

MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD IN THE COUNCIL CHAMBERS, JEFFREYS BAY, ON WEDNESDAY, 28 OCTOBER 2022 AT 10:00
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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 Ndzaleni	
N Ntshota	
B Human	
N Ntengwane	
E Mbuqu	
M Valgee	
W van der Linde	
L Nkilishane	
V Zana	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
D De Jager	(Deputy Municipal Manager)
M Rossouw	(Acting 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)
M Basson	(Acting Media Specialist)
M Julius	(Senior Committee Officer)
N Zode	(Scribe)

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 an Ordinary Council Meeting will be held in the Council Chambers.

2. **OPENING AND WELCOME**

The Speaker welcomed those present.

Cllr Zana raised a hand and indicated that there is a picketing outside the main gate and enquired whether the picketers had been addressed.

The Speaker stated that the gathering is illegal as SAPS indicated that it did not receive any application for picketing, the front gate is closed but the side gate is open for the public. Law enforcement was also present to ensure safety of Councillors. He further indicated that he will not go into anymore details on the issue as the situation was under control.

Cllr Yali requested a point of clarity.

The Speaker stated that there are no points of clarity on the issue as he has made his ruling. When a Councillor challenges a ruling made by the Speaker they are in violation of the Rules of Order and he will have to lay charges against such a Councillor.

Cllr Zana requested a caucus for the ANC.

The Speaker granted 10 minutes caucus.

Cllr Zana addressed Council on the caucus which was requested.

Cllr Bornman raised a point of order and stated that the Rules of Order were clear in terms of addressing issues in Council which are in the Council agenda and what Cllr Zana is addressing was not part of the agenda.

Cllr Oliphant raised a point of order and stated that Cllr Bornman continues to interrupt the ANC component when they raise issues, he then requested Cllr Bornman to allow Cllr Zana to raise his point.

The Speaker stated that Cllr Bornman had a point, items for discussion are only relevant to the agenda of the day. He then requested Cllr Zana to finalise his point as it was not on the agenda.

Cllr Zana stated that he thought as a caring government Council would lend an ear to the people picketing outside. The picketing is not in a violent manner and there is no need for law enforcement to be in the premises as the people pose no threat to anyone in the building. He then indicated that the ANC caucus took a decision to go and listen to the picketers outside.

The Speaker quoted Cllr Oliphant's name and stated that the ANC caucus can make such a decision, however, Council will continue with the meeting.

Cllr Oliphant interjected and stated that he should not address him as Cllr Zana is the one that made a statement on behalf of the ANC.

The Speaker gave Cllr Oliphant a final warning for speaking out of turn without being recognised, he then indicated to Cllr Zana that if their caucus wishes to leave the Council Chambers they can do so. He then requested the IEC to proceed with the presentation.

The Executive Mayor requested the scribe to note the time that the ANC left the Council Chambers.

The ANC Councillors left the meeting at 10:14 and came back to the meeting at 10:25.

3. **ABSENT WITH LEAVE**

None

4. **ABSENT WITHOUT LEAVE**

M Mbandana

5. **PRESENTATIONS**

IEC Presentation – Ms Nobahle Mali

The Speaker thanked the IEC for the presentation and enquired if there were any questions.

Cllr Dayimani enquired which legislation or Act permits early elections.

Ms Mali stated that she would have to consult Provincial Electoral Office but would get back to the Councillor.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Gunuza congratulated all the students of 2022 writing exams.

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

It is pleasing to note that we have had a successful round of IDP meetings where there was great participation from all Councillors as well as ward committees and other stakeholders.

Setting visions for our various wards is an innovative strategy and Director Mabusela and her team are to be congratulated for thinking out of the box and ensuring public participation has yet again been taken to a higher level in Kouga Municipality.

We are now on the path to ward-based budgeting where the needs of our various wards are taken into consideration when setting the budget with our stakeholders having a deeper understanding of what can be accomplished within a particular financial year over the rest of our term as Council.

Our ward committees are all functional and meeting regularly despite the problems caused by load shedding. This does place pressure on our Ward Councillors and well done to all of you for maintaining community engagement even though load shedding schedules can change at very short notice.

We will be holding the Ward Councillor forum in November, and I am once again looking forward to constructive engagement in that meeting. I did receive questions on the previous council meeting that has not been answered in this council meeting. The administration has confirmed to me that the answers will form part of the December Council meeting and I apologize that the answers do not form part of this agenda as they should have according to our Rules of Order.

There is just over a month left until the festive season and all indications are that we can expect a bumper holiday season. The programme of events is impressive and a lot of behind the scenes work has taken place already to ensure everything will run smoothly and that our holiday makers and locals are well entertained and safe during December.

Our Executive Mayor has already indicated that the Mayoral Committee will all be working during December even though Council will be on recess after the 9 December Council meeting.

It is crucial that oversight takes place as there will be significant strain on our water, sewage and electrical networks during this time. Our public facilities need to be clean and tidy at all times and the collection of waste will once again be critical in ensuring we keep Kouga Clean during December. I look forward to a production council meeting today where we will debate several issues that appear on the agenda.

Thanks to all the staff in the Office of the speaker for your diligent and hard work as we go about the business of empowering Councillors to be effective in their jobs of serving the community of Kouga. I will now hand over to our executive mayor who will hand out awards to two of our long serving officials who have recently retired.

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

The Executive Mayor greeted all Councillors, Directors and Officials and the members of the public. He echoed what the Speaker said in terms of the IDP, and the Ward Based Plan rollout was an absolute success, he had not seen such attendance and interest from the public for a very long time.

He also thanked Director Mabusela and IDP Team and the Public Participation section, the Office of the Speaker and the Office of the Mayor and all staff involved in helping to organise this. Cllr Ruth, who was on track with I&E progress as well as the implementation of performance management was acknowledged. We are going into Ward Based Budgeting and we will be directing our budget towards the priorities of communities.

With respect to budget implementation progress he was quite satisfied that there is no red flags or issues that are of concern, the capital expenditure is currently at 24.33% measured against the first quarter data of 25%. The total revenue for the first quarter stood at just over 30% while our total expenditure is around 21%. The Municipality was still managing this drought, the only concern is the cost coverage which is under one month but hopefully by the time we go to budget we can fix all of that.

On the back of the Ward Based Planning was supposed to be the Mayoral Imbizo's where the Executive Mayor is allowed to report on the service delivery, we are in governance for almost one year. The elections were on 1 November 2021 and Council got sworn in on the 17th of November 2021. It has been hectic trying to manage the drought, probably the worst that we had during the 7 year period but on the back of IDP and Ward Based Planning we will not be having the Mayoral Imbizo's due to the urgency of the Ward Based Planning. I will be reporting back to Communities round about January 2023 and that will also be a robust engagement with our Communities as to how we actually satisfied their needs. He would conduct these Imbizo's Chairperson without fear or favour.

He stated that Councillor Dr Gertenbach had given notice that he will resign from the Mayoral Committee as from the 1 November 2022, since Councillor Gertenbach had resigned he will have to make a small reshuffle to the Mayoral Committee effective from 1 November 2022. The proposed changes to the Mayoral Committee were as follows;

Community Services Portfolio Chairperson – Ald D Benson
Infrastructure & Engineering Portfolio Chairperson - Cllr L Maree
Corporate & Digital Services Portfolio Chairperson – Cllr T Jantjes
Finance Portfolio Chairperson – Cllr H Bornman
Planning, Development & Tourism Portfolio Chairperson – Cllr S Ruth

The current Monitoring & Evaluation Portfolio will remain vacant until further notice.

I would like to just thank Cllr Gertenbach for his service, he has been part of the Mayoral Committee for about 22 months since December 2020. It was a brave call for Cllr Gertenbach to accept the offer of Infrastructure & Engineering and he served with excellence, diligence and his oversight capabilities were of note.

I absolutely appreciate the value that he added to our Mayoral Committee on planning our strategies that we had to develop and I love the way that he always engage in such a robust manner I love arguing with Cllr Gertenbach because it improves me, it grows me, he allows me to think and we will miss that on the Mayoral Committee in terms of planning and going forward.

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

None

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

None

11. **KOUGA AUDIT COMMITTEE**

22/10/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Resolved (28 October 2022)

1. That the minutes of the Kouga Audit Committee be noted.

12. **REPORT BACK: MUNIMEC**

22/10/MUNIMEC1 PROVINCIAL POLITICAL MUNIMEC RESOLUTIONS/MINUTES

Resolved (28 October 2022)

1. That Council notes the resolutions/minutes of the Provincial MuniMEC

13. **DISCLOSURE OF INTEREST**

The Speaker indicated that no one declared any disclosure of interest apart from for the Grant in Aid items and those Councillors will recuse themselves when those items are tabled.

14. **STATUTORY MATTERS**

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

None

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

16.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 AUGUST 2022**

Cllr Oliphant raised his hand and stated that for recording purposes the Speaker should advise Council who are the Councillors who declared interest on the Grant in Aid items.

The Speaker indicated that the two Councillors were Cllr Ruth and Cllr Dhludhlu, he then enquired if there are any inputs or proposers for the minutes.

Cllr Yali stated that on page 29 the word "sub judice" was spelt incorrectly.

Resolved (28 October 2022)

1. That the minutes of the Ordinary Council meeting held on 31 August 2022 be accepted.

Proposed: W Gertenbach

Seconded: R Foley

17. **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).

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

22/10/MM1

COUNCIL RESOLUTIONS AS AT 31 AUGUST 2022

The Speaker called the Councillors that were recused back to the meeting and handed over to the Executive Mayor.

Cllr Oliphant requested a point of clarity.

The Speaker stated that he will not allow Cllr Oliphant as he has handed over to the Mayor.

The Municipal Manager presented the item.

Cllr Human indicated that at the last Council meeting it was requested that dates for when items were updated should be indicated. He also enquired why items waiting for approval are highlighted in green, should they not be in progress?

Cllr van der Linde enquired why the due date is not indicated in the action sheets. What was the difference between non-completion and in progress?

The Municipal Manager stated that for some items it is difficult to determine the final completion of administrative processes. They do not get removed from the action sheets until they are hundred percent completed. Some resolutions require actions from other government institutions.

Cllr van der Linde enquired why the declaration of Councillors resolution still on the action sheet, it was supposed to be completed by 17 January 2022. The Municipal Court should still be on the action sheet as it is still in progress.

The Speaker concurred with the latter speaker that the Municipal Court should remain on the action sheet, he then indicated that he will follow up on the declaration of Councillors and revert back to the Councillor.

Cllr Dhludhlu raised a point of clarity and indicated that all Councillors have signed the declaration of Councillors.

Cllr Oliphant interjected stating that Cllr Dhludhlu was not the Speaker.

The Speaker called Cllr Oliphant into order and stated that he is speaking without being recognised and he has already issued him with a final warning, if this occurs again, he will have to report him.

Resolved (28 October 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 item be tabled at the next Kouga Collective Meeting.

22/10/MM2

AMENDMENTS TO THE 2022/23 BUDGET

Cllr Oliphant stated that the funding from Europe were not reflected on the Municipal financials, he further requested that the balance left on the funds should be ringfenced for legacy projects.

Cllr Bornman interjected Cllr Oliphant.

The Speaker called Cllr Bornman in to order and stated that he cannot direct comments to Councillors.

Cllr Bornman apologised.

The Speaker handed over to Cllr Oliphant to finalise his comment.

Cllr Oliphant enquired whether Cllr Bornman had also received a last warning.

The Speaker confirmed that it is the last warning.

Cllr Oliphant continued stating that the funding from Europe should be ringfenced for a legacy project which the Community can benefit from.

Cllr Zana welcomed the funding and indicated that the item lacks the details on when the funding arrived. He then enquired whether the funding accumulated interest. He requested a breakdown of expenditure on the cost the vehicle and the personnel. He concurred with Cllr Oliphant on ringfencing the funds.

The Deputy Municipal Manager indicated that the item had served at Council where the funding of the vehicle was explained.

The funding will be transferred to the Municipal vote as soon as it is paid over, the vote will be paying for personnel costs which are two technicians and one driver. The funding is committed for the personnel costs and the equipment for the vehicle. There are no extra funds. There will be a report tabled which indicates what the vehicle has done so far and the number of leaks detected.

Cllr Dhludhlu indicated that he was on the list of speakers for the item.

Cllr Yali raised a point of order.

The Speaker indicated that Cllr Yali has already utilised his point of order and that a Councillor gets one point of order per meeting. He then indicated that Cllr Dhludhlu is not on the list and unfortunately requested the Councillor to withdraw.

Resolved (28 October 2022)

1. That Council approves the additional grant funding received of R142 000-00 as revenue.

19. **REPORTS BY THE EXECUTIVE MAYOR**

19.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

22/10/F1 MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2022 TO SEPTEMBER 2022 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 SEPTEMBER 2022 (2022/23 FINANCIAL YEAR)

The Executive Mayor tabled the finance items.

Cllr Gertenbach presented the item and stated that the expenditure and revenue is at 25%, the Municipality has an operating surplus of sixty-nine million, the capital expenditure including both grant funding and own funding is at 24.3%. An amount of forty-three million is owing to creditors which is mainly the Eskom Nelson Mandela Bay account. The investment portfolio has increased by forty-five million to seventy three million, however the amount is not readily available due to the conditional grants to be received.

Cash back reserves are at seventy-three million and reserves in excess of commitments is fifteen million. The cost coverage was budgeted at 0.06 months it has increased to 0.12. Debtor collection rate started at 74% in July and went up to 148% in August due to people paying their rates in advance for the year, its currently standing on 87% and the CFO can explain why.

On the overview of operating revenue the Municipality is at 25% and the property rates are at 47%. The electricity revenue is below what it is supposed to be as well as the water revenue that was supposed to be 25% but its only 19%.

The rental facilities and equipment is 13%. Total revenue excluding capital transfers and conditional grants stands at 13%. Expenditure is at 21% hence there are additional reserves available.

Cllr Gunuza requested clarity on whether the capital expenditure is at 23%. She further encouraged directorates to familiarise themselves with the SDBIP to ensure capital expenditure without rollover.

Cllr Yali stated that Portfolio Chairperson indicated that the additional reserves are due to under spending, he then referred Council's attention to page 111 where the operating revenue amount is indicated yet capital expenditure is concealed, only a percentage is indicated. Actual spending amount should be indicated.

Cllr Bornman raised a point of order and stated that the accusation of concealing expenditure was misleading Council, where is the evidence.

Cllr Yali requested that the capital expenditure be reflected in amounts as the operating revenue. Details of how much is being spent and locations should be reflected.

The Speaker indicated that page 124 had a full expenditure list of the capital projects.

Cllr Zana directed the attention of Council to page 124 and indicated that there is no ward-based expenditure reflected there. There is a ratio on page 147 which reflects the employment of the Municipality which reflects 33.50% but does not indicate the accepted norm. He further indicated that he would submit in writing the clarities required on the issue of liquidity.

Cllr van der Linde on page 150 enquired on the 20% over on collection of revenue for 2022/23 whether it is not against the Local Government Property Act. On page 117, why is there an overspending on Council donations. Why is there an overspending on bulk energy purchases? Under Ward Committees there is also 42.7% spending does it mean there will be an overspending.

On page 121 vehicles and maintenance percentages are very low. There is underspending reflected on the maintenance of roads. On the debtors analysis the 31 – 60 days has increased to 29 million what is the reason. On page 137, what is the trend of not paying bulk water. Why is the basic salary wages overspent by 9%?

Cllr Alexander enquired on the inflation of Eskom billing yet there is extreme load shedding being experienced.

The Municipal Manager handed over to the CFO to respond on the financial issues.

The CFO stated that the capital expenditure was normally 11% after the first quarter, reaching 24% is good per quarter it will increase drastically towards the end of the year and the Municipality is doing much better than previous years. Under additional reserves he indicated that the Municipality is only in the first quarter, commitments have been made and the work is ongoing and the expenditure will be captured. Council should note that there is always a lag for a month or two for expenditure, the update which will be reflected on the following month.

The adjustment budget has been approved, next month it will seem as if the Municipality went down in terms of expenditure due to the additional money coming in, the ratio might be at 12% or 14%. The ratio of employees standard norm is between 35% - 40% from National Treasury, the Municipality is on the right track.

On the collect of revenue nothing prohibits over collecting only a Council resolution and adjusting the budget but that is not the case on the 20% collection. There is a portion of the rates billed annually, a detailed assessment is done during mid year and corrections are done and adjustments are made.

Over spending on bulk purchases include the usage of winter months June, July and August which is the high electricity usage period. However, it reduces and stabilizes during the rest of the year. In terms of Ward Committees where there is slight under budget on the vote it will reflect a higher percentage during the year and will be corrected during the adjustment budget.

The debtors increasing is directly linked to the annual rates, when annual rates are billed they are not paid the next month which increases the 30 to 60 days, it will be reduced as payments are done. The Municipality currently has a query on the Nelson Mandela Metro account and is holding back payment until the Metro responds satisfactorily.

The Speaker indicated that Cllr van der Linde raised a query on roads expenditure, maintenance and the bulk water expenditure.

The CFO indicated that he addressed bulk water expenditure. Underspending on maintenance is affected by the ongoing requisition processes and commitments made which will reflect in a month or two. Council must take into account that when a report is tabled there is always a lag of 30 to 60 days depending on the work to be done.

He then requested acting I&E Director to respond on the roads issue.

The Municipal Manager indicated that there was 10 million available for the current financial year for the resealing of roads, a tender will be awarded for resealing. The current expenditure reflected was for potholes, there was also expenditure on the gravel roads and tar roads.

Resolved (28 October 2022)

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

22/10/F2

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

Cllr Gunuza moved to support the item.

Cllr Zana seconded Cllr Gunuza.

Resolved (28 October 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 September 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.

Proposed: W Gertenbach

Seconded: V Gunuza

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

22/10/I&E1 REQUEST TO AMEND THE CROSSWAYS SLA WITH AN ADDENDUM PROVIDING EXEMPTION FROM PAYING ADDITIONAL AUGMENTATION FEES FOR FURTHER PHASED CONSTRUCTION OF THE ORIGINAL CROSSWAYS DEVELOPMENT

Cllr Maree presented the item.

Cllr Oliphant stated that the ANC caucus does not support the item as the company is well established, the community of Thornhill is not benefiting from the company.

Cllr Zana supported the latter speaker and indicated that the company is well established and has been doing well, Covid-19 should not be used as an excuse. The local community in the area are not benefiting from the company yet a community trust was established.

The Speaker indicated that the item would require a vote by a show of hands. All Councillors in favour of the item were requested to vote by show of hands.

In favour: 16

Not in favour: 10

The item carried.

Resolved (28 October 2022)

1. That an amendment be included in the SLA that the water supply not be disconnected from the supply network. This is necessary in case they require a water connection in future, the connection will still be available to the development, also that availability fees be levied against the development as per council approved tariffs.
2. That Council approve only the exemption for the augmentation for the 750 units, and not for the 1 258, any units in addition to the 750 units to pay augmentation fees.

3. That 1. and 2. above be approved subject to the validity of the Service Level Agreement entered into between Crossways and Kouga Local Municipality.

22/10/I&E2 APPLICATION OF FRACTIONS OF EQUIVALENT ERVEN (EE) FOR THE CALCULATION OF PAYMENT OF AUGMENTATION FEES

Cllr Maree presented the item and added an additional recommendation for the augmentation policy to be reviewed.

Cllr Zana proposed that the item be referred back to the Portfolio Committee for discussion and inputs.

Cllr Bornman proposed that the first recommendation be amended as follows: That Council approve the fractions for the equivalent erven. He further indicated that Council recently amended the augmentation policy to state that all augmentation negotiations be approved by Council. Previously it was negotiated by the Municipal Manager.

He further clarified that the item is not requesting to reduce the augmentation fees. There is a technical formula used to calculate the fees. There is a guideline which the Municipality uses to round up the fees which makes people pay for services they do not use. He also seconded the proposal to review the policy.

The Speaker stated that there are two proposals, amending recommendation and including an additional recommendation, and there is a proposal to refer the item back to Portfolios.

Cllr Oliphant raised a point of clarity and indicated that there is a contradiction between Cllr Bornman and Cllr Maree's proposal, the policy should be referred back for policy review and the item had to be tabled to the Portfolio Committee.

The Speaker requested the Municipal Manager to clarify if there is a contradiction on the proposed recommendations.

The Municipal Manager stated that there is no contradiction, there is a policy that gives guidelines on how to determine augmentation fees. There is a recommendation to review the policy, Council took a decision that all Service Level Agreements should be approved by Council. There is no inconsistency.

The Speaker stated that there are two proposals, one proposed by Cllr Maree to add the review of the policy and one by Cllr Bornman that Council approves the fractions of the equivalent erven. Council has to vote by show of hands.

Cllr Bornman raised a point of order and indicated that the Rules of Order state that, before a vote the bell needs to be rang for a minute in order for all Councillors to be in the Council Chambers.

Cllr Oliphant disagreed with Cllr Bornman.

The Speaker agreed with Cllr Bornman and indicated that unfortunately the bell was not working.

Cllr Oliphant disagreed stating that for the whole morning that rule had not been applied, why now?

The Speaker called Cllr Oliphant and Cllr Bornman in to order and stated that Council must vote on the two proposals on the table, one proposal by Cllr Maree and amended by Cllr Bornman. The second proposal by Cllr Zana. He then requested Councillors who are in favour of proposal one to vote.

Cllr Oliphant stated that there is a contradiction, there are three proposals on the table one from Cllr Bornman and a second one from Cllr Maree, third one from Cllr Zana.

The Speaker indicated that he has ruled that there is two proposals on the table and indicated that Cllr Oliphant is out of order, Cllr Zana's proposal has not been seconded yet.

Cllr Oliphant interjected disagreeing with the Speaker.

Cllr Zana requested Speaker to clarify the recommendations in order to understand what Council is voting for.

The Speaker explained the recommendations again and requested a seconder for the amended proposal of Cllr Maree and Cllr Bornman.

Cllr Gunuza enquired what was Council voting for.

Cllr Dhludhlu seconded the amended proposal of Cllr Maree and Cllr Bornman.

The Speaker enquired who is in favour of the amended proposal.

Cllr Zana raised a hand requesting to be recognised

Cllr Oliphant stated that there is a procedural error.

The Speaker enquired who is against the amended proposal

In favour: 16

Not in favour: 8

The Speaker requested a seconder for Cllr Zana's proposal.

Cllr Zana stated that there is a confusion in Council, Councillors are not sure what is being voted for as it is a second vote.

The Speaker stated that he had to re-do the vote due to the fact that in the middle of the vote there were points of clarifications to minimise confusion. He further indicated that there was no seconder for Cllr Zana's proposal.

Cllr Nkilishane seconded the proposal of Cllr Zana.

The Speaker enquired who was in favour of Cllr Zana's proposal seconded by Cllr Nkilishane.

In favour: 10

Not in favour: 16

The amended proposal carried.

The Speaker handed over to Cllr Maree to continue.

Cllr Oliphant raised a point of exigency.

The Speaker stated that there was no point of exigency.

Resolved (28 October 2022)

1. That Council approve that the fractions of an Equivalent Erf (ee) be used for the calculation of augmentation fees payable.
2. That it be noted that approving the engineers proposal can cause substantial financial losses to Council.
3. That the Augmentation Policy be reviewed.

Proposed: H Bornman

Seconded: B Dhludhlu

22/10/I&E3 SERVICE LEVEL AGREEMENT FOR PORTION 26 OF THE FARM KLAAREFONTEIN No. 449 DIVISION OF UITENHAGE, PROVINCE OF THE EASTERN CAPE

Cllr Ndzalani requested clarity on the location of the erf.

Cllr Oliphant enquired why the area is called Uitenhage division. He further requested medication to be organized for Cllr August as she is not well.

Cllr Bornman stated that Cllr Oliphant is out of order.

The Speaker requested the Councillors to settle down.

The Acting Director I&E stated that the portion of the land is outside of Kouga and is serviced by the Uitenhage District Road and the location is in Thornhill, it falls within the Municipal boundary of Kouga.

The Speaker indicated that as long as it falls within the Municipal boundary, and it is situated near Thornhill.

Cllr Ndzalani stated that he is still confused by why it is called Uitenhage yet it's in Kouga boundary.

The Speaker enquired whether it is possible to remove the reference to Uitenhage.

The Manager Legal Services stated that the reference to Uitenhage Road is the farm district which the area is located, and that is the usual reference. The property is still located in the Kouga Municipal area. The property reference cannot be removed as it is referenced as per the Deeds office.

The Speaker enquired whether the item is supported or if a vote was required.

Cllr Oliphant stated that in principle they support the item.

Resolved (28 October 2022)

1. That the Kouga Municipality enter into an SLA with the owner of Portion 26 of the Farm Klaarefontein No.449, Uitenhage District.
2. That the SLA will only be applicable to Portion 26 Of the Farm Klaarefontein No.449, Uitenhage District.
3. Any other portion or erf in the subject development, will be subject to the same principle of the owner had to enter into an SLA with Council.
4. That the finalized SLA be approved by the Municipal Manager as the delegated official.

22/10/I&E4 2022/23 ADJUSTMENTS BUDGET FOR THE APPROPRIATION OF ADDITIONAL FUNDS RECEIVED

Cllr Maree presented the item and congratulated the team. There was a meeting with the Minister of Water & Sanitation in Port

Elizabeth where the Acting Director presented an extensive presentation to the Minister. After the meeting the hard work started and 9 business plans later the Municipality is very thankful for the additional assistance for drought. She then extended a word of gratitude to everyone who played a role in achieving the additional funding. She further made an amendment on page 192 where the amount for Thornhill needs to be corrected to three million.

Cllr Yali stated that the item is supported, the national government came through for the community of Kouga. He further indicated that he hopes the funds will be used properly, there are currently white elephants of boreholes which costed millions, yet the Municipality is in crisis of drought.

Cllr Human stated that there was a resolution taken by Council between February/ March whereby a service provider was to be appointed namely Green Future Africa, which was supposed to assist the Municipality in terms of drought relief programs and water treatment programs. Council never received any update item from the service provider on their task.

He further indicated that his concern is that Council granted permission for the service provider to apply for funding from the same Water & Sanitation department. He further indicated that the project descriptions are vague and would like the item to be more specific on projects in terms of what each entailed.

Cllr Oliphant stated that the money should be spent on the poor of the poorest. The national government is giving money to the Municipality with the understanding that it will yield good results. A proper break down of how the funds will be spent is required. Project names, amounts and areas where the funds will be spent is required. The national government funded the Municipality with more than two hundred million yet the Municipality was still in a water crisis.

Cllr Bornman responded that the Municipality would do so.

Cllr Yali raised a point of order stating that Cllr Bornman is drinking unknown contents from a concealed cup.

The Speaker requested Cllr Bornman to remove the concealed cup.

Cllr Oliphant stated that Cllr Bornman is not behaving.

The Speaker warned Cllr Oliphant for speaking without being recognised.

Cllr Foley welcomed the report and thanked the Acting Director and his team for working hard on a business plan which enabled the Municipality to receive the funding.

The Municipal Manager stated that the company that Cllr Human referred to was not successful in getting the funding. Municipal officials applied for this funding and on page 192 there is a breakdown of how and where the funds would be utilised. He further indicated that the total business plan costing was hundred and fifty million rand and the Municipality is grateful for the seventy four million rand that has been granted.

The Executive Mayor thanked the Municipal Manager for the information shared. He further stated that Green Future Africa informally proposed to seek funding on behalf of Kouga Municipality at National Treasury, with the condition that whatever money they find they will be the main contractor. They will appoint service providers on behalf of the Municipality. The Municipality will not have any control of what a service provider applies for, receives and spends. The Municipality is not interested and does not support proposals of fraud and corruption.

The Speaker stated that Council needs to vote for the item.

Cllr Yali raised a point of clarity and stated that there is no need to vote on the item as everyone is in support of the item

The Speaker stated that according to legislation the item needs to be approved by majority of its full number which means a vote is required.

Cllr Oliphant stated that the ANC will not vote on the item as they expressed their support for the item.

The Speaker requested Councillors to vote by show of hands all Councillors in support of the item.

In Favour: 29

The item was unanimously approved.

The Speaker indicated that he does not have any apologies from Cllr Mbandana and requested Cllr Zana to follow up.

Cllr Zana indicated that the Councillor would send a sick note to the Office of the Speaker.

Resolved (28 October 2022)

1. That Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the adjustments budget by the appropriation of an amount of R57 400 000 and for the projects as set out below.

Town	Project Description	U-key Nr.	Allocated amount
Humansdorp	Water treatment works		R 8,200,000.00
	Borehole 7		R 3,500,000.00
	Kruisfontein		R 14,100,000.00
Total			R 25,800,000.00
Jeffreys Bay	New Oxidation water treatment plant 4MI.		R 7,400,000.00
Total			R7,400,000.00
Hankey	Water treatment works		R 3,700,000.00
	Boreholes		R 3,800,000.00
Total			R 7,500,000.00
St Francis Bay	Water treatment works		R 5,900,000.00
	Boreholes		R 4,100,000.00
Total			R 10,000,000.00
Thornhill	Groundwater development		R 3,000,000.00
Total			R 3,000,000.00
Loerie	Groundwater development		R 4,400 000.00
Total			R 4,400,000.00
GRAND TOTAL			R 57,400,000.00

22/10/I&E5 RE: ADJUSTMENTS BUDGET IN RESPECT OF MIG FUNDS WITHIN INFRASTRUCTURE AND ENGINEERING DIRECTORATE

Cllr Ntshota appreciated the item and the fact that all gravel roads will be upgraded especially in Oyster Bay, she requested details of which gravel roads will be upgraded in terms of Wards.

Cllr Human concurred with the latter speaker and requested Kruisfontein in Ward 4 to be added to the list of gravel road upgrading.

Cllr Zana also requested the item to indicate more details in order to prioritize upgrading roads in formal areas where there is infrastructure.

In Kwanomzamo a road was upgraded in the informal settlements area, which will have to be excavated for trenching for infrastructure when the Municipality brings services to the area thus resulting in wasteful expenditure.

The Executive Mayor stated that a list of gravel roads was tabled and approved by Council. If Council wishes that the item be brought back it can.

Cllr Zana thanked the Mayor and requested him to supply the list of the roads.

The Speaker advised that the item should be tabled at the Portfolio Committee level. He further requested by show of hands all Councillors in favour of the item.

In favour: 29

The item was unanimously approved.

Resolved (28 October 2022)

- That Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act 56 of 2003, approves the following proposed adjustments to the 2022/2023 and 2023/2024 Capital Budget:

Project Name	2022/2023 Approved Budget (Excl. VAT)	2022/2023 Proposed Adjustments (Excl. VAT)	Increase	Decrease
Upgrading of Gravel Roads in Kouga U-Key: 20221303055077	R6,687,112.00	R9,819,118.07	R3,132,006.07	R0.00
Upgrade Sanitation System of Old Hankey- U-Key: 20190710991734	R18,440,235.00	R15,308,228.93	R0.00	R3,132,006.07

Project Name	2023/2024 Approved Budget (Excl. VAT)	2023/2024 Proposed Adjustments (Excl. VAT)	Increase	Decrease
Upgrading of Gravel Roads in Kouga U-Key: 20221303055077	R26,176,869.57	R16,415,005.50		R9,761,864.07
Upgrade Sanitation System of Old Hankey- U-Key: 20190710991734	R0.00	R9,761,864.07	R9,761,864.07	

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

22/10/PDT1 REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL FOR ALIENATION OF ERF 2599, SEA VISTA - APPLICATION FROM ROTARY CLUB OF ST FRANCIS FOR THE EXTENSION AND UPGRADE OF ST FRANCIS BAY CLINIC

Cllr Bornman presented the item and stated that the Municipality has been approached by an organisation in St. Francis who would like to sponsor the extension of the clinic and the Department of Health will operate the clinic.

Cllr Zana supported the item and indicated that the clinic was highly congested and he is glad that the Department of Health will operate the clinic.

Cllr Ruth welcomed the initiative and indicated that the Community will be better serviced.

Cllr Ntshota concurred with the latter speakers and indicated that the Community faced challenges due to the small clinic. She hoped that the Community will be serviced better.

Resolved (28 October 2022)

1. That Council **Grant in-Principle Approval** for the alienation of Erf 2599, Sea Vista to the Department of Public Works, through a donation.
2. That Council authorises the applicant to proceed with consolidation of erf 2599 with Erf 2600, Sea Vista (St Francis Bay Clinic) for the intended development.
3. 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.
4. That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate immovable property by way of Deed of Donation to the Department of Public Works for public participation.

5. That the Department of Public Works be liable for all cost derived from the transfer.

22/10/PDT2 SPONSORSHIP AGREEMENT FROM NELSON MANDELA BAY AQUATICS REQUESTING FUNDING SUPPORT FOR THE SOUTH AFRICAN NATIONAL OPEN WATER CHAMPIONSHIP

Cllr Bornman presented the item.

Cllr Oliphant enquired whether Speaker had an interest on the item.

The Speaker indicated that he does not have an interest on the item.

Cllr Oliphant stated that organizations from the Metro benefit from Kouga yet there are no organizations in Kouga which benefit from the Metro. He then proposed that the item should not be supported, and the funds be re-directed to establishing a swimming academy in Kouga.

Cllr Human indicated that he is not in support of the item as there is no development in Kouga to cater for Community, he proposed that the funds be re-directed to sports and recreation for the children of Kouga. If the item is approved by Council, Kouga must benefit.

Cllr Zana stated that at the Winterfest locals were surfing, he then indicated that the item does not indicate benefits for the locals. Will locals be allowed to participate in the championship? Organizations of Kouga should drive such events. He then stated that they are not in support of the item.

Cllr Gertenbach stated that he supports the item and proposed that a feedback report after the event be tabled to Council.

Cllr Bornman seconded Cllr Gertenbach's proposal and clarified that it is a national event which will be organised in Kouga for the benefit of Kouga with a national status. He further indicated his agreement with the previous speakers on the development of a sports and recreation for Kouga's benefit.

The Speaker indicated that there was a proposal by Cllr Gertenbach to add a recommendation that a feedback report be tabled to Council after the event, Cllr Bornman seconded the proposal. All those in favour of the proposal should vote by a show of hands.

In favour: 16

Not in favour: 11

The recommendations carried.

Resolved (28 October 2022)

1. That Council approves funding towards the SA National Open Water Championship hosted in the Kouga Local Municipality area for R130 000.00 (One Hundred and Thirty Thousand Rand) all-inclusive for the 2022/2023 FY only.
2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement / SLA with Nelson Mandela Bay Aquatics in respect of sponsorship stated in (1) above.
3. That a feedback report be tabled to Council after the event.

Proposed: W Gertenbach

Seconded: H Bornman

22/10/PDT3 REQUEST FOR COUNCIL IN-PRINCIPLE APPROVAL TO ALIENATE AUTHORISATION TO ADVERTISE AND IN FOR THE ALIENATION OF ERF 873 AND SURROUNDING ERVEN, JEFFREYS BAY: CENTRAL PARK DEVELOPMENT

Cllr Bornman withdrew the item indicating that there are some clarities to be finalized before the item serves.

Item withdrawn

22/10/PDT4 COUNCIL AUTHORIZATION FOR SPONSORSHIP TO THE KOUGA NON-PROFIT MAKING ORGANIZATIONS DEALING

Cllr Ruth and Cllr Dhludhlu recused themselves from the meeting.

Cllr Bornman presented the item, he also indicated that the background of the item only reflects NSRI, but the recommendations are correct.

Cllr Yali indicated that there was a request for a program to educate local NGO's and NPO's on how to benefit from the funding. Organisations that applied and were rejected should be reflected in the item. He requested that the item be referred back to be updated.

Cllr Human stated that there are many SMME's within previously disadvantaged communities which are not benefiting on the program. He concurred with Cllr Yali on the program to educate local NGO's and NPO's. He then requested the item to be referred to Portfolio Committee level for further inputs and discussion.

Cllr Zana agreed that the item back to Portfolio Committee level, develop a training program for the community and educate them on how to benefit from such funding. The Grant in Aid policy should also take into consideration a level of benefiting previously disadvantaged communities.

Cllr Bornman agreed with the Councillors and indicated that the Grant in Aid policy is failing the Municipality and should be brought back to Council to be revised. However, the item is a sponsorship agreement item where SLA's with the organizations, where feedback on how the money has been spent will be tabled to Council.

The Grant in Aid applications are still coming, the Committee had a session recently and the item will be tabled to Council. The LED department has started the process of training SMME's, NGO's and NPO's on how to apply for funding from Municipalities and registrations. The item doesn't have to be referred back because NGO's and NPO's can still apply for funding. He further added a recommendation that interested NGOs be trained on the registration and application process.

Cllr Foley seconded Cllr Bornman's proposal

The Speaker enquired whether Cllr Zana, Cllr Yali and Cllr Human would be covered with the added recommendation as proposed by the Deputy Mayor.

Cllr Yali still requested that the item be referred back, Cllr Bornman indicated that the Grant in Aid is still in progress and there is also the sponsorship, and he is concerned about the cash flow.

The Speaker indicated that there are two proposals which requires a vote, one is proposed by Cllr Yali that the item be referred back to the Portfolio which was seconded by Cllr Human. The second proposal is from Cllr Bornman that the item be approved with the additional recommendation, Cllr Foley seconded the proposal. All Councillors in favour of Cllr Yali's proposal must vote by show of hands.

In favour: 12

Not in favour: 15

The Speaker requested all Councillors in support of Cllr Bornman's proposal must vote by show of hands.

In favour: 15

Not in favour: 12

The recommendation as amended by Cllr Bornman carried.

Cllr Gertenbach stated that on the third bullet point in the recommendation, the wording of the amount should be corrected to correlate with the amount in numbers.

Cllr Yali raised a point of order against the Speaker and enquired on which point was Cllr Gertenbach rising on, as he was not on the list of speakers on this item, yet he was allowed to comment.

The Speaker took note of the point of order.

Resolved (28 October 2022)

1. That Council approves sponsorship for a period of 2022/23 financial year, to the organizations to the following non-profit making organizations as follows:
 - J-bay Animal Rescue - R85 000-00 (Eighty -Five Thousand Rands only)
 - St Francis Animal Rescue — R85 000-00 (Eighty- Five Thousand Rands only)
 - SPCA (Humansdorp)- R250 000-00 (Two Hundred and Fifty Thousand Rands only)
 - NSRI - Jeffreys Bay R250 000-00 (Two Hundred and Fifty Thousand Rands only)
 - Kouga Local Tourism Organization - R300 000 (Three Hundred Thousand Rands only)
 - Kouga Business Forum - R1 00 000 (One Hundred Thousand Rands only)
2. That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreements and with the approved organizations.
3. That interested NGOs be trained on the registration and application process.

Proposed: H Bornman

Seconded: R Foley

19.4 **REPORTS BY THE PORTFOLIO CHAIRPERSON: COMMUNITY SERVICES**

22/10/CS1 APPROVAL AND ADOPTION OF KOUGA MUNICIPALITY'S SAFETY PLAN

Cllr Benson presented the item, he then corrected a sentence on page 200 under the background on the last paragraph by removing the word "no". On page 202 paragraph 6.2 must also be corrected to "if".

Cllr Valgee requested clarity on the establishment of the operation centre.

Cllr Yali requested that the item be referred to MPAC for investigation as it is not clear who is operating the CCTV cameras. When did Council resolve on the operation centre. Is it budgeted for all wards.

He further stated that the Municipality cannot be using the ward development fund the project when wards have submitted their own priority projects. He then enquired whether the operation centre is managed by a service provider or by the Municipality and enquired who is Mr. David Phelan.

Cllr Zana concurred with Cllr Yali and stated that Kouga has a challenge of crime and gangsterism. Why is the institution not funding the project? Last year the ward development fund was utilised for the drought as the Municipality needed the funds, he then indicated the unfairness of utilising the ward development fund for the cameras. He then requested the Municipality to budget for the project of cameras in Kouga.

Cllr van der Linde welcomed the safety plan and suggested that the name be changed to Public Safety Plan to avoid confusion with the Work Safety Plan. He then enquired why was the White Paper not utilised as a base for the Safety Plan.

Cllr Heystek congratulated Cllr Benson for the Safety Plan as Kouga currently had safety challenges.

The Director Community Services stated that there is budget for the camera project but it is not enough to cover the whole Kouga, hence it will be implemented in phases.

She further indicated that Mr David Phelan is appointed by the Municipality and is assisting with the setting up of the project, there is no service provider appointed. The operating centre is in Humansdorp at the fire station.

Cllr Oliphant responded that the operating centre cannot be in the Municipal building.

The Speaker ruled Cllr Oliphant out of line and indicated that he has not been recognised and should not be shouting out statements during the meeting, he can request a point of clarity at the end of the item.

Cllr Oliphant apologised.

The Executive Mayor stated that Cllr Oliphant has been warned numerous times, after the final warning was given promises of referral were made and he kept on making comments and speaking out of turn and its overdue.

The Speaker noted the Executive Mayor.

Cllr Oliphant interjected.

The Speaker stated that the Mayor just addressed the issue of speaking out of turn and Cllr Oliphant is again speaking without being recognised, he then referred Cllr Oliphant to Rules and Ethics.

Cllr Benson referred Council's attention to the item indicating that section 152 of the Constitution indicates that the Municipality has a duty to safeguard the Communities and cameras is one of the tools which can be utilised. He then requested Councillors to participate in making Kouga area safe for all.

Cllr Yali mentioned that the Director Community Services indicated that internal funding is not sufficient to cover the project, he then stated that his Ward Development Fund will not fund the cameras. The Ward Committee does not have cameras as part of their project.

He then requested the Municipality to budget for the project of cameras and reminded Speaker on the proposal to refer the item to MPAC for investigation.

Cllr Oliphant stated that he wants to assure the Mayor that he is ready for Rules and Ethics and will not be suffocated.

The Speaker called Cllr Oliphant in to order and requested him to discuss the item on the agenda.

Cllr Yali raised a point of order

The Speaker indicated that Cllr Yali has already had a point of order in the meeting as per the rules of order therefore he is not recognising his point of order.

Cllr Yali stated that he was a speaker in the item he did not raise a point of order.

The Speaker indicated that he has made his ruling and if the Councillor is objecting the ruling he is out of order.

Cllr Dhludhlu seconded the item.

The Speaker indicated that the proposal has been seconded, he then requested a seconder for Cllr Yali's proposal.

Cllr Oliphant seconded the proposal.

The Speaker requested all those in favour of Cllr Benson's proposal should vote by show of hands.

In favour: 16

Not in favour: 10

Cllr Bornman spoke without being recognised.

The Speaker gave Cllr Bornman a final warning.

The Speaker requested all those in favour of Cllr Yali's proposal to vote by a show of hands.

In favour: 10

Not in favour: 16

The item carried.

Resolved (28 October 2022)

1. That Council approve and adopt the Kouga Municipality Safety Plan.
2. That Council note the minutes of the Safety Plan workshop held on the 28 September 2022.
3. That Council endorses the Kouga Municipality Safety Partnership Memorandum of Agreement and grant approval for the signatories to conclude such agreements on behalf of Council.
4. That the support from all relevant safety and security stakeholders be appreciated by Council.

Proposed: D Benson

Seconded: B Dhludhlu

20. **CLOSURE**

The meeting closed at 13.45



B WILLIAMS
SPEAKER

DATE
