

**MINUTES OF A SPECIAL COUNCIL MEETING OF KOUGA MUNICIPALITY HELD IN THE
ASTON BAY HALL, ASTON BAY, ON WEDNESDAY, 18 JANUARY 2023 AT 12:00**

Councillors

H Bornman	(Acting Speaker)
Ald H Hendricks	(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 Yali	
V Gunuza	
M Mbandana	
K Ndzaleni	
N Ntshota	
B Human	
N Ntengwane	
E Mbuqu	
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)
CEQ de Kock	(Director: I&E)
R Lorgat	(CFO)
L Opperman	(Manager: Legal Services)
A Koegelenberg	(Manager: PMS)
E Goliath	(Manager: Public Participation)
M Basson	(Acting Media Specialist)
M Julius	(Senior Administration Officer)
N Zode	(Scribe)

1. **NOTICE OF MEETING**

The Acting 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 Special Council Meeting will be held in the Council Chambers.

2. **OPENING AND WELCOME**

The Municipal Manager welcomed all present and stated that the Speaker of Council tendered an apology for the meeting, he indicated that he will stand in to Chair the process of electing an acting Speaker for the meeting. He then read the notice of the meeting and requested nominations for the acting Speaker.

Cllr Zana requested confirmation that the meeting was being recorded as the session was being held during load-shedding.

The Municipal Manager confirmed that the meeting is being recorded. He then requested nominations for acting Speaker.

Cllr Oliphant nominated Cllr V Zana and Cllr Nkilishane seconded the nomination.

Cllr Van der Linde nominated Cllr H Bornman and Cllr August seconded the nomination.

The Municipal Manager requested all Councillors in favour of Cllr V Zana to stand as acting Speaker, to vote by show of hands.

Cllr Yali raised a point of order and indicated that the ANC is requesting a secret ballot vote.

The Chief Whips of Council had a five minutes caucus and resolved on a secret ballot process as the vote involves individuals. At the last Council meeting it was resolved that when a person is involved, the vote had to be secret.

The Municipal Manager requested time for the administration to prepare the ballot papers, he then requested Chief whips to verify that the ballot box is empty. He further explained the voting process and requested the Chief Whips to vote first and remain at the voting station as observers.

All 27 Councillors present voted.

In favour of Cllr Zana's nomination – 11

In favour of Cllr Bornman's nomination – 16

The Municipal Manager handed over to Cllr Bornman as the acting Speaker to chair the meeting.

Cllr Yali raised a point of clarity and requested legal to advise on whether the Deputy Mayor could be elected as an acting Speaker of Council in terms of

the Municipal Structures Act, as the Executive Mayor and Deputy Mayor cannot preside over Council.

The Manager: Legal Services stated that according to legislation the Executive Mayor and the Speaker may not be the same person, it does not cover the Deputy Mayor as he only assumes the duties of Mayor in the absence of the Executive Mayor.

The Municipal Manager stated that the legal opinion indicates that there is nothing that disqualifies the Deputy Mayor from acting as the Speaker.

The ANC and EFF Councillors walked out of Council chamber.

The Acting Speaker stated that in terms of the Rules of Order the meeting can continue when there is a walk out in Council, for fairness he requested the meeting to adjourn in order for the political parties to caucus for 10 minutes.

All Councillors came back to the meeting after caucus.

The Municipal Manager read the Municipal Structures Act section 36.

Cllr Zana stated that the ANC will not recognise the Deputy Mayor presiding over the meeting as he is part of the Executive, the Act does not allow him to be elected as the acting Speaker.

The Acting Speaker stated that Council elected an Acting Speaker and a legal opinion was given, the Council meeting will continue.

The ANC Councillors expressed their dismay with the continuation of the meeting and requested that the Municipal Manager take over the meeting and preside as the Chairperson. Disorderly conduct was observed.

The DA went for a caucus.

The Acting Speaker came back and announced that the meeting will move to another venue.

The Acting Speaker moved the meeting to another venue in terms of the Rules of Order.

The Acting Speaker welcomed everyone and stated that the meeting is re-convening, he then requested Cllr August to open the meeting with a prayer.

Cllr Human raised a point of order 36.4 and enquired why the other options were not ventured into, why did Council resolve to reconvene elsewhere.

The Acting Speaker indicated that there were only two Sargent of arms, and in his opinion it would have been impossible for them to eject 14 ANC councillors who were acting in a disorderly manner, hence he ruled to adjourn the meeting as per the rules of order and re-convene at another venue. He further stated that the ANC Councillors were present at the start of the meeting and

the meeting has re-convened at another venue. Cllr Nkilishane walked out of the meeting during proceedings.

The Acting Speaker then confirmed that the meeting is a quorum there are 15 DA Councillors, 1 FF Plus Councillor, 1 PA Councillor together with administration and members of the public.

3. **ABSENT WITH LEAVE**

Ald B. Williams

4. **ABSENT WITHOUT LEAVE**

Cllr M Dayimani

Cllr M Valgee

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Ald Benson congratulated Councillors who had birthdays for the past month and coming months as follows;

Cllr Gertenbach

Cllr Mbandana

Cllr Nkilishane

Cllr Alexander

Cllr Murray

Cllr Heystek

Cllr Alexander informed Council about two rugby clubs in the Kouga area namely Kruisfontein and Jeffreys Bay which will compete in a big tournament that will be broadcasted on television. He then requested the Municipality to reach out to the clubs with sponsorships and support.

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

None

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

None

9. **DISCLOSURE OF INTEREST**

None

10. **STATUTORY MATTERS**

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

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

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

13. **REPORTS BY THE EXECUTIVE MAYOR**

23/01/PDT1 AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO ALIENATE CERTAIN PORTIONS OF ERF 873, ERF 5478, 5479, 5480, 5481 AND 8825 JEFFREYS BAY

The Executive Mayor congratulated Ms. Mabusela on an appointment in the Western Cape Province, he then stated that it was a privilege and honor to serve with her over the past few years. He wished her well on her next assignment and indicated that her performance will be missed by Council.

Cllr Ruth tabled the item and amended recommendation number 2. to indicate a 60 day process.

The Acting Speaker re-iterated that the purpose of the item is not to sell the land but to go out on public participation and get inputs on their view on possible alienation.

Cllr van der Linde enquired whether on the process to be followed regarding alienation and proposed removing the last sentence in the first recommendation, he then indicated that the community felt that the 30 days advertising process was too short and proposed 60 days. He then proposed removing the third recommendation. He enquired what the plans are for the golf club and the bowling club.

The Acting Speaker stated that Council has not discussed plans for the golf course yet and the public needs to be made of aware of that. He then indicated that it must be communicated to possible developers that the tennis club and the squash club needs to be re-developed for the community.

Cllr Human stated that the item indicates that there is a Council resolution taken in 2020/21 on the item and requested to be furnished with it.

He further indicated that the sketches on page 8 and 9 are not clear. He then enquired on the plans of the cricket club as it is not mentioned, what is the urgency of approving the item.

The Acting Speaker stated that the item was tabled in Council two month prior and was withdrawn for proper consultation with the sports clubs, the item is tabled in order to have sufficient public participation and engagement.

Ms. Mabusela indicated that the original SDF was approved in 2015, in terms of the applicable legislation and SPLUMA the SDF was reviewed and approved by Council in 2020. The area was identified for less density development, more green space like central park theme and mixed use development. The specification will be linked to what the SDF requests for the land.

The Municipal Manager stated that there is no functional cricket club on the land, however, there is a need for a cricket club facilities in the Municipality and there are plans underway to address the issue.

The Executive Mayor stated that there is a proposal from a private developer in Kruisfontein for four hundred and thirty five units of private housing, not government funded.

Resolved (18 January 2023)

1. That in terms of Reg 6(a) and (b) of the MATR and Policy on disposal of immovable assets, Council grant authorization to the Accounting Officer to advertise and commence public participation, on Council's intention to alienate the immovable properties erven 873, 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay.
2. That a 60 day process of advertisement, consultation and invitation for public commentary be implemented.
3. That it be noted that the bowling club which forms part of erf 873 is not approved for disposal and will also not form part of the potential disposal.
4. That the Department of Land & Property Administration finalizes the s14 process confirming that the land is not needed to provide the minimum level of basic municipal services before final approval is granted in terms of section 14 of the MFMA.
5. That the market related value for the immovable properties contemplated in 1. be confirmed through independent or second latest valuation.
6. That the lead department tables the independent valuation report and the section 14 process to Council after completion of the processes stated in 2,3; and 4 above prior engaging the Auctioneers.

Proposed by: W van der Linde

Seconded by: F Heystek

14. **CLOSURE**

The meeting closed at 14:00



H BORNMAN
ACTING SPEAKER

9 June 2023

DATE