

**MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING OF KOUGA MUNICIPALITY
HELD ON FRIDAY, 11 NOVEMBER 2022 AT 11:15**

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	
V Gunuza	
K Ndzaleni	
N Ntshota	
B Human	
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)
K Cakata	(Acting Director: PDT)
C Venter	(Acting Director: Community Services)
T Madatt	(Acting Director: I&E)
R Lorgat	(CFO)
L Opperman	(Manager: Legal Services)
B Faulkner	(Acting Manager HR)
E Goliath	(Acting Manager: Public Participation)
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 that in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Virtual Special Council Meeting will be held on held in the Council Chambers.

2. **OPENING AND WELCOME**

The Speaker welcomed those present.

3. **ABSENT WITH LEAVE**

M Yali

4. **ABSENT WITHOUT LEAVE**

M Mbandana

N Ntengwane

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Speaker congratulated Cllr Foley on the birth of his daughter.

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

None

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

None

9. **DISCLOSURE OF INTEREST**

Cllr Ruth declared interest on 22/11/PDT19 and indicated that she is a member of the St. Francis Animal Rescue.

Cllr Dhludhlu declared interest on 22/11/PDT17 and indicated that he is a member of the Kouga Business Forum.

The Speaker indicated that the Councillors will be recused from the meeting when the declared items are tabled for discussion.

10. **STATUTORY MATTERS**

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

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

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

22/11/PDT16 COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION:KOUGA LOCAL TOURISM ORGANISATION

Cllr Ruth presented the item.

Cllr Human enquired why the items were appearing on the agenda as they were tabled in the Council meeting of 28 October 2022.

The Speaker stated that it was brought to his attention that according to the amended Municipal Structures act, the majority of Councillors need to vote on an item. Previously it was the majority of Councillors present in a meeting and he apologised for not picking the error up at the last Council meeting.

In order to ensure compliance with the amended Municipal Structures Act, the items had to be tabled again. Since there are no changes and amendments to the items and or recommendations, Council does not need to wait for three months to table the items again. Council has 30 Councillors in total and all items need to have a minimum of 16 Councillors in support in order for the recommendations to carry.

Cllr Human thanked the Speaker for the clarity and further enquired why an item that did not carry has to be tabled again and whether it should not be tabled after three months.

The Speaker explained that when an item is not supported by the minimum of 16 Councillors as per the amended Municipal Structures Act, the item cannot be approved by Council. The item can be brought back immediately if there are no changes to the recommendations.

Cllr Human indicated that he has been clarified and indicated that he is not in support of the item, the poor Communities are not included in these developments.

There are no projects to promote Khoisan heritage or the Cultural Centre, there are tourism sites like Die Berg in Humansdorp which do not get any exposure.

Cllr Zana stated that the NGO's are silent when it comes to township economy and tourism, they are not featured in the pamphlets or brochures. The local communities are excluded from the marketing and development of tourism in Kouga hence they do not support the item as the ANC caucus. He further enquired whether the NGO received both the sponsorship and Grant in Aid as stated in page 7 in the background of the item.

The Speaker noted the comments and requested the Municipal Manager to clarify the sponsorship and Grant in Aid.

The Municipal Manager stated that there are two different policies for funding, one is the sponsorship policy which has its own criteria and the second one is the Grant in Aid with its own criteria. Sponsorship is a specific project which has economic value for the Municipality in terms of the outcomes of the sponsorship. Grant in Aid is funding applied for by organizations who need funds for running specific tasks or projects.

The Speaker enquired whether sponsorships can be awarded on a yearly basis.

The Municipal Manager confirmed that sponsorships can be awarded on a yearly basis and sometimes the Municipality does award multi-year sponsorships.

Cllr Zana clarified that his question was whether the organization received the Grant in Aid funding and will now receive sponsorship funding in addition to the Grant in Aid as indicated in the item.

The Municipal Manager stated that the only application received from the organization is for the sponsorship not Grant in Aid.

The Speaker stated that there has been an indication of not supporting the item from two political parties, Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote. Results of the poll will be announced to the meeting after each poll. He further indicated that due to him being a host he will not be able to vote on the poll hence he will indicate his vote verbally. All Councillors sharing a device must indicate their votes verbally as only one person can cast a vote on the poll per device. He then requested all Councillors to vote on the poll.

The Speaker recorded his vote verbally in favour of the item.

Cllr Valgee recorded her vote verbally not in favour of the item.

In favour: 17

Not in favour: 8

The recommendations carried.

Resolved (11 November 2022)

1. That Council approves sponsorship for the 2022/23 financial year for R300 000 (Three Hundred Thousand Rands Only) all-inclusive, to the non-profit organization, Kouga Local Tourism Organization.
2. That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (1) above.

22/10/PDT17 COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: KOUGA BUSINESS FORUM

Cllr Dhludhlu was recused from the meeting.

Cllr Ruth presented the item.

Cllr Human stated that he is not in support of the item as there is no business support for local SMME's. There was an item tabled to Council on Business Forums from the disadvantaged communities which were to sign MOU's with the Municipality but that never transpired. There are no developments by Municipality which ensure the utilisation of local SMME's as service providers to benefit from the services rendered by the Municipality to the public.

Cllr Zana stated that they are not in support of the item, there is no indication in the item of what the forum will be doing. Local SMME's are not mentioned in this business forum, he further concurred with the latter speaker on the local SMME forum.

The Speaker stated that there are two political parties who indicated no support for the item. Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote. He further stated that due to him being a host he will not be able to vote on the poll hence he will indicate his vote verbally. All Councillors sharing a device must indicate their votes verbally as only one person can cast a vote on the poll per device.

The Speaker recorded his vote verbally in favour of the item.

Cllr Gunuza indicated that she is having issues with voting on the poll and recorded her vote verbally as not in favour of the item.

Cllr Valgee recorded her vote verbally as not in favour of the item.

In favour: 16

Not in favour: 9

The recommendations carried.

Cllr Dhludhlu was allowed back to the meeting.

Resolved (11 November 2022)

1. That Council approves sponsorship for the 2022/23 financial year for R100 000 (One Hundred Thousand Rands Only) all-inclusive, to the non-profit organization: Kouga Business Forum.
2. That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (1) above.

22/10/PDT18 COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANIZATION: JBAY ANIMAL RESCUE

Cllr Ruth presented the item.

Cllr Nkilishane stated that he is not in support of the item as the poor communities are struggling with ablution facilities. He pleaded with the Municipality to prioritize its people over animals.

Cllr Zana stated that they are not in support of the item, the animal rescue does not service all areas in Kouga including Patensie, Thornhill and Gamtoos valley.

Cllr Human stated that he is not in support of the item and requested that his comments be captured for the upcoming items as well. Animals should not be prioritised above the needs of the people. He further quoted that Council diverted funds from ward development fund to mitigate drought.

Cllr Dhludhlu stated that a Municipality is responsible for not only its people but its environment and its animals as well, hence there are applications for blue flag status to protect the marine life and environment.

The Speaker stated that three political parties indicated no support for the item. Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote. He further stated that due to him being a host he will not be able to vote on the poll hence he will indicate his vote verbally. All Councillors sharing a device must indicate their votes verbally as only one person can cast a vote on the poll per device. He further requested Cllr Gunuza and Cllr Valgee to indicated their votes verbally.

Cllr Gunuza recorded her vote verbally as not in favour of the item.

Cllr Valgee recorded her vote verbally as not in favour of the item.

Cllr Human indicated that he was unable to access the poll on his device and recorded his vote verbally as not in favour of the item

The Speaker recorded his vote verbally as in favour of the item.

In favour: 16

Not in favour: 7

The recommendations carried

Resolved (11 November 2022)

1. That Council approves sponsorship for the 2022/23 financial year for R85 000-00 (Eighty-Five Thousand Rands Only) all-inclusive, to the non-profit organization: J-Bay Animal Rescue.
2. That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (1) above.

22/10/PDT19 COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: ST FRANCIS ANIMAL RESCUE

Cllr Ruth was recused from the meeting.

The Speaker requested Cllr Jantjes to table the item on behalf of Cllr Ruth.

Cllr Jantjes presented the item.

The Speaker stated that on the previous item Cllr Human indicated that his comments should be captured on PDT19 and PDT20, he then enquired if this was still the case.

Cllr Human confirmed Speaker's statement on capturing his previous remarks for both items.

Cllr Human stated that he is not in support of the item and requested that his comments be captured for the upcoming items as well. Animals should not be prioritised above the needs of the people. He further quoted that Council diverted funds from ward development fund to mitigate drought.

Cllr Zana stated that they are not in favour of the item as these are area based organizations, he further indicated that they are not against animals but rather raising issues of priorities. He then requested the organizations to indicate the specific areas which they operate in as they are not servicing the whole Kouga. He proposed that the Municipality should investigate the option of an umbrella body for such organizations in order to service all the areas in Kouga.

The Speaker stated that two political parties indicated no support for the item. Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote. He further stated that due to him being a host he will not be able to vote on the poll hence he will indicate his vote verbally. All Councillors sharing a device must indicate their votes verbally as only one person can cast a vote on the poll per device. He further requested Cllr Gunuza and Cllr Valgee to indicate their votes verbally.

Both Councillors did not respond to the Speaker.

The Speaker recorded his vote verbally as in favour of the item.

In favour: 16
Not in favour: 7

The recommendations carried.

Cllr Ruth was permitted into the meeting.

Resolved (11 November 2022)

1. That Council approves sponsorship for the 2022/23 financial year for R85 000-00 (Eighty-Five Thousand Rands Only) all-inclusive, to the non-profit organization: St Francis Animal Rescue.
2. That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (1) above.

22/10/PDT20 COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)

Cllr Ruth presented the item.

The Speaker confirmed with Cllr Human on repeating his comments as previously indicated and the Councillor agreed.

Cllr Human stated that he is not in support of the item and requested that his comments be captured for the upcoming items as well. Animals should not be prioritised above the needs of the people. He further quoted that Council diverted funds from ward development fund to mitigate drought.

Cllr Zana stated that in the absence of the umbrella body for the organizations in order to service all the areas in Kouga, they will not support the item.

The Speaker stated that two political parties indicated no support for the item. Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote. He further stated that due to him being a host he will not be able to vote on the poll hence he will indicate his vote verbally. All Councillors sharing a device must indicate their votes verbally as only one person can cast a vote on the poll per device. He further requested Cllr Gunuza and Cllr Valgee to indicated their votes verbally.

Both Councillors did not respond to the Speaker.

The Speaker recorded his vote verbally as in favour of the item. He further noted a message from Cllr Gunuza on the Zoom chats stating that they are having network issues and are voting not in favour.

In favour: 17
Not in favour: 9

The recommendations carried.

Resolved (11 November 2022)

1. That Council approves sponsorship for the 2022/23 financial year for R250 000-00 (Two Hundred and Fifty Thousand Rands Only) all-inclusive, to the non-profit organization: Society for the Prevention of Cruelty to Animals (SPCA).
2. That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (1) above.

22/10/PDT21 COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: NATIONAL SEA RESCUE INSTITUTE (NSRI)

Cllr Ruth presented the item.

Cllr Zana proposed that the organizations should submit report back on the utilisation of the funds and how the Community has been assisted. He further indicated that they do not support the item.

The Speaker supported the suggestion of getting reports from the previous financial year. And further stated that a political party indicated no support for the item. Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote. He then requested Cllr Gunuza and Cllr Valgee to indicated their vote via the Zoom chats as they are having connection issues.

Cllr Gunuza recorded her vote as not in favour of the item via Zoom chat.

Cllr Valgee recorded her vote as not in favour of the item via Zoom chat.

The Speaker recorded his vote verbally as in favour of the item

The Executive Mayor recorded his vote verbally as in favour of the item.

In favour: 17

Not in favour: 8

The recommendations carried.

Resolved (11 November 2022)

1. That Council approves sponsorship for the 2022/23 financial year for R250 000-00 (Two Hundred and Fifty Thousand Rands Only) all-inclusive, to the non-profit organization: National Sea Rescue Institute (NSRI).
2. That the Municipal Manager, as the Accounting Officer of the Municipality, be authorized to enter into a Service Level and Sponsorship Agreement in respect of sponsorship stated in (1) above.

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

22/11/CDS7 MOBILE DATA ALLOWANCES FOR COUNCILLORS

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

Cllr Jantjes presented the item.

Cllr Zana noted the item.

Resolved (11 November 2022)

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

22/11/CDS8 ESTABLISHMENT OF A SECTION 79 COMMITTEE

Cllr Jantjes presented the item.

Cllr Human indicated that he supports the item as tabled and hoped that there will be more input and activities from the Committee as a section 79.

Cllr Ndzaleni requested the Committee to not duplicate MPAC functions.

Cllr Zana stated that in principle the item is supported but the functions should not be confused with the scope of MPAC. He further indicated that the M&E Portfolio Committee only had a meeting once yet there was an MMC paid on a regular basis without tabling any reports to its Committee. He then proposed that the matter be referred to MPAC for investigation.

Cllr Dhludhlu stated that there was work done under M&E and there is a portfolio of evidence to support the statement as the section was working internally. He then stated that it would be fruitless to submit the issue to MPAC for investigation.

The Speaker allowed Cllr Zana a point of clarity.

Cllr Zana stated that Cllr Dhludhlu is privileged to have seen such reports, he further indicated that the ANC caucus stands by the item being referred to MPAC for investigation as there were costs incurred by the Municipality and there is a reason to move the Committee from a section 80 Committee to section 79.

The Speaker requested Cllr Zana to mute in order to allow the point of order.

Cllr Bornman raised a point of order and stated that what Cllr Zana is rising on is not a point of clarity, the Councillor is making the same statement again and a Councillor can only speak once on an item.

The Speaker noted the point of order and indicated that Council will have to vote on the item as there are Councillors not in support of the item. Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote.

Cllr Zana enquired what will Council be voting on as they indicated that they are in support of the item as the ANC caucus.

The Speaker indicated that the voting will be for the new proposal to submit the item to MPAC for investigation, he then enquired whether there is a seconder for the proposal.

Cllr Oliphant seconded the recommendation.

The Speaker stated that there will be two polls for the item, the first poll will contain the recommendations as is on the agenda. The second poll will be for the amended recommendations as indicated by Cllr Zana. Council will have to vote via a poll which will pop up on the screen for all Councillors to indicate their vote. He then requested Cllr Gunuza and Cllr Valgee to indicate their vote via the Zoom chat as they are having connection issues.

Cllr Oliphant raised a hand.

The Speaker recognised Cllr Oliphant.

Cllr Oliphant enquired whether Councillors coming with proposals for MPAC investigations will be suffocated by vote yet they have rights to make proposals to Council.

The Speaker indicated that the democratic process is being allowed to continue in terms of recognising the proposal and tabling it for a vote, there are currently two proposals on the table hence Council needs to vote. If a Councillor feels that the item should be tabled to MPAC they can submit a letter in writing to the Speaker and the Municipal Manager and Council will attend to the request. He then tabled proposal one by Cllr Jantjes for voting.

Cllr Bornman indicated that he is unable to vote on his device and recorded his vote verbally as in favour of the recommendation as is.

The Executive Mayor indicated that he is unable to vote on his device and recorded his vote verbally as in favour of the recommendation as is.

The Speaker recorded his vote verbally as in favour of the item as is.

Cllr Gunuza recorded her vote verbally as not in favour of the item as is.

Cllr Valgee recorded her vote verbally as not in favour of the item as is.

In favour: 18

Not in favour: 6

The Executive Mayor indicated that the poll came through on his device after he had recorded his vote verbally and it might have been counted twice.

The Speaker confirmed that it was counted twice and corrected the voting score as 18 in favour. He then tabled proposal two by Cllr Zana with the added recommendation that the matter be referred to MPAC for investigation. He requested Cllr Gunuza and Cllr Valgee to indicate their vote.

Cllr Gunuza recorded her vote verbally as not in favour of the added recommendation.

Cllr Valgee recorded her vote verbally as not in favour of the added recommendation.

The Speaker recorded his vote verbally as not favour in of the added recommendation.

Cllr Zana raised his hand and requested the Speaker to start the voting afresh as some of the Councillors were not aware which recommendation was being voted for, hence they incorrectly voted not in favour. He requested that the poll be regarded as a spoilt ballot.

The Speaker granted the request and proposed that Councillors should listen carefully, he then requested Administration to re-start the poll.

The Executive Mayor recorded his objection to re-running the vote.

Cllr Gunuza interjected the Executive Mayor and stated that she and Cllr Valgee incorrectly voted.

The Speaker requested Cllr Gunuza to mute her device.

The Executive Mayor continued that the request for the spoilt vote has been indicated but the voting should not be starting afresh, the votes should have been indicated as spoilt and the relevant Councillors be issued with new ballots to vote.

The Speaker thanked the Mayor and indicated that it will be reflected on the minutes that the ANC requested a re-vote as some of their members voted incorrectly and spoilt the ballots.

Cllr Gunuza recorded her vote verbally as in favour of the added recommendation.

Cllr Valgee recorded her vote verbally as in favour of the added recommendation.

The Speaker recorded his vote verbally as not in favour of the added recommendation.

In favour: 5

Not in favour: 15

The recommendations carried

Resolved (11 November 2022)

1. That the report regarding the establishment of members to section 79 committee, be noted;
2. That Council resolve to establish a **Monitoring and Evaluation Committee** as follows:
 - 2.1.1 That Council resolves that **Cllr M van Niekerk** be elected as chairperson of the *Monitoring and Evaluation Committee*.
 - 2.1.2 That Council resolves that the following Councillors be elected as members of the Monitoring and Evaluation Committee:

- Cllr M Biko
- Cllr C August
- Cllr L Maree
- Cllr D Benson
- Cllr K Ndzelani
- Cllr E Mbuqu
- Cllr L Nklishane
- Cllr W van der Linde
- Cllr B Human

3. That the Terms of Reference for the Monitoring and Evaluation Committee be drafted and referred to a future Council meeting for approval.
4. That the Committee becomes effective as of 1 January 2023.

12. **CLOSURE**

The meeting closed at 12:50



B WILLIAMS
SPEAKER

DATE
