



KOUGA




local municipality

Good Governance through Service Excellence

SPECIAL COUNCIL MEETING

AGENDA

Date : 20 March 2023
Time : 08:00
Venue : Council Chambers
(Jeffreys Bay)

<p>KOUGA MUNICIPALITY (EC108)</p> <p><u>NOTICE CONVENING A MEETING</u></p> <p>NOTICE IS HEREBY GIVEN that in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Special Council Meeting will be held in the Council Chambers(Jeffreys Bay) on</p> <p><u>DATE:</u> 20 March 2023</p> <p><u>TIME:</u> 08:00</p>  <p><u>B.WILLIAMS</u> SPEAKER</p>	<p>UMASIPALA I-KOUGA (EC108)</p> <p><u>ISAZISO NGENTLANGANISO</u></p> <p>ISAZISO sikhutshiwe ukuba ngokweCandelo-19 uMthetho weeNkqubo zikaMasipala, (uMthetho 32 ka-2000), ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile eyakuba-kwikhansile yase (Jeffreys Bay)</p> <p><u>UMHLA:</u> 20 EyoKwindla 2023</p> <p><u>IXESHA:</u> 08:00</p>  <p><u>B.WILLIAMS</u> USOMLOMO</p>	<p>MUNISIPALITEIT KOUGA (OK108)</p> <p><u>KENNISGEWING VAN VERGADERING</u></p> <p>KENNIS GESKIED HIERMEE dat ingevolge Artikel 19 van die Wet op Munisipale Stelsels, 2000 (Wet No.32 of 2000), dat 'n Spesiale raadsvergadering gehou sal word in die Raadsaal(Jeffreys Baai) op</p> <p><u>DATUM:</u> 20 Maart 2023</p> <p><u>TYD:</u> 08:00</p>  <p><u>B.WILLIAMS</u> SPEAKER</p>
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Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

A G E N D A

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

9. **DISCLOSURE OF INTEREST**

10. **MOTION**

Motion of No Confidence in the Executive Mayor

Pages: 5 - 8

11. **CLOSURE**

Distribution list:

Executive Mayor

Executive Deputy Mayor

Speaker

All Councillors

Municipal Manager

All Directors

Relevant Managers

Committee Services

MOTION

09 FEBRUARY 2023

THE MUNICIPAL MANAGER

MR. C. DU PLESSIS

KOUGA LOCAL MUNICIPALITY

33 DA GAMA ROAD

JEFFREYS BAY

cduplessis@kouga.gov.za

CLLR. B. WILLIAMS

THE SPEAKER

KOUGA LOCAL MUNICIPALITY

JEFFREYS BAY

brenton@kouga.gov.za

BY HAND AND BY EMAIL

MOTION OF NO CONFIDENCE IN THE EXECUTIVE MAYOR

In terms of rule 29 of the Standing Rules and Orders, the African National Congress hereby submits a motion of no confidence in the Executive Mayor of Kouga Local Municipality, Councillor Horatio Hendricks. The motion is submitted by councillor Vuyani Zana and seconded by councillor Bazil Human.

BACKGROUND:

In terms of the Municipal Systems Act the Executive Mayor has a responsibility to ensure smooth running of the institution That he took an Oath to abide, honour, adhere, defend, and respect the Constitution of the Republic and all Acts and Regulations governing Local Government. Equally, that he will adhere and respect the Code of Conduct of Councillors as well as the Standing Rules of Order of Council. Below is the list of transgressions committed by the Executive Mayor which contrast with the above-mentioned documents:

1. NEPOTISM:

That the Executive Mayor has always been consistent in ensuring that his daughter excels in the ranks of Kouga Local Municipality.

1.1 That during Covid-19 his daughter benefitted as a volunteer because of this there was an outcry across Kouga.

1.2 That his daughter was appointed as a Ward Assistant of Ward 12 whilst residing in Ward 15 this move was in questionable as the Advert was explicit that THE APPLICANT MUST BE A RESIDENT IN THE WARD WHERE THE POSITION IS this was contrary to the advert.

1.3 That a position Auxiliary Officer was advertised with clear requirements inter alia.

That the applicant must have two (2) years' experience in local government in the case of the Executive Mayor's daughter she doesn't have such and does not meet the set requirement.

1.4. I'm of the view that the Executive Mayor had a direct influence for the appointment of his daughter as a qualifying incumbent was not even considered as she only had advantage over the daughter of the Executive Mayor

2. INTERFERENCES:

2.1 During December 2022, the Executive Mayor went to the Traffic Department in Humansdorp and demanded his daughter be allowed to write Learners License without prior appointment for such.

2.2 When the officials refused to accede to the demand by the Executive Mayor, it is alleged that he threatened to dismiss the officials in question.

2.3 Its confirmed that ultimately his daughter set for the Learners License Test but failed.

2.4 That video footage and or recordings can be accessed on this transgression by the Executive Mayor.

The conduct of the Executive Mayor is a direct interference and is in direct contravention of Section 12 of the Code of Conduct for Councillors. His conduct equally constitutes abuse of power and position by the Executive Mayor

3. DECISIONS WITHOUT A COUNCIL RESOLUTION:

3.1 That the Executive Mayor unilaterally embarked on negotiation for a monetary settlement with former Director Corporate & Digital Services without a council resolution.

3.2 That it be noted when asked in a council meeting to reveal the amount of the settlement on record the Executive Mayor refused to give detail sighting a so - called confidentiality clause.

3.3 That it be noted the Executive Mayor had no mandate nor powers to negotiate on behalf of council.

3.4 That it be noted council is the employing body and the Executive Mayor does not have rights to withhold or hide information from council.

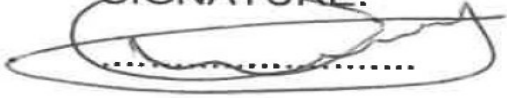
The above transgressions committed by the Executive Mayor Cllr Horatio Hendricks are a direct violation of both the Standing Rules of Order of Council and the Code of Conduct for Councillors. His actions are equivalent to bringing the municipality into disrepute.

Due to the above reflection, I table this motion of NO CONFIDENCE against the Executive Mayor Councillor Horatio Hendricks

Speaker, because of the urgency of the issue, I herewith request you to call a Special Council meeting to address this motion.

MOVER: CLLR. VUYANI ZANA

SIGNATURE.

A handwritten signature in black ink, appearing to be 'Vuyani Zana', written over a horizontal dotted line. The signature is enclosed within a large, hand-drawn oval.

SECONDER: CLLR. BAZIL HUMAN

SIGNATURE

A handwritten signature in black ink, appearing to be 'Bazil Human', written over a horizontal dotted line. The signature starts with a large, stylized letter 'B'.

ACKNOWLEDGEMENT OF RECEIPT

A handwritten signature in black ink, written over a horizontal dotted line. The signature is cursive and appears to be 'Bazil Human'.