependent on the public participation process.

Cllr Oliphant stated that there had to be concurrency from National Treasury as Council was the custodian of the land on the behalf of Kouga.

The Director: PDT stated that a letter was sent to Provincial Treasury.

Cllr Mbandana stated that there had to be an inclusion on items that there were historical claims on the land.

The Speaker asked that the Director note this.

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That Council grant in-principle approval for the lease of a portion of Erf 499, Humansdorp for 9 years and 11 months.
2. That Council grant authorization to the Accounting Officer to advertise the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.



4. That the market related rental valuation be obtained and presented to Council for Final approval.
5. That a land surveyor be appointed to attend and conclude the subdivision, etc. as well as all other administrative costs for the cost of the applicant.
6. That all applicable SPLUMA By-Law and ILUS requirements are met prior operations
7. That all bulk services that are required, needs to be provided by the developer with no financial implications to Council.

**22/08/PDT6 3-YEAR SPONSORSHIP PROPOSAL: ST FRANCIS TOURISM REQUEST EVENT SUPPORT FOR THE ANNUAL CALAMARI FESTIVAL HOSTED IN ST FRANCIS BAY FROM THE 23 – 25 OF SEPTEMBER 2022 WITH CONSIDERATION FOR EXTENSION FOR 2023 – 2024**

Cllr Bornman presented the item.

Cllr Gertenbach on recommendation 6.2, stated that he was concerned that there was no lease agreement and added that this had to be included.

Cllr Bornman clarified that the budget feedback clarity was what Gertenbach was interested in, and this was included in SLA.

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That Council approves the funding amount of R200 000.00 (Two Hundred Thousand rand) excluding vat. annually towards the Calamari Festival hosted by St Francis Tourism in St Francis Bay for a 3-year period from 2022 - 2024.
2. That Council authorizes the Accounting Officer to conclude a 3-year Funding Agreement / SLA with St Francis Tourism in respect of sponsorship stated in (1.) above.

**22/08/PDT8 EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 406, PARADISE BEACH (PARADISE BEACH WATER RESERVOIR)**

Cllr Bornman tabled item no. 22/08/PDT8 to 22/08/PDT10 as the items all dealt with lease extensions for Vodacom. A recommendation had to be added for each item that stated that no new infrastructure could be added to the areas and only upgrades had to be allowed. Recommendation 7.2 had to be removed. He requested how the market related value would be determined?

The Speaker stated that recommendation 7.2 regarding section 14 comments could not be removed.

The Director: PDT stated section 14 applied for the lease. There was a valuation for rentals as the regulations required this. She was unsure of the valuer's formula but there was process for the valuation.

The Speaker stated that recommendation 7.2 had to remain.

Cllr Gertenbach on recommendation 7.4 suggested that it be made into a market related lease as it was related to a wayleave.

The Director: PDT stated that it was in principle approval which would allow it to be go out for public participation. The market related valuation would accompany the final item to conclusion

The item with the addition of recommendation 7.6 was unanimously approved.

**Resolved (31 August 2022)**

1. That Council **grant in-principle approval** for the extension of the lease of a portion of Erf 406, Paradise Beach (Paradise Beach Water Towers) for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council grant authorization to the Accounting Officer to advertise Council's intention to lease immovable for public participation.
4. That Council consider the market related valuation of the immovable property.
5. That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant.
6. That only upgrades be allowed on the municipal property but no new infrastructure.

**22/08/PDT9 EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 873, JEFFREYS BAY**

The item with the addition of recommendation 7.6 was unanimously approved.

**Resolved (31 August 2022)**

1. That Council **grant in-principle approval** for the extension of the lease of a portion of Erf 873, Jeffreys Bay for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council grant authorization to the Accounting Officer to advertise Council's intention to lease immovable for public participation.
4. That Council consider the market related valuation of the immovable property.
5. That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant.
6. That only upgrades be allowed on the municipal property but no new infrastructure.

**22/08/PDT10 EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF FARM 746, PORTION 72, HUMANSDORP RD (SEA VISTA WATER RESEVOIR)**

The item with the addition of recommendation 7.6 was unanimously approved.

**Resolved (31 August 2022)**

1. That Council **grant in-principle approval** for the extension of the lease of a portion of Farm 746, portion 72, Humansdorp RD (Sea Vista Water Towers) for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council grant authorization to the Accounting Officer to advertise Council's intention to lease immovable for public participation.
4. That Council consider the market related valuation of the immovable property.
5. That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant.
6. That only upgrades be allowed on the municipal property but no new infrastructure.

**22/08/PDT11 ACQUISITION OF IMMOVABLE ASSET: TRANSFER OF PROVINCIAL ROADS:  
DA GAMA ROAD, ST. FRANCIS DRIVE & WOLTEMADE STREET TO KOUGA  
MUNICIPALITY**

Cllr Bornman presented the item.

Cllr Oliphant queried the selection of roads as there were other roads which fell under the Municipality. It was understood that the roads were not in a good state but there were others as well. He believed that the roads would be renamed but would follow up with the province.

Cllr Yali stated that the Kouga Municipality was only servicing Jeffreys Bay. The streets in Ocean View were bad yet other roads were being acquired. The ANC would submit on name changes.

Cllr Bornman indicated that the recommendations had to be amended to indicate "Main Road-Humansdorp" and not "Voortrekker Road-Humansdorp".

Cllr Oliphant raised a point of order.

The Speaker asked under which Rule the point of order was raised.

Cllr Oliphant could not confirm which Rule his point of order was based on.

The Speaker stated that he would not be permitted to speak unless he could indicate under which Rule the point was raised.

He stated that the list of other provincial roads could be submitted to him.

Cllr Dayimani raised a point of order on the Speaker's ruling for Cllr Oliphant.

The Speaker indicated that it was not a point of order.

The Speaker stated that Cllr Dayimani could not speak over him, the point of order had to refer to the Rules of Order. He explained that a point of order was based on the Rules of Order.

Cllr Dayimani stated that he had not finished his point before the Speaker had interrupted.

The Speaker indicated that the Councillor was not raising a point of order and therefore he could not recognise the Councillor.

Cllr Dayimani questioned the ruling against Cllr Oliphant as the Standing Rules of Order did not indicate that if a Councillor could not quote the Rules of Order, they could not raise points of order.

The Speaker stated that the ruling could be queried in writing.

Cllr Dayimani stated that the Council would degenerate if the Speaker continued.

The Speaker stated that the Councillor was out of line.

Cllr Oliphant made a counter proposal and requested that the recommendations be amended to indicate "with the inclusion of provincial roads of Kouga" and was seconded by Cllr Mbandana.

Cllr Dhludhlu seconded Cllr Bornman's proposal.

The matter was put to a vote as follows:

Proposal one by Cllr Bornman:

In favour: 16

Not in favour: 10

Proposal two by Cllr Oliphant:

In Favour: 10

Not in Favour: 16

The Executive Mayor stated that the Council could not afford to take over all provincial rules thus it had to be a phased approach.

**Resolved (31 August 2022)**

1. That Council **grant in-principle approval** for the transfer of Da Gama Road, St Francis Drive, Main Road-Humansdorp and Woltemade Street to Kouga Municipality in order to manage and maintain the roads contemplated herein.
2. That the Council grant authorisation to the Accounting Officer to enter into a transfer agreement with the Provincial Department of Transport in respect of Da Gama Road, St Francis Drive, Main Road-Humansdorp and Woltemade Street.
3. That Council make budgetary provision for the management and maintenance of the roads contemplated in point 2.

**22/08/PDT13 PROCESS PLAN AND TIME SCHEDULE FOR THE REVIEW OF THE INTEGRATED DEVELOPMENT PLAN AND THE PREPARATION OF THE BUDGET FOR 2023/2024 FINANCIAL YEAR**

Cllr Bornman introduced the item.

The Speaker requested an amended date for the IDP and Budget Steering Committee meeting.

The Director: PDT responded that the meeting would be moved but a date was not yet determined.

Cllr Dayimani requested that a recommendation be added which indicated the amendment.

Cllr Yali proposed that the recommendations as amended by Cllr Dayimani be accepted and was seconded by Cllr Mbandana.

**Resolved (31 August 2022)**

1. That Council **adopts** the Process Plan as for the IDP Review and Budget for year 2023/24 annexed (Annexure A), in accordance with Section 28(1) of the Municipal Systems Act, No 32 of 2000.
2. That in terms of MSA S28 (3), the Process Plan be advertised within 10 days after adoption by the Council and be placed on the municipal website.
3. That the Process Plan be submitted to EC-COGTA and Provincial Treasury within 10 days after adoption by the Council.
4. That the Administration advise on the amended dates for the IDP and Budget Steering Committee.

Proposed: M Yali

Seconded: M Mbandana

18.5 **REPORTS BY THE PORTFOLIO CHAIPERSON: COMMUNITY SERVICES**

**22/08/CS13 UPDATE REPORT: DELEGATION TO ATTEND SECOND PHASE CLIMATE CHANGE PARTNERSHIP PROGRAM 7-14 MAY 2022, ILSFELD; GERMANY**

Ald Benson introduced the item and stated that Council approval was required for the second phase of the partnership.

The Speaker requested that the presentation be made available to all Councillors.

The item was unanimously approved.

**Resolved (31 August 2022)**

1. That the second phase climate change partnership is going on for another terms.
2. That that the local focus areas and joint action program will be discussed and finalised with the next delegation mission by IIsfeld to Kouga in November 2022.
3. That the climate change strategy be finalised in December 2022.

**22/08/CS14 WASTE MANAGEMENT BY-LAW**

Ald Benson presented the item.

Cllr Oliphant stated that the item was welcomed, and it had to be implemented.

**Resolved (31 August 2022)**

1. That Council approves the Kouga Municipality Waste Management By – Law.
2. That the approved Waste Management By- Law be advertised in the Government Gazette for promulgation.

19. **CLOSURE**

The meeting closed at 13.41



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**B WILLIAMS**  
**SPEAKER**

21 November 2022

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**DATE**

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