

ORDINARY COUNCIL MEETING

OPEN

KOUGA MUNICIPALITY (EC108) <u>NOTICE CONVENING A MEETING</u> NOTICE IS HEREBY GIVEN that in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) an Ordinary Council Meeting will be held in the Council Chambers (Jeffreys Bay) on <u>DATE:</u> 30 June 2023 <u>TIME:</u> 10:00  <u>B. WILLIAMS</u> SPEAKER	UMASIPALA I-KOUGA (EC108) <u>ISAZISO NGENTLANGANISO</u> OKU KUKWAZISA sikhutshiwe ukuba ngokweCandelo-19 uMthetho weeNkqubo zikaMasipala, (uMthetho 32 ka-2000), ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile eyakuba-kwikhansile yase (Jeffreys Bay) <u>UMHLA:</u> 30 Isilimela 2023 <u>IXESHA:</u> 10:00  <u>B. WILLIAMS</u> USOMLOMO	MUNISIPALITEIT KOUGA (OK108) <u>KENNISGEWING VAN VERGADERING</u> KENNIS GESKIED HIERMEE dat ingevolge Artikel 19 van die Wet op Munisipale Stelsels, 2000 (Wet No.32 of 2000), dat 'n raadsvergadering gehou sal word in die Raadsaal (Jeffreys Baai) op <u>DATUM:</u> 30 Junie 2023 <u>TYD:</u> 10:00  <u>B. WILLIAMS</u> SPEAKER
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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**
None
6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**
8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**
9. **DISCLOSURE OF INTEREST**
10. **STATUTORY MATTERS**
11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION**
 - 11.1 Minutes of the Mayoral Committee Meeting held on 19 April 2023
Pages: 7 – 19
12. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**
 - 12.1 Minutes of the Ordinary Council Meeting of 31 May 2023
Pages: 21 – 53
13. **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).
14. **REPORTS OF COMMITTEES OF COUNCIL**
 - 14.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None
 - 14.2 **KOUGA AUDIT COMMITTEE**

23/06/KAC1 Minutes of the Kouga Audit Committee
Pages: 57 – 79
 - 14.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

23/06/MAPC1 Minutes of the Municipal Public Accounts Committee
Pages: 81 – 99
15. **REPORT BACK: MUNIMEC**

None

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

- 23/06/MM6** Council Resolutions as at 31 May 2023
Pages: 101 – 120
- 23/06/MM7** Approval of Public Participation Policies
Pages: 121 – 172
- 23/06/MM8** Submission of Addendums to Performance Plans: 2022/23 Year
Pages: 173 – 250

17. **REPORTS BY THE EXECUTIVE MAYOR**

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

- 23/06/PDT3** Alienation of ERF 588, Pellsrus to the Ethiopian Episcopal Church
Pages: 252 – 258
- 23/06/PDT4** Alienation (lease) of Erven 27, 28, 29 and 30, Loerieheuvel
Pages: 259 – 266
- 23/06/PDT6** Alienation (lease) of a Portion of ERF 231, Pellsrus and Erven 36 and 37, Pellsrus
Pages: 267 – 285
- 23/06/PDT8** Approval of General Capacitation Grant Funding for Social Housing
Pages: 286 – 291
- 23/06/PDT10** Portion 7 of Farm Geelhouteboom 688, Humansdorp Road, Eastern Cape Province – Land Purchased by HDA for the Kouga Municipality
Pages: 292 – 312
- 23/06/PDT12** Annual Review of the Kouga Municipality Spatial Development Framework
Pages: 313 – 318

- 23/06/PDT15** Tax Refundable Payment Between Kouga Local Municipality and The Southern Africa PGA Tour NPC for the 2023 SDC Championship
- Pages: 319 – 333
- 23/06/PDT16** Request for Council to Rescind Council Resolution-21/09/PDT9, Grant Authorisation to take to Public Participation the Intention of Council to Alienate Erf 3291, Humansdorp (Kouga Cultural Centre)
- Pages: 334 – 344
- 23/06/PDT17** Grant-In-Aid 2022/2023 Feedback Report to Council: Salvation SA Kruisfontein Kouga Future Farmers.
- Pages: 345 – 354

17.2 **REPORTS BY THE PORTFOLIO CHAIRPERSON: INFRASTRUCTURE & ENGINEERING**

- 23/06/I&E14** Temporary Transfer of Funds from the Budgeted Energy Program to the Urgent Repair of Hankey WWTW and Kwanomzamo Sewage Pump Station
- Pages: 356 – 364

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

- 23/06/CDS7** Kouga Municipality –Calendar of Meetings: 1 July 2023 to 30 June 2024
- Pages: 366 – 368

18. **MOTION**

Motion of No Confidence in the Executive Mayor

Pages: 370 – 373

19. **CLOSURE**

Distribution list:

Executive Mayor
Speaker
All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

CONFIRMATION OF MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING

**MINUTES OF A VIRTUAL MAYORAL COMMITTEE MEETING OF THE KOUGA
MUNICIPALITY HELD ON WEDNESDAY, 19 APRIL AT 08:00**

Present:

Councillors

Ald H Hendricks	(Executive Mayor)
H Bornman	(Executive Deputy Mayor)
L Maree	
S Ruth	
T Jantjes	
Ald D Benson	

Councillors

as Observers

Ald B Williams
B Dhludhlu
W van der Linde
W Gertenbach
H Murray
F Heystek
M van Niekerk
K Ndzaleni
V Zana
R Foley

Officials

C Du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
M Rossouw	(Acting Director : Corporate & Digital Services)
N Machelesi	(Director: Community Services)
S Abrahams	(Acting Chief Financial Officer)
E Goliath	(Manager: Public Participation)
M Goduka	(Manager: ICT)
A Makomo	(Network Administrator)
L Opperman	(Acting Director PDT)
M Basson	(Media: Specialist)
M Julius	(Senior Admin Officer: Committees)

1. **NOTICE OF MEETING**

The Executive Mayor 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 Mayoral Committee Meeting will be held.

2. **OPENING AND WELCOME**

The Executive Mayor welcomed those present and Mr Goliath opened with a prayer.

3. **ABSENT WITH LEAVE**

C de Kock (Director: I&E)

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

None

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

The Executive Mayor stated that it was the final Mayoral meeting before the budget would be adopted. He would be unable to attend the entire meeting as he had other commitments outside of Kouga. The Deputy Mayor would chair the meeting in his absence.

5 years ago on the 19th of April, the Executive Mayor, Elza van Lingen passed away. On the 20th of April 2018, the very next day, he had been sworn in as the Executive Mayor and Cllr Bornman was sworn in as the Speaker of Council. Tomorrow would be 5 years to the date.

At the next Council meeting, he wanted to reflection on what had been achieved over the 5 years. The Executive Mayor particularly wanted to thank Cllr Bornman for the productive partnership they had over the period. The partnership had grown and had been going strong for the last 5 years. He had never been concerned that there would be two centres of power.

Risk planning was being completed as loadshedding increased. There had to be a plan to get through the winter. Day Zero was still imminent. He had faith in the administration to get through this challenging time.

The Executive Mayor handed over to the Deputy Mayor at 08.10 to chair the Meeting and left the meeting.

8. **DISCLOSURE OF INTEREST**

None

9. **STATUTORY MATTERS**

10. **CONFIRMATION OF MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING**

Resolved (19 April 2023)

1. That the minutes of the Mayoral Committee meeting held on 22 February 2023 be accepted.

Proposed: T Jantjes

Seconded: L Maree

11. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

23/04/MM1 MAYORAL RESOLUTIONS AS AT 22 FEBRUARY 2023

Resolved (19 April 2023)

1. That the updated Action Sheets reflecting resolutions of the Mayoral Committee meeting as 22 February 2023, be noted.
2. That the Action Sheet be referred to Top Management meetings for implementation of resolutions and reporting to the next Mayoral Committee Meeting.
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.

23/04/MM2 SPU REPORT: THIRD QUARTER

The Deputy Municipal Manager indicated that it had been a busy quarter with multiple events.

Cllr Ruth stated that Sea Vista scholars would be protesting that day as they had been without scholar transport.

The Manager Public Participation indicated that there had been communication with the Department of Education who had informed that the contracts would be reinstated. He was awaiting a response from the provincial level.

Cllr Bornman appreciated the report. Cllr Benson stated that the Municipality had to do its best to intervene when it came to resolving the scholar transport matter, to which Cllr Bornman agreed.

Resolved (19 April 2023)

1. That the SPU report for the third quarter of the 2022/2023 financial year be noted.

23/04/MM3 MEDIA AND COMMUNICATION REPORT: THIRD QUARTER 2022/2023

The Deputy Municipal Manager introduced the report and indicated that the media policy had been recently approved.

Cllr Dhludhlu suggested that a link on the website be created to allow direct access to the Municipality's Facebook page. Cllr Bornman welcomed the suggestion.

The Deputy Municipal Manager noted the request and indicated that work was underway on the website.

Resolved (19 April 2023)

1. That the media report for the third quarter of the 2022/2023 financial year be noted.

23/04/MM4 CALL CENTRE REPORT FOR THE JANUARY 2023 TO MARCH 2023 REPORTING PERIOD

The Deputy Municipal Manager introduced the report and indicated that user departments had to study the report. It was important to note that the Call Centre could not resolve cases without the submission of evidence.

Cllr Bornman asked if there was tar available for fixing potholes and Cllr Maree stated that I&E was addressing the matter.

The Speaker on resolving street light cases, asked if there was an issue with the cherry picker.

Cllr Maree responded that there was a cherry picker issue and that they were moving through one area at a time with it.

Cllr Bornman stated that small things could not be neglected despite a drought and the resolution rates had to improve.

Cllr Ruth was concerned with the water meter leaks and sewerage tanks resolution rates.

Cllr Bornman was concerned with the rates for suction tankers and requested that the Municipal Manager follow up on the matter.

Cllr Maree stated that it appeared that the issue was that I&E was not communicating well with the Call Centre regarding resolved cases.

The Municipal Manager stated that he would communicate with the I&E Director about reporting accurately.

Cllr Bornman requested that the report be broken down from page 57 to 64 so that the Mayoral Committee could follow up on long outstanding issues within their portfolios.

The Deputy Manager stated that the Call Centre closed suction tanker cases based on a portfolio of evidence and if there was no evidence this could not be done. This was part of the Call Centre's SOP and it had to be adhered to.

Resolved (19 April 2023)

1. That the Committee notes the report.

23/04/MM5 PUBLIC PARTICIPATION REPORT: THIRD QUARTER 2022/2023

The Deputy Municipal Manager introduced the report and stated that there was a lack of reporting but this had been mitigated with a online ward action sheets.

Cllr Gertenbach stated that Ward 3 had a committee meeting on 9th Jan and it was not included in the report.

Cllr Ruth enquired where ward action sheets feedback to in terms of completion.

The Deputy Municipal Manager indicated that the ward action sheets were reported on at Portfolio Committee Meetings and Ward Committees. It ,however, remained that cases had to be reported to call centre so that there can be a reference number but work was underway to address this.

Resolved (19 April 2023)

1. That the Committee notes the report.

12.1 REPORTS BY THE CHAIRPERSON: FINANCE

23/04/F2 MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2022 TO JANUARY 2023 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 JANUARY 2023 (2022/23 FINANCIAL YEAR)

Resolved (19 April 2023)

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

2. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

23/04/F3 MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2022 TO JANUARY 2023 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 28 FEBRUARY 2023 (2022/23 FINANCIAL YEAR)

Resolved (19 April 2023)

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

23/04/F9 REPORT ON THE PERFORMANCE (SDBIP) FOR FINANCE

Resolved (19 April 2023)

1. That progress on the Operational and Capital SDBIP as at 28 February 2023 be noted.

12.2 REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING

23/04/I&E6 REPORT: INTEGRATED NATIONAL ELECTRIFICATION PROGRAM (INEP) ALLOCATION FOR 2023/2024 FINANCIAL YEAR

Resolved (19 April 2023)

1. That the report for the conditions to receive the R4.7m INEP funding be considered and action required to retain the funding be implemented.
2. That the Human Settlements department of Kouga be ready with registered erven occupied erven to benefit from the grant.
3. That the item be submitted to the next Council Meeting.

23/04/I&E7 REPORT: CLEARING OF SERVITUDES THROUGHOUT KOUGA OBSTRUCTING ACCESS TO WATER INFRASTRUCTURE AND POWERLINES FROM KOUGA AND ESKOM

Cllr Ruth indicated that Human Settlements involvement was required. It was agreed that a resolution which indicated "That Human Settlements provide support by performing an audit on the number of households affected by the project" be added.

Cllr Dhludhlu stated that the By-law mentioned on page 208 had to be workshopped.

Resolved (19 April 2023)

1. That the Committee recommends that Council compel the relevant department/ departments responsible to keep servitudes clear to do so and apply the law should it be necessary.
2. That Human Settlements provide support by performing an audit on the number of households affected by the project.
3. That the item be submitted to the next Council Meeting.

23/04/I&E8 REPORT ON THE WATER QUALITY

Resolved (19 April 2023)

1. Hankey

That due to the manganese, iron, turbidity and apparent colour levels slightly exceeding the aesthetic SANS limits, other alternatives be pursued to treat the water to be within SANS requirements such as a different water blend.

2. Testing

It is recommended that all areas test for nitrate, nitrite, arsenic, potassium, zinc and fluoride. Testing for free available chlorine is only required to be tested at treatment works and points of use. The testing of copper is not required as the water in the Kouga area does not go below a pH of 6.

23/04/I&E11 REPORT ON THE PERFORMANCE CAPITAL (SDBIP) AND OPERATIONAL PERFORMANCE REPORTING'S FOR INFRASTRUCTURE & ENGINEERING AS AT 31 JANUARY 2023

Resolved (19 April 2023)

1. That the SDBIP, for quarter ended 31 January 2023, be noted.

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

23/04/PDT6 REPORT: LAND EVALUATION COMMITTEE - NEW APPLICATION ON MUNICIPAL LAND & SECTION 14 COMMENTS

Resolved (19 April 2023)

1. That the Committee recommends that Council takes note of the Land Evaluation Committee report.
2. That all Section 14 processes be finalised with confirmation that the land is not needed to provide the minimum level of basic municipal services.
3. That the report be submitted to the next Council Meeting.

23/04/PDT7 REQUEST COUNCIL'S AUTHORIZATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL: LONG TERM LEASE OF A PORTION OF ERF 499 (UNREGISTERED ERF 4165), HUMANSDORP: KHOISAN DOEPA

The report had to be updated to include the size of the portions of the erven before it was submitted to Council.

Resolved (19 April 2023)

1. That the Committee recommends that Council **grant in principle approval** for alienation of a portion of erf 499 (unregistered erf 4165), Humansdorp on long-term lease of 9 years- and-11 months to Khoisan Doepa with an option to purchase.
2. That the Committee recommends that Council grant authorization to advertise the intended long-term lease of the immovable properties in (1.) above.
3. That the Committee recommends that Council confirms that the property in (1.) is not needed to provide the minimum level of basic municipal services.
4. That a fair market value (for the lease) be obtained for the property, for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.
5. That it be noted that the applicant will be responsible for all administrative costs to give effect to the resolution.

6. That the Committee recommends that Council authorizes the Accounting Officer to enter into a lease agreement with the applicant for a period not exceeding 10 years.
7. That should the applicant desire to purchase the property, Council be provided with all information needed to undertake the mandatory considerations prescribed in the MATR.
8. That the updated report be submitted to the next Council Meeting.

23/04/PDT13 MUNICIPAL FUNDED EVENT CLOSEOUT REPORT: 2022 SOUTH AFRICAN LONGBOARD CHAMPIONSHIP AND 2023 SPONSORSHIP PROPOSAL

Cllr Ruth stated that a template for event closeout reports had to be created and it had to be agreed upon how information would be presented especially regarding job creation.

Resolved (19 April 2023)

1. That the event closeout report on the 2022 SA Longboard Championship is noted.
2. That the committee recommends the approval of the sponsorship of R 300,000-00 (Three Hundred Thousand Rands) only all-inclusive for 2023/2024 FY only.
3. That committee recommends the Accounting Officer to conclude a Sponsorship Agreement / SLA with Surfing South Africa in respect of sponsorship stated in (2.) above.
4. That the report be submitted to the next Council meeting.

23/04/PDT14 PARTNERSHIP AGREEMENT WITH GAMTOOS TOURISM TO HOST THE JAZZ IN THE PARK AT YELLOWOODS FESTIVAL

Resolved (19 April 2023)

1. That Committee recommend to Council the approval of the partnership agreement of R 500,000-00 (Five Hundred Thousand Rands only) all-inclusive for 2022/2023 FY only, R 200,000.00 (Two Hundred Thousand Rands only all-inclusive) 2023/2024 FY, and R 150,000.00 (One Hundred and Fifty Thousand Rands only all-inclusive) 2024/2025 FY.
2. That Committee recommend to Council to authorize the Accounting Officer to conclude a Sponsorship Agreement / SLA with Gamtoos Tourism in respect of sponsorship stated in (1.) above.

3. That the report be submitted to the next Council meeting.

23/04/PDT15 ESKOM FUNDING ALLOCATION FOR THE INSTALLATION OF ELECTRICAL CONNECTIONS FOR THE 2023/2024 FINANCIAL YEAR

Resolved (19 April 2023)

1. That the DoRa allocations of R 2 796 400.00 for the 23/24 Financial Year be noted.
2. That the Committee recommends Council approves type 1 infill house connections to 118 households, pre-engineering plan, for the 2023/24 Financial Year.
3. That all type 1 infill houses to be electrified in Cyril Ramaphosa be within a 50 metre radius from the nearest point of supply.
4. That the Committee recommends Council indemnifies ESKOM and accepts liability for costs of relocating electrical connections installed from informal houses to formal houses at the completion of the formal housing project.
5. That the report be submitted to the next Council meeting.

23/04/PDT16 PATENSIE 6 RECTIFICATION PROJECT: APPROVAL OF PROJECT

It was welcomed that priority would be given to SMME service providers in the KLM area.

Resolved (19 April 2023)

1. That the Committee recommends that Council approves the allocations of **R 1 153 141.40** for the 23/24 for the rectification of six houses.
2. That priority for the construction of these houses be given to SMMEs that resides within the KLM area.
3. That the tender process for the construction of these houses be finalised as a matter of urgency so as to prevent any further delays and inconvenience to the displaced families.
4. That the report be submitted to the next Council meeting.

23/04/PDT18 INSTITUTIONAL PERFORMANCE REPORT: 2022/2023 FINANCIAL YEAR: 2ND QUARTER PERIOD 1 OCTOBER TO 31 DECEMBER 2022

Cllr Ruth requested further information on full time equivalent jobs on page 328.

The Deputy Municipal Manager stated he was concerned with the accuracy of the reporting and it had to be addressed.

Resolved (19 April 2023)

1. That the content of the Quarter 2 Institutional Performance Report on the implementation of the 2022/23 Service Delivery and Budget Implementation Plan for the period 1 October and 31 December 2022 be **noted**.

12.4 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

23/04/CS10 NUMBER OF JOINT OPERATIONS CONDUCTED

Resolved (19 April 2023)

1. That the number of Joint Operations conducted between Traffic Law Enforcement; By-Law Enforcement and SAPS be noted.
2. That a Think Tank be formulated to develop solutions for illegal squatters and include the following departments: Ward Councillors involved, Law Enforcement, Legal: Manager, Land Department and Department of Social Development.

23/04/CS16 REVIEW AND UPDATE OF KOGA LOCAL MUNICIPALITY DISASTER MANAGEMENT PLAN

The item had to be updated to include the date of workshop before it was submitted to Council.

Resolved (19 April 2023)

1. That it be recommended that the reviewed Kouga Local Municipality Disaster Management Plan be adopted by the Council.
2. That the updated item be referred to the next Council Meeting.

23/04/CS15 PROGRESS REPORT ON THE IMPLEMENTATION OF THE SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) AS AT 28 FEBRUARY 2023

Resolved (19 April 2023)

1. That the progress report on the progress with regards to the implementation of the SDBIP as at 28 February 2023 be noted.

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

23/04/CDS3 OHS RISK ASSESSMENT

Cllr Jantjes raised his concern regarding OHS risks and stated that directors had to note the low hanging fruit.

Resolved (19 April 2023)

1. That the number of outstanding non-compliance issues be noted with concern.
2. That funding be sourced by the relevant Department to action outstanding non-compliance issues.
3. That the report be submitted to the next Council Meeting.

23/04/CDS5 DIGITAL SERVICES REPORT FOR JANUARY AND FEBRUARY 2023

Cllr Jantjes indicated that concerns were raised about the system backups at the Portfolio Committee and report regarding this was submitted to the Executive Mayor.

Cllr Bornman requested an update on the installation of fibre at offices.

The Acting Director Corporate & Digital Services stated that a line had been installed for the upper floor of the Main Building but the Manager ICT could advise further.

The Manager ICT stated the ISP tender made provision for fibre installations at some of the municipal buildings. The some specifications were amended and would be presented at BSC that coming Friday.

Cllr Gertenbach enquired why the Municipality was not receiving free fibre from Metrofibre.

The Municipal Manager stated that stated 5% of Metrofibre turnover was available for the Municipality to use for CSI. There would be a meeting with Metrofibre regarding this. Metrofibre would provide fibre but this did not include the connectivity which had to be provide by an ISP.

The Municipal Manager had present on the matter at the next Collective to allow further discussion.

Resolved (19 April 2023)

1. That the Digital Services unit report for the period January to February 2023 be noted.

**23/04/CDS7 CORPORATE & DIGITAL SERVICES OPERATIONAL AND CAPITAL SDBIP
REPORT AS AT END FEBRUARY 2023**

Resolved (19 April 2023)

1. That progress on the Operational and Capital SDBIP as at end February 2023 be noted.

13. **CLOSURE**

The meeting adjourned at 9.35



H BORNMAN
DEPUTY MAYOR

21 June 2023

DATE

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY
HELD ON WEDNESDAY, 31 MAY 2023 AT 11:00**
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	
S Ruth	
C August	
M Biko	
M van Niekerk	
J Alexander	
L Maree	
P Oliphant	
M Dayimani	
M Yali	
K Ndzaleni	
N Ntshota	
B Human	
E Mbuqu	
V Gunuza	
M Valgee	
W van der Linde	
V Zana	
M Mbandana	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
R Lorgat	(Chief Financial Officer)
N Machelesi	(Director: Community Services)
J du Toit	(Acting Director: Infrastructure and Engineering)
L Opperman	(Manager: Legal Services)
	(Acting Director: Planning, Tourism, and Development)
M Rossouw	(Manager: Administration and Auxiliary)
E Goliath	(Manager: PPU)
K Minnaar	(Acting Chief of Staff)
M Basson	(Media Specialist)
M Julius	(Senior Admin Officer: Committees)
L Cronjé	(Committee Clerk)
C Prinsloo	(Intern)

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.

2. **OPENING AND WELCOME**

The Speaker requested Cllr Ntshota to open the meeting with prayer.

3. **ABSENT WITH LEAVE**

N Ntengwane
C de Kock

4. **ABSENT WITHOUT LEAVE**

L Nkilishane

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Benson extended birthday wishes to those who had birthdays in May.

Cllr Zana extended special birthday wishes to Mr Jantjies from Patensie who recently celebrated his 109th birthday. He also conveyed his condolences to those who were victims of the Cholera outbreak, specifically in Hammanskraal.

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

Good morning Honourable Mayor, Councillors, Municipal Managers, officials as well as our guests.

We have a very important agenda before us today with the reviewed IDP, the 2023/24 budget, the organogram and numerous other items that need us to apply our minds as legislators at local government level.

We will work until 13h15 and then break for a quick lunch and then continue with the business of the day.

As we near the end of the financial year, I am pleased to announce that we are R 13 000 away from 100 % expenditure on the Ward Development Fund, the first time in many years that this has taken place in Kouga without the funds being fiscal dumped due to lack of expenditure.

I wish to thank the Deputy Municipal Manager, Mr de Jager, and his team for coming to the rescue and ensuring procurement took place which, inter alia, includes generators for all ward offices so that the entry points to the Municipality for the community remain functional and open.

We have been advised that load shedding will get worse over the winter months where South Africa normally uses an additional 4 GW of electricity daily.

This equates to an extra 4 stages of load-shedding on top of what we are experiencing at the moment.

It is pleasing to note that both the political and the administrative executives are working on plans to ensure we keep our key infrastructure like water treatment plants functioning by supplying alternative power supplies and we are moving into uncharted waters in this regard.

Public Participation has been driven by the IDP meetings over the past two months and each ward was consulted during this period.

I wish to thank the Public Participation Unit as well as the IDP team for their hard work and commitment in making sure we got to each ward and gave our various communities the opportunity to engage with the bible of the Municipality – the IDP.

The needs of the various wards are vast and it is going to be a juggling act to try and meet these needs during a time where finances are tight, both for us as an organisation, and for the residents we serve.

Funds are needed to ensure we become power independent and we are still dealing with the worst drought the area has ever experienced and we have a constitutional obligation to ensure the taps do not run dry – which has cost a lot of money and will probably still need further investment.

All Councillors are probably aware that we have lost Mrs Yvonne Herbst as the Administrator in the Office of the Speaker and I am sure you will all join me in wishing her all the best in her new position in Community Services and we know that Directorate will only benefit from having Mrs Herbst working for them.

Thank you to Mrs Herbst for the professional manner in which she served all our Councillors and for the administrative support she gave us. There is no doubt that Yvonne fully deserved to be awarded with the Most Valuable Employee in Kouga Award and we will miss her.

I would also like to welcome Mrs Donné Klopper to the Office of the Speaker and in a short space of time she has impressed with her work ethic and she has found her feet in what is a high pressure work environment.

I look forward to a productive Council meeting where debate will take place and that well-reasoned decisions will be made.

Thank you.

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

I wish to begin by expressing my gratitude for the recent downpour of rain which our region has experienced in the past two/three weeks. Whilst this has brought some relief, it is minimal and not significant enough for us to relax and we have to continue fighting to save every drop of water.

I want to thank all those involved in assisting our residents who experienced localised flooding, particularly those affected in the Hunky community. We will continue working with affected communities to reduce the devastating impact of flooding.

I also want to thank the Infrastructure and Engineering department for swiftly attending to the subsequent deterioration of our roads and successfully fixing about 2300 potholes in the last week. Our roads are not acceptable, and we will accelerate the war on potholes in this financial year.

Speaker, over the past 12 years, national government has declared eight national disasters.

Six of these have been since 2020, when the COVID-19 pandemic and subsequent lockdowns first ravaged the healthcare systems and economies of countries across the globe. Four have been called due to floods, two because of droughts, and one, which lasted 750 days, in response to COVID-19.

Honourable Speaker, today, as we table the budget for the 2023/2024 financial year, we find ourselves yet again sitting squarely in another national state of disaster in response to the electricity crisis.

However, unlike the previous disaster, this one is sadly the only one caused by humans. A "human disaster" caused by politicians who do not put the interest of the people first. A disaster that simply should never have happened.

Consequently, Speaker, as local government, we are forced to navigate as best we can through incredibly trying times.

I wish to remind all of us of the unique character that can be found in this local municipality – a unique type of resilience exists in this chamber. Through tenacity and resilience I can see us rise as the best municipality in South Africa despite the unpromising national climate.

See, speaker, endurance is not just the ability to bear a hard thing, but to turn it into glory. We have achieved this before and I have confidence and faith that through our collective strength we will do so again!

The budget to be tabled today, is a huge step in that direction. It does not only focus on enhancing the municipality's revenue base to sufficiently cover costs incurred during the specific financial year, but increases are kept affordable for all residents. This feeds directly into our long-term financial plan of remaining financially viable and self-sustainable.

The golden thread, therefore, is the consideration of the forced realities we find ourselves in and how best we can endure them, but also considers our residents and how best we can curb these effects throughout the new financial year.

Because that, Speaker, is what a caring government does!

With that being said, the following are notable highlights drawn from this draft budget:

- This is a pro-poor budget – moving forward all residential properties valued at R400 000 and less will not be required to pay property rates, this was previously R100 000 whilst the norm is just R85 000.
- The pensioners rebate will double from R100 000 to R200 000, including the impermissible rate of R15 000.
- There will be a 23.8% reduction in the rates tariff on properties whose value has not increased by more than 30%.
- Our total indigent subsidy budget is R68 492 819 which equates to approximately R1367 per indigent household per month.

OPERATING REVENUE

Total operating revenue has increased by 9.72% or R 102,650 million for the 2023/24 financial year, compared to the 2022/23 Approved Adjustments Budget.

For the two outer years, operational revenue increases by 8.31% and 8.49% respectively, resulting in a total revenue growth of R 305,474 million over the MTREF, when compared to the 2022/23 financial year.

Total operating expenditure for the 2023/24 financial year amounts to R 1,268,316 billion, resulting in a budgeted deficit of R 109,359 million. Compared to the 2022/23 Adjustments Budget, operational expenditure increased by 7.66% in the 2023/24 Budget.

The major operating expenditure items for 2023/24 are employee related costs (35.31%), bulk electricity purchases (28.72%), depreciation (8.65%), contracted services (8.24%), inventory consumed (7.44%) and operational costs (7.41%).

Funding for the operating budget will be obtained from various sources, of which the major contributors are service charges such as electricity, water, sanitation, environmental management fees, refuse collection, property rates and grants and subsidies received from national and provincial government. Once again, 16% of our total revenue budget comes from government grants and 84% is our own revenue.

Tariff Increases

Tariff increases have been kept as low as possible, while still being cost-reflective, as is legally required.

Property Rates

As alluded to earlier, as a caring municipality we propose a 23.8% reduction in the rates tariff for the new financial year starting in July 2023.

If approved, it will mean that any property increasing in value by 30% or less, will experience a rates reduction. Property rates for residential houses will only increase for properties whose value has increased by more than 30%.

Water

The basic levy for water will increase with 7,2%, while the tariff for water consumption remains the same as the current financial year should consumption be less than 9kl per household per month.

Escalating punitive measures will be implemented for households using more than 15kl per month in a bid to curb high water users.

We, furthermore, aim to install smart water meters at all new buildings, which will enhance our water saving measures, as well as identify water leaks.

It is an absolute necessity, while battling this devastating water shortage.

More tariffs

The tariff for sanitation and refuse will increase with 6.5%, while the tariff for environmental management will increase with 7%.

The tariff increase for electricity will be determined through NERSA.

We remain resolute however on our energy plan to reduce our reliance on ESKOM through the procurement of a 600kw plant to begin securing our critical infrastructure which be at an estimated cost of R12million.

CAPITAL BUDGET

The total capital budget for 2023/2024 is R79,342 million.

Major capital projects include:

- Mimosa Street Pipeline Replacement – R16.3 million
- Upgrading of the Sewerage Infrastructure in Hankey – R12.8 million
- Upgrading of KwaNomzamo Wastewater Treatment Works – R10.6 million
- Paradise Beach Water Tower – R9.7 million
- Ocean View 1 250 Electrification – R4 million
- Solar panel installation project – R 12million
- Energy Efficiency Projects – R 3.4million

CONCLUSION

Speaker, tough times lie ahead, but I want to assure you that the challenges are not insurmountable.

I would like to thank every councillor and official who contributed to the compilation of the documents before us today.

Furthermore, I wish to thank our residents for their tenacity and trust. It is through this working social contract, which contributes to our successfully high collection rate, that allows us to have the lowest dependency on grant funding in the province at just 16%. This is an achievement that we should all be proud of and further speaks to our direction toward self-sufficiency.

I am confident that this draft budget will not only afford us the ability to endure the challenges ahead but to turn them, yet again, into victory.

I herewith table the draft annual budget for the 2023/24 financial year.

I Thank You.

9. **DISCLOSURE OF INTEREST**

Cllr Biko and Cllr Foley disclosed interests in item no. 23/06/ PDT10.

10. **STATUTORY MATTERS**

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

Minutes of the Mayoral Committee Meeting held on 22 February 2023

Resolved (31 May 2023)

1. That Council notes the minutes of the Mayoral Committee Meeting held on 22 February 2023.

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

12.1 **MINUTES OF THE SPECIAL COUNCIL 20 MARCH 2023**

Resolved (31 May 2023)

1. That the minutes of the Special Council Meeting held on 20 March 2023 be approved.

Proposed: Cllr M Dayimani

Seconded: Cllr L Maree

12.2 **MINUTES OF THE ORDINARY COUNCIL MEETING OF 26 APRIL 2023**

Resolved (31 May 2023)

1. That the minutes of the Special Council Meeting held on 20 March 2023 be approved.

Proposed: Cllr F Foley

Seconded: Cllr T Jantjes

13. **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).

14. **REPORTS OF COMMITTEES OF COUNCIL**

14.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None

The Speaker stated that he would request the minutes of the council agenda from the Speaker of Sarah Baartman so that, going forward, the minutes can be included in the agenda.

14.2 **INTERGOVERNMENTAL RELATIONS**

None

14.3 **KOUGA AUDIT COMMITTEE**

None

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

None

15. **REPORT BACK: MUNIMEC**

None

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

23/05/MM1 COUNCIL RESOLUTIONS AS AT 26 APRIL 2023

The Municipal Manager tabled the action sheets.

Upon Cllr Zana's request to use the municipal house in St. Francis Bay for a press conference, the Executive Mayor replied that the facility could only be used for a municipal caucus, not a party conference.

The Municipal Manager reported that the process of drafting terms of reference for the Section-79 committee had been completed and that the Monitoring and Evaluation Committee will hold its first meeting soon.

Resolved (31 May 2023)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings are noted.
2. That Council approves the action sheet be tabled at Top Management for discussion and actioning.

23/05/MM2 APPROVAL TO RE-ADVERTISE THE APPROVED VACANCY OF THE DIRECTOR CORPORATE & DIGITAL SERVICES POSITION

Cllr Jantjes tabled the item and requested that the Council only notes the recommendation and amend it to read that the position be abolished.

At 11:41, the Executive Mayor requested a 10-minute caucus.

The Executive Mayor proposed adding a recommendation instead of amending one. Cllr Jantjes stated that the Municipality has embarked on a recruitment and selection process for the vacant budgeted position of Director: Corporate & Digital Services twice already but has yet to succeed. He recommended that the position of Director: Corporate & Digital Services be abolished in light of the proposed amendments to the organisational structure and that the functions be absorbed under the position of Deputy Municipal Manager.

Proposed: T Jantjes

Seconded: L Maree

Cllr Human stated that he is in line with what is proposed and that he is in support.

At 11:55, Cllr Zana requested a 10-minute caucus.

Cllr Oliphant appreciated the deliberations on the report and referred to the organogram item to follow. His concern was that a decision to nullify the position should not be at the council level. Therefore, he recommended that, as the position is critical, the item be withdrawn and resubmitted as a self-standing item.

Proposed: P Oliphant

Seconded: M Mbandana

The Speaker called for a show of hands to vote.

In favour: Cllr Jantjes' proposal = 17

In favour: Cllr Oliphant's proposal = 10

The proposal of Cllr Jantjes therefore carries.

Resolved (31 May 2023)

1. That Council approves the re-advertisement of the approved, vacant post of Director Corporate and Digital Services inviting applications from suitably qualified candidates, and as a permanent position.
2. That the required advertisement be advertised nationally, as per Section 56 (3 of the Local Government: Municipal Systems Act 32 of 2000, as amended, within 14 days from the date of the Council resolution.
3. That the post be advertised for a minimum period of 14 days as prescribed by the regulations as contained in Chapter 3 - Regulation 10 as contained in MSA 32 of 2000.
4. That a selection panel be established and that it be noted that the selection panel for the appointment of a manager directly accountable to a Municipal Manager must consist of at least three and not more than five members constituted as follows:
 - 4.1. the Municipal Manager, who will be the chairperson;
 - 4.2. a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio which will be.....
 - 4.3. at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post which will be.....
5. That Council notes the report submitted herein and reject the recommendations as stated from 1. to 4. above.
6. That Council, considering the fact that the Municipality has embarked on recruitment and selection process for the vacant budgeted position of the Director: Corporate & Digital Services twice already and in light of the proposed amendments to the organisational structure, approve that the position of Director: Corporate & Digital Services be abolished, and the functions be absorbed under the position of the Deputy Municipal Manager.

Proposed: T Jantjes

Seconded: L Maree

23/05/MM3 APPROVAL TO RE-ADVERTISE THE APPROVED VACANCY OF THE POSITION: DIRECTOR PLANNING DEVELOPMENT AND TOURISM

The Municipal Manager tabled the item and indicated that Cllr Ruth will be the portfolio head of the relevant portfolio.

Cllr Ruth proposed that Ms Dawn McCarthy forms part of the selection panel of the position and was seconded by Cllr Foley.

She further proposed that the Acting term of Director: Planning, Development, and Tourism be extended for an additional 3 months.

Proposed: S Ruth

Seconded: R Foley

Upon Cllr Mbandana's query on why there was no ANC observer on the panel, it was proposed that, as a courtesy, Cllr Mbandana and Cllr Zana would be invited to join the panel.

The recommendations were unanimously approved.

Resolved (31 May 2023)

1. That Council approves the re-advertisement of the approved, vacant post of Director: Planning, Development and Tourism inviting applications from suitably qualified candidates, and as a permanent position.
2. That the required advertisement be advertised nationally, as per Section 56 (3) of the Local Government: Municipal Systems Act 32 of 2000, as amended, within 14 days from date of the Council resolution.
3. That the post be advertised for a minimum period of 14 days as prescribed by the regulations as contained in chapter 4 section 11 (j)
4. That a selection panel be established and that it be noted that the selection panel for the appointment of a manager directly accountable to a Municipal Manager must consist of at least three and not more than five members constituted as follows:
 - 4.1. the Municipal Manager, who will be the chairperson;
 - 4.2. a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio which will be Cllr S Ruth.
 - 4.3. at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post which will be Dawn McCarthy.

Proposed: S Ruth

Seconded: R Foley

5. That the Acting term of Director: Planning, Development, and Tourism be extended for an additional 3 months.

Proposed: S Ruth

Seconded: R Foley

23/05/MM4 MEDIA AND COMMUNICATION POLICY ADOPTION

Resolved (31 May 2023)

1. That the policy be approved by Council.

23/05/MM5 PETITIONS RECEIVED FROM KOUGA LOCAL CLINICS 2023

Cllr Yali recommended that the item be withdrawn until proper consultations have been conducted. He alleged that the petition's signatures were fraudulent. Cllr Ntshota, Cllr Gunuza, and Cllr Zana concurred.

Cllr van der Linde and Cllr Dhludhlu stated their reasons for supporting the item. In addition, Cllr Dhludhlu recommended that the copy of the petitions be forwarded to the Public Protector for monitoring and enforcement.

Proposed: B Dhludhlu

Seconded: H Bornman

The Deputy Municipal Manager clarified that the petition is not a municipal function. The MEC must be aware of the state of the clinics for the Municipality to achieve the goal of greater access to health for the people of Sea Vista and the greater community.

The Executive Mayor added to Cllr Dhludhlu's recommendation, recommending further that all petitions submitted to Kouga Municipality surrounding the circumstances of the abovementioned clinics be referred to the Eastern Cape Provincial Legislature, the MEC for Health, the Provincial Petitions Commission, and the Public Protector.

Proposed: H Hendricks

Seconded: W van der Linde

The Speaker called for a vote by a show of hands.

In favour: 17

The remainder of the Councillors present abstained.

Resolved (31 May 2023)

1. That all petitions submitted to Kouga Municipality surrounding the circumstances of the abovementioned clinics be referred to the Eastern Cape Provincial Legislature, the MEC for Health, the Provincial Petitions Commission, and the Public Protector.

Proposed: H Hendricks

Seconded: W van der Linde

23/05/MM6 DISCIPLINARY ENQUIRY HELD BY THE RULES AND ETHICS COMMITTEE - CLLR. P OLIPHANT

The Speaker requested Cllr Oliphant to recuse himself from the meeting, but Cllr Oliphant refused.

At 12:47, the Speaker called a 20-minute recess.

Upon Cllr Oliphant still refusing to recuse himself from the meeting, the Speaker noted that Cllr Oliphant refused to recuse himself and let him stay only as an observer.

The Municipal Manager tabled the item and handed over to the Rules & Ethics Committee Chairperson to present the item.

The Chairperson of the Rules & Ethics Committee pointed out corrections to the item: Under point 3, where the charges were withdrawn, it states "MPAC" but must read as follows: that charge 4 was for absence from an MPAC meeting and that charges 8, 9, 10 were for absence from Community Services meetings.

The Speaker called for a vote by a show of hands.

In favour: 17

The remainder of the Councillors present abstained.

Resolved (31 May 2023)

1. That the following sanctions be implemented against Councillor P Oliphant in respect of the charges laid against him and for which charges the Councillor was found guilty by the Committee:
2. In respect of Charges 1; 2; 3; 5; 6 and 7 – That Councillor P. Oliphant be removed from office.
3. That the Speaker, in line with Item 16(3) of the Code of Conduct for Councillors, within 14 days from the date of the finding inform the MEC, for local government in the Province of the Eastern Cape, of the finding and sanction decided by Council

**23/05/MM7 DISCIPLINARY ENQUIRY HELD BY THE RULES AND ETHICS COMMITTEE -
CLLR. MALIBONGWE DAYIMANI**

The Speaker requested Cllr Dayimani to recuse himself from the meeting, but Cllr Dayimani refused. The Speaker noted that Cllr Dayimani refused to recuse himself. The Speaker reiterated that no participation will be allowed.

The Deputy Mayor announced that Cllr Dayimani has since resigned as a Councillor from the ANC and proposed that the item be withdrawn. Cllr Alexander seconded the proposal.

The Speaker called for a vote by a show of hands.

In favour: 17

The remainder of the Councillors present abstained.

Resolved (31 May 2023)

1. That the item be withdrawn.

**23/05/MM8 APPLICATION FOR TRANSFER OF LIQUOR LICENCE CERTIFICATE:
QUITSCHYS PIZZA RESTAURANT (PTY) LTD TO MOZAMBIK**

The Speaker reminded the Manager: Legal Services that there has been a change in the legislation; Ward Councillors and the Ward Councillor Forum must be notified that all liquor licences applications must now go through Council as per Section 22-1D1 of the Eastern Cape Liquor Act.

Resolved (31 May 2023)

1. That Council approves the application brought for the registration of transfer of Liquor License certificate between Quitschys Restaurant (PTY) LTD and Mozambik

17. REPORTS BY THE EXECUTIVE MAYOR

17.1 REPORTS BY THE CHAIRPERSON: FINANCE

**23/05/F1 MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) -
BUDGET FOR 2023/24 TO 2025/26 FINANCIAL YEARS**

The Executive Mayor tabled the item and handed over to the Deputy Mayor to present.

Cllr Oliphant stated that the Budget was skewed and requested a comprehensive presentation by the Executive Mayor. He urged that the Budget must speak to the poorest of the poor. A ward-based budget was also requested to track the benefits of poverty-stricken people. He stated that the ANC opposes the item.

Cllr Zana and Cllr Mbandana concurred with Cllr Oliphant and expressed concerns about the state of the roads.

Cllr Human expressed that he was not supporting the Budget for the same reasons mentioned by Cllr Oliphant. He also raised his concern about the three service deliveries protests that had taken place in the month.

Cllr Gunuza received a warning for speaking out of turn.

The Executive Mayor stated that of the R79M in the Capital Budget, R49M resided for the poorest of the poor and highlighted some examples:

- The Oceanview electrification project
- The upgrading of the Kwanomzamo Wastewater Treatment Works would directly benefit those areas;
- The upgrading of Hankey sewer infrastructure worth R12M;
- The upgrading of the sports facility in Loerie;
- Gravel road upgrades.
- et cetera.

Cllr Gunuza received a warning for speaking out of turn.

Cllr Oliphant received a warning for speaking out of turn.

In conclusion, the Executive Mayor stated that the Budget would be given to members of the public, and they will see that it is not skewed.

The Speaker called for a vote by a show of hands.

In favour: 17

Not in favour: 11

Cllr Bornman requested that it be noted that Cllr Human abstained.

Resolved (31 May 2023)

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 24 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the 2023/24 – 2025/26 Annual Budget, as set out in the Annual Budget Report supported by **Annexure H** in the following tables:

a) Consolidated Budget Summary [Table A1]

b) Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2]

- c) Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3]
 - d) Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4]
 - e) Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5]
2. That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables:
- a) Budgeted Financial Position; [Table A6]
 - b) Budgeted Cash Flows; [Table A7]
 - c) Cash backed reserves and accumulated surplus
 - i. reconciliation;
 - ii. [Table A8]
 - d) Asset management; [Table A9]
 - e) Basic service delivery measurement. [Table A10]
3. That the tariffs be increased as follows, with effect from 1 July 2023:
- | | |
|--|--------|
| — Property rates (decrease in cents in the Rand) | -23.8% |
| — Water | 7.25% |
| — Sanitation | 6.5% |
| — Refuse | 6.5% |
| — Electricity (average increase in electricity income) | 15% |
| — Environmental Management Fee | 7% |

(a) Indicative tariffs for 2022/23 and 2023/24 will be increased as follows:

	<u>2025/26</u>	<u>2024/25</u>
Property rates	4.9%	4.7%
Water	7.25%	7.25%
Sanitation	6.5%	6.5%
Refuse	6.5%	6.5%
Electricity (average increase in electricity income)	9.6%	12.58%
Environmental Management Fee	7%	7%

- 4. That the Council, approves the tariffs, as reflected in **Annexure 'B'**.
- 5. That the 2023/24 Procurement plan be approved **"Annexure C"**

6. That the mSCOA road map be approved. **"Annexure D"**
7. That the report on the draft Budget from Provincial Treasury be noted. **"Annexure E"**
8. That the UIFWE Reduction Plan be approved. **"Annexure F"**

23/05/F2

BUDGET RELATED POLICIES

The Deputy Mayor tabled the item. He recommended that the Municipal Manager be allowed to write off debts up to R25,000.00 and the CFO be allowed to write off debts up to R15,000.00 under the Customer Care, Credit Control, and Debt Collection Policy. The proposal was seconded by Cllr Heystek.

Cllr Ndzelani stated that the collective ANC caucus supports the policy.

Cllr Foley referred to the water leak rebate on page 803. He requested that the policy be revised to state that the certificate of a plumber must be submitted to the municipality within 21 days rather than ten.

He further referred to the disconnection of services on page 808. He recommended that it read that a written notice be given to the owner and that the property listing be given to the relevant Ward Councillor.

Cllr Heystek seconded the proposal.

The item was unanimously approved.

Resolved (31 May 2023)

1. That the Council approves the Policies as reflected in the **Annexure "A"**
 - Customer Care, Credit Control and Debt Collection Policy **"Annexure A1"**
 - KLM SCM Policy **"Annexure A2"**
 - Property Rates Policy **"Annexure A3"**
 - Funding and Reserves Policy **"Annexure A4"**
 - Cost Containment Policy **"Annexure A5"**
 - Cash Management and Investment Policy **"Annexure A6"**
 - Borrowing Policy **"Annexure A7"**
 - Virement Policy **"Annexure A8"**
 - Budget Implementation and Management Policy **"Annexure A9"**
 - Indigent Support Policy **"Annexure A10"**

- Unallocated Revenue and Building Deposit Policy “**Annexure A11**”
 - Policy on Provision for Doubtful Debt and Write-off of Irrecoverable Debt “**Annexure A12**”
 - Tariff Policy “**Annexure A13**”
 - Asset Management Policy “**Annexure A14**”
2. That the Council approve the amendment to the Policy on Provision for Doubtful Debt and write-off of Irrecoverable Debt to allow the Municipal Manager's write-off to increase to R25,000.00, and the CFO's write-off to increase to R15,000.00.

Proposed: H Bornman

Seconded: F Heystek

3. That section 5.8.1 of the Customer Care, Credit Control and Debt Collection Policy be amended to grant twenty-one (21) days for the submission of a certificate from a registered plumber or a sworn affidavit to the Municipality.

Proposed: R Foley

Seconded: F Heystek

4. That 6.3.3 of the Customer Care, Credit Control and Debt Collection Policy be amended to indicate that the Municipality may disconnect municipal services after issuing a fourteen (14) day written notice to the Owner and providing the relevant Ward Councillor with the property listing.

Proposed: R Foley

Seconded: F Heystek

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

23/05/I&E1 REPORT: INTEGRATED NATIONAL ELECTRIFICATION PROGRAM (INEP) ALLOCATION FOR 2023/2024 FINANCIAL YEAR

Cllr Yali urged that informal settlements that have undergone the verification process get electrified as it is otherwise dangerous.

Cllr Mbandana raised his concern about electricity theft and warned that communities might take charge if the problem is not addressed.

Cllr Zana urged the Council to speed up its electrification efforts.

Cllr Dhludhlu recommended revising recommendation "2." which reads "...erven [and] occupied...".

Resolved (31 May 2023)

1. That the report for the conditions to receive the R4.7m INEP funding be considered and action required to retain the funding be implemented.
2. That the Human Settlements department of Kouga be ready with registered erven and occupied erven and to benefit from the grant.

23/05/I&E2 REPORT: CLEARING OF SERVITUDES THROUGHOUT KOUGA OBSTRUCTING ACCESS TO WATER INFRASTRUCTURE AND POWERLINES FROM KOUGA AND ESKOM

Cllr Maree tabled the item and recommended that PDT lead the negotiations between the departments. The Deputy Mayor seconded the proposal.

Cllr Zana proposed that recommendation "1." be amended to include "relevant Directorate".

Cllr Oliphant seconded the proposal.

Resolved (31 May 2023)

1. That Council compels the relevant Directorate responsible to keep servitudes clear to do so and apply the law should it be necessary.
2. That PDT leads the discussions between the departments.

Proposed: L Maree

Seconded: H Bornman

23/05/I&E3 REGISTERING OF NEW PROJECTS ON MIG

Cllr Ndzelani stated that the ANC does not support the item as it does not benefit all people.

Cllr Mbandana urged new areas to be developed so people can be relocated as necessary.

Cllr Yali stated bulk infrastructure must be prioritised.

Cllr Human raised the concern that the Municipality is not purchasing vehicles where required. He urged the Municipality to stop contracting out vehicles to private companies.

The Executive Mayor recommended that a Transversal committee be appointed to report back to the Mayoral committee.

The Speaker called for a vote by a show of hands.

In favour: 17

Not in favour: 10

Resolved (31 May 2023)

1. That Council approves the item.
2. That a Transversal Committee be appointed, and that their minutes be referred to the Mayoral Committee for oversight purposes.

23/05/I&E4 RE: REALLOCATION OF CAPITAL FUNDS WITHIN INFRASTRUCTURE AND ENGINEERING DIRECTORATES

The Speaker called for vote by a show of hands.

In favour: 17

Not in favour: 10

Resolved (31 May 2023)

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 56 of 2003, approves the following proposed amendments to the 2022/2023 and 2024/2025 Capital Budget:

Project Name	2022/2023 Approved Budget (Excl. VAT)	Actual Expenditure To date (excl VAT)	Available Balance (Excl. VAT)	2022/2023 Proposed Adjustments (Excl. VAT)	Total Adjusted Budget (Excl. VAT)
Machinery and Equipment U-Key: 20200711023385	R125,000.00	R8,339.13	R116,660.87	- R116,660.87	R0.00
Machinery and Equipment U-Key: 20230203054818	R125,000.00	R14,407.48	R110,592.52	R- 110,592.52	R0.00
Machinery and Equipment U-Key: 20230203054821	R125,000.00	R0.00	R125,000.00	- R125,000.00	R0.00
Connecting Kruisfontein Boreholes to Humansdorp WTW U-key: 20220303054991	R3,255,369.00	R3,255,359.56	R9,44	R252,859.03	R3,508,228.0 3
Repair leaking concrete water tower U-key: 20200711023320	R100,000.00	R17,394.36	R82,605.64	-R82,605.64	R17,394.36
Upgrade Sewer Rising Main La Mer U-key: 20200711023347	R160,000.00	R32,000.00	R128,000.00	- R128,000.00	R32,000.00

Purchase new generator for Workshop No U-key	R0.00	R0.00	R0.00	+R310,000.00	+R310,000.00
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23/05/I&E5 EXPANDED PUBLIC WORKS PROGRAMME (EPWP) POLICY NO 4 ADOPTION, IMPLEMENTATION AND EXPRESSION WITHIN KOUGA LOCAL MUNICIPALITY

The Speaker called for a show of hands to vote on the recommendations and it was unanimously approved.

Resolved (31 May 2023)

1. That the report on the Expanded Public Works Programme (EPWP) Policy No 4 Adoption, implementation and expression within Kouga Local Municipality be approved by Council.

23/05/I&E6 REALLOCATION OF MIG FUNDS WITHIN INFRASTRUCTURE AND ENGINEERING DIRECTORATES

Cllr Zana referred to page 187 and raised concern about the slow progress of the contractor working on the Loerie Sportsfield.

The Acting Director: Infrastructure & Engineering responded that the contractor is about three months into his contract and not in breach. He explained that the department is using the mechanism within the MIG finding to shift funds around in order to prevent a rollover.

The Speaker called for vote by a show of hands.

In favour: 17

The remaining Councillors abstained.

Resolved (31 May 2023)

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act 56 of 2003, approves the following proposed amendments to the 2022/2023 and 2024/2025 Capital Budget:

Project Name	2022/2023 Approved Budget (Excl. VAT)	2022/2023 Proposed Adjustments (Excl. VAT)	Increase	Decrease
Upgrading of Loerie Sports Facility U-Key: 20220509024215	R4,521,739.00	R4,081,739.00		- R440,000.00

Upgrade Sanitation System of Old Hankey-U-Key: 20190710991734	R13,574,877.00	R14,014,876.63	+R440,000.00	
Project Name	2023/2024 Approved Budget Excl. VAT)	2023/2024 Proposed Adjustments (Excl. VAT)	Increase	Decrease
Upgrading of Loerie Sports Facility 23/24 Draft Budget	R3,057,473.80	R3,497,473.80	+R440,000.00	
Upgrade Sanitation System of Old Hankey-23/24 Draft Budget	R12,808,470.14	R12,368,470.14		- R440,000.00

17.3 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

23/05/CS1 REVIEW AND UPDATE OF KOUGA LOCAL MUNICIPALITY DISASTER MANAGEMENT PLAN

Resolved (31 May 2023)

1. That the reviewed Kouga Local Municipality Disaster Management Plan be adopted by the Council.

23/05/CS2 APPROVAL OF THE CEMETERY MANAGEMENT POLICY OF KOUGA LOCAL MUNICIPALITY

Cllr Zana requested a policy that aligns with cemeteries' expectations. He acknowledged the newly approved cemeteries but highlighted that the current state of the existing cemeteries could be better. He urged that cemeteries be fenced and future cemeteries be far from residential areas.

Following the policy approval, at 15:47, the Speaker called for a 10-minute coffee break.

Resolved (31 May 2023)

1. That the policy be approved by Council.

17.4 **REPORTS BY THE CHAIRPERSON: PLANNING, DEVELOPMENT, AND TOURISM**

23/05/PDT1 REPORT: LAND EVALUATION COMMITTEE - NEW APPLICATION ON MUNICIPAL LAND & SECTION 14 COMMENTS

Cllr Yali stated that the ANC supports the application for Erf 7292 and the U-Save project, as both will benefit the communities. He raised his concern about an occupation certificate not being issued to ERF 8783.

He also raised his concern that Erf 7293 is not reflected in the report and about the church on ERF 7517.

Cllr Foley requested that the report also indicate the exact address of the ERF number.

Resolved (31 May 2023)

1. That Council takes note of the Land Evaluation Committee report.
2. That all Section 14 processes be finalised with confirmation that the land is not needed to provide the minimum level of basic municipal services.

23/05/PDT2 MUNICIPAL FUNDED EVENT CLOSEOUT REPORT: 2022 SOUTH AFRICAN LONGBOARD CHAMPIONSHIP AND 2023 SPONSORSHIP PROPOSAL

Cllr Ruth tabled the item and confirmed that the event will form part of the upcoming budget.

Resolved (31 May 2023)

1. That the event closeout report on the 2022 SA Longboard Championship is noted.
2. That Council approve of the sponsorship of R 300,000-00 (Three Hundred Thousand Rands) only all-inclusive for 2023/2024 FY only.
3. That Council authorises the Accounting Officer to conclude a Sponsorship Agreement / SLA with Surfing South Africa in respect of sponsorship stated in (2.) above.

23/05/PDT3 PARTNERSHIP AGREEMENT WITH GAMTOOS TOURISM TO HOST THE JAZZ IN THE PARK AT YELLOWOODS FESTIVAL

Cllr Ruth tabled the item and made a correction on Page 351 on point 1, that June must read October.

Cllr Mbandana recommended that the residing Councillors are included in the organising committee. Cllr Oliphant agreed, and Cllr Ruth confirmed to invite Ward councillors.

Cllr Human stated that he is in full support of the item.

Resolved (31 May 2023)

1. That Council the approves the partnership agreement of R 500,000-00 (Five Hundred Thousand Rands only) all-inclusive for 2022/2023 FY only, R 200,000.00 (Two Hundred Thousand Rands only all-inclusive)

2023/2024 FY, and R 150,000.00 (One Hundred and Fifty Thousand Rands only all-inclusive) 2024/2025 FY.

2. That Council authorise the Accounting Officer to conclude a Sponsorship Agreement / SLA with Gamtoos Tourism in respect of sponsorship stated in (1.) above.

23/05/PDT4 ESKOM FUNDING ALLOCATION FOR THE INSTALLATION OF ELECTRICAL CONNECTIONS FOR THE 2023/2024 FINANCIAL YEAR

Cllr Mbandana requested additional transformers and stated that they are still waiting for the program to start. He added that community's expectations must be managed.

Resolved (31 May 2023)

1. That the DoRa allocations of R 2 796 400.00 for the 23/24 Financial Year be noted.
2. That Council approves type 1 infill house connections to 118 households, pre-engineering plan, for the 2023/24 Financial Year.
3. That all type 1 infill houses to be electrified in Cyril Ramaphosa be within a 50 metre radius from the nearest point of supply.
4. That Council indemnifies ESKOM and accepts liability for costs of relocating electrical connections installed from informal houses to formal houses at the completion of the formal housing project.

23/05/PDT5 PATENSIE 6 RECTIFICATION PROJECT: APPROVAL OF PROJECT

Cllr Mbandana stated that the local SMMEs must also be taken into consideration.

Cllr Human concurred and further requested that the SMMEs benefit from the programme. He asked that an umbrella body for SMMEs be created to determine how they benefit.

Resolved (31 May 2023)

1. That Council approves the allocations of **R1 153 141.40** for the 23/24 for the rectification of six houses.
2. That priority for the construction of these houses be given to SMMEs that reside within the KLM area.
3. That the tender process for the construction of these houses be finalised as a matter of urgency so as to prevent any further delays and inconvenience to the displaced families.

23/05/PDT6 MUNICIPAL FUNDED EVENT CLOSEOUT REPORT: 2022 ALOE CUP RUGBY & NETBALL TOURNAMENT AND 2023 SPONSORSHIP PROPOSAL

Cllr Alexander raised concern that the event must include Kouga local schools.

Cllr Ruth agreed and proposed that at least two schools, as part of the service level agreement, are included. She was seconded by Cllr Alexander.

Resolved (31 May 2023)

1. That the closeout report on the Aloe Cup Rugby and Netball Tournament be noted.
2. That Council approves the sponsorship of R 70, 000-00 (Seventy Thousand Rands) only all-inclusive for 2022/2023 FY only.
3. That Council authorises the Accounting Officer to conclude a Sponsorship Agreement / SLA with Jeffreys Bay Primary School in respect of sponsorship stated in "2." above.
4. That at least two more local schools are invited to participate in the event.

Proposed: S Ruth

Seconded: J Alexander

23/05/PDT7 MUNICIPAL FUNDED EVENT CLOSEOUT REPORT FOR THE 2022 J-BAY SURF FESTIVAL AND 2023 SPONSORSHIP PROPOSAL

Resolved (31 May 2023)

1. That Council notes the close-out report for the funding approved in the 2022/23 financial year.
2. That Council approves the sponsorship of R 200, 000-00 (Two Hundred Thousand Rands only all-inclusive for 2023/2024 FY only.
3. That Council authorises the Accounting Officer to conclude a Sponsorship Agreement / SLA with the organizers of the J-Bay Surf Festival in respect of sponsorship stated in "2." above.

23/05/PDT8 ADOPTION OF THE ANNUAL REVIEWED 2023/2024 INTEGRATED DEVELOPMENT PLAN (IDP)

The Executive Mayor tabled the item and handed it to Cllr Ruth to present. She stated that Ward Councillors needed more time to review the final document. Therefore, she proposed that any additional submissions or corrections to errors be submitted to the IDP Manager by 2 June 2023. The submissions would then be submitted for the Mayoral Committee to review.

Cllr Maree seconded the proposal.

Cllr Mbandana and Cllr Oliphant expressed that the ANC does not support the IDP as it does not speak to the poorest of the poor.

Cllr Yali pointed out errors in the item: On page 239, the description of Ward 6 refers to the Upper Golf Course, although it is, in fact, part of Ward 15. He noted Boskloof's typing error on the same page.

He indicated on page 310 that Ward 13's Government Structure is not reflected, despite being cited for other Wards. Further, he pointed out the typing error of "infrastructure" on page 316 and queried how the SDF would develop Ward 2 as this Ward does not reflect. The same applies to Wards 3, 6, and 7. He referred to page 318 and advised that as per the Department of Health regarding constructing another clinic, a 5km distance between clinics is required. This will not be the case if the clinic is built at Oceanview.

He recommended that errors and additional submissions be sent to the Speaker's Office instead of the IDP Manager, as recommended earlier.

Cllr Ruth amended her recommendation accordingly, and Cllr Maree seconded.

The Executive Mayor reassured the Council that the IDP represents the people's will in response to the concerns expressed by Cllr Ntshota, Cllr Ndzelani, Cllr Zana, and Cllr Human. He reminded the Council of the mammoth public engagement process. This engaged over a thousand people in community meetings, the most in the Municipality's history. Thus, the IDP has genuinely captured the people's words. He expressed that Councillors were present at the public engagement with an opportunity to engage.

The Speaker called for a vote by a show of hands and there were no objections.

Resolved (31 May 2023)

1. That the 2023/2024 Annual Reviewed IDP attached as **Annexure A** to the Agenda **BE ADOPTED** as a principal strategic planning instrument which will continue to guide and inform all planning and development, and all decisions regarding planning, management and development, in the Kouga Local Municipality.
2. That the written submissions received in respect of Draft 2023/2024 IDP attached as **Annexure B** to the Agenda be considered and addressed as part of the wider, holistic and cyclical process of municipal planning.
3. That within 14 days of the adoption of the 2023/2024 Annual Reviewed IDP by Council, the Accounting Officer of the Municipality must in accordance with Section 25 (4) of the Municipal Systems Act

Give notice to the public –

- i) Of the adoption of the plan; and
 - ii) That copies of or extracts from the plan are made available for public inspection at specified places.
4. That the approved IDP and Budget be sent to CoGTA/National and Provincial Treasury within 10 days of approval.
 5. That additional submissions and corrections be submitted to the Office of the Speaker by 2 June 2023 and thereafter be tabled at the next Mayoral Committee meeting.

Proposed: S Ruth

Seconded: L Maree

23/05/PDT9 ALIENATION OF ERF 2599, SEA VISTA TO THE DEPARTMENT OF PUBLIC WORKS – APPLICATION FROM ROTARY CLUB OF ST FRANCIS FOR THE EXTENSION AND UPGRADE OF ST FRANCIS BAY CLINIC

Cllr Ruth tabled the item.

Resolved (31 May 2023)

1. That Council **grant final approval** for the donation of Erf 2599, Sea Vista to the Department of Public Works, after which it will be consolidated and rezoned with Erf 2600, Sea Vista (St Francis Bay Clinic).
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That it be noted that no objections were received with Council's intention to alienate immovable property by way of Deed of Donation to the Department of Public Works.
4. That the Department of Public Works be liable for all cost derived from the transfer.

23/05/PDT10 REQUEST FOR COUNCIL'S FINAL APPROVAL: SELLING OF VACANT MUNICIPAL RESIDENTIAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA

Cllrs Biko and Foley recused themselves from the meeting.

Cllr Zana referred to ERF 13 on page 428 and requested to see the competing bids in the bidding process.

Cllr Dhludhlu recommended that, as surety to the Council, the land be sold voetstoots. Cllr August seconded the proposal.

In response to Cllr Zana's query, Cllr Ruth referred Cllr Zana to the Tender Compliance Report on page 434. This showed the people who attended.

She further explained the concern faced with urban flood mitigation. She recommended that the Environmental Officers recommend whether the vacant municipal residential erven should not be sold and rather be kept for urban flood mitigation.

Recommended: S Ruth

Seconded: L Maree

The Speaker called for a vote by a show of hands.

In favour: 17

Not in favour: 9

At 16:39 Cllr Oliphant received a fine for speaking out of turn.

Resolved (31 May 2023)

1. That Council **grant final approval** for the alienation of vacant residential municipal properties to the successful bidders and tendered price in the table below and in line with the provisions of tender 137/2021.

<u>ERF NO</u>	<u>ZONING</u>	<u>TENDERER</u>	<u>TENDERED PRICE (EXCL. VAT)</u>	<u>MARKET PRICE</u>	<u>RESPONSIVE / NON-RESPONSIVE</u>
ERF 13, ASTON BAY	Residential	Johannes Paulus Ackerman	R180,000.00	R170,000.00	RESPONSIVE
ERF 482, ASTON BAY	Residential	Dr. Bruce G Muir	R120,000.00	R120,000.00	RESPONSIVE
ERF 509, ASTON BAY	Residential	Jeremy Clifford Myburgh	R160,000.00	R130,000.00	RESPONSIVE
ERF 537, ASTON BAY	Residential	Alicia Neline Primo	R143,000.00	R130,000.00	RESPONSIVE
ERF 610, ASTON BAY	Residential	Anton Pretorius	R135,000.00	R120,000.00	RESPONSIVE
ERF 1043, SEA VISTA	Residential	Craig Patrick Kilfoil	R250,000.00	R250,000.00	RESPONSIVE
ERF 1047, SEA VISTA	Residential	Kirsten and Thomas Pearce	R230,000.00	R180,000.00	RESPONSIVE
ERF 1050, SEA VISTA	Residential	James Tsatsire	R170,000.00	R170,000.00	RESPONSIVE PLIGHT OF THE POOR – REFER 4.2 BELOW
ERF 1051, SEA VISTA	Residential	Roland Bridgeman Clack	R201,000.00	R170,000.00	RESPONSIVE
ERF 1052, SEA VISTA	Residential	Jeremy Janille and Nerina Goeda	R170,000.00	R170,000.00	RESPONSIVE

					PLIGHT OF THE POOR – REFER 4.2 BELOW
ERF 4916, JEFFREYS BAY	Residential	Sizakele Wiseman Biyana	R200,000.00	R160,000.00	RESPONSIVE PLIGHT OF THE POOR – REFER 4.2 BELOW
ERF 5408, JEFFREYS BAY	Residential	Anele Justice Matodlana	R160,000.00	R150,000.00	RESPONSIVE
ERF 5820, JEFFREYS BAY	Residential	Delroy Bernard Rademeyer	R171,000.00	R170,000.00	RESPONSIVE
ERF 5832, JEFFREYS BAY	Residential	Rosemary Prinsloo	R130,000.00	R180,000.00	RESPONSIVE
ERF 5833, JEFFREYS BAY	Residential	Wayne Linden	R180,000.00	R180,000.00	RESPONSIVE
ERF 5838, JEFFREYS BAY		Marcia Beverley Toois	R180,000.00	R180,000.00	RESPONSIVE
ERF 6276, JEFFREYS BAY	Residential	Carla Huysamen	R430,000.00	R170,000.00	RESPONSIVE
ERF 6275, JEFFREYS BAY	Residential	David Christo Bezuidenhout	R380,000.00	R170,000.00	RESPONSIVE
ERF 225, PELLSRUS	Residential	Beats and Books NPC	R190,000.00	R180,000.00	RESPONSIVE
ERF 226, PELLSRUS	Residential	Beats and Books NPC	R190,000.00	R180,000.00	RESPONSIVE
ERF 533, PELLSRUS	Residential	Lithemba Vumazonke	R50,000.00	R15,000.00	RESPONSIVE
ERF 1034, HUMANS DORP	Residential	Melanie Frederika Biko	R150,000.00	R190,000.00	PLIGHT OF THE POOR – REFER 4.2 BELOW
ERF 1035, HUMANS DORP	Residential	Ntomboxolo Princess Ncezula	R195,000.00	R190,000.00	RESPONSIVE
ERF 1036, HUMANS DORP	Residential	Keagon Angelo Jerome Kock	R140,000.00	R190,000.00	PLIGHT OF THE POOR – REFER 4.2 BELOW
ERF 1038, HUMANS DORP	Residential	Irene Diane Lapperts	R160,000.00	R210,000.00	PLIGHT OF THE POOR – REFER 4.2 BELOW
ERF 1042, HUMANS DORP	Residential	G Potgieter Properties (Pty) Ltd	R190,000.00	R190,000.00	RESPONSIVE
ERF 1043, HUMANS DORP	Residential	G Potgieter Properties (Pty) Ltd	R190,000.00	R190,000.00	RESPONSIVE

2. That, where bids received is less than the market value, consideration of not less than 75% of the market value should be

given for Previously Disadvantaged (PDI) and First Time Homeowners (FTHO) as described in our Policy and Procedures for the Disposal of Immovable Assets adopted 29 October 2020.

3. That Council note that vacant municipal properties not allocated or not sold, be re-advertised in line with the provisions of Tender Notice 137/2021.

<u>ERF NO</u>	<u>LOCALITY</u>	<u>AREA</u>	<u>EXTENT</u>	<u>ZONING</u>	<u>MARKET PRICE</u>
ERF 325	ASTON BAY	GLENNY BUCHNER DRIVE	339m ²	Residential	R250,000.00
ERF 752	ASTON BAY	GLENNY BUCHNER DRIVE	399m ²	Residential	R240,000.00
ERF 5839	JEFFREYS BAY	KWAGGA STREET	399m ²	Residential	R180,000.00
ERF 5304	JEFFREYS BAY	KORAAL STREET	571m ²	Residential	R150,000.00
ERF 5429	JEFFREYS BAY	KORAAL STREET	520m ²	Residential	R150,000.00
ERF 1037	HUMANSDORP	GEELHOOT AVENUE	1200m ²	Residential	R190,000.00
ERF 1039	HUMANSDORP	GEELHOOT AVENUE	1200m ²	Residential	R190,000.00
ERF 1040	HUMANSDORP	GEELHOOT AVENUE	1192m ²	Residential	R190,000.00
ERF 1044	HUMANSDORP	GEELHOOT AVENUE	1200m ²	Residential	R190,000.00
ERF 1045	HUMANSDORP	GEELHOOT AVENUE	1200m ²	Residential	R190,000.00
ERF 1046	HUMANSDORP	GEELHOOT AVENUE	1200m ²	Residential	R190,000.00
ERF 1047	HUMANSDORP	GEELHOOT AVENUE	1200m ²	Residential	R190,000.00
ERF 1048	HUMANSDORP	GEELHOOT AVENUE	1200m ²	Residential	R190,000.00

4. That the Council grant authorisation to the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the properties to the successful bidders.
5. That the land is sold voetstoots.

Recommended: B Dhludhlu

Seconded: C August

6. That the Environmental Officers provide a recommendation on whether the vacant municipal residential erven should not be sold and rather be kept as urban flood mitigation.

Recommended: S Ruth

Seconded: L Maree

23/05/PDT11 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: RELOCATION OF THE HUMANSDORP MUSEUM FROM ERF 216 TO ERF 440, HUMANSDORP

Cllr Foley and Cllr Biko rejoined the meeting at 16:39.

The Speaker called for a vote by a show of hands.

In favour: 16

Not in favour: 9

Resolved (31 May 2023)

1. That Council **grants in-principle approval** for the relocation of the Humansdorp Museum to Erf 440, Humansdorp by means of a Right-to-Use Agreement of 9-years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise the intended disposal, by way of a right-to-use agreement, of the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That the leading department finalise the rezoning of the property.
5. That all administrative costs, including the rezoning of the property, be for the account of the applicant.
6. That Council grant the Accounting Officer authorisation to enter into a Right-to-Use Agreement with the applicant once all processes are concluded.
7. That maintenance be done on the municipal building located at Erf 216, Humansdorp and that it be leased, subject to a competitive process being followed as per applicable legislation and the Council approved Policy.

17.5 **REPORTS BY THE CHAIRPERSON: CORPORATE AND DIGITAL SERVICES****23/05/CDS3 OHS RISK ASSESSMENT**

Cllr Jantjes tabled the item and corrected the item numbers in accordance with the index of the agenda.

Cllr Human expressed concerns about the red blocks, which are incomplete, and that there is no budget for this item. He urged that the item is budgeted to comply.

Cllr van der Linde concurred. He requested that there is a budget for training, signage, and equipment.

The Deputy Mayor recommended that a priority list be created for budget prioritisation. Cllr van der Linde seconded the proposal.

Resolved (31 May 2023)

1. That the number of outstanding non-compliance issues be noted with concern.
2. That funding be sourced by the relevant Department to action outstanding non-compliance issues.
3. That a priority list be created for budget prioritisation.

Proposed: H Bornman

Seconded: W van der Linde

23/05/CDS4 APPROVAL OF THE RECORDS MANAGEMENT POLICY OF KOUGA LOCAL MUNICIPALITY

Resolved (31 May 2023)

1. That the policy be approved by Council.

23/05/CDS5 ORGANISATIONAL STRUCTURE: 2023/2024

Cllr Human queried why the Municipality would need a Deputy Municipal Manager if a Directorate can absorb the functions of the Deputy Municipal Manager.

In response to Cllr Human's question, the Deputy Municipal Manager explained that the Deputy Municipal Manager position is a permanent one as per Section 56 of the Municipal Systems Act. He clarified that all Section 56 Managers must be permanent; only the Municipal Manager is on a 5-year contract that expires one year following the election.

He confirmed that the proper consultation processes were followed and that all managers and directors were included. He added that there was a formal consultation meeting with IMATU, which is the current component of the municipal labour force. He advised that the institution cannot have labour forums, not by the employer's choice but by SAMU's choice. He pointed out that, due to not having enough employer representatives, the institution will not be able to establish a local labour forum. He further stressed that the institution cannot be held at ransom for not reviewing an organogram because SAMU fails its duty to staff. He reported that they had consulted the current union active in the Municipality and included it in the report. It will be included in the report due to the MEC in 14 days.

The Executive Mayor explained that the Strategic Planning Workshop considered the current organogram. The Director: Infrastructure & Engineering highlighted reasons why it is necessary to streamline the specific Directorate and split it into departments that make meaningful sense.

The Municipal Manager emphasised that the split within the Infrastructure & Engineering Directorate will not increase costs as there was small top up amount between the Director and Manager posts and

further highlighted that the split would allow the two directors to focus on the respective areas. He also indicated that the current Electrical Manager would be a qualified candidate. The split would solve a lot of technical problems.

On the Director: CDS post, he explained that many of the functions under the Director: CDS are intertwined with that of the Deputy Municipal Manager. The remaining functions of Corporate & Digital Services can therefore be absorbed by the Deputy Municipal Manager.

Resolved (31 May 2023)

1. That the Organisational Structure be approved by Council and forwarded to the MEC.
2. That the filling of positions be prioritised subject to budgetary provision and organizational priorities.

18. **CLOSURE**

The meeting closed at 17:03

B WILLIAMS
SPEAKER

DATE

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

REPORTS OF COMMITTEES OF COUNCIL:

KOUGA LOCAL MUNICIPALITY
COUNCIL OPEN AGENDA

MINUTES OF THE KOUGA AUDIT COMMITTEE

KOUGA LOCAL MUNICIPALITY
COUNCIL OPEN AGENDA

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****KOUGA AUDIT COMMITTEE****DATE: 30 JUNE 2023****ITEM NO: 23/06/KAC1****MINUTES OF THE KOUGA AUDIT COMMITTEE**1. Introduction

The purpose of this item is to refer to Council the minutes of the Kouga Audit Committee.

2. Background

Council is advised that the Kouga Audit Committee held a meeting on 24 February 2023 as well as a Special Audit Committee meeting on 25 April 2023. The Minutes of the respective meetings are attached for ease of reference.

3. Recommendation

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

Item prepared by the Kouga Audit Committee Chairperson



MINUTES OF A VIRTUAL KOUGA AUDIT COMMITTEE MEETING HELD ON FRIDAY, 24 FEBRUARY 2023 AT 08:00

PRESENT	Mr G Billson	(Chairperson)
	Mr R Coetzer	(Member)
	Mr R Moodaley	(Member)
COUNCILLORS	Ald B Williams	(Speaker)
	Cllr S Ruth	(Portfolio Chairperson: Planning, Development & Tourism)
OFFICIALS	Mr C du Plessis	(Municipal Manager)
	Mr D de Jager	(Deputy Municipal Manager)
	Mr A Koegelenberg	(Manager: PMS)
	Mr I Fakir	(Manager: Risk & Internal Audit)
	Mr S Abrahams	(Manager: Budget & Treasury)
	Ms L Opperman	(Manager: Legal Services)
	Mr M Goduka	(Manager: IT)
	Ms N Mazibuko	(Scribe)
STAKEHOLDERS	Mr C. Welch	(Auditor-General South Africa)

1. OPENING AND WELCOME

The Chairperson welcomed everyone present and read the notice convening the meeting.

2. ATTENDANCE REGISTER

Noted for circulation.

3. APOLOGIES

Cllr H Bornman	(Portfolio Chairperson: Finance)
Mr R Lorgat	(CFO)
Mr C de Kock	(Director: Infrastructure & Engineering)
Ms M Rossouw	(Acting Director: Corporate & Digital Services)

4. CONFIRMATION OF AGENDA

The Chairperson requested that the following items be included as standing items for the Audit agenda:

1. A list of all policies, their last sign off date and future review dates.
2. A report on vacancies on the organogram of the Municipality.
3. The ICT Framework Progress Plan.
4. The Disaster Recovery Plan.

5. DECLARATION OF INTEREST

None.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The Chairperson requested for grammatical corrections to be made to the minutes and highlighted that an update on the Whistle Blowing Policy is still outstanding.

6.1 MINUTES OF THE KOUGA AUDIT COMMITTEE MEETING HELD ON 13 OCTOBER 2022

Resolved: (24 February 2023)

1. That the Minutes of the Kouga Audit Committee Meeting held on 13 October 2022 be approved.

Proposed: Mr I. Fakir

Seconded: Mr R. Coetzer

7. REPORT BY THE MUNICIPAL MANAGER – OVERVIEW OF PERTINENT MUNICIPAL ISSUES

The Municipal Manager highlighted that electricity supply has become a major concern and that discussions have been held with top management on how to address the issues.

He stated that the Municipality is collaborating with other municipalities to form a 100-megawatt group, as a result, some areas within the Kouga region will receive power supply at a later stage due to the network being phased in manually. Pump stations operate using backup generators which utilise 2 500 litres of Diesel per day.

He highlighted that Waste Water Purification plants will be affected by higher stages of loadshedding when the plants are not operational and that the Municipality currently does not have resources to keep the plants operational for 24 hours as they require large generator sets.

He stated that water shortage challenges co-exist as a result of the throttling back of 30 mega litres of water per day from the Churchill pipeline. The pressure from the pipeline is not high enough to pump water through the system. Therefore, the system has to be manually operated to ensure that the water pressure is equal in all areas, especially in Humansdorp.

The completion of the current water project, estimated at R57 million, is expected at the end of March 2023 as part of the WSIG programme by the Department of Water and Sanitation. He explained that there were deviations, but they were kept at a competitive rate.

He highlighted that there are temporary setbacks at the completed Water Plants which relate to the management of the Plants, however, boreholes are alternatives to providing water as well as combating the existing water challenges. He added that theft, active sabotage and vandalism of infrastructure are also challenges that need to be addressed.

He stated that six new generator sets have been purchased for the new boreholes that need to be drilled. The resolution of the electricity issues has to be prioritized because it affects much of the Municipality's services.

Solar Plants with battery backups are expected for construction from 1st July 2023 in order for the boreholes to be removed from the Eskom grid supply and to reduce the cost of Diesel. He outlined that the estimated cost of the Solar Plants project is R16 million to R24 million.

He highlighted that the Municipality's medium-term plan is the construction of a 20 megawatt Plant in Humansdorp with funding sourced from private sector investments. A plot of land has been identified for the development and a comprehensive feasibility study will be conducted on the 20 megawatt Plant.

On the financial aspects of the Municipality, he stated that the new valuation roll is almost completed and has increased by 40% from the previous valuation. The data cleansing exercise is assisting in identifying new properties for the valuations as well as increasing construction projects and the issuing of Occupation Certificates.

He highlighted that debtors payment rates is a concern as there is an issue with how the payment rates are calculated, however, the Municipality is aware of the tough economic state that consumers are in.

He stated that the construction / building industry are doing well as more plans are being approved and construction projects are creating more employment opportunities.

In relation to organizational development, he highlighted that the Director for Infrastructure and Engineering has been appointed, a Manager for Civil Services as well as two Area Engineers, which brings the total to 12 Area Engineers.

He further highlighted that the Director for Planning, Development and Tourism has resigned and the Director: Corporate and Digital Services position is vacant, however, shortlisting has taken place for both positions.

The Chairperson thanked the Municipal Manager for the overview and was pleased that the Municipality is addressing the electrical issues.

8. MATTERS FOR DISCUSSION

23/02/KAC1 MATTERS ARISING SCHEDULE AS AT FEBRUARY 2023

The Chairperson requested that target dates for the expected time of completion be reflected in the matters arising register.

He enquired on the expected completion time for the internal audit assessments.

The Manager: Risk & Internal Audit stated that templates of the assessments will be submitted during the week, therefore, the expected time of completion is approximately the end of March 2023.

The Chairperson requested that the draft Municipal Policies and Changes Register be forwarded to the Audit Committee in order for the status of policies to be assessed. He further enquired on the number of funded vacancies within the Internal Audit department.

The Manager: Risk & Internal Audit confirmed that there are two funded vacancies which have been advertised and interviews are set to take place.

The Chairperson requested that the ICT Framework Progress Plan be circulated to the Audit Committee members after the meeting.

The Manager: Risk & Internal Audit highlighted that the Speaker had previously requested clarity on the verification of evidence relating to the compliance percentage of the 5-day turnaround target for the certification of invoices for payments and resubmission to Finance, calculated from the date of receipt.

He responded that service providers are requested to submit their invoices to a specified email address where they are logged by the Expenditure department per user department.

The invoice is then forwarded to the relevant user department where it is approved and noted in a register by the Expenditure department. The register records the date of receipt from the service provider as well as the authorization date by the user department.

The register serves as evidence for the KPI relating to the 5-day turnaround.

The Chairperson stated that the register will further address the 30-day turnaround for the payment of creditors.

Resolved (24 February 2023)

1. That the Matters Arising Schedule as at February 2023 be noted.

23/02/KAC2 CONTINGENT LIABILITY REGISTER

The Chairperson referred to page 23 and enquired on the meaning of the remark '*claim does not sound in money*'.

The Manager: Legal explained that it represents an application procedure where there is no claim for funding but an outcome that has no monetary value attached to it.

The Chairperson questioned the reasons for the motion being included as a contingent liability.

The Manager: Legal agreed that the motion could be included as a contingent liability, however, it forms part of the report on legal confirmations where the monetary value or contingent liability exposure for the Municipality is reflected.

The Chairperson suggested that the register be divided into a contingent liability component and an 'other' component.

He further requested clarity on the nature of the Summons that was issued on the 18th of December.

The Manager: Legal explained that the claim was submitted by the service provider which the Municipality rented plant and equipment from. Upon the termination of the contract, the service provider claimed for damages of the leased infrastructure.

However, the Municipality's defense is that the damage is fair wear and tear from the utilization of the vehicles and equipment.

The Chairperson highlighted that there is no timeframe for the stale court order of the eviction on the Ongegunde Vryheid farm.

The Manager: Legal stated that the matter commenced in 2016 – 2017 and it relates to property owned by the Department of Public Works and Infrastructure.

The Department is the applicant, which is why the matter is in abeyance, and the Municipality is cited as a second defendant in the matter due to the Constitutional Court Case that requires the Municipality to provide alternative accommodation for the illegal occupants that have been evicted.

The Chairperson questioned whether the cost of providing alternative accommodation at the expense of DPWI is a risk.

The Manager: Legal confirmed that it is a risk.

The Chairperson enquired on whether the summons for the monies owed for professional services rendered is admissible, if so, why were the services not paid for.

The Manager: Legal explained that the professional services were for a housing development project where the Municipality was not responsible for the payment of invoices submitted by Service Providers, but the Provincial Department of Human Settlements.

The provincial Department was included as a defendant party to the claim as the Municipality is dependent on its funding.
The Chairperson enquired on whether the additional services were commissioned by the Municipality.

The Manager: Legal Services responded that further discussions were held between the Municipality, the Department and the Service Provider.

The Chairperson questioned the appropriateness of having the matter as a potential contingent liability instead of an external legal case.
The Manager: Legal Services stated that the outcome of the case will determine whether payments are made.

Resolved (24 February 2023)

1. That the Contingent Liability Register be noted.

23/02/KAC3 UNAUTHORIZED, IRREGULAR, FRUITLESS & WASTEFUL EXPENDITURE REGISTER

The Chairperson enquired on the reasons for the status not being reflected.

The Manager: Budget & Treasury explained that the service providers were not tax compliant which resulted in the items being irregular. The AGSA then recommended that the items be listed as irregular expenditure.

He highlighted that there are currently no status updates on the items despite payments being made and services rendered.

The items will be forwarded to the MPAC for further investigation.

Resolved (24 February 2023)

1. That the Unauthorized, Irregular, Fruitless and Wasteful Expenditure Register be noted.

23/02/KAC4 MID-YEAR FINANCIAL REPORT FOR THE PERIOD OF JULY 2022 TO DECEMBER 2022 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 DECEMBER 2022 (2022/23 FINANCIAL YEAR)

The Chairperson referred to page 44 and suggested that a forecast column be added for lower percentage spendings. He enquired whether the low spendings to date are currently being maintained.

The Manager: Budget & Treasury confirmed that there is no maintenance of the lower spendings to date because they are reported by different departments/directorates. He highlighted that the contracted services increased in the Adjustments Budget 2022/23.

Mr Coetzer referred to page 46 on the Repairs and Maintenance of Roads and enquired on whether the 7.85% includes potholes.

The Manager: Budget & Treasury confirmed that the percentage includes potholes and resealing. He stated that the contractor was appointed in early January 2023, however, the full allocated budget is expected to be utilised by the financial year-end.

Mr Coetzer referred to page 41 and enquired on whether there is a list that outlines the specific properties referred to under 'Rental of facilities and equipment'.

He further enquired on whether domestic houses are included in the list and if they are occupied by Municipal staff or external parties.

The Chairperson highlighted that the rental projection reduced by R100 000 in the adjustment budget for 2022/23.

He enquired on whether the Municipality has a Rental Register in place that reflects the amount of properties that have rental agreements in place.

The Manager: Legal Services responded that the Rental Register is likely managed by the Assets department.

The Manager: Budget & Treasury confirmed that the Municipality has a Rental Register with a various properties including Municipal properties.

He stated that the rentals were previously not market related for employees but now they are market related and that there are additional rental properties which include high tower sites that are rented out to internet service providers.

He stated that the register will be submitted to the next Kouga Audit committee.

The Chairperson requested that feedback be provided on the last property audit that was conducted in relation to the state of properties.

Mr Coetzer referred to page 40 on the revenue from fines, penalties and forfeits and requested clarity on whether the 245.64% reflects fines that were written or recovered.

The Chairperson stated that the percentage could represent written fines because a new service provider was appointed and enquired on the percentage being recovered.

The Manager: Budget & Treasury clarified that the percentage reflects receipted fines and that the written fines are in excess of R30 million per annum, therefore, there was a low collection rate for fines.

The Chairperson enquired on whether the Municipality has a Capital Projects Committee that monitors the expenditure of capital projects.

The Manager: Budget & Treasury confirmed that the Municipality does not have an established committee that oversees capital projects, however, performance agreements are in place for all the Directors and Directorates in relation to capital projects expenditure.

The Chairperson questioned whether forecasts are included.

The Manager: Budget & Treasury confirmed that forecasts are not included, however, the current Institutional target is 95%.

The Chairperson referred to page 52 and requested clarity on the year end budget projections compared to the year-to-date budget employee costs.

The Manager: Budget & Treasury explained that the budget includes funded vacancies which are not yet filled and an increase of R18 million in the Adjustments budget for additional employee related provisions.

He stated that the journals will be processed once the actuarial evaluation is completed. As a result, the year to date budget will correspond with the projected budget.

The Chairperson referred to page 55 and highlighted that the Municipality has utilised around R100 million in reserves for two years.

He enquired on the number of years that the Municipality has reported deficits and utilised reserves.

The Municipal Manager stated that National Treasury has noted the issue and that it will be addressed. The Finance department is working on ensuring that there are no deficits and that the budget is balanced.

The Manager: Budget & Treasury added that the Long-Term Financial Plan has been approved by Council and it forecasts that a deficit is anticipated over the next 10 years, however, there are plans to reduce the deficit year-on-year by increasing the collection rate and minimizing operational expenditure.

The Chairperson referred to page 60 and enquired on whether there is a plan in place to address household debtors, considering the high percentages of debtors exceeding 90 days.

The Manager: Budget & Treasury stated that there is an ongoing data cleansing exercise across the Kouga region that aims to update records by ensuring that account holders' details and information is updated so that accounts are sent to the correct households and account holders - as well as the verification of meter numbers.

In addition, the billing data needs to be corrected by implementing an automated meter reading process, to prevent incorrect readings and, subsequently, incorrect billing of accounts.

He highlighted that a Debt Collection company has been appointed to handle additional accounts where there are non-payments, in an effort to clear the debtors book.

The Chairperson questioned whether the debt impairment total is correct because non-payments are written-off.

The Manager: Budget & Treasury confirmed that the debt impairment total is correct and approximately 50% of the gross debtors are provided for in the financial statements. He stressed that efforts are made to collect outstanding debts before they are written-off.

The Chairperson referred to page 63 on the Water Services Infrastructure Grant (WSIG) and highlighted that it is the only adjustment that is reflected.

He enquired on whether there are any special conditions in terms of spending timeframes.

The Municipal Manager confirmed that the amount has to be utilized by the end of March 2023 as there are four water treatment plants, costing around R7 million each, that need to be erected - as well as the drilling and equipping of the plants.

The Chairperson referred to page 64 on the Financial Management Grant (FMG) and enquired on whether there are plans to utilize the unspent balance, if so, on which specific financial management projects.

He further enquired on whether the balance can be allocated to Internal Audit.

The Manager: Budget & Treasury explained that a large portion of the grant was allocated for finance interns, however, an updated FMG plan – with the adjustment budget - has been submitted to National Treasury, so the amount will be fully spent. As a result, Internal Audit will gain an intern from the allocation.

Resolved (24 February 2023)

1. That a feedback report on the status of the rental properties/facilities be drafted and included in the next Kouga Audit agenda.
2. That a summary that lists the rental properties and their current status on vacant or rented properties and the agreements in place be circulated.
3. That the mid-year Financial Report for the Period of July 2022 to December 2022 and Financial State of Affairs of the Municipality as at 31 December 2022 (2022/2023 Financial Year) be noted.

23/02/KAC5 2022/23 ADJUSTMENT BUDGET

The Chairperson referred to page 83 on the adjustment for software licenses and enquired whether the adjustment was for new licenses or licenses that were incorrectly budgeted for.

The Manager: Budget & Treasury stated that the budget was for Office365 licenses that exceeded the bulk licensing limit.

The Manager: IT added that the Municipality is operating on an old contract with Vodacom for the supply of Office365 licenses with a user-base of 400, which has been exceeded.

The Chairperson further enquired on whether the increase in fuel and oil is for the pump station generators.

The Manager: Budget & Treasury confirmed that a large portion of the fuel and oil adjustment was for the generators for the pump stations – water and sewerage.

The Chairperson questioned whether the increase in employee related costs is a result of the additional staff who were appointed in the Infrastructure & Engineering department.

The Manager: Budget & Treasury stated that an actuarial valuation was conducted as at 30 June 2022, however, the budget was already approved hence the full effect of the provision is reflected.

The Chairperson referred to page 90 and requested clarity on the decrease in the service charges for electricity, water and sanitation.

The Manager: Budget & Treasury explained that that the Municipality billed itself for consumption of water and electricity and this was recognised as revenue. This was then allocated to an expenditure item called Municipal services.

However, Circular 108 has changed the calculation of the internal use of electricity and services, indicating that the calculation has to be netted off directly to revenue, because the revenue will never be collected.

He highlighted that the adjustments for the reduction in revenue were around R24 million and an equal reduction in expenditure.

The Chairperson referred to page 91 and highlighted that the Indigent Register was requested in the previous meeting. The Municipality needed to implement a process to monitor the eligibility of beneficiaries.

The Manager: Budget & Treasury stated that the Revenue department has a register of registered indigents, however, a separate indigent drive has been requested by community members for the registration of new indigents and updates to indigents details. There are plans in place to update the register.

The Chairperson requested that a report on the financial implications of the indigent subsidies be submitted for the Committee's perusal, as well as a register on the rental of facilities and equipment.

He referred to page 93 and requested clarity on what the Post-Retirement Benefit: Medical: Interest Cost represents.

The Manager: Budget & Treasury explained that the cost is the anticipated interest amount that will reflect on the Income Statement once the actuarial valuation is finalized at year-end.

Resolved (24 February 2023)

1. That the 2022/2023 Adjustments Budget be noted.

23/02/KAC6 AUDIT & MANAGEMENT REPORTS

The Chairperson enquired on the status of implementing the AG's actions on findings.

The Manager: Risk & Internal Audit highlighted that there are resource constraints within the Internal Audit department which hinder the initiation of a separate drive to ensure the implementation of the AG's actions on findings.

However, a process is in place to identify those findings - in the event that controls have been implemented - where a testing procedure can be undertaken during the Internal Audit reviews.

The Chairperson enquired on the timeframes of the testing procedures.

The Manager: Risk & Internal Audit responded that timeframes are as per review, therefore, specific timeframes cannot be confirmed.

Resolved (24 February 2023)

1. That the audit and management reports be noted.

23/02/KAC7 KOUGA MUNICIPALITY: DRAFT ANNUAL REPORT (2021/2022)

Resolved (24 February 2023)

1. That the Draft Annual Report (2021/2022) be noted.

23/02/KAC8 INSTITUTIONAL KEY PERFORMANCE INDICATORS 2022/23 REPORT

The Chairperson highlighted the importance of the Municipality's Section 56 Managers understanding their performance contracts as well as their KPI's to ensure that there is alignment and accountability for performance outcomes.

Resolved (24 February 2023)

1. That the Institutional Key Performance Indicators 2022/2023 report be noted.

23/02/KAC9 JOURNAL PROCESSING REPORT

Resolved (24 February 2023)

1. That the Journal Processing report be noted.

23/02/KAC10 BUDGET VERIFICATIONS PROCESS REPORT

Resolved (24 February 2023)

1. That the Budget Verifications Process report be noted.

23/02/KAC11 STRATEGIC RISK REGISTER AS AT FEBRUARY 2023

The Chairperson highlighted that 'Boreholes' are not included as water security mitigation plans and questioned whether the register will be updated.

The Manager: Risk & Internal Audit stated that some of the Infrastructure & Engineering related risks are included in the register, but need to be re-assessed and will be discussed at the scheduled workshop with the department.

Resolved (24 February 2023)

1. That the Strategic Risk Register as at February 2023 be noted.

23/02/KAC12 INTERNAL AUDIT FINDINGS TRACKER AS AT FEBRUARY 2023

The Chairperson stated that summary templates that highlight the number of findings per department and whether they had been addressed – successfully or not – by the relevant department were provided to Internal Audit for consideration.

He requested that the summary document be used when the Internal Audit Tracker is compiled to assist the Audit Committee in monitoring the effectiveness of the implementation of actions.

Resolved (24 February 2023)

1. That the Internal Audit Findings Tracker as at February 2023 be noted.

23/02/KAC13 ACTUAL VS PROGRESS INTERNAL AUDIT PLAN AS AT FEBRUARY 2023

The Chairperson requested that the format of the Audit Plan be separated between the number of reviews and other internal audit administrative actions/tasks that were done.

He further enquired whether the Audit Plan can be completed by June 2023, given the available Internal Audit hours.

The Manager: Risk & Internal Audit stated that there are intentions to complete the Audit Plan, however, the objective is to limit the amount of carry-overs going into the following year.

There is no certainty that all the reviews on the Audit Plan will be completed timeously, considering the current staff capacity.

The Chairperson enquired which reviews in the Audit Plan are likely to carry over to the following year.

The Manager: Risk & Internal Audit stated that the following reviews were likely to be carried over to the 2023/4 financial year : the Asset Alienation Review, the Municipal Assets Review and the Credit Control Review.

The Chairperson stated that the finalization of the Strategic Risk Register will inform Internal Audit on the audits that need to be considered.

He further raised concerns that the Municipality is not identifying all the relevant risks and that the necessary number of internal audits are not taking place due to the staff capacity constraints within the Internal Audit department.

The Manager: Risk & Internal Audit noted the concerns raised and stated that the department also performs risk work.

The Chairperson highlighted that the Audit Committee Charter is outdated and was last signed in 2021.

The Manager: Risk & Internal Audit stated that the Audit Committee Charter will be updated and circulated to the Committee.

Resolved (24 February 2023)

1. That the Actual vs Progress Internal Audit Plan as at February 2023 be noted.
2. That the Audit Committee Charter be finalized and submitted to the next Audit Committee meeting.

9. ADDITIONAL MATTERS FOR DISCUSSION: FRAUD HOTLINE

The Manager: Risk & Internal Audit stated that the Municipality has a Whistle Blowing Policy that was approved by Council in July 2022. He indicated that the responsibilities for Internal Audit within the policy are not compatible with Internal Audit's function.

He highlighted that he had discussed the capabilities of Internal Audit in relation to implementation standards and the Internal Audit Charter with the Manager: Legal Services. Feedback from the discussions will be forwarded to the Audit Committee to consider the proposed amendments to the Policy.

The Chairperson enquired on whether there were any fraud cases reported and it was indicated that there were none.

The Chairperson highlighted that a meeting was held with the Disciplinary Committee last year and questioned whether the minutes of the meeting were circulated. He further enquired on whether there were any cases that needed to be reviewed by the Disciplinary Committee.

The Manager: Legal Services confirmed that the minutes of the meeting will be circulated by the end of the following week and that nothing has been reported that requires the attention of the Disciplinary Committee.

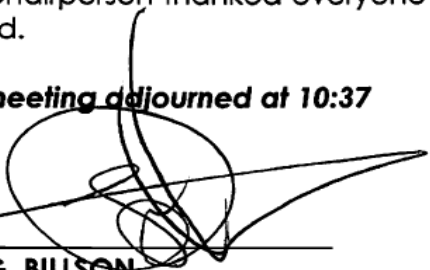
10. **DATE OF NEXT MEETING**

26 May 2023

11. **CLOSURE**

The Chairperson thanked everyone for their inputs and declared the meeting closed.

The meeting adjourned at 10:37



MR. G. BILLSON
CHAIRPERSON

23 MARCH 2023

DATE

MINUTES OF A VIRTUAL SPECIAL KOUGA AUDIT COMMITTEE MEETING HELD ON TUESDAY, 25 APRIL 2023 AT 14:00

PRESENT	Mr G Billson Mr R Coetzer Mr R Moodaley	(Chairperson) (Member) (Member)
COUNCILLORS	Cllr J Alexander	(Chairperson: MPAC)
OFFICIALS	Mr C du Plessis Ms N Machelesi Mr C de Kock Mr A Koegelenberg Mr I Fakir Ms S Mpumela Mr S Abrahams Ms L Opperman Mr N Swarts Ms N Mazibuko	(Municipal Manager) (Director: Community Services) (Director: Infrastructure & Engineering) (Manager: PMS) (Manager: Risk & Internal Audit) (Internal Auditor) (Acting CFO) (Manager: Legal Services) (Manager: Assets) (Scribe)
STAKEHOLDERS	Mr C Welch Ms S Budaza Mr M Mhluzi	(Auditor-General South Africa) (Provincial Treasury: Eastern Cape) (Provincial Treasury: Eastern Cape)

1. OPENING AND WELCOME

The Chairperson welcomed everyone present and read the notice convening the meeting.

2. ATTENDANCE REGISTER

Noted for circulation.

3. APOLOGIES/LEAVE OF ABSENCE

Cllr H Bornman	(Portfolio Chairperson: Finance)
Mr R Lorgat	(CFO)
Mr D de Jager	(Deputy Municipal Manager)

4. CONFIRMATION OF AGENDA

Noted.

5. DECLARATION OF INTEREST

None.

6. MATTERS FOR DISCUSSION

23/04/KAC1 DRAFT MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) - BUDGET FOR 2023/24 TO 2025/26 FINANCIAL YEARS

The Chairperson referred to page 13 and requested clarity on the property rates decreasing to 23.3%.

The Manager: Budget & Treasury responded that the new general valuation roll will be implemented in the 2023/24 financial year and that the average increase on the valuation roll is approximately 42%.

There will be a reduction in the cents in the Rand, however, the actual revenue increase will be 18% - 19% due to increased property values.

The Chairperson referred to page 10 and noted that three additional wind farms and a hybrid energy factor are anticipated for construction through foreign development. He enquired on how the foreign development relates to potential loan funding, which is highlighted on page 13.

The Manager: Budget & Treasury responded that alternative funding solutions are being considered, such as grant funding, instead of loan funding. However, the process has not been finalised.

The Chairperson referred to page 15 and enquired on the reasons for the decreased balance for 'Sale of Goods and Rendering of Services' and 'Agency Services'.

The Manager: Budget & Treasury stated that there were allocation issues with the 'Agency Services' which will be addressed before the final budget is completed.

The Chairperson further enquired on the decrease in operational revenue.

The Manager: Budget & Treasury stated that the amount relates to the once-off reimbursement of housing funding that was budgeted in the current financial year for services performed on behalf of the Human Settlements department. However, the amount is not applicable in the next financial year.

The Chairperson enquired on the realistic collection rate for 'Fines, Penalties & Forfeits' to date.

The Manager: Budget & Treasury stated that 88% has been collected to date for the current year and explained that the increase is due to the appointment of an external service provider to do the camera fines on behalf of the Municipality.



He further clarified that the current year to date amount of R6 483 000 is not anticipated but reflects the actual collections that were received, as indicated in the Income Statement.

The Chairperson referred to page 16 and enquired on the reasons for the '*Electricity Service*' charges being 33% instead of the 15% adjustment from NERSA.

The Manager: Budget & Treasury explained that the percentages in Table 3 do not reflect the year-on-year increases but the mix of revenue sources, therefore, the 33% of the total revenue is for electricity services.

The Chairperson referred to page 20 and noted an increase for '*Employee related Costs*'. He enquired on whether the filling of unfunded positions have been budgeted for.

The Manager: Budget & Treasury confirmed that the positions have been budgeted for.

The Chairperson further enquired on the amount for the current debt impairment year-to-date.

The Manager: Budget & Treasury stated that the current debt impairment is R7 million (17.14%) and that a full assessment will be conducted at year end in preparation for the financial statements.

The Chairperson enquired on whether the reflected R32.2 million will be attained.

The Manager: Budget & Treasury confirmed that it will be based on the increase of outstanding debtors which is approximately R50 million and a current provision of over 70%.

The Chairperson enquired on the target for employee costs to total revenue.

The Manager: Budget & Treasury stated that the calculation is usually conducted on total expenditure, which is currently 35%, however, the aim is to keep it below 35%.

The Chairperson referred to page 23 on the '*Roads Infrastructure*' budget and highlighted that no adjustments are being made for inflation-based increases, which mean that the repair and maintenance budget will decrease. As a result, there will be a decrease in the road infrastructure maintenance for the year ahead.

The Manager: Budget & Treasury highlighted that there is an ongoing project of R10 million per/annum for the resealing of roads, which is sustained over the MTREF. However, additional decisions have been taken such as the allocation of VAT from the grant funding to the infrastructure projects.



He further stated that electrical and sanitation infrastructure are the focal point for the next financial year because of the current issues facing the Municipality.

The Chairperson enquired on whether the anticipated KPI for road infrastructure maintenance will be lower since the Municipality's focus is electrical and sanitation infrastructure.

The Manager: Budget & Treasury confirmed that the KPI will be low, however, if additional funding becomes available then the KPI will be adjusted accordingly in the Adjustments budget and SDBIP.

The Chairperson referred to page 27 and enquired on how the deficit will be funded if not from non-current assets.

The Manager: Budget & Treasury highlighted that the deficits are not cash deficits. The cash deficits from the 2023/24 financial year are funded from the current cash reserves on hand. However, engagements with Provincial Treasury are ongoing on the matter.

He stated that a long-term financial plan has been approved and it indicates how the deficits will be reduced over the next 5 – 10 years. A net reserve of R100 million is anticipated, provided that the long-term financial plan is implemented fully.

The Chairperson referred to page 29 and enquired on the increase of the '*Planning and Development*' budget.

The Manager: Budget & Treasury stated that the increase is a result of the development of the new GIS system for building plans and their submission thereof.

The Chairperson referred to page 33 and noted that the amounts for the upcoming years have been excluded. He questioned the reasons behind the exclusion.

The Manager: Budget & Treasury explained that no capital budget has been allocated for the next 3 financial years.

The Chairperson noted the amount fluctuations for '*Economic and Environment Services*' and questioned the balances.

The Manager: Budget & Treasury explained that the amounts need to be considered jointly with the trading services amounts as the capital budget is fully funded from the grant funding. As a result, '*Road Transportation*' consists of the upgrading of gravel roads – with a total allocation of R37 million.

He stated that the '*Waste Water Management*' amount will be split with '*Road Transport*' in the first year. However, as the project draws to an end, the '*Road Transport*' amount will be increased in the second and



third year. The MIG funding is a fixed amount that is allocated based on project readiness and completion.

The Chairperson enquired on whether a similar approach was followed for 'Energy Sources' in relation to the fluctuating balances over the upcoming years.

The Manager: Budget & Treasury confirmed that the energy projects are mostly funded through the INEP grant, however, the Municipality was not prepared for an electrification project in the current year. This has changed since the progression of the housing project, as a result, the allocation will increase in line with the approval of the housing development.

Once the housing construction commences then the INEP grant will be released for the electrification of RDP houses.

The Chairperson enquired on what the R600 000 for 'Other' entails.

The Manager: Budget & Treasury stated that the mSCOA chart provides that an allocation to 'other' can be done if there are no specific functions. He further highlighted that the documents are locked, therefore, edits cannot be made.

The Chairperson referred to page 35 on current assets and raised concerns that the amounts for 'Inventory', 'VAT' and 'other current assets' is unvarying, which could mean that the schedule has not been updated.

The Manager: Budget & Treasury stated that the amounts are a reflection of the budget assumptions that are made when the budget is prepared. He illustrated by stating that an assumption is made when all inventory purchases made during the year are utilised in the same year.

He stated that discussions will be held with Provincial Treasury on whether the methodology of allocating all the input and output VAT for the year, then reflecting them on the Income Statement instead of the Balance Sheet is viable.

On the provisions, he highlighted that a decision was taken that actuarial valuations be conducted for the current year and the next financial year. The actual data for provisions is not available for the outer years, hence, the amount remains constant.

The Chairperson referred to page 39 on 'Water Supply Infrastructure' and questioned whether there is no budgeted amount for the 2023/24 financial year, considering that water supply is the Municipality's priority.

The Manager: Budget & Treasury confirmed that there is no budgeted amount for Capital projects for the year.

Mr Moodaley referred to page 45 on liquidity and enquired on whether the reflected ratio of 0.01 for the 2023/24 financial year is correct.

The Manager: Budget & Treasury confirmed that the ratio is corrected and directed the committee to page 46.

The Manager: Risk & Internal Audit enquired on what the current cost coverage is and whether it is satisfactory.

The Manager: Budget & Treasury responded that the current cost coverage is 0.10 and 0.02 for the 2023/24 financial year. He added that the values are unsettling in relation to the long-term financial plan, however, there are plans to increase the cost coverage for the medium-to-long term in line with the long term financial plan.

The Chairperson proposed that the cost coverage be monitored and included in the Audit Committee review.

The Manager: Risk & Internal Audit supported the proposal and stated that the ideal tolerance should be considered in relation to the cost coverage ratio. He further enquired on the goal in terms of cost coverage.

The Chairperson further questioned National Treasury's guideline in relation to the cost coverage desired objective.

The Manager: Budget & Treasury responded that the cost coverage guide is 1 to 3 months.

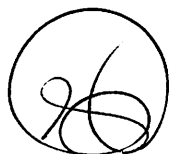
Ms Budaza highlighted that engagements have been held with the Municipality on the Draft Budget, according to Provincial Treasury, the budget is currently unfunded by R1.8 million. The value is expected to increase to R8 million by the next 2 financial years.

She stated that the Budget and Treasury department has been advised to address all outstanding issues in order to achieve a funded budget.

On the query that was escalated to National Treasury, she stated that feedback is still awaited, however, a follow up will be done on the matter.

The Chairperson stressed that a number of adjustments and amendments need to be done and enquired on the anticipated date of the final budget, given the comments from Provincial Treasury.

The Manager: Budget & Treasury highlighted that there are a number of issues that need to be discussed with Provincial Treasury and principle decisions that need to be in alignment.



He highlighted the process of engaging with the public and stakeholders in underway and that the deadline for inputs is 11 May 2023. All inputs will then be considered from the public participation process.

He stated that a copy of the final budget can be made available to the Audit Committee before the Council Meeting.

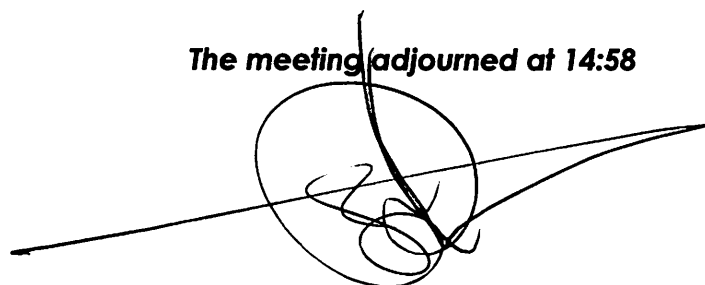
7. DATE OF NEXT MEETING

26 May 2023

8. CLOSURE

The Chairperson thanked everyone for their inputs and declared the meeting closed.

The meeting adjourned at 14:58



**MR. G. BILLSON
CHAIRPERSON**

31/5/2023

DATE

MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

KOUGA LOCAL MUNICIPALITY
COUNCIL OPEN AGENDA

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

DATE: 30 JUNE 2023

ITEM NO: 23/06/MPAC1

MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

1. Introduction

The purpose of this item is to refer to Council the minutes of the Municipal Public Accounts Committee.

2. Background

Council is advised that the Municipal Public Accounts Committee had meetings on 23 February 2023, 23 March 2023 and 28 March 2023, 20 April 2023 and the minutes of the meetings are attached for ease of reference.

3. Recommendation

3.1 That the minutes of the Municipal Public Accounts Committee be noted.

Item prepared by the MPAC Chairperson:



**MINUTES OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON
THURSDAY, 23 FEBRUARY 2023 AT 10:20 IN THE COUNCIL CHAMBERS**
Present: Committee Members

Cllr J. Alexander (Chairperson)
 Cllr C. August
 Cllr R. Foley
 Cllr F. Heystek
 Cllr B. Human
 Cllr H. Murray
 Cllr P. Oliphant
 Cllr M. Biko
 Cllr W. Van der Linde

Officials

Mr C. du Plessis (Municipal Manager)
 Mr D. de Jager (Deputy Municipal Manager)
 Mr R. Lorgat (CFO)
 Mr A. Koegelenberg (Manager: PMS)
 Mr I. Fakir (Acting Manager: Risk & Internal Audit)
 Ms N. Machelesi (Director: Community Services)
 Ms L. Opperman (Manager: Legal Services)
 Mr A. Koegelenberg (Manager: PMS)
 Ms N. Zode (Scribe)

Stakeholders

Ms L. Mostert (Public Representative)
 Adv A. Klopper (Public Representative)

1. OPENING AND WELCOME

The Chairperson read the notice convening the meeting and requested Cllr Foley to open the meeting with prayer.

The Chairperson stated that he received requests for investigations which he will table later.

Cllr Oliphant proposed that the investigations should be discussed by the Committee "In Committee" when officials have been excused.

Mr Klopper concurred with the Councillor.

2. DECLARATION OF INTEREST

None of the members had anything to declare.

3. APPLICATION FOR LEAVE OF ABSENCE / ABSENT WITH APOLOGY/ ABSENT WITHOUT APOLOGY

3.1 **ABSENT WITH APOLOGY**

Cllr L. Nkilishane

Cllr B. Human

Mr D. De Jager

(Deputy Municipal Manager)

Mr C. De Kock

(Director: Infrastructure & Engineering)

3.2 **ABSENT WITHOUT APOLOGY**

Cllr C. August

4. **PRESENTATIONS**

None.

5. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Resolved to Recommend (23 February 2023)

1. That the minutes of the Municipal Public Accounts Committee meeting held on 8 December 2022 be accepted.

Proposed by: Cllr M. Biko

Seconded by: Cllr M. Van der Linde

Resolved to Recommend (23 February 2023)

2. That the minutes of the Municipal Public Accounts Committee meeting held on 26 January 2023 be accepted.

Proposed by: Cllr R. Foley

Seconded by: Cllr F. Heystek

6. **MATTERS FOR DISCUSSION**

23/02/MPACC1 MPAC RESOLUTIONS AS AT 8 DECEMBER 2022

The Committee requested that the action sheets be updated accordingly.

Resolved to Recommend (23 February 2023)

1. That the updated Action Sheets reflecting outstanding resolutions of MPAC as at 8 December 2022 be noted.

23/02/MPACC2 KOUGA MUNICIPALITY: DRAFT: ANNUAL REPORT (2021/2022)

Cllr Oliphant stated that there is a workshop which will be held where Auditor General will present the Annual Report, he further proposed that MPAC join the workshop.

Ms Mostert stated that there are issues which require clarification by Directors first before Auditor General, the Directors should be invited by MPAC for clarities.

Cllr Oliphant concurred with Ms Mostert.

Resolved to Recommend (23 February 2023)

1. That the draft 2021/22 Annual Report be noted.
2. That the draft 2021/22 Annual Report be made public, and that the local community be invited to submit representations and comment on the Annual Report.
3. That the draft 2021/22 Annual Report, together with the minutes of the meeting of Council where the Annual Report was submitted, be submitted to the Auditor General, the Eastern Cape Provincial Treasury and Eastern Cape Department of Cooperative Governance and Traditional Affairs.
4. That the draft of the 2021/22 Annual Report be submitted to the Municipal Public Accounts Committee for scrutiny and preparation of an Oversight Report.

23/02/MPACC3

AUDIT & MANAGEMENT REPORTS

The Committee noted the item.

Resolved to Recommend (23 February 2023)

1. That the Audit Report for the year ended 30 June 2022 be noted
2. That the Management Report for the year ended 30 June 2022 be noted

23/02/MPACC4 MID-YEAR FINANCIAL REPORT FOR THE PERIOD OF JULY 2022 TO DECEMBER 2022 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 DECEMBER 2022 (2022/23 FINANCIAL YEAR)

The Committee noted the item and further excused all officials from the meeting.

Resolved to Recommend (23 February 2023)

1. That the Mid-year Financial Report for the period of July 2022 to December 2022 and Financial State of Affairs of the Municipality as at 31 December 2022 (2022/23 Financial Year) be noted.

23/02/MPACC5 OUTCOME: INVESTIGATION INTO THE WAIVING OF PENALTY FEES- WAIVING OF BUILDING CONTROL PENALTY FEES FOR ERF 875 JEFFREYS BAY RESIDENTIAL DEVELOPMENT

The Committee excused all officials and held discussions "In Committee".

7. DATE OF NEXT MEETING

23 March 2023

8. CLOSURE

The Chairperson thanked the Committee and all officials present for their valuable input and for attending the meeting.

The meeting adjourned at 11:20.



**CLLR J. ALEXANDER
CHAIRPERSON**

25 May 2023
DATE

**MINUTES OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON
THURSDAY, 23 MARCH 2023 AT 10:20 IN THE COUNCIL CHAMBERS**
Present: Committee Members

Cllr J. Alexander (Chairperson)
 Cllr C. August
 Cllr R. Foley
 Cllr F. Heystek
 Cllr B. Human
 Cllr P. Oliphant
 Cllr M. Biko
 Cllr L. Nkilishane
 Cllr W. Van der Linde

Officials

Ms N. Zode (Scribe)

Stakeholders

Ms L. Mostert (Public Representative)

1. OPENING AND WELCOME

The Chairperson read the notice convening the meeting and requested Cllr Human to open the meeting with prayer.

2. DECLARATION OF INTEREST

None of the members had anything to declare.

3. APPLICATION FOR LEAVE OF ABSENCE / ABSENT WITH APOLOGY / ABSENT WITHOUT APOLOGY
3.1 ABSENT WITH APOLOGY

Cllr H Murray
 Adv. A Kloppe (Public Representative)

3.2 ABSENT WITHOUT APOLOGY

Cllr M. Mbandana

4. PRESENTATIONS

None.

5. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Resolved to Recommend (23 March 2023)

1. That the minutes of the Municipal Public Accounts Committee meeting held on 23 February 2023 be accepted.

Proposed by: Cllr P. Oliphant

Seconded by: Cllr F. Heystek

6. **MATTERS FOR DISCUSSION**

23/03/MPACC1 WAIVING OF PENALTIES

The committee indicated that the Speaker and the MM must be informed about the intention to investigate the matter.

Time frames should also be indicated clearly and what is required by the committee, each case be treated individually, legal costs and resources to be considered as well.

An action plan must be established by the committee which gives clear guidance on what should be done on the investigation procedure.

Speaker and Municipal Manager will be informed by MPAC that they are embarking on an investigation process, and it will be tabled to Council. Upon receiving information and all attachments required, the committee will investigate the issues raised.

The complainant should be invited to table their complaint and bring additional information where possible before MPAC.

The allegations should be separated from the item of waiving penalties

Cllr Foley requested that the intention to investigate be tabled to Council first for advice before investigating the matter.

Cllr August concurred.

Cllr Foley stated that an investigation according to the municipal structures act should be directed by Council. He further indicated that the Committee must also note that MPAC is made up of Councillors who also serve at rules and ethics.

The Chairperson stated that Council refers items to rules and ethics committee, the MPAC committee initiates investigation

The Chairperson requested legal manager to advise on the matter at hand.

Legal manager stated that in terms of allegations or misconduct of a Councillor, the rules and ethics committee is responsible for investigating such issues. It is outside the scope of MPAC to investigate a conduct of a Councillor, MPAC can investigate the administrative process of the Municipality. The amended structures act provides that MPAC at its own initiative can investigate and refer the report to Council through the office of the Speaker with recommendations.

Ms Mostert agreed with the legal advise and indicated that MPAC investigates the processes followed by the municipality and the measurements put in place and standard operating procedures. MPAC does not preliminary investigate individuals, MPAC investigates procedures.

The committee resolved to refer the item to a Special MPAC meeting to be held on the 28 March 2023 to finalise the item.

Resolved to Recommend (23 March 2023)

1. That the item be referred to the next meeting.

7. **DATE OF NEXT MEETING**

20 April 2023

8. **CLOSURE**

The Chairperson thanked the Committee and all officials present for their valuable input and for attending the meeting.

The meeting adjourned at 12:40.



CLLR J. ALEXANDER
CHAIRPERSON

25 May 2023
DATE

**MINUTES OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON
TUESDAY, 28 MARCH 2023 AT 09:20 IN WOLTEMADE BUILDING**

Present: Committee Members

Cllr J. Alexander	(Chairperson)
Cllr C. August	
Cllr R. Foley	
Cllr F. Heystek	
Cllr B. Human	
Cllr M. Biko	
Cllr H. Murray	
Cllr W. Van der Linde	

Officials

Ms N. Zode	(Scribe)
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Stakeholders

Ms L. Mostert	(Public Representative)
Adv. A. Kloppe	(Public Representative)

1. **OPENING AND WELCOME**

The Chairperson read the notice convening the meeting and requested Cllr August to open the meeting with prayer.

2. **DECLARATION OF INTEREST**

None of the members had anything to declare.

3. **APPLICATION FOR LEAVE OF ABSENCE / ABSENT WITH APOLOGY / ABSENT WITHOUT APOLOGY**

3.1 **ABSENT WITH APOLOGY**

Cllr M Mbandana
Cllr P Oliphant

3.2 **ABSENT WITHOUT APOLOGY**

Cllr L. Nklishane

4. **PRESENTATIONS**

None.

5. **MATTERS FOR DISCUSSION**

23/03/MPACC1 WAIVING OF PENALTIES

The Chairperson stated that the purpose of the special meeting is to finalise the waiving of penalties item and refer it to Council.

The Committee requested the final report to be distributed amongst the Committee members in order to finalise the report.

Adv. Klopper stated that the report last served on the 8 December 2022 where the Committee made amendments and recommendations, which were captured accordingly. The recommendations of the report were then approved by the Committee.

Ms. Mostert advised that the committee should adopt an action plan which indicates which items the Committee needs to discuss next.

Adv. Klopper further proposed that an action plan be developed which will indicate a process plan with dates on how to proceed with the investigations at hand.

The Committee went through the report and no issues were raised on the report, the item was approved and referred to Council by the Committee.

Resolved to Recommend (28 March 2023)

1. That the item be approved and referred to Council.

6 **DATE OF NEXT MEETING**

20 April 2023

7. **CLOSURE**

The Chairperson thanked the Committee and all officials present for their valuable input and for attending the meeting.

The meeting adjourned at 11:00.



**CLLR J. ALEXANDER
CHAIRPERSON**

25 May 2023
DATE

**MINUTES OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON
THURSDAY, 20 APRIL 2023 AT 10:10 IN THE COUNCIL CHAMBERS**

Present: Committee Members

Cllr J. Alexander	(Chairperson)
Cllr C. August	
Cllr R. Foley	
Cllr F. Heystek	
Cllr P. Oliphant	
Cllr H. Murray	
Cllr M. Biko	
Cllr L. Nkilishane	
Cllr W. Van der Linde	

Officials

Ms N. Zode	(Scribe)
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Stakeholders

Ms L. Mostert	(Public Representative)
Adv. A Klopper	(Public Representative)

1. **OPENING AND WELCOME**

The Chairperson read the notice convening the meeting and requested Cllr Foley to open the meeting with prayer.

2. **DECLARATION OF INTEREST**

None of the members had anything to declare.

3. **APPLICATION FOR LEAVE OF ABSENCE / ABSENT WITH APOLOGY/ ABSENT WITHOUT APOLOGY**

3.1 **ABSENT WITH APOLOGY**

Cllr B. Human

3.2 **ABSENT WITHOUT APOLOGY**

Cllr M. Mbandana

4. **PRESENTATIONS**

None.

5. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

5.1 **MINUTES OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON 23 MARCH 2023**

Ms. Mostert corrected the sentence on page 7 to read as follows: MPAC does not preliminary investigate individuals, MPAC investigates procedures.

Resolved (20 April 2023)

1. That the minutes of the Municipal Public Accounts Committee meeting held on 23 March 2023 be accepted with amendments.

Proposed by: Cllr P. Oliphant

Seconded by: Cllr H. Murray

5.2 **MINUTES OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON 28 MARCH 2023**

Resolved to Recommend (20 April 2023)

1. That the minutes of the Municipal Public Accounts Committee meeting held on 28 March 2023 be accepted.

Proposed by: Cllr F. Heystek

Seconded by: Cllr W. Van der linde

6. **MATTERS FOR DISCUSSION**

23/04/MPACC1 MPAC RESOLUTIONS AS AT 23 FEBRUARY 2023

The Committee noted that the spit item had been finalized by Council. They agreed that the spit item be removed from the action sheets after the item and resolution of Council had been tabled for noting at the next meeting.

The Committee agreed to establish a standard operating procedure on how to start/proceed with investigations when items and requests are referred to MPAC for investigations. A legal opinion is to be sought on whether the Committee can establish their own SOP for investigations.

Cllr van der Linde stated that the court case on the spit item has been finalised, can MPAC investigate the issue?

Adv Klopper advised that if all court procedures have been exhausted and there is no intention by either party to pursue the matter further, MPAC can proceed with their investigation.

The Committee enquired on whether an item number can be generated by the Committee for the two letters received from Councillors for investigation.

Adv Klopper indicated that he does not anticipate any issues with creating item numbers, irrespective of the content of the item.

Cllr Foley stated that an SOP is required which will give clear guidance on how to proceed and steps to be followed when investigations are tabled before MPAC.

The Chairperson proposed that the meeting takes a quick break in order to invite Manager Legal to give an opinion on the item number issue, and the establishment of SOP.

The meeting had a 10 minute break.

The Chairperson indicated that Manager Legal is currently in another meeting and is unable to respond to the queries.

Cllr Foley enquired whether the letters were tabled under a specific agenda item number. The letters were indicated within an item heading titled as waiving of penalties.

Cllr Oliphant indicated that the letters were combined under one report which did not have an item number. However, the date which the item was tabled can be used as a basis to establish an item number. There were numerous issues indicated in the report which the Committee agreed that the issues should be split.

The Chairperson enquired whether the Committee agrees that item numbers be generated for investigation items which were combined under one report.

Cllr Oliphant stated that since the item was tabled in March, the item number should reflect March as there were actions taken on the investigation item.

Cllr Foley indicated that the Committee cannot go back to the item and split it then reflect it on the action sheets because the item served under a combined report. That would not be a true reflection of what transpired at the meeting. And the minutes have already been confirmed. The Committee should have split the items when they were tabled and discussed them under their separate headings.

Adv Klopper stated that he was not in attendance at the said meeting but the confidential investigative item which served under a separate cover. The item reference was indicated as 23/03/MPACC1 Matters referred or initiated by MPAC in terms of section 79. The discussions should have been held under that heading. He further indicated that he agrees with Cllr Foley that new matters cannot be added to minutes that have been confirmed.

Cllr Oliphant stated that the issues had already been discussed but the issue was the combination of items. However, the item can continue as is since action has been taken on the item. He further indicated that he thought separating the items would be a corrective measure to avoid confusion.

Cllr Foley stated that the item which was tabled as indicated by Adv Klopper was discussed, further in the report there was also a heading of waiving of penalties which then confused the Committee. The Committee requires a legal opinion as the report reflected different matters under one report.

Adv Klopper stated that the discussions indicated under waiving of penalties which were meant for the other item can be extracted from the minutes and placed under the item. That would not be changing the item but rather placing the correct discussions under the relevant item.

Cllr Foley stated that he does not feel comfortable changing minutes in that manner, capturing it on the minutes today would make sense.

Cllr Oliphant stated that Adv Klopper gave the Committee a constructive guidance which should be supported.

Cllr Foley stated that he would still like to get a legal opinion from Manager Legal Services on the minutes issue. He further stated that he has nothing against the legal advice of Adv Klopper.

Cllr August seconded Cllr Foley.

Cllr Oliphant proposed that the Chairperson should table the advice of Adv Klopper to Manager Legal Service for her view on the matter and table the response at the next MPAC meeting.

Adv Klopper stated that his submission is based on the premise that the matters were discussed officially in the meeting and that it was not an off record discussion.

The Chairperson noted the Committee's proposals and indicated that he will liaise with Manager Legal Services and Adv Klopper. He will report to the Committee at the next meeting.

Resolved to Recommend (20 April 2023)

1. That the updated Action Sheets reflecting outstanding resolutions of MPAC as at 23 February 2023 be noted.

23/04/MPACC2**REQUEST FOR INVESTIGATION**

The Chairperson advised the Committee that on the 4 April 2023 letters were served to the Municipal Manager and the Speaker, the matter will be tabled at the next Council meeting.

Cllr Oliphant enquired on whether the item will be tabled to Council for noting.

The Chairperson confirmed that the item will be tabled to Council for noting in line with the amended Structures Act, further guidance will be provided by Council.

He further indicated that he received a letter from Cllr Yali, he then read the letter to the Committee.

Cllr Oliphant noted the letter and indicated that the author should not advise on the outcome of the request to investigate.

The Chairperson thanked the Councillor for his comment and indicated that he has requested guidance on a response to the letter in terms of the amended Structures Act.

Cllr Foley advised that the Committee should set requirements for requests to investigate. Establishment of standard operating procedures for investigation should encapsulate such issues. The Committee should have clear steps and guidance on proceeding with investigations.

Cllr Oliphant proposed that an outreach program be conducted for public to be notified on how to structure complaints and requests to investigate for MPAC. He further proposed that the Chairperson, Adv Klopper and Ms Mostert conduct a preliminary investigation to establish grounds for investigation and report back to the Committee. The Chairperson should write a letter to the Speaker and Municipal Manager regarding the investigation.

Adv Klopper stated that he did request for the establishment of guidelines at a previous meeting which will indicate the rules and steps to be followed by the Committee for investigations. The Chairperson has the responsibility to table to the Committee letters submitted to his office by the public for discussion. The Committee will determine what requires to be investigated based on their jurisdiction. He further advised that officials and the scribe should be excused when investigation items are tabled.

He proposed that a standing item be placed in the agenda "matters referred to MPAC for investigation in terms of section 79".

The Chairperson requested a seconder for the proposal tabled by Adv Klopper.

Cllr Oliphant seconded the proposal.

The Chairperson stated that on Cllr Oliphant's proposal, when the Municipal Manager and Speaker are notified that means the request will be tabled to Council.

Cllr Oliphant withdrew the proposal for informing the Municipal Manager and the Speaker.

Adv Klopper advised that prior to the preliminary investigation, the Committee should debate the content and define parameters for the preliminary investigation. There might be further supporting information required in order to begin with the preliminary investigation.

Cllr August stated that the issue of church properties is an issue faced by all wards, there is no indication of whether the author has approached the Planning & Development section to enquire on the application and approval.

Cllr Heystek agreed with Cllr Oliphant that a complaint or request be preliminary investigated first to establish grounds for investigation. He further enquired on the guidance by Council which is indicated in the amended Structures Act.

Cllr Nkilishane stated that he raised the issue of the churches in the PDT Portfolio meeting and he was advised to write a letter. He wrote emails to the Office of the Speaker and is still awaiting a response.

Cllr Oliphant stated that the author gave the basis of the complaint. The Committee has to investigate the issues indicated in the complaint letter, checking whether proper processes were followed as the complainant also land which requires Council approval.

Ms Mostert stated that the first step is communication to the Municipal Manager. He will give authorization to go to the Directorates.

Cllr Foley agreed with Ms Mostert indicating that the amended Structures Act states that MPAC needs direction from Council. The Committee cannot proceed with an investigation without direction from Council.

Cllr Oliphant stated that the same legislation state that MPAC can initiate its own investigation. There needs to be clarity on the issue.

Cllr Foley stated that the Amended Structures Act states that on its own initiative, MPAC can subject to the direction of the Municipal Council investigate and report to the Municipal Council.

The Chairperson stated that Cllr Foley raised his concerns, there must be a clarification between referring to Council, notifying Council. He further enquired if all complaint and request letters should be sent to Speaker and the Municipal Manager.

Adv Kloppe stated that with the different interpretations, the Committee needs to resolve on a way forward. The first version indicates that the Committee can debate and conduct a preliminary investigation. The second version indicates that every complaint received by MPAC will need to be submitted to the Speaker's office and be tabled to Council.

The Chairperson stated that at the last MPAC meeting the Manager Legal Services advised on the interpretation of the Amended Structures Act. MPAC can initiate an investigation and the report be referred to Council. Cllr Foley feels that MPAC should first table the request to Council before MPAC investigates.

Cllr Foley stated that the Amended Structures Act states that MPAC can initiate but it also says that Council must give direction. Council should be part of the initiation process and direction.

Adv Kloppe stated the Committee can initiate an investigation based on an allegation or complaint, formulate the scope of its investigation and refer the matter to Council. Council can give direction in such a manner that does not prohibit MPAC's intention.

The Chairperson stated that should he forward the complaint to Council, it will be an incomplete report and Council will refer it to MPAC for investigation.

Cllr Oliphant indicated that MPAC cannot submit to Council incomplete report, the involvement of Council is based on the

report tabled by MPAC. Council can deliberate, seek clarity or advise MPAC.

Cllr August stated that the amended Structure Act states that at their own initiative, MPAC can investigate. Council needs to receive a report of investigation from MPAC on the preliminary findings.

The Chairperson requested that the Committee needs to resolve on the matter, he then requested Councillors to indicate their views.

Cllr Foley stated that he agrees with the Advocate, the Committee can determine the scope for investigation and refer it to Council.

The Chairperson stated that the Committee will do a summary on the investigation request, gather information and prepare the report for the next meeting for discussion. He further indicated that he will also get a legal opinion on the matters raised.

Cllr Oliphant stated that procedurally the Municipal Manager must be informed as the head of Directorates. MPAC should indicate that departments will be interviewed to gather information.

Resolved to Recommend (20 April 2023)

1. That the Chairperson, Ms Mostert and Adv Klopper prepare a preliminary investigation to be tabled at the next MPAC meeting.
2. That "matters referred to MPAC for investigation in terms of section 79" be a standing item on the MPAC Agenda.

7. DATE OF NEXT MEETING

25 May 2023

8. CLOSURE

The Chairperson thanked the Committee and all officials present for their valuable input and for attending the meeting.

The meeting adjourned at 12:50.

A handwritten signature in black ink, appearing to read "J. Alexander". The signature is stylized with a large, circular initial "J" and a horizontal line under the name.

CLLR J. ALEXANDER
CHAIRPERSON

25 May 2023
DATE

REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER

KOUGA LOCAL MUNICIPALITY
COUNCIL OPEN AGENDA

KOUGA MUNICIPALITY (EC108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 30 JUNE 2023

ITEM NO: 23/06/MM6

COUNCIL RESOLUTIONS AS AT 31 MAY 2023

1. Introduction

The purpose of this item is to provide a report back on progress of Council Resolutions.

2. Background

The Action Sheets reflect outstanding Council resolutions for all Directorates.

3. Comments by Directorates:

3.1 Acting Director: Corporate & Digital Services

Item noted.

3.2 Director: Community Services:

Item noted.

3.3 Director: I & E:

Item noted.

3.4 Chief Financial Officer

Report noted

3.5 Deputy Municipal Manager

Item noted.

3.6 Municipal Manager

Item noted.

3.7 Acting Director: Planning, Development, and Tourism

Item noted.

4. Financial implications:

None

5. Legal implications:

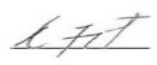
None

6. Recommendation

6.1 That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.

6.2 That the action sheet be tabled at Top Management for discussion and actioning.

Item prepared by: Acting Director: Corporate & Digital Services & Deputy Municipal Manager 

Item endorsed by: The Chief Financial Officer 

Item endorsed by: Acting Director Planning, Development & Tourism 

Item endorsed by: The Director: Infrastructure & Engineering 

Item endorsed by: The Director: Community Services 

Item approved by: The Municipal Manager 

OFFICE OF THE MM: ACTION SHEET - COUNCIL							
MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-Jul-19	19/07/MM4	RESCISSION OF A COUNCIL RESOLUTION – 17/8/F23 OF A COUNCIL MEETING HELD ON 31 AUGUST 2017	That Erf 873, Jeffreys Bay, in extent of 82,908ha be subdivided and rezoned for sporting facilities and that the remainder of Portion Erf 873, Jeffreys Bay, be rezoned for future development.	Due to budget constraints the service provider could not be appointed - sufficient provision has been made on the adjustment budget and the process will now commence. Feed back at next meeting	Sub division not completed due to budget constraints - proposal now on the table will negate the need for sub-division as the whole erf is proposed to be sold and the Bowling Club will be cut off from the mother erf, New Developer to carry the cost	Planning & Development	
30-Jan-20	20/01/MM1	COUNCIL RESOLUTIONS FOR 12 DECEMBER 2019	That the management/custodianship initiatives of all Kouga Sports fields in respective Wards be considered with public participation process to be followed (refer to item 19/10/CS13 – Custodianship: Kruisfontein Sports Field).	Draft Agreement submitted to Manager Parks & Community Amenities in December 2019.	Council resolution 19/10/CS13 rescinded (Refer to item 22/06/CS12)	Director: Community Services	
			That the relevant Directorate submit a status report on the development proposal on portion of erf 499: Humansdorp (19/12/PD6) be submitted to the next Council meeting.	Council subsequently approved the development of the Biomass Harvesting and Processing on Erf 499 - 20/07/CS7. Item is at BID SPEC	Completed: Council Resolution 19/12/PD6	Director: PD&T and Director: Community Services	
31-May-21	21/05/MM9	2019/20 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE OVERSIGHT REPORT	That it be noted with concern that no attention was given to the Council priority of the conversion of bucket sanitation to more acceptable sanitation system and that an action plan for such conversions be submitted to Council without further delay.		KLM is currently planning together with HDA to deal with the eradication of buckets in the upgrading of informal settlements programme	Director: I&E	
			That a report on community acceptance of the containerized sanitation for informal settlements be submitted.			Director: PDT	
			That measures be implemented to ensure that all consumers are billed for service received from Kouga Municipality.		the data cleansing programme is in full swing and should address this issue	CFO	
			That measures be implemented to reduce water losses to more acceptable levels.	Drought mitigation task team established to implement water loss strategy, there has been 12 meetings convened to date, the last meeting was on 07th November 2022, I&E & Call Centre agreed to meet on weekly basis to close off incidents reported on the system to eliminate backlog. Project for installation of Pellrsrus 220 water meters, 89/92 were installed. Building Control Office was requested to instruct home owners to place water meters outside their house boundary wall for accessibility. Water leaks & installation of water meters at Woodlands, 11/12 water meters has been installed (incl. x2 Bulk Water Meters).	Planned meeting dates for Task Team will be decided by DMM. Installation of Pellrsrus 220 Water Meters will continue until the target of meters to be installed is reached. X1 water meter installation at Woodlands to be confirmed.	Director: I&E	
			That measures be implemented to reduce electricity losses to more acceptable levels.	Revenue manager & Electricity Manager monitor losses	Department actively intervening by installing new meters and acting on illegal connections to reduce electricity losses as progress shown in 2021/22 annual report	Director: I&E	

17-Nov-21	21/11/MM2	DECLARATION OF INTEREST OF COUNCILLORS	That all Councillors submit the duly completed Declaration of Interest form to the office of the Municipal Manager before 17 January 2022.	All Councillor declaration forms completed & submitted to COGTA	paspeaker	Office of the Speaker	
13-Dec-21	21/12/MM2	REPORT ON DELEGATIONS REGISTER	That the Municipal Manager be instructed to submit a report to the Mayoral Committee with recommendations on any changes to the Delegation Register mentioned in 1 above;	to form part of the agenda for the next Mayoral Committee - The internal review has not been completed yet	Workshop was held, mayor to decide which powers to be delegated to the different portfolio MMC's, Matter referred to Collective.	Legal Manager	
			That the Mayoral Committee submit recommendations thereon to the Municipal Council for resolution.	to form part of the Council Agenda following the next Mayoral Committee - to follow after internal review completed	See above	Legal Manager	
31-Mar-22	22/03/MM2	2020/21 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: OVERSIGHT REPORT	That the IT Strategy is reviewed and improved on that a skills plan for IT staff is developed and implemented and that the system access controls are significantly improved on.	IT Strategy has different elements/chapters, and the following has been done in response to MM Action Sheet: 1.Organogram and the Job Description have been reviewed, changed, and signed off as part of the strategic intention. 2.Skills requirements to support the municipality has been identified and aligned to the future developments of the municipality (i.e. Cloud Services, Microsoft Technology Slack) 3.ICT Skills Audit is done and relevant courses are being identified; 4.Relevant training has not been done due to funding challenges and the limited capacity/staff within ICT unit; 5.Access Control procedures have been reviewed and updated to improve access control and security. 6.A comprehensive ICT Strategy is under review with SALGA assistance and targeted to complete June 2023	Work scheduling done for ITC staff, short term, medium term and long term plan addressed. New ICT strategy developed	Manager ICT	
			That the bulk water service agreement with the Nelson Mandela Metro be finalized.	In process. As part of the settlement agreement with NM Metro, our legal team is facilitating the new water service agreement.	No progress could be made on this front due to instability at the Metro		
			That the relocation of residents after removal from informal settlements and the removal of old shacks be guided by a Relocation Plan.	It will be the strategy followed by our Housing Section.	Housing Section will be working with the Dept: Human Settlements to make sure that the re-settlement of residents are done orderly and on a planned basis		
			To negotiate with the Provincial Roads Department to take over the ownership of the roads that run through Kouga towns.	Formal negotiations need to take place / Formal Council resolution needed	Meeting was held with the department and the public participation process will be coordinated with provincial Roads Section.		
			That a marketing plan for Kouga Municipal Caravan Parks be drawn up.	New Manager Parks have been appointed and tasked to develop marketing plan for caravan park	Marketing Plan for Kouga Municipal Caravan Parks will be drawn up and presented during the 2023/24 financial year (October 2023)		
			That measures be implemented to ensure that all consumers are billed for services received from Kouga Municipality.	The CFO is busy with a data clearing exercise to ensure accurate billing for services.	the data cleansing programme of the CFO is addressing this issue		
			That measures be implemented to reduce water losses to more acceptable levels.	Department I&E have installed zonal and other meters to be able to assess water losses and where they occur	the I&E department is currently working with the billing department to install meters where no meters are available. This is an ongoing project		
31-May-22	22/05/MM1	COUNCIL RESOLUTIONS AS AT 29 APRIL 2022	That the SPU unit establish a sports committee and that an item be tabled to Council.	Meeting is set for the 21st of July 2022 with DSRAC and SBDM Sports Council, way forward will be establish before item goes to Kouga Council.	No consensus reached, will reconvene all Sporting codes to draft a motion of no confidence in the current Sport Council by end of April 2023	SPU	
29-Jun-22	22/06/MM6	COUNCIL RESOLUTIONS AS AT 31 MAY 2022	That Directorates complete the Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.	New online action sheets implemented	The latest Action Sheets were updated by Directors and the format of reporting ammended to give bigger picture	Committees	
	22/12/MM1	COUNCIL RESOLUTIONS AS AT 28 OCTOBER AND 11 NOVEMBER 2022	That the Grant in aid policy and rules of order by-law be reviewed in 2023.	Policy submitted	To be submitted to the next Policy Workshop	LED OFFICE	
	22/12/MM6	REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT	That Council authorizes the Rules and Ethics Committee to investigate and make a finding on the alleged breach of the Code of Conduct for Councillors by Cllr Dayimani.	Matter is sub judice	Matter completed	Legal/Office of the Speaker	
09-Dec-22	22/12/MM7	REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT	That Council authorizes the Rules and Ethics Committee to investigate and make a finding on the alleged breach of the Code of Conduct for Councillors by Cllr Oliphant.	Matter is sub judice	Matter completed	Speakers Office	

31-Jan-23	23/01/MM1	COUNCIL RESOLUTIONS AS AT 9 DECEMBER 2022	That a list of gravel roads to be upgraded be circulated to all Councillors.		Preliminary list of roads to be upgraded to be sent to Speaker's office for distribution to all Councillors		
	23/01/MM4	MID-YEAR INSTITUTIONAL PERFORMANCE REPORT: 2022/23	That the report be referred to the section 79 Monitoring and Evaluation Committee.	Awaiting for sitting of Committee	Awaiting for sitting of Committee	PMS Manager	
30-Mar-23	23/03/MM1	COUNCIL RESOLUTIONS AS AT 28 FEBRUARY 2023	That the action sheet be tabled at Top Management for discussion and actioning.	actioned	actioned	MM	
	23/03/MM3	2021/22 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: OVERSIGHT REPORT	After having fully considered the 2021/22 Annual Report of the Kouga Municipality and representations thereon, adopts the Annual Report without any reservations:	Actioned	Completed	Council	
			That measures be put in place to turn around the decline in the financial health of the municipality.	A Long-term financial plan was approved by Council in November 2022. Key Strategies within the plan has been incorporated into the Budget-related Policies that will be presented at the May 2023 Council for approval.		CFO	
			That Quarterly Departmental Operational Reports be submitted to MPAC to allow timeous oversight towards the final future Annual Reports.				
			That measures be put in place to ensure that reported performance, inclusive of information contained in the annual report is verified prior to it being reported.	Measures is being developed in consultation with Internal Audit, a comp	In progress	Manager PMS	
			That the performance of IT Internet Service Providers be monitored and that quarterly reports in this regard be submitted to MPAC.	Mitigation measures in place will be done	Completed	Manager ICT	
			That MPAC be furnished with progress reports on the implementation of the audit corrective plan on a quarterly basis.	The Audit Action Plan will be submitted Quarterly to MPAC		CFO	
			That MPAC be furnished with quarterly progress reports on the implementation of procurement plan.	The Audit Action Plan will be submitted Quarterly to MPAC		CFO	
			That a report be submitted to MPAC on turnaround times on land use and building applications and town planning applications.				
			That the relocation of residents after removal from informal settlements and the removal of old shacks be guided by a Relocation Plan				
			That a detailed report on available space in cemeteries inclusive of an action plan to ensure future availability cemetery space be submitted to the next meeting of MPAC.	Available space in all Cemeteries is 96 502.93sq. Land for Humansdorp, Lorie, Weston Cemeteries was identified and an EIA process will commence during the 2023/24 Financial year. The EIA	EIA process will be done in the 2023/24 financial year (The EIA process takes up to 18 months to be completed)	Director: Community Services	
			That a detailed report on contractual and temporary employees for the 2021/22 and 22/23 year be submitted to the next MPAC Meeting.	Reporting being formulated	In progress	HR Manager	
			That the replacement of the bucket to a more acceptable sanitation service, be prioritized			Manager: Civil	
			That consideration be given to implement an electronic booking system for caravan parks.				
			That the development of Roads Master Plan be prioritised.		Dependent on Funding. District Roads Mastplan to be obtained and scrutinized		
			That a Master Plan on clearing Open Spaces, Side walks, municipal properties be developed.	A Master Plan on clearing Open Spaces, Side walks, municipal properties will be developed during the 2023/24 financial year by 30 September 2023	In progress	Director: Community Services	
			That measures be implemented to ensure that all consumers are billed for services received from Kouga Municipality.				
			That the rates for services between informal settlements and formalised areas be looked into by the relevant department.	The Data Cleansing Project that is currently in progress will assist in addressing this matter.		CFO	
			That the Municipal Manager submit a report at the October 2023 meeting of MPAC on progress in the implementation of the above recommendations.				
			That a report on the legislative provisions on public participation on the Annual Report be submitted to the next meeting of MPAC to enable MPAC to reconsider the MPAC community consultative sessions on the Annual Report.				
	23/03/MM6	2022/23 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: AMENDMENT FOLLOWING THE MID-YEAR	That addendums to the Performance Agreements of Senior Managers following the amendment of the 2022/23 Service Delivery and Budget Implementation Plan, be submitted to Council.		Addendums signed and to be submitted to Council	Manager PMS	

31-May-23	23/05/MM1	COUNCIL RESOLUTIONS AS AT 26 APRIL 2023	That the action sheet be tabled at Top Management for discussion and actioning.	aCTIONED	Matter tabled at top management	MM	
	23/05/MM2	APPROVAL TO RE-ADVERTISE THE APPROVED VACANCY OF THE DIRECTOR: CORPORATE & DIGITAL SERVICES POSITION	That Council, considering the fact that the Municipality has embarked on recruitment and selection process for the vacant budgeted position of the Director: Corporate & Digital Services twice already and in light of the proposed amendments to the organisational structure, approve that the position of Director: Corporate & Digital Services be abolished, and the functions be absorbed under the position of the Deputy Municipal Manager.	Actioned	Actioned, included in the amended review	HRM	
	23/05/MM3	APPROVAL TO RE-ADVERTISE THE APPROVED VACANCY OF THE POSITION: DIRECTOR PLANNING DEVELOPMENT AND TOURISM	That the required advertisement be advertised nationally, as per Section 56 (3) of the Local Government: Municipal Systems Act 32 of 2000, as amended, within 14 days from date of the Council resolution.	Actioned	Actioned	HRM	
			That the post be advertised for a minimum period of 14 days as prescribed by the regulations as contained in chapter 4 section 11(j)	Actioned	Actioned	HRM	
			That a selection panel be established and that it be noted that the selection panel for the appointment of a manager directly accountable to a Municipal Manager must consist of at least three and not more than five members constituted as follows: 4.1. the Municipal Manager, who will be the chairperson; 4.2. a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio which will be Cllr S Ruth. 4.3. at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post which will be Dawn McCarthy.	Actioned	Actioned	HRM	
	23/05/MM5	PETITIONS RECEIVED FROM KOUGA LOCAL CLINICS 2023	That all petitions submitted to Kouga Municipality surrounding the circumstances of the abovementioned clinics be referred to the Eastern Cape Provincial Legislature, the MMC for Health, the Provincial Petitions Commission, and the Public Protector.	Process underway		Office of the Speaker	
	23/05/MM6	DISCIPLINARY ENQUIRY HELD BY THE RULES AND ETHICS COMMITTEE - CLLR. P OLIPHANT	That the following sanction be implemented against Councillor P Oliphant in respect of the charges laid against him and for which charges the Councillor was found guilty by the Committee: - In respect of Charges 1; 2; 3; 5; 6 and 7 – That Councillor P. Oliphant be removed from office.			Office of the Speaker	
			That the following sanction be implemented against Councillor P Oliphant in respect of the charges laid against him and for which charges the Councillor was found guilty by the Committee: - That the Speaker, in line with Item 16(3) of the Code of Conduct for Councillors, within 14 days from the date of the finding inform the MEC, for local government in the Province of the Eastern Cape, of the finding and sanction decided by Council.	Process underway		Office of the Speaker	

CORPORATE SERVICES: ACTION SHEET COUNCIL																																			
MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED																												
29-Jul-22	22/07/CORP1	USE OF MUNICIPAL HOUSE AS A GUESTHOUSE – 2 DIANA CRESCENT, ST FRANCIS	That the necessary Consent Use Application process commence to formally obtain planning approval for the house to be used as a guesthouse.	Update as at 20 Sept 2022 - A requisition for appointment of an architect to prepare the required plans and documents for the consent use applications. Awaiting order. Update as at Nov 2022, order received and plans submitted to Building Control. Update as at 16 January 2023, awaiting approval from Town Planning	As at March 2023, plans rejected due to poor quality of scan, to resubmit. As at April, plans submitted. As at May 2023 - awaiting feedback from Architect, in terms of submission to PDT. As at June 2023, house is not suited to be a guesthouse, house must be utilised for other purposes	Director: Corporate Services																													
31-Aug-22	22/08/CORP14	CONNECTIVITY AND NETWORK ASSESSMENT REPORT	That funding as shown below be urgently made available to resolve the high priority connectivity issues that have plagued the Municipality for a long time. <table><tr><th>ITEM</th><th>COST</th><th>CAPITAL BUDGET</th><th>OPERATIONAL BUDGET</th></tr><tr><td>Improved Network Connectivity</td><td>R243 480</td><td></td><td>R 243 480</td></tr><tr><td>Top Up – Monthly Connectivity Costs</td><td>R1 000 000</td><td></td><td>R1 000 000</td></tr><tr><td>New Routers</td><td>R129 480</td><td>R129 480</td><td></td></tr><tr><td>Local Server Space</td><td>R10 000</td><td>R10 000</td><td></td></tr><tr><td>Invertors(10 of 45)</td><td>R180 000</td><td></td><td>R180 000</td></tr><tr><td>TOTAL LESS NETWORK MONITORING TOOL</td><td>R1 562 960</td><td>R139 480</td><td>R1 423 480</td></tr></table>	ITEM	COST	CAPITAL BUDGET	OPERATIONAL BUDGET	Improved Network Connectivity	R243 480		R 243 480	Top Up – Monthly Connectivity Costs	R1 000 000		R1 000 000	New Routers	R129 480	R129 480		Local Server Space	R10 000	R10 000		Invertors(10 of 45)	R180 000		R180 000	TOTAL LESS NETWORK MONITORING TOOL	R1 562 960	R139 480	R1 423 480	Update as at 20 Sept 2022 - A meeting will take place between Digital Services & the CFO on 22 Sept 2022, to consider funding from other departments to rectify the Network challenges. Feedback will be provided at the meeting Update as per 25 November 2022 – Point 1 – Improved Network Connectivity – This is once off cost and has been included in Adjustments Budget. ISP Tender is still in BEC stage. Point 2 – Top up – Monthly connectivity costs – Included in Adjustments Budget – Part of ISP tender. Point 3 – New Routers – Included in Adjustments Budget – Part of ISP tender. Point 4 – Local Server Space – Included in Adjustments Budget Point 5 – Inverters - CFO confirmed that Inverters may be purchased on operational budget available and that a journal will be completed by Assets to convert to Capital. During adjustments budget the funds used to purchase inverters will be topped up/replaced. Currently – Inverter Tender approved 24 November 2022, in order to purchase around 10 inverters. Update as at 16 January 2023, both ISP and Inverter Tender cancelled - Non-responsive bidders received for ISP and no bidders received for inverter tender. To re-advertise tender. In the interim, purchased x1 inverter for the Server Room.	As at March 2023 - New specs of ISP Tender and Inverter tender to be submitted in the month of March 2023. As at April 2023. Awaiting BSC As at May 2023..... Top up - Monthly Conenctivity and New Routers are part to the ISP proejct which the Specifigation was approved by the BSC, and it is planned for advert before 19 May 2023 (as agreed with SCM). Local Storage is implemented and matter resolved and closed. Improved Network Connectivity project was suspended in April 2023 by the previous Acting Director with the view that the matter can wait and must be resolved in the ISP project. Inverters (10 of 45) reviewed specification is completed and submitted to SCM for procurement for presentation to BSC. Inverters regision submitted to SCM.	Director: Corporate & Digital Services	
ITEM	COST	CAPITAL BUDGET	OPERATIONAL BUDGET																																
Improved Network Connectivity	R243 480		R 243 480																																
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11-Nov-22	22/11/CDS8	ESTABLISHMENT OF A SECTION 79 COMMITTEE	That the Terms of Reference for the Monitoring and Evaluation Committee be drafted and referred to a future Council meeting for approval	Email sent to Chairperson to confirm availability of members for first meeting to take place in Jan 2023	As at May 2023. Awaiting feedback on finalisation of TOR	Acting Director: Corporate & Digital Services																													
31-May-23	23/05/CDS3	OHS RISK ASSESSMENT	That funding be sourced by the relevant Department to action outstanding non-compliance issues. That a priority list be created for budget prioritisation.	Matter escalated to all departments Actioned	Matter escalated to all departments Actioned	All depts OHS specialist																													
	23/05/CDS5	ORGANISATIONAL STRUCTURE: 2023/2024	That the filling of positions be prioritised subject to budgetary provision and organizational priorities. That the Organisational Structure be approved by Council and forwarded to the MEC.	Actioned Actioned	Actioned Actioned	DMM DMM																													

FINANCE - ACTION SHEET - COUNCIL							
MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
26-Feb-21	21/02/F5	WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE	That future reports indicate the area well as the Ward for the Equitable Share-write-offs.	A report of this nature will need to be written within the Financial System. These requirements are being assessed.		CFO	
31-Mar-21	21/03/F1	Draft Medium-Term Revenue and Expenditure Framework (MTREF) - Budget for 2021/22 to 2023/24 Financial Years	That the Acting Director: Infrastructure and Engineering reports on the outcomes of the implementation of a strategy by 7 May 2021 to the Office of the Municipal Manager, to reduce non-technical electricity losses.	Implementation Strategy being developed.		Acting Director: I&E	
			That the Acting Director: Infrastructure and Engineering reports on the outcomes of the implementation of a strategy by 7 May 2021 to the Office of the Municipal Manager, to reduce water losses.	Implementation Strategy being developed.		Acting Director: I&E	
			That the Director: Community Services reports on the outcomes of the implementation of a strategy by 7 May 2021 to the Office of the Municipal Manager, to collect outstanding traffic fines.	Implementation Strategy being developed.		Director: Community Services	
31-Jan-22	22/01/F3	SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2021	That a full report on sewerage issues within the Municipality be tabled at the next Infrastructure & Engineering Portfolio Committee meeting.	Report will be submitted to next portfolio committee meeting		I&E	
			That site visits be conducted with the relevant departments.	Report will be submitted to next portfolio committee meeting		I&E	

30-Mar-23	23/03/F2	DRAFT MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) - BUDGET FOR 2023/24 TO 2025/26 FINANCIAL YEARS	That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 16 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the 2023/24 – 2025/26 Draft Annual Budget, as set out in the Draft Annual Budget Report supported by Annexure H in the following tables:	Public participation to be done / amendmends / final Budget, Tariffs, etc submitted to Council for final approval by 31 May 2023	Public participation concluded, budget amended. Final Budget approved by Council on 31 May 2023.	CFO	
			a)Consolidated Budget Summary [Table A1] b)Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2] c)Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3] d)Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4] e)Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5]	Public participation to be done / amendmends / final Budget, Tariffs, etc submitted to Council for final approval by 31 May 2023	Public participation concluded, budget amended. Final Budget approved by Council on 31 May 2023.	CFO	
			That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables: a)Budgeted Financial Position; [Table A6] b)Budgeted Cash Flows; [Table A7] c)Cash backed reserves and accumulated surplus reconciliation; [Table A8] d)Asset management; [Table A9] e)Basic service delivery measurement. [Table A10]	Public participation to be done / amendmends / final Budget, Tariffs, etc submitted to Council for final approval by 31 May 2023	Public participation concluded, budget amended. Final Budget approved by Council on 31 May 2023.	CFO	
			That the tariffs be increased as follows, with effect from 1 July 2023: Property rates (decrease in cents in the Rand)-23.8% Water7.25% Sanitation6.5% Refuse6.5% Electricity (average increase in electricity income)15% Environmental Management Fee7% a)Indicative tariffs for 2022/23 and 2023/24 will be increased as follows: 2024/25 2025/26 Property rates 4.9% 4.7% Water 7.25% 7.25% Sanitation 6.5% 6.5% Refuse 6.5% 6.5% Electricity (average increase in electricity income) 9.6% 12.58% Environmental Management Fee 7% 7%	Public participation to be done / amendmends / final Budget, Tariffs, etc submitted to Council for final approval by 31 May 2023	Public participation concluded, budget amended. Final Budget approved by Council on 31 May 2023.	CFO	
			That the Council, approves the draft tariffs, as reflected in Annexure 'B' , for public participation.	Public participation to be done / amendmends / final Budget, Tariffs, etc submitted to Council for final approval by 31 May 2023	Public participation concluded, budget amended. Final Budget approved by Council on 31 May 2023.	CFO	
			That the 2023/24 Procurement plan be approved “ Annexure D ”	Public participation to be done / amendmends / final Budget, Tariffs, etc submitted to Council for final approval by 31 May 2023	Public participation concluded, budget amended. Final Budget approved by Council on 31 May 2023.	CFO	
			That the mSCOA road map be approved. “ Annexure E ”	Public participation to be done / amendmends / final Budget, Tariffs, etc submitted to Council for final approval by 31 May 2023	Public participation concluded, budget amended. Final Budget approved by Council on 31 May 2023.	CFO	

06-Apr-23	23/03/F1	RE: LIST OF OBSOLETE EQUIPMENT (ASSETS) THAT WERE IDENTIFIED FOR AUCTION	That the condemned/redundant assets listed above be removed from the Asset Register.	Assets to be removed off the Fixed Asset Register by 30 June 2023	In progress	CFO	
			That the condemned/redundant assets listed above be disposed of in terms of the Supply Chain Management Policy through a public auction / donation.	Donation to be initiated and remaining assets to be disposed on auction	Donations are in progress and the auction is planned to be held on 28 June 2023	CFO	
31-May-23	23/05/F1	MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) - BUDGET FOR 2023/24 TO 2025/26 FINANCIAL YEARS	That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 24 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the 2023/24 – 2025/26 Annual Budget, as set out in the Annual Budget Report supported by Annexure H in the following tables: - Consolidated Budget Summary [Table A1] - Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2] - Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3] - Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4] - Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5]	Approved Budget to be implemented on 1 July 2023.		CFO	
			That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables: - Budgeted Financial Position; [Table A6] - Budgeted Cash Flows; [Table A7] - Cash backed reserves and accumulated surplus reconciliation; [Table A8] Asset management; [Table A9] - Basic service delivery measurement. [Table A10]	Approved Budget to be implemented on 1 July 2023.		CFO	
			That the tariffs be increased as follows, with effect from 1 July 2023: ⊗Property rates (decrease in cents in the Rand) (-23.8%) ⊗Water (7.25%) ⊗Sanitation (6.5%) ⊗Refuse (6.5%) ⊗Electricity (average increase in electricity income) (15%) ⊗Environmental Management Fee(7%) Indicative tariffs for 2022/23 and 2023/24 will be increased as follows: Indicative tariffs for 2022/23 and 2023/24 will be increased (refer to the memo)	Approved Tariffs to be implemented on 1 July 2023.		CFO	
	23/05/F2	BUDGET RELATED POLICIES	That section 5.8.1 of the Customer Care, Credit Control and Debt Collection Policy be amended to grant twenty-one (21) days for the submission of a certificate from a registered plumber or a sworn affidavit to the Municipality.	Policy to be amended and placed on the website.		CFO	
			That 6.3.3 of the Customer Care, Credit Control and Debt Collection Policy be amended to indicate that the Municipality may disconnect municipal services after issuing a fourteen (14) day written notice to the Owner and providing the relevant Ward Councillor with the property listing.	Policy to be amended and placed on the website.		CFO	
			That the Council approve the amendment to the Policy on Provision for Doubtful Debt and write-off of Irrecoverable Debt to allow the Municipal Manager's write-off to increase to R25,000.00, and the CFO's write-off to increase to R15,000.00.	Policy to be amended and placed on the website.		CFO	

INFRASTRUCTURE & ENGINEERING: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
31-Mar-22	22/03/I&E2	STATUS OF THE WESTON WASTE WATER TREATMENT WORKS	That I&E present an updated report with a clear way forward at the next Portfolio Committee meeting .	project approved for MIG Registration at the DAC held on 16 November 2022,	Tender submitted and approved at Bid spec,. Tender to be advertised.	Manager: PMU	In Progress
29-Apr-22	22/04/I&E3	WATER QUALITY REPORT	Hankey: Due to the Manganese and Iron levels exceeding the SANS limits, a treatment plant is under construction on the WTW site . The plant should be completed by mid December 2022. The existing boreholes must be rehabilitated and set in operation . Target is to get the plant in operation by mid December 2022.	This water quality in Hankey will be addressed with the funding committed by the DWS, a activated oxidation processing package plant to treat the water is part of the application. Business plans have been signed approved. MOU between DWS and Kouga signed.	Package plant completed. Final inspection and commissioning to be done in June/July 2023	Manager: PMU an Civil	Completed
	22/04/I&E9	REPORT: ELECTRICAL MAINTENANCE REPORT JULY 2021 TO FEBRUARY 2022	That Law Enforcement actively police the theft of copper cables and illegal electrical connections.	Electricians are spending ample time opening cases on copper theft, this time could have been utilised more effectively to do electrical maintenance on infrastructure. Law enforcement to assist the elctrical department arranging disconnections with SAPS. on going had a sucessfull operaration in ocean view.	Loadshedding created an opportunity for criminals to vandalise/ destroy our infrastructure. Law enforcement has taken the lead in fighting this erresion of standards and currently in the forefront to fight this new tendancy. Humansdorp hotspots identified and Jeffreys Bay as well. i suggest cameras be installed to monitor these activities.	Manager; Electricity	
			That Eskom be engaged on the maintenance and repair of street lights in the Gamtoos Valley.	Eskom indicated telephonically that it will hand over streetlight maintenance in the Gamtoos area to Kouga. No official notification thereof was received, Eskom still considering how it will be handing the infrastructure over to Kouga, Eskom is also considering the amount of months Kouga paid for maintenace not provided.	Meeting held between Kouga and Eskom on the 11/05/2023 to discuss the streetlight chalenge in the GV. Eskom want to hand over the lights to Kouga but through a process. We request Eskom to attend to the lights while the process is unfolding.	Manager; Electricity	
	22/04/I&E10	REQUEST FOR APPROVAL FOR THE DEVIATION FROM KOUGA MUNICIPALITY AUGMENTATION POLICY	That the time period for the payment of the augmentation levies be set to 18 months and that the agreement be amended accordingly.	Before occupation Certificate is issued, augentation to be paid,			

31-Aug-22	22/08/I&E8	STATUS OF THE WESTON WASTE WATER TREATMENT WORKS	That Council secure funding in order to safeguard the area as Kouga is not in compliance with the law in terms of safety.	Tender for Fencing is being prepared by PMU.	Fencing tender and Tender to appoint PSPs approved at bid Spec. Tenders to be advertised.	PMU Manager	In progress
28-Oct-22	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	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.	According to the Legal Department, Crossways SLA Lapsed. Addendum not enforceable. New SLA's are currently being draft.	First negotiations happened 8 June 2023.	Manager: Technical	In progress
			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	That Council approve that the fractions of an Equivalent Erf (ee) be used for the calculation of augmentation fees payable.	Accoding to Legal Department, only applicable to Erf 5563 Jeffreys Bay. Not all erven applications. Policy workshop to be held to discuss the issue, council resolution taken on this.	Policy Workshop still to be held.	Manager Technical	Ongoing
			That the Augmentation Policy be reviewed.	Legal Dept Action required,.		Legal	
	22/10/I&E3	SERVICE LEVEL AGREEMENT FOR PORTION 26 OF THE FARM KLAAREFONTEIN No. 449 DIVISION OF UITENHAGE, PROVINCE OF THE EASTERN CAPE	That the Kouga Municipality enter into an SLA with the owner of Portion 26 of the Farm Klaarefontein No.449, Uitenhage District.	Legal Dept busy with drawing up SLA		Legal	
			That the finalized SLA be approved by the Municipal Manager as the delegated official.	SLA are being draft		Legal	
	22/10/I&E4	2022/23 ADJUSTMENTS BUDGET FOR THE APPROPRIATION OF ADDITIONAL FUNDS RECEIVED	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.	I&E need an additional R 15m to service historical dept and to maintain its current operations.		Dir I&E	
	22/10/I&E5	RE: ADJUSTMENTS BUDGET IN RESPECT OF	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:	I&E need an additional R 15m to service historical dept and to maintain its current operations.		Dir I&E	

09-Dec-22	22/12/I&E1	PROJECTS PRESENTED AT PRE DAC (DISTRICT ADJUDICATION COMMITTEE) MEETING FOR MIG REGISTRATION ON 28 SEPTEMBER 2022	That a sewer master plan be prioritized.	Funding required to draft master plan	Awaiting budget approval.	Director	
	22/12/I&E2	STATUS OF THE UMZAMOWETHU SANITATION SYSTEM	That the 6 affected households be serviced with new conservancy tanks.	An consultant, Gert Vorster is appointed to approached the Windfarm for funding to replace the 6 conservancy tanks.	Project approved at Council to be registered as a MIG project	PMU Manager	In progress
			That a submission of business plans be made to Kouga Windfarms for funding.	Gert Foster to deal with this.		Director	
06-Apr-23	23/03/I&E1	ROADS TO BE UPGRADED UNDER THE GRAVEL ROADS PHASE 2 CONTRACT	That Council approve that phase 2 proceed as per the approved roads on the project.				ONGOING
			That the additional roads be identified during the IDP consultation process and be included in a follow-up phase, all wards should benefit accordingly.				ONGOING
31-May-23	23/05/I&E1	REPORT: INTEGRATED NATIONAL ELECTRIFICATION PROGRAM (INEP) ALLOCATION FOR 2023/2024 FINANCIAL YEAR	That the report for the conditions to receive the R4.7m INEP funding be considered and action required to retain the funding be implemented.	Montly meetings to be implemented between the two departments Human settlements & I&E to streamline processes to free unlock development oportunities. Item has been submitted to PC explaining the procedure.	The project has been moved to Humansdorp, due to housing project phase 2 in Jeffreys bay not ready by the time of the award.	Manager: Electricity	
			That the Human Settlements department of Kouga be ready with registered erven and occupied erven and to benefit from the grant.	Discussions between the departments to create this environment be ongoing, with action to follow.	No further progress to report on this item.	Manager: Human settlements	
	23/05/I&E2	REPORT: CLEARING OF SERVITUDES THROUGHOUT KOUGA OBSTRUCTING ACCESS TO WATER INFRASTRUCTURE AND POWERLINES FROM KOUGA AND ESKOM	That Council compels the relevant Directorate responsible to keep servitudes clear to do so and apply the law should it be necessary.	No action taken yet.	Our first meeting is scheduled for 13 June 23. The opportunity will be utilised to table all issues to strengthen our readiness.	Manager: Human settlements	
			That PDT leads the discussions between the departments.	No action taken yet.	for 13 June 23. The opportunity will be utilised to table all issues to strengthen our	Manager: Human settlements	
	23/05/I&E3	REGISTERING OF NEW PROJECTS ON MIG	That a Transversal Committee be appointed, and that their minutes be referred to the Mayoral Committee for oversight purposes.				

PLANNING & DEVELOPMENT: ACTION SHEET - COUNCIL							
MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS
30-May-19	19/05/PD6	PUBLIC WORKS PROPERTIES TO BE TRANSFERRED TO KOUGA MUNICIPALITY	That Council accepts the following erven from Public Works and that they are added to the asset register of Kouga Municipality: Farm 448 portion 15 — Uitenhage RD Pellrus: 677; 678; 733; 751 ; 753; 794;812 826; 854; 862 Humansdorp: 1 968 Thornhill: 221 ; 237 333; 334; 342;362;376;751v; 762; 763; 775; 776; 777; 778; 779; 780; 781 ; 782; 783; 784; 785; 788; 789; 790; 791 ; 792; 805; 845; 846; 849; 850; 852; 855; 857; 859; 860; 861 ; 862; 863; 865; 866; 868; 870; 874; 875; 883; 884; 885; 886; 887; 888; 889; 891; 892; 894; 895; 897; 898; 899 That Kouga Human Settlement Department proceed with the transfers of these erven to the owners of the properties as soon as registration to Kouga has been completed	The finalisation of the transfer of Public Work properties to Kouga Municipality in progress Awaiting Transfer of properties by Public Works.	The IGR Land Forum was resuslated on 24 March with intention of bring all outstanding council resolution to completion. There has been constant communication and information sharing since the mentioned meeting in order to conclude outstanding matters.	Manager: L&PA	In Progress
30-Oct-19	19/10/PD3	SELLING OF 98 HIGH WATER TABLE HUMAN SETTLEMENT ERVEN – KRUISFONTEIN	That all proceeds from the sale of the 98 high water table erven be ringfenced for projects namely the upgrading of gravel roads to paved roads	The council resolution to sell 98 wet erven to be rescinded. There is a possibility that the properties will now be donated to the people currently occupying the properties, hence it is anticipated that there will be no proceeds.	The matter was discussed at Top Management and the general feeling was to alienate without compensation but that the transfer cost still be carried by the Purchasers. An item will prepared to serve at Council.	CFO/ Dir: PDT	In Progress
29-May-20	20/05/PD2	REPORT ON THE PROGRESS AND STATUS OF THE SOCIAL HOUSING PARTNETSHIP FOR THE DEVELOPMENT OF A SOCIAL AND (FLISP) HOUSING PROJECT ON Erf 335, JEFFERYS BAY	That the plans scrutiny and approval fees be dealt with on the same basis as BNG/RDP housing projects.	The resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on planning phase.Resolution will be actioned during project commencement		Dir: PDT / Manager P&D	ongoing
			That the plans scrutiny and approval fees be dealt with on the same basis as BNG/RDP housing projects.	The resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on planning phase.Resolution will be actioned during project commencement	the resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on pre-planning phase.Resolution will be actioned during project commencement.	Dir: PDT / Manager P&D	ongoing
	20/05/PD3	DONATION AND TRANSFER OF KOUGA MUNICIPAL PROPERTIES FROM KOUGA MUNICIPALITY TO PUBLIC WORKS	That Erf 560 be rezoned in terms of SPLUMA from Residential 1 to Institutional in accordance to existing land use.	Town Planning indicated that the Department is currently under pressure and will not be able to do rezoning in-house.	Quotations received and will now be processed in order to appoint a service provider.	Manager :L&PA	In Progress
	20/05/PDT5	APPROVAL FOR THE COMMENCEMENT TO ESTABLISH "AESTHETICS AND HERITAGE BUILDING COMMITTEE" FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT	That Aesthetic Committees be established in all Wards, if required, to maintain uniform architecture design for specific areas be included in the Terms of Reference.	Draft "by-law" with legal section to finalised all legal requirements. Meeting with C W Malan to be held. Legal services has set up a date for finalisation of draft by-law . Last meeting was postpone due covid cases at C W Malan office. See last comments - with Legal Dept. Report to be submitted.	The item has served before Council to establish a "Aesthetics Committee" for SFBay area , but was put on hold due to the "guidelines" is not legally enforceable and a way was seek to have it enacted in a "by-law" or within the town planning scheme. This action to amend the town planning scheme has been budgeted for the next finacial year - which can include "Aesthetic Guidelines " for all towns.	Dir: PDT / Manager P&D	In Progress A New item to be tabled before Council to address the establishment of an "Aesthetics Committee"
					No		

26-Jun-20	20/06/PD4	DEVELOPMENT PROPOSAL: PRECINCT PLAN FOR Erf 8783: OCEAN VIEW, JEFFREYS BAY	That the precinct plan and development proposal of Erf 8783 Ocean be subject to public participation.	Public Meeting to be held where the development proposal will be presented to community. The Public Participation Office will be assisting.	Meeting will be setup to internally discuss the proposed layout plan for erf 8783 Ocean View first before presenting it to the community.	Dir: PDT
			That the registration of Erf 8783, Ocean View to Kouga Municipality be continued and concluded.	Transfer in progress	This erf was subdivided from erf 335 portion 125 Humansdorp RD as part of the Ocean View low-cost housing development. The erf is currently zoned as "Authority Zone	Manager: Legal Services
11-Dec-20	20/12/PD5	APPROVAL OF GRANT FUNDING FOR THE UPGRADING OF INFORMAL SETTLEMENTS	That a report on the joint planning between Infrastructure and Human Settlements serve at the next Portfolio Committee.	Enagagements held between the implementing agent - HDA and the current Dir. I&E.	Contractor was only appointed November 2022. Site development is complete. CLO's are appointed. SMME's are appointed. Engagements held with the Implementing Agent - HDA on the progress of the project. Human Settlements and I&E are working closer on the project and reports will be provided to portfolio.	Dir: PDT/ Manager: Human Settlements
	20/12/PD8	APPROVAL FOR THE COMMENCEMENT TO DRAFT "AESTHETICAL AND HERITAGE BUILDING BY-LAW" FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT	That the Department: Planning & Development facilitate the process to address the "Objectors Objections" by convening a virtual meeting with the objectors as well as other Interested and affected parties.	Draft completed.Legal to check it .Published document for comments in March . See previous comments for 20/05/PDT5. Draft By-Law with attorneys.Had discussion with Attorneys to find an alternative way to promulgate said regulations. Attorneys to confirm way forward.Manager Legal to appoint a SP to assist with draft.Advised that the by-law route would cumbersome and that the matter can be addressed under the Land Use Scheme - overlay		Acting Manager: LPA (See previous comments on item)
			That a date and venue be determined as to when such meeting will take place for a virtual hearing and that it be published in the local newspaper and on the website.			
			That all the objectors be notified timeously of the date and venue for the virtual hearing.			
26-Feb-21	21/02/PD14	ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND: Erf 5812 JEFFREYS BAY	That the approval of the right to use, control, manage the be subject to the said property being closed as a public place and rezoned to an appropriate zoning.	The closure of public place has been completed. Town Planning indicated that the Department is currently under pressure and will not be able to do rezoning in-house. A meeting was also held with the applicant on 6 March to discuss the application and way forward. It was agreed that the applicant proceed and submit designs and site development plan whilst Council finalise the rezoning.	Quotations received and in the process to appoint service provider.	Dir: PDT/ Manager L&P/Manager: P&D
31-Mar-21	21/03/PD1	TRANSFER OF RESIDENTIAL SITE: HISTORIC CONDITION OF SALE: ERF 1331 PELLSRUS: PIENAAR FAMILY	That Council grant approval for the closure of a public open space with regard to the subdivided erf contemplated in (a) and that transfer herein be dependent on the formal closure of the public open space.	Gazetting of erf 1331 has been finalised. Rezoning to residential purposes will now commence.	Subdivision and gazetting completed. In the process to finalise rezoning.	Director: PDT/ Acting Manager: LPA
	21/03/PD3	Application to Purchase a Portion of Erf 552 Sea Vista (Mr. M. Johansens)	That the applicant be responsible and carry the cost for the closure of public open space and subdivision of erf 552.	Power of Attorney was granted to the applicant to enable him to bring land use application.	POA was provided to applicant. Awaiting application from applicant.	Manager: Legal Services / Acting Manager L&P
			That the newly created erf be transferred only once the formal closure has been concluded, and the conveyance cost be carried by the applicant.	Will be incorporated in the deed of sale	Will form part of the transfer process.	Manager: Legal Services / Acting Manager L&P
31-May-21	21/05/PD1	PROGRESS REPORT: ALIENATION OF 98 WET ERVEN: KRUISFONTEIN	That Council grant authorization to the Accounting Officer to the conclude Option to Purchase agreements as the Grantor on behalf of the Municipality.	Instruction was received to place the process to sell sites in-abeyance and to rescind the previous council resolution. An item will be drafted to rescind current council resolution.	The matter was discussed at Top Management and the general feeling was to alienate without compensation but that the transfer cost still be carried by the Purchasers. An item will be prepared to serve at Council.	Director:PDT/ Manager L&P
	21/05/PD11	LAND SWAP: A PORTION OF ERF 6650 IN FAVOUR OF ERF 6649, JEFFREYS BAY: MR. S. STANLEY	That the Municipality be liable for all Transfer, subdivision and consolidation costs linked to this transaction.	Transfer of new erf (11163) in progress. All land related processes completed.	Transfer attorney has been appointed and busy with transfer.	Director:PDT/ Manager L&P
	21/05/PD15	APPLICATION TO PURCHASE: A PORTION OF PORTION 4 OF THE FARM ZWARTENBOSCH NO. 347: TEEN CHALLENGE SA	That Council rescinds the resolution pertaining to the lease of a portion of portion 4 of the Farm Zwartbosch No. 347 to Teen Challenge which reads as follows: - 13/05/FAME26 APPLICATION FOR LAND – PORTION OF FARM 347 PORTION 4 (ZWARTENBOSCH) Resolved: (30 May 2013) i) That Teen Challenge SA-Western Cape be allowed to utilize the Portion of Farm 347, Portion 4 of the Farm Zwartbosch for community projects for a period of nine (9) years and 11 (eleven) months, subject to the following conditions: a) That a formal Lease Agreement be entered into between Teen Challenge SA –Western Cape and the Council. b) That Teen Challenge SA – Western Cape be responsible for all cost (that may escalate) in respect of services and services connections fees as determined by the Council. c) That it be recorded that in terms of Section 14 of the Municipal Finance Management Act, the portion of Farm 347, Portion 4 of the Farm Zwartbosch is not required for basic level of municipal service. d) That all legislative requirements and advertisement procedures be adhered to. e) That any comments and objections from the public be taken into careful consideration.	Comments was received from Provincial Treasury during November 2022 who requested for more information in respect of the application to dispose a portion of erf 347 portion 4 to Teen Challenge.	Item for final approval was submitted to Portfolio Committee, however clarity was sought in respect of the applicant due to the number of name changes of the NPO. Item to be submitted July 2023 Council Meeting.	Director:PDT/ Manager L&P
			That the subdivision and rezoning of the land be attended to and concluded.	Will be attended to should final approval be granted by Council.	To commence once council's final approval has been obtained.	Director:PDT/ Manager L&P
			That Council consider the fair market related value of R770 000.00 that was obtained from a professional valuer for the portion of portion 4 of the Zwartbosch No 347.	Will be considered in the sale agreement.	To commence once council's final approval has been obtained.	Director:PDT/ Manager L&P
			That Council consider disposing the immovable property contemplated herein to Teen Challenge as a social care user at 25% of the fair market value.	Will be considered in the sale agreement.	To commence once council's final approval has been obtained.	Director:PDT/ Manager L&P
			That if the land was to be sold by the applicant, it only be sold back to Council.	Will be considered in the sale agreement.	To commence once council's final approval has been obtained.	Director:PDT/ Manager L&P

30-Jul-21	21/07/PD9	APPOINTMENT OF KOGUA MUNICIPALITY AS AN IMPLEMENTING AGENT FOR THE CONSTRUCTION OF INTERNAL SERVICES FOR THE HANKEY 990 HOUSING PROJECT	That the CFO places the received grant funding in a dedicated interest-bearing account.	In progress, construction of 990 services is in progress.No advance payments received from ECDHS	Contractor is still on site	Dir:PDT/ Manager/HS/ Manager.	ongoing
			That the interest accumulated from the grant funding be ringfenced for future Human Settlements projects.	To be confirmed		CFO	In progress
			That monthly, quarterly and annual expenditure reports with supporting documentation be reported to Council and ECDHS; and	Project is progressing well	Progress reports are discussed at PD&T Portfolio. There was no project report for April portfolio committee	Manager HS	ongoing
31-Aug-21	21/08/PD11	ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND- ERF 5812 JEFFREYS BAY	That all the legislative processes contemplated herein commence and be concluded in line with Council resolution 21/02/PD14.	The closure of public place has been completed. Town Planning indicated that the Department is currently under pressure and will not be able to do rezoning in-house. A meeting was also held with the applicant on 6 March to discuss the application and way forward. It was agreed that the applicant proceed and submit designs and site development plan whilst Council finalise the rezoning.	Quotations received and in the process to appoint service provider.	Director:PDT/ Manager L&P	On-going
30-Sep-21	21/09/PD10	RELOCATION OF THE UNLAWFUL DWELLERS OF THE ASTON BAY CARAVAN PARK	That the Municipal Manager be allowed to negotiate with the Department of Public Works on the relocation costs.	Addressed the matter in the engagement with the department public works	No final decision taken as there is no final eviction order granted.	MM	Ongoing
	21/09/PD12	APPOINTMENT OF HOUSING DEVELOPMENT AGENCY(HDA) VIA AN IMPLEMENTATION PROTOCOL/AGREEMENT BETWEEN KOGUA MUNICIPALITY AND THE HDA	That approval be granted by Council in terms of Section 110 of the Municipal Finance Management Act No. 56 of 2003 for appointment of the Housing Development Agency (HDA) via an Implementation Protocol to plan and implement integrated human settlements in the Kouga municipal area.	Meeting to finalise IP was on 08/3/22	On-going	Director:PDT / Manager Human Settlements	In Progress
			That all planned human settlements pipeline projects be included in the Implementation Protocol between the Kouga Municipality and the HDA.	Discussions on the revised Implementation Protocol are ongoing	On-going	Director:PDT / Manager Human Settlements	In Progress
			That the Municipal Manager be granted Power of Attorney to sign the Implementing Protocol on behalf of the Municipality.		On-going	Director:PDT / Manager Human Settlements	In Progress
	21/09/PD16	IN PRINCIPLE APPROVAL: DISPOSAL & ALIENATION OF ERVEN 887, 1259 & 2496 SEA VISTA	That Council authorizes the Planning & Development Department to embark on a process to close and rezone the above public open spaces to Residential.	Gazetting of properties in progress. Rezoning of the properties will commence once gazetting completed.	A discussion will be held before 30 June on the council resolution to dispose these public open spaces to consider the Climate Change Strategy	Director:PDT/ Manager L&P	In Progress
			That a fair market value be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.	Market valuations will be determined once rezoning has been completed.	Will commence once rezoning is completed	Director:PDT/ Manager L&P	In Progress
			That the revenue generated from the sale be ringfenced for waterborne sewerage systems.	This will done during the sale of properties.	Will commence once the properties has been disposed.	Director:PDT/ Manager L&P	In Progress
14-Oct-21	21/10/PD1	ERF 4587 & 4588 (KRUISFONTEIN) ERF 190 (PELLSRUS) ERF 8813 (OCEAN VIEW)- VICTORY 4 ALL	That the Finance department expedite the bad debt review process on the outstanding debt and advise the client by 30 October 2021.	Indication was given that a report for write-off was to be tabled to Council.		Finance	In Progress
	21/10/PD3	SALE OF 98 WET ERVEN	That the proceeds from the Sale of 98 Wet erven be ring-fenced for roads upgrades and social infrastructure in the 98 wet erven area.	The proceeds will be ring-fenced as per Council resolution.	Item to be submitted to next Council on the amended method of disposal.	Director:PDT/ Manager L&P	In Progress
28-Oct-21	21/10/PD5	DISPOSAL AND TRANSFER OF PRE-94 MUNICIPAL HOUSES IN PEANUTS	That the Accounting Officer be authorised to enter into an Offer to Purchase Agreement with the occupants and appoint conveyancers to effect transfers.	Confirmation has been requested from the Provincial Department of Human Settlements to give confirmation on the appointed service provider.	Provincial Department in the process to appointment of service provider who will take charge of the transfers.	Director:PDT / Manager Human Settlements	In Progress
31-Mar-22	22/03/PDT6	AUTHORISATION FOR A 3-YEAR SPONSORSHIP AGREEMENT FOR EVENTS SUPPORT FOR THE ALOE CUP RUGBY AND NETBALL TOURNAMENT	That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement/ SLA with Jeffreys Bay Primary School in respect of sponsorship stated in (1.) above.	Post-event report completed and will be submitted for submission to Portfolio, MAYCO and Council	Submitted for Council meeting of 31/05/23	Dir PDT / Events Officer	In Progress
	22/03/PDT7	DEVOLUTION (OFFER) OF LAND PARCELS OWNED BY THE FORMER NATIONAL HOUSING BOARD TO KOGUA LOCAL MUNICIPALITY	That Council grants authorization to the Accounting Officer to enter into relevant agreement with the Provincial Department of Human Settlement for transfer of the property to KLM.	Council resolution has been taken to accept the land the Department of Human Settlements wants to devolve to Kouga Municipality.	Matter was discussed at the IGR Land Forum Meeting on 24 March. Met with Officials from Department of Human Settlements during the week of 8 May and discuss Papiestontein properties again, it was agreed that Department will discuss the devolution of these land parcels and revert back to the Municipality.	Dir. PD&T	In Progress
	22/03/PDT8		That Council moves from the current Owio System to a GIS based environment.	The transition in progress. Enterprise GIS proposal with costing has been received and are being considered by the GIS/ICT Committee that are involved with the transition from Owio to a GIS based environment. The current proposal is for the Enterprise GIS platform as well as four AFLA modules. Town Planning, Building Control, Property and Lease Management as well as Cemetery Management.	Tender has closed on 20 June for submission of tender proposals.	MM / PDT	In Progress
			That Council engage in Change management and intensive 1 month testing of the implementation before implementation.	The testing before implementation of new system	Change management process plan has been drafted	MM / PDT	In Progress

29-Apr-22	22/04/PDT14	ESTABLISHMENT AND RECOGNITION OF THE KOUGA SMME FORUM	That the item be deferred to the next Council meeting.	TOR's to be drafted with Legal Service	Meeting set-up with legal to draft the TOR's	Dir PDT / LED Officer (SMME Development)	In progress
31-May-22	22/05/PDT2	IMPOSING OF MANDATORY INSTALLATION OF RAINWATER HARVESTING TANKS FOR NEW BUILDINGS IN KOUGA MUNICIPALITY IN RESPONSE TO	That the Planning, Development and Tourism Directorate engage in public awareness programmes, including engagement with Kouga Architectural designers' Forums to ensure compliance with the mandatory requirement for the provision of rainwater tanks for all new buildings plans to be submitted. That a study be conducted to track the financial implications of the requirement on water usage and the Municipality's water bill.	Building Control to facilitate (July 2022) engagement for comment with Kouga Architectural Designer's Forum (KDF) on implementation of implementation of Resolution - 22/05/PDT2	Building Control to investigate -legal requirement	CBCO	In progress
29-Jun-22	22/06/PDT17	REZONING OF A PORTION 1 OF THE FARM HUMANSDORP NO. 499, FROM "AGRICULTURAL ZONE 1" TO "SPECIAL ZONE" FOR THE PURPOSE OF A MIXED USE FOR INDUSTRIAL PURPOSES AND ANXULLARY USE (INTEGRATED INDUSTRIAL DEVELOPMENT ZONE)	That Council grants in-principle approval principle for the rezoning of a portion of Portion 1 of the Farm Humansdorp No.499, as described in the item. That Council authorizes the Department Planning & Development to proceed with the rezoning of a portion of Portion 1 of the Farm Humansdorp No.499 from "Agricultural Zone 1" to "Special Zone" to accommodate the intended uses for an "Integrated Industrial Development Zone" as previously described. That Council authorizes the Municipal Manager to sign a "Power of Attorney" on behalf of Council and any other applicable documentation in support of the application.	Act Manager :Planning in process of preparing the rezoning application		ActMPD	In Progress
	22/06/PDT18	DISPOSAL AND ALIENATION OF COUNCIL PROPERTIES LEASED TO EARLY CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO	That Council grant in-principle approval for the alienation/transfer of property to the Registered Organizations (Social Care Organizations) currently operating on the property by way of a Deed of Donation with restrictive conditions in respect of the land usage for the sole purposes of social care uses.	In-principle Council approval was received on 29 June 2022. Public participation has been completed and no objections was received against the intention of Council to donate. A number of letters in support of the donation was received during the public participation process.	Item has been prepared for final approval however more work needs to be done on the item. Item was discussed at Top Management and now awaits feedback in order to amend and submit item to Council.	Director:PDT/ Manager L&P	In progress
29-Jul-22	22/07/PDT4	EXPANDED DEFINITION OF BUILDING DEPOSITS FEES AND CHARGES FOR THE 2022-23 FINANCIAL YEAR	That Council approve the extended definitions of "Sub-economic" and "Other" as they relate to building deposit charges and fees for the Planning, Development and Tourism Directorate for the 2022/23 financial year, as reflected in Annexure "A" as amended, with effect from 29 July 2022. That Council authorize the Accounting Officer/CFO to update the building deposit charges and fees for Planning, Development and Tourism Directorate for 2022/23 financial year to reflect.		To investigate	CBCO	In progress
31-Aug-22	22/08/PDT3	IN PRINCIPLE APPROVAL FOR LONG TERM LEASE OF A PORTION ERF 499, HUMANSDORP TO CD FREIGHT LOGISTICS FOR INDUSTRIAL PURPOSE	That Council grant in-principle approval for the lease of a portion of Erf 499, Humansdorp for 9 years and 11 months. That a land surveyor be appointed to attend and conclude the subdivision, etc. as well as all other administrative costs for the cost of the applicant. That all applicable SPLUMA By-Law and IUS requirements are met prior operations That all bulk services that are required, needs to be provided by the developer with no financial implications to Council.	In-principle Council approval was received. Town Planning in the process to procure services of a Service Provider to conduct EIA, subdivision and rezoning. Application will done in line with SPLUMA legislation	Item has been placed in abeyance to consider the outcome of the hydrological study currently conducted on erf 499. The Town Planning Department busy with the procurement process to appoint service provider. Awaiting appointment of service provider Applicant to liaise with I&E on bulk service requirements	Director:PDT/ Manager L&P Director:PDT/ Manager L&P Director:PDT/ Manager L&P Director:PDT/ Manager L&P	In progress In progress In progress In progress
	22/08/PDT8	EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 406,	That Council grant in-principle approval for the extension of the lease of a portion of Erf 406, Paradise Beach (Paradise Beach Water Towers) for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months. That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant.	Council granted in-principle approval on 31 August. Applicant responsible for costs	Item for final approval will be submitted to July Council Meeting as the public participation is completed. Advert was placed and has closed on 23 May, no objections was received. Cost recovery will commence once final approval received	Manager Land & Properties Applicant	In progress In progress
	22/08/PDT9	EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 873, JEFFREYS BAY	That Council grant in-principle approval for the extension of the lease of a portion of Erf 873, Jeffreys Bay for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months. That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant. That only upgrades be allowed on the municipal property but no new infrastructure.	Council granted in-principle approval on 31 August. Applicant responsible for costs Will be implemented in accordance with resolution	Item for final approval will be submitted to July Council Meeting as the public participation is completed. Advert was placed and has closed on 23 May, no objections was received. Cost recovery will now commence This will be a condition in the agreement	Manager Land & Properties Applicant Manager Land & Properties	In progress In progress In progress
	22/08/PDT10	EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF FARM 746, PORTION 72, HUMANSDORP RD (SEA	That Council grant in-principle approval for the extension of the lease of a portion of Farm 746, portion 72, Humansdorp RD (Sea Vista Water Towers) for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months. That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant. That only upgrades be allowed on the municipal property but no new infrastructure.	Council granted in-principle approval on 31 August. All cost for the applicant Will be implemented in accordance with resolution	Item for final approval will be submitted to July Council Meeting as the public participation is completed. Advert was placed and has closed on 23 May, no objections was received. Cost recovery will now commence This will be a condition in the agreement	Manager Land & Properties Applicant Manager Land & Properties	In progress In progress In progress
	22/08/PDT11	ACQUISITION OF IMMOVABLE ASSET: TRANSFER OF PROVINCIAL ROADS: DA GAMA ROAD, ST. FRANCIS DRIVE & WOLTEMADE STREET TO KOUGA MUNICIPALITY	That Council grant in-principle approval for the transfer of Da Gama Road, St Francis Drive, Main Road-Humansdorp and Woltemade Street to Kouga Municipality in order to manage and maintain the roads contemplated herein. That the Council grant authorisation to the Accounting Officer to enter into a transfer agreement with the Provincial Department of Transport in respect of Da Gama Road, St Francis Drive, Main Road-Humansdorp and Woltemade Street. That Council make budgetary provision for the management and maintenance of the roads contemplated in point 2.	Council granted in-principle approval on 31 August. Accounting Officer and Legal responsible I&E responsible	Item for final approval will be submitted to Council once the mandatory public participation has been conducted by the Provincial Roads Department. Municipal Manager Office reported that there was engagement with Provincial Roads recently. The deed of sale will be addressed once final approval is obtained	Manager Land & Properties MM/Legal I&E	In progress In progress In progress

28-Oct-22	22/10/PDT1	REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL FOR ALIENATION OF ERF 2599, SEA VISTA - APPLICATION FROM	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.	Council granted in-principle approval on 28 October 2022.	Council granted final approval was granted on 31 May. Transfer process will now commence.	Manager: Land & Property Admin	In Progress
			That the Department of Public Works be liable for all cost derived from the transfer.	The applicant will be informed	This will be implemented after final approval from Council. This process will now proceed.	Department of PW	In Progress
	22/10/PDT2	SPONSORSHIP AGREEMENT FROM NELSON MANDELA BAY AQUATICS REQUESTING FUNDING SUPPORT FOR THE SOUTH AFRICAN NATIONAL OPEN WATER CHAMPIONSHIP	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.	Completed	Completed.	Dir PDT / Events Officer	Completed
			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.	Completed	Completed		Completed
That a feedback report be tabled to Council after the event.			Waiting for event organiser for final report after numerous reminders.	Reminder forwarded to event organiser again for close-out report	In progress		
11-Nov-22	22/11/PDT19	COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: ST FRANCIS ANIMAL RESCUE	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.	The SLAs are being drafted and almost completed	Required information requested from LED to give effect to a final draft	Legal/Community Services	Completed
11-Nov-22	22/11/PDT20	COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)	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.	Request submitted to legal to draft SLA	required information requested from LED to give effect to a final draft	Legal/Community Services	Completed
11-Nov-22	22/11/PDT21	COUNCIL AUTHORISATION FOR SPONSORSHIP TO THE NON-PROFIT ORGANISATION: NATIONAL SEA RESCUE INSTITUTE (NSRI)	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.	Request submitted to legal to draft SLA	Please note that this Sponsorship are being funded by Community Services	Legal/Community Services.	Completed
09-Dec-22	22/12/PDT1	FINAL APPROVAL FOR ALIENATION OF UNREGISTERED ERF 4593, KRUISFONTEIN: JABES CHURCH	That 1. subject to the registration of the subdivided portion of Erf 2 (now erf 4593), Kruisfontein, be in line with the Council approved policy.	Will be done in line with legislation	Consent letter to revive the subdivision has been issued. Subdivision is in place.	Manager: L&PA	Completed
			That rezoning and subdivision processes be finalised for the property contemplated herein.	Will proceed to appoint consultant to submit subdivision and rezoning of erf	Both subdivision and rezoning has been confirmed to be in place.	Manager: Town Planning	Completed
			That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Legal has been instructed to proceed with the disposal and transfer of the property	Transfer of property in progress	Manager: Legal Services	In Progress
	22/12/PDT3	ALIENATION OF ERF 1787, HANKEY (HENRY MASETI)	That transfer of the immovable property be effected on confirmation of payment of the full purchase price.	Will be done in line with council resolution	Applicant has been requested to provide proof of payment	Manager: L&PA	In Progress
			That based on the information from the transferring conveyancers, the purchaser settles any outstanding balance if any, before the transfer of the property.	Will be done in line with council resolution	Proof of full payment will be provided to Legal Department	Manager: L&PA	In Progress
			That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Legal has been instructed to proceed with the disposal and transfer of the property	Legal Department attending to the transfer	Manager: Legal Services	In Progress
	22/12/PDT4	TOWN PLANNING PROGRESS REPORT: PREPARATION OF ST FRANCIS BAY CBD & HANKEY CBD PRECINCT PLAN: 1 JULY 2022 TO 30 SEPTEMBER 2022	That Council supports that the Service Provider to embark on a Public / Stakeholder engagement Process as outlined in the Project Implementation Plan (Phase 2).	First public meeting were conducted in St Francis Bay and Hankey (Dec) Hankey no representation of public - meeting to be rescheduled.	Consultative meeting to be conducted on the 16 & 17 February with I & A parties in St Francis Bay & Hankey. I& A parties for Both Hankey and St Francis were engaged on 16 & 17 February 2023. First Draft Document completed. Final Public Participation round to be conducted before Council Approval in May/June. A report requesting Council's permission to allow the service provider and the steering committee to start with public participation processes was prepared, but unfortunately it was not part of the Agenda for Portfolio Committee- it did not serve- the matter was however discussed and MMC and members of the Portfolio indicated their dissatisfaction with the First Drafts- a meeting will be organised with the service provider to address issues raised	CTP - P Molele	In Progress
			22/12/PDT6	GRANT IN AID	That Organizations be workshopped on the application process for Grant in aid	Office busy with re-workshopping the Grant in Aid Policy to go to the Policy workshop.	Office is currently busy with benchmarking and to relook the Grant in Aid Policy.
	That the Salvation South Africa Kouga Kruisfontein Future Farmers be withdrawn and referred to the next Council Meeting.	Feasibility done by the Office - item will be tabled at next Council Meeting			Feasibility study done and investigation in the operations of the Salvation SA Farmers. Name change was noted also. Ward Cllr Alexander was also consulted. Item to be tabled in June 2023 Council Meeting.	LED Office	In progress
31-Jan-23	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	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.	The application has been placed on the LEC Meeting scheduled for 16 March for section 14 comments	Completed. Minutes prepared in order for item to be tabled at Council meeting	Manager Land & Properties	In progress
			That the market related value for the immovable properties contemplated in 1. be confirmed through independent or second latest valuation.	Quotations has been requested from service providers	Quotations have been received.	Manager Land & Properties	In progress
			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.	Will be tabled after public participation, valuation and section 14 has been completed.	Determination of valuation is in progress.	Manager Land & Properties	In progress

28-Feb-23	23/02/PDT11	ALIENATION OF UNREGISTERED ERF 3085, SEA VISTA: ST FRANCIS BOWLING CLUB	The registration of the subdivided portion of Erf 554 (now Erf 3085), Sea Vista be finalized.	Has consulted with the land surveyor who initially subdivided erf 554 and was confirmed that a consent letter granting exemption for the subdivision.	Legal firm, Billet & Gouws has been appointed to attend to registration and consent letter for subdivision will be provided before end of June.	Manager Land & Properties	In progress
			The land shall be solely used for the purposes of conducting thereon a bowling club and related purposes.	This will be included as a condition in deed of sale	Legal service provider will ensure this condition is included in deed of sale.	Manager Land & Properties	In progress
			In the event of the property not being used for the purpose for which it was sold or no longer required for such purpose, it shall revert back to the Council without payment of compensation for any improvements effected to or on the property.	This will be included as a condition in deed of sale	Legal service provider will ensure this condition is included in deed of sale.	Manager Land & Properties	In progress
			That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Instruction will be given to Legal Department to commence with disposal and transfer before week ending 17 March	Instruction was given to Legal	Manager Land & Properties/MM/Legal	In progress
			That the bowling club facility be availed to the Ward 12 Community as a Community Hall.	This will be included as a condition in deed of sale	Instruction was given to Legal	Manager Land & Properties	In progress
06-Apr-23	23/03/PDT14	REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AN IN-PRINCIPLE APPROVAL TO	That in terms of Reg 5(1)(b)(i) of the MATR and Policy on disposal of immovable assets	Item was tabled on 6 April for in-principle approval	Objections received against alienation of Erf 5972, Jeffreys Bay. A new Erf number will be identified.	Manager: L&PA	In progress
			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 the intended alienation of the immovable property herein.	Advert will be prepared to be published	New property to be identified	Manager: L&PA	In progress
			That it be noted that the NPO will be responsible for all administrative costs in respect of the development of the property.	Will form part of the instruction to Legal	New property to be identified	Manager: L&PA	In progress
			That public participation process and stakeholder engagement be embarked on after which an agreement be concluded.	Will form part of the instruction to Legal	New property to be identified	Manager: L&PA	In progress
			That a Service Level Agreement (SLA) be concluded with the successful NPO for the funding of the Shelter.	Will form part of the instruction to Legal	New property to be identified	Manager: L&PA	In progress

31-May-23	23/05/PDT1	REPORT: LAND EVALUATION COMMITTEE NEW APPLICATION ON MUNICIPAL LAND & SECTION 14 COMMENTS	That all Section 14 processes be finalised with confirmation that the land is not needed to provide the minimum level of basic municipal services.	Item was presented to May 2023 Council Meeting for noting	Three individual items that forms part of the report has been prepared and submitted to the Portfolio Committee for in-principle approval	Manager: L&PA	In progress
	23/05/PDT2	MUNICIPAL FUNDED EVENT CLOSEOUT REPORT: 2022 SOUTH AFRICAN LONGBOARD CHAMPIONSHIP AND 2023 SPONSORSHIP PROPOSAL	That Council authorises the Accounting Officer to conclude a Sponsorship Agreement / SLA with Surling South Africa in respect of sponsorship stated in (2.) above.	Completed	Completed	Events Officer	Completed
	23/05/PDT3	PARTNERSHIP AGREEMENT WITH GAMTOOS TOURISM TO HOST THE JAZZ IN THE PARK AT YELLOWWOODS FESTIVAL	That Council authorize the Accounting Officer to conclude a Sponsorship Agreement / SLA with Gamtoos Tourism in respect of sponsorship stated in (1.) above.	SLA currently with Legal Department	In progress - with legal department	Events/Legal	In Progress
	23/05/PDT4	ESKOM FUNDING ALLOCATION FOR THE INSTALLATION OF ELECTRICAL CONNECTIONS FOR THE 2023/2024 FINANCIAL YEAR	That all type 1 infill houses to be electrified in Cyril Ramaphosa be within a 50 metre radius from the nearest point of supply.	Verification of of houses within the 50 metre radius completed and meeting has been set-up with ESKOM for 22 June 2023	identifying of houses within 50 metre radius complete	Act. Manager: Human Settlements	In Progress
			That Council indemnifies ESKOM and accepts liability for costs of relocating electrical connections installed from informal houses to formal houses at the completion of the formal housing project.	Meeting arranged for the 22nd of June 2023.	Meeting has been arranged.	Act. Manager: Human Settlements	In Progress
	23/05/PDT5	PATENSIE 6 RECTIFICATION PROJECT: APPROVAL OF PROJECT	That priority for the construction of these houses be given to SMMEs that reside within the KLM area.		Addendum for Funding Agreement for Rectification received and signed, procurement for service provider will soon commence	Act. Manager: Human Settlements	In progress
			That the tender process for the construction of these houses be finalised as a matter of urgency so as to prevent any further delays and inconvenience to the displaced families.				
	23/05/PDT6	MUNICIPAL FUNDED EVENT CLOSEOUT REPORT: 2022 ALOE CUP RUGBY & NETBALL TOURNAMENT AND 2023 SPONSORSHIP PROPOSAL	That Council authorises the Accounting Officer to conclude a Sponsorship Agreement / SLA with Jeffreys Bay Primary School in respect of sponsorship stated in "2." above.	Completed	SLA and payment in progress	Events/legal	In progress
			That at least two more local schools are invited to participate in the event.	6 local Kouga schools are attending	6 local Kouga schools are attending.	Events Officer	Completed
	23/05/PDT7	MUNICIPAL FUNDED EVENT CLOSEOUT REPORT FOR THE 2022 J-BAY SURF FESTIVAL AND 2023 SPONSORSHIP PROPOSAL	That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement / SLA with the organizers of the J-Bay Surf Festival in respect of sponsorship stated in "2." above.	All relevant documentation and approvals received. Currently with legal department to finalize SLA.	In progress with legal and payment	Events/legal	In progress
	23/05/PDT8	ADOPTION OF THE ANNUAL REVIEWED 2023/2024 INTEGRATED DEVELOPMENT PLAN (IDP)	That the 2023/2024 Annual Reviewed IDP attached as Annexure A to the Agenda BE ADOPTED as a principal strategic planning instrument which will continue to guide and inform all planning and development, and all decisions regarding planning, management and development, in the Kouga Local Municipality.	No action to be required. The Reviewed IDP will be continuing to guide and inform all planning and development for the municipality for 2023/2024.	None Required	IDP MANAGER	COMPLETED
			That the written submissions received in respect of Draft 2023/2024 IDP attached as Annexure B to the Agenda be considered and addressed as part of the wider, holistic and cyclical process of municipal planning.	No action required. All the comments and inputs were taken into consideration.	None Required	IDP MANAGER	COMPLETED
			That within 14 days of the adoption of the 2023/2024 Annual Reviewed IDP by Council, the Accounting Officer of the Municipality must in accordance with Section 25 (4) of the Municipal Systems Act – Give notice to the public – i) Of the adoption of the plan; and ii) That copies of or extracts from the plan are made available for public inspection at specified places.	i) The Reviewed IDP and Budget for 2023/2024 was duly advertised in the Kouga Express on 8 June 2023 (Notice. No. 120/2023) ii) Archive has delivered the Final IDP and Budget to all Municipal Offices and Ward Councillors Offices on Friday, 9 June 2023. iii) The IDP and budget has been uploaded also on the Municipal website.	Fully executed	IDP MANAGER	COMPLETED
			That the approved IDP and Budget be sent to CoGTA/National and Provincial Treasury within 10 days of approval.	The IDP Section has forwarded the Reviewed IDP to Cogta on 8 June 2023 and receipt of the document was confirmed.	Fully executed	IDP MANAGER	COMPLETED
			That additional submissions and corrections be submitted to the Office of the Speaker by 2 June 2023 and thereafter be tabled at the next Mayoral Committee meeting.	An item has been prepared and submitted to the Office of the Speaker for tabling to the Mayoral Committee Meeting.	Fully executed	IDP MANAGER	COMPLETED
	23/05/PDT9	ALIENATION OF ERF 2599, SEA VISTA TO THE DEPARTMENT OF PUBLIC WORKS – APPLICATION FROM ROTARY CLUB OF ST FRANCIS FOR THE EXTENSION AND UPGRADE OF ST FRANCIS BAY CLINIC	That the Department of Public Works be liable for all cost derived from the transfer.	Item for final approval was presented to the May Council Meeting.	Council granted final approval. Transfer will now commence.	Manager L&P	In progress
	23/05/PDT10	REQUEST FOR COUNCIL'S FINAL APPROVAL: SELLING OF VACANT MUNICIPAL RESIDENTIAL ERVEN WITHIN THE KOGA MUNICIPAL AREA	That Council grant final approval for the alienation of vacant residential municipal properties to the successful bidders and tendered price in the table below and in line with the provisions of tender 137/2021. Refer to the table in the Council Memo.	Item for final approval was presented to May Council Meeting	Council granted final approval. Transfer will now commence.	Manager L&P	Completed
			It is recommended that where bids received is less than the market value, consideration of not less than 75% of the market value should be given for Previously Disadvantaged (PD) and First Time Homeowners (FTHO) as described in our Policy and Procedures for the Disposal of Immovable Assets adopted 29 October 2020.	Will form part of the instruction to Legal in order to considered during the disposal and transfer process.	Instruction will be given to Legal Department	Manager L&P	In progress
			That the Council grant authorisation to the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the properties to the successful bidders.	Will form part of the disposal and transfer process.	Instruction will be given to Legal Department	Manager L&P	In progress
			That the land is sold voetstoots.	Will form part of the disposal and transfer process.	Instruction will be given to Legal Department	Manager L&P	In progress
			That the Environmental Officers provide a recommendation on whether the vacant municipal residential erven should not be sold and rather be kept as urban food mitigation.	To engage and confirm with the Environmental Officer.	Confirmation will be requested from the relevant department during the week of 19 May.	Manager L&P	In progress
	23/05/PDT11	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: RELOCATION OF THE HUMANSDORP MUSEUM FROM ERF 216 TO ERF 440, HUMANSDORP	That Council grants in-principle approval for the relocation of the Humansdorp Museum to Erf 440, Humansdorp by means of a Right-to-Use Agreement of 9-years and 11 months.	Item was presented to the May Council Meeting.	In-principle approval received from Council.	Manager L&P	In progress
			That Council grant authorization to the Accounting Officer to advertise the intended disposal, by way of a right-to-use agreement, of the immovable property herein.	Memorandum to request permission to advertise has been prepared as well as the advertisement.	Memorandum has been signed and it is anticipated that the advert will be published on 22 June.	Manager L&P	In progress
			That Council confirms that the land is not needed to provide the minimum level of basic municipal services.	Section 14 comments has been requested from relevant service departments.	All Section 14 comments has been received and completed.	Manager L&P	Completed
			That the leading department finalise the rezoning of the property.	A request has been forwarded to the Town Planning Department for rezoning.	Awaiting response from the Town Planning Department.	Manager L&P	In progress
			That all administrative costs, including the rezoning of the property, be for the account of the applicant.	This will form part of the disposal process	Cost will be recovered from applicant where necessary.	Manager L&P	In progress
			That Council grant the Accounting Officer authorisation to enter into a Right-to-Use Agreement with the applicant once all processes are concluded.	This will form part on the finalisation of disposal process.	Awaits final approval of application	Manager L&P	In progress
			That maintenance be done on the municipal building located at Erf 216, Humansdorp and that it be leased, subject to a competitive process being followed as per applicable legislation and the Council approved Policy.	Will commence with maintenance after final approval and relocation.	This process is dependent on final approval and relocation of the Museum to the new premises.	Manager L&P	In progress

KOUGA MUNICIPALITY (EC108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 30 JUNE 2023

ITEM NO: 23/06/MM7

APPROVAL OF PUBLIC PARTICIPATION POLICIES

1. Introduction

The purpose of the report is to request Council to approve the Public Participation and Ward Committee Policies as well as the Public Participation Standard Operating Procedures of Kouga Local Municipality.

2. Background

The Public Participation Policy(Annexure A), Ward Committee Policy(Annexure B) and Public Participation Standard Operating Procedure(Annexure C) of Kouga Local Municipality was reviewed and workshopped at the Policy Workshop on 02 May 2023. All amendments have been affected, as discussed at the Policy Workshop.

3. Comments by Directorates

3.1 Deputy Municipal Manager

Item supported.

3.2 Director: Community Services

Item supported.

3.3 Director: Infrastructure & Engineering

Item supported.

3.4 Chief Financial Officer

Report noted

3.5 Acting Director: Planning, Development & Tourism

Item supported.

3.6 Acting Director: Corporate Services

Item supported.

3.6 Municipal Manager

Item supported.

4. Financial implications

None.

5. Legal implications

None.

6. Other Implications

None.

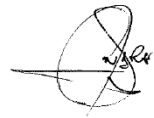
7. Recommendation

7.1 That the Council approves the Public Participation Policy(Annexure A).

7.2 That the Council approves the Ward Committee Policy(Annexure B).

7.3 That the Council approves the Public Participation Standard Operating Procedure(Annexure C).

Item prepared by: Manager Public Participation



Item approved by: Deputy Municipal Manager



Item endorsed by: Municipal Manager



Item noted by: Speaker



Annexure A

Council of the Kouga Municipality has in terms of section 156(2) of the Constitution of the Republic of South Africa read in conjunction with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, approved the following Policy.

PUBLIC PARTICIPATION POLICY

Document Control:

Title of Policy:	Public Participation Policy
Council Meeting:	
Council resolution Number:	
Previously Approved:	
Directorate Responsible:	Office of Municipal Manager
Status of the Document:	
Review Date:	
Council Meeting:	01 August 2017
Council resolution Number:	17/07/MM

PUBLIC PARTICIPATION POLICY

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KOUGA MUNICIPALITY (EC108)

PUBLIC PARTICIPATION POLICY

1. Preamble

In terms of the Local Government: Municipal Systems Act 32 of 2002, Chapter 4 in Section 16 that Local municipalities are compelled by law to ensure that they provide mechanisms for citizens to participate in the affairs of local government.

The National Policy Framework for Public Participation (2007) defines public participation as “an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making”.

The challenge facing local governments in South Africa is to ensure that public participation mechanisms are effective, efficient, and actively encourage meaningful participation.

2. Purpose

The purpose of the Policy is to facilitate the institutionalisation of public participation in order to deepen democracy, empower citizens and make the Municipality more responsive to the needs and aspirations of the local community.

3. Definitions

In this Policy, unless the context indicates otherwise –

- a) **Constitution** means the Constitution of the Republic of South Africa Act, 108 of 1996
- b) **Council** means the Council of Kouga Local Municipality.
- c) **Councillor** means a member of the Council.
- d) **Disaster Management Act** means the Disaster Management Act, 57 of 2002.
- e) **District Municipality** means a Category C Municipality as envisaged in Section 155 (1)(c) of the Constitution.
- f) **Executive Mayor** means the Councillor elected as the Executive Mayor in terms of Section 55 of the Structures Act.
- g) **IDP** means the Integrated Development Plan as in Section 25 of the Local Government: Municipal Systems Act (No 32 of 2000).
- h) **Local community** or **community** in relation to the Municipality means that body of people comprising the residents of the Municipality, the ratepayers of the Municipality, any civic organisations and non-governmental, private sector or



REVIEWED: 25.05.2017
RECOMMENDED BY MAYCOM: 00.00.0000
APPROVED BY COUNCIL: 01.08.2017
ITEM NO: 17/07/MM

labour organisations or bodies which are involved in local affairs of the Municipality.

- i) **Municipal Finance Management Act (MFMA)** means the Local Government: Municipal Finance Management Act, 56 of 2003.
- j) **Municipal Manager** means the person appointed in terms of section 54A of the Local Government: Municipal Systems Act 32 of 2000.
- k) **Municipality** when referred to as "an entity" means municipality as described in section 2 of the Local Government: Municipal Systems Act 32 of 2000; and when referred to as a geographic area means a municipal area determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998.
- l) **Performance Management Regulations** mean the Municipal Performance Management Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, R805, 1 August 2006.
- m) **Petition** means a written statement, proposal or grievance addressed to the Municipality, office bearer or employee of the Municipality and signed by each petitioner within the municipal area.
- n) **Policy** means the Public Participation Policy.
- o) **Promotion of Access to Information Act** means the Promotion of Access to Information Act, 2 of 2000.
- p) **Property Rates Act** means the Municipal Property Rates Act, 6 of 2004, as amended in 2009.
- q) **PPU** means the Public Participation Unit of the municipality.
- r) **Stakeholder** means any individual or group with an interest in a particular issue addressed by Government.
- s) **Structures Act** means the Local Government: Municipal Structures Act No. 117 of 1998 as amended.
- t) **Systems Act** means the Local Government: Municipal Systems Act No. 32 of 2000 as amended.
- u) **Water Services Act** means the Water Services Act, 108 of 1997.

4. Context

Kouga Local Municipality is situated in the Sarah Baartman District Municipality in the Eastern Cape. It covers a total land area of 2419 square kilometres, divided into 15 wards, and has an estimated population of 112 941 square kilometres (Community Survey: 2016). The size and density of the population varies widely from ward to ward. A key challenge is reaching residents over such a large area to obtain their input in public participation with limited resources.

5. Stakeholders

Internal and intergovernmental stakeholders include the Speaker, the Executive Mayor, all councillors, and municipal employees. **Intergovernmental stakeholders** include employees and Councillors of the District Municipality, as well as sector department representatives from Provincial and National Government.

For public participation to succeed, however, it is the external stakeholders that need to be included and encouraged to become actively involved in structures and platforms aimed at enhancing public participation. **External stakeholders** include civic organisations, political parties, community-based organisations, and the municipal areas citizens in general.

6. Legislative Framework

South Africa has a substantial body of legislation and regulations that emphasises the importance of public participation and provides guidelines on how to develop effective mechanisms for public participation. The legislation includes:

a) Republic of South Africa Constitution Act, Act 108 of 1996 (Chapter 7)

- (i) Section 152: Objectives of Local Government
 - To encourage the involvement of communities and community organisations in the matter of local government

b) Local Government Municipal Structures Act, 1998

- (i) Chapter Three (Section 19) of the Act requires a municipality to strive within its capacity to achieve the objectives set out in Section 152 of the Constitution, namely, to:
 - Develop mechanisms to consult the community and community organisations in performance of its functions and exercising of its powers
 - Annually review the needs of the community and municipal priorities and strategies for meeting those needs and involving the community in municipal processes.
- (ii) Part four is the section of the Act that requires the establishment of ward committees. The objective is to enhance participatory democracy in local government. Part four also provides that the ward councillor shall be the chairperson of the ward committee and obliges the municipal council to make rules regulating the procedure to elect members of ward committees.

c) Local Government Municipal Systems Act, 2000

- (i) Chapter Four of this Act calls on municipalities to develop a culture of municipal governance that works hand in hand with the elected leaders and a system of community participation. The Act also requires that municipalities develop mechanisms, processes, and procedures for

community participation.

- (ii) Section 5(1) of the Act sets out rights and duties of members of the local community specifically outlines the rights of community to:
 - Contribute to the decision-making processes of the municipality; and submit written or oral recommendations, representations, and complaints to the municipal council
 - Prompt responses to their written or oral communications, including complaints to council
 - Be informed of decisions of the municipal council or another political structure or any political office bearer or the municipality affecting their rights, property, and reasonable expectations.
- (iii) Section 16 requires a municipality to develop "a culture of community participation" on issues such as integrated development planning, performance management systems and budgets.
- (iv) Section 16(b) requires a municipality to contribute to building the capacity of the local community to participate in the affairs of the local municipality.
- (v) Section 17 specifies the mechanisms, processes, and procedures for community participation. Section 17(1) provides that participation in the affairs of the municipality by the local community must take place through the political structures created for participation in terms of statute such as ward committees and councillors.
- (vi) Section 17(2) requires a municipality to establish appropriate mechanisms, processes, and procedures to enable the local community to participate effectively in the affairs of the municipality. The municipality must provide for:
 - Receipt, processing and consideration of petitions and complaints lodged by the community
 - Notification and public comment procedures
 - Public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality.
 - Consultative sessions with locally recognised community organisations and traditional authorities
 - Report-back to the local community

- (vii) Section 17(3) provides that mechanisms, processes, and procedures that are developed to enable community participation must also cater for people with special needs such as people who are illiterate, people with disabilities, women and disadvantaged groups.
- (viii) Section 18 provides that a municipality must communicate the public participation mechanisms, processes, and procedures, as well as matters which require community participation, to the community to encourage and facilitate community participation.
- (ix) Section 21 prescribes the manner in which the municipality must communicate with its community through the media. Section 21(a) requires that notification of all documents that must be made public in terms of legislation must be displayed at the municipal head office, satellite offices, the media, and the official website if the municipality has one.

d) Local Government Municipal Finance Management Act 2003

- (i) This Act requires a municipality to:
 - Make its budget and supporting documents available to the public
 - Produce an Annual Report which sets out information on:
 - o Municipal activities
 - o Performance against budget
 - o The state of finances, including arrears
 - o The Auditor-General's assessment and the municipal response

e) Local Government Laws Amendment Act (No.19 of 2008)

- (i) This Act was promulgated to amend selected local government legislation that had already been passed by parliament. Amendments that are relevant to public participation is the amendment to the Local Government Municipal Structures Act, 1998, to provide for amendments to provisions relating to ward committees.

f) National Policy Framework for Public Participation (2007)

- (i) The Framework lists several assumptions that are critical to the success of any public participation system. These include:
 - In South Africa in the context of public participation community is defined as a ward, with elected ward committees. Hence, ward committees play a central role in linking up elected institutions with the people.
- (ii) The Framework lists the following principals that must underpin public participation processes:
 - Inclusivity

- Diversity
- Building Community Participation
- Flexibility
- Accessibility
- Accountability
- Trust, Commitment and Respect
- Integration
- Batho Pele

7. Roles and Responsibilities

7.1 Speaker

The Speaker is responsible for the overall coordination and integration of public participation processes in the Municipality. He/she is the chair of the Ward Forum and exercises political oversight of the Ward Committee system. The functions of the Speaker are outlined in terms of Section 37 9(a-k) of the Structures Act 117 of 1998.

7.2 Executive Mayor

Section 56(3)(g) and (h) of the Structures Act require the Executive Mayor to:

- a) Play a role in the monitoring of public participation by annually reporting on community involvement.
- b) Ensure that public views are considered.
- c) Report on the effect of consultation on the decision-making process.

The Executive Mayor is the chair of the Integrated Development Plan Representative Forum.

Sections 21 and 23 of the Municipal Finance Management Act confer specific functions regarding public participation on the Executive Mayor in regard to the municipal budget.

It is furthermore the responsibility of the Executive Mayor to ensure that public participation is included as a Key Performance Area in the performance

contract of the Municipal Manager as specified in Section 26 of the Performance Management Regulations.

While the Speaker has overall responsibility for public participation, the Executive Mayor has specific responsibility regarding marketing and promoting the Municipality as a haven for investment and to keep the community abreast of important municipal events and achievements.

7.3 Municipal Manager

In giving effect to sections 16 (development of culture of community participation and section 17 (mechanisms, processes and procedures for community participation) of the Systems Act and as set out in this Policy, the Municipal Manager must:

- a) Include public participation as a Key Performance Area and identify measurable indicators in respect of the Managers directly accountable to him/her.
- b) Encourage and create conditions for the local community to participate in the affairs of the Municipality, including in –
 - (i) The preparation, implementation, and review of the Municipality's Integrated Development Plan (IDP).
 - (ii) The establishment, implementation, and review of the Municipality's Performance Management System.
 - (iii) The monitoring and review of the Municipality's performance, including the outcome and impact of such performance.
 - (iv) Consideration of draft by-laws.
 - (v) The preparation of the Municipality's budget.
 - (vi) Consideration of the Municipality's Tariffs and Debt Collection policies
 - (vii) Strategic decisions relating to the provision of municipal services.
- c) Ensure that the Municipality employs sufficient staff members, other than councillors, who may help in informing and educating the community about the affairs of the Municipality in the areas referred to 7.1 (a) herein above.
- d) Ensure that all staff members, including councillors, are trained in the basic knowledge of the areas referred to in 7.1 (a) herein above
- e) Ensure that the Municipality contributes to building the capacity of the

community to enable it to participate in the affairs of the Municipality.

- f) Establish and notify the public of all the available methods for participation
- g) Ensure that the Municipality uses appropriate venues for public meetings and/or hearings as provided for in this Policy
- h) Develop mechanisms to ensure that the Policy is communicated to all stakeholders

7.4 Councillors

In accordance with Chapter 7 of the Structures Act Councillors “must be accountable to local communities and report back at least quarterly to constituencies on Council matters, including the performance of the municipality in terms of established indicators”.

Since a Ward Councillor is directly elected to represent and serve the people in a specific ward, the Ward Councillor should ensure that the interests of the people in the ward are properly represented. The Ward Councillor should be in touch with the issues in the area, understand the key problems and monitor development and service delivery. In committees, caucus and Council meetings, the Ward Councillor should act as a spokesperson for the people in the ward.

Ward Councillors also chair the Ward Committees, the legitimate statutory platform for community participation.

7.5 **Intergovernmental Stakeholders**

7.5.1 Community Development Workers (CDWs)

Community Development Workers (CDWs) can contribute significantly to the activities of Ward Committees and the IDP Representative Forum, as well as to improving the way the Municipality identifies and responds to service-delivery complaints from communities. The roles and responsibilities of CDWs, therefore, must be formulated clearly by the Municipality in conjunction with the Department of Cooperative Governance and Traditional Affairs, who employ the CDWs.

7.5.2 District Municipalities

In terms of the Structures Act, District Municipalities are responsible for the IDP of the District and for providing a framework for the IDPs of the Local Municipalities falling within the district.

Districts have their own projects that they implement in Local Municipalities, and it is imperative that the District Municipality and Local Municipality ensure that there is synergy between their projects and the processes they undertake to encourage public participation.

7.5.3 Provincial and National Government

Cognisance must be taken of the fact that not all public consultation processes that occur in local communities are driven by, or under the authority of, the Municipality. Provincial and National Departments run their own projects and programmes that impact on Local Municipalities. For this reason, it is imperative that the Municipality establishes an Intergovernmental Relations (IGR) Forum that meets at least quarterly to ensure an integrated and coordinated approach to all Government programmes.

8. **Platforms and Tools**

8.1 Ward Committees

Ward Committees are the legislated statutory platform for community participation. The objective of Ward Committees is to enhance participatory democracy in local government. Ward Committees are independent and impartial advisory bodies and must perform their duties without fear, favour or prejudice.

To enable Ward Committees to function effectively, they require both administrative support and training. It is the duty of the Municipal Manager to ensure that Ward Committees receive adequate administrative support from the Municipality.

The Speaker exercises political oversight over Ward Committees, consistent with the provisions of section 4(2) (c) of the Municipal Systems Act.

The Municipality must develop rules regulating the establishment and operation of Ward Committees. Council must adopt such rules

8.2 Ward Forums

The Ward Forum is a gathering of all Ward Committees in the Kouga municipal area and is chaired by the Speaker. The Forum consists of all Ward Committee members, all Ward Councillors, as well as other interested parties such as CDWs.

The role of the Ward Forum is to monitor and evaluate the operation of Ward Committees, including community-based planning.

The Ward Forum should meet at least twice a year.

The Forum must elect at least one representative (who is not the Speaker) to be considered by the Executive Mayor as his/her representative on the performance evaluation panel during the review process, as set out in Section 27(4)(d) and (e) of the Performance Management Regulations.

8.3 IDP Representative Forum

The Integrated Development Plan (IDP) Representative Forum is chaired by the Executive Mayor. It is one of the vehicles utilised to promote inclusivity and transparency during the IDP process. The forum should be inclusive of all stakeholders in the municipal area and should serve as a platform for stakeholders to advance and defend the inclusion of their interests in the IDP.

The IDP Representative Forum may include:

- Members of the Executive Committee of Council
- All Councillors from KLM (including District Councillors)
- Traditional Leaders
- Heads of departments and senior officials from municipal and government departments
- Representatives from organised stakeholder groups
- Civic Organisations
- Community Development Workers

The purpose of the IDP Representative Forum is to:

- Provide an opportunity for stakeholders to represent the interests of their constituencies.
- Provide a structure for discussion, negotiations and joint decision making.

- Ensure proper communication between all stakeholders and the municipality.
- Monitor the planning and implementation process.

A code of conduct should be drawn up for the IDP Representative Forum that provides details on:

- Meetings - frequency and attendance
- Agenda, facilitation and recording of proceedings
- Understanding the role of various stakeholders as representatives of their constituencies
- How feedback to constituencies will take place
- Required majority for decisions to be taken
- How disputes will be resolved

8.4 Council Meetings

The Municipal Manager must give notice to the public in the manner provided for in section 19 of the Systems Act of the time, date and venue whenever there is a scheduled ordinary or special meetings of the Council, except when the constraints make this impossible.

8.5 Public Meetings/Hearings/Imbizos

8.5.1 Notification

Whenever a notice of a meeting is to be communicated to the local community under this Policy or any other applicable policies and legislation, it must satisfy the following requirements:

- a) A notice of a legislated public meeting must be advertised at least once in a newspaper circulating in the municipal area and approved by Council as a newspaper of record.
- b) Copies of notices of public meetings shall be posted on the official website of the municipality and on municipal notice boards.
- c) All notices must adhere to the Language Policy of Council.
- d) All notices shall be issued at least seven days before the date of the meeting.
- e) Loud hailing should be done 24 hours before the meeting and on the day of the meeting.

8.5.2 Venue

In determining the appropriateness of venues for public meetings the Municipal Manager must consider the following:

- a) The size of the venue considering the approximate number of people who might attend the meeting.
- b) The location of the venue and access to it via public and private transport.
- c) The number of staff members of Council to be made available to ensure the smooth administration of the meeting.
- d) The provision of security for both members of the Municipality as well as members of the community attending the meeting.

8.5.3 Submitting written comments

When the Municipality invites the community to submit written comments or representation on any matter before Council, it must be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the Municipality, named in the invitation, will help that person to transcribe that person's comments or representations.

The Municipal Manager must provide the community with a central e-mail address where they may submit written comments directly to the Municipality on any matter referred to in this Policy and/or other relevant legislation.

8.6 Stakeholder Database

The Municipality must keep an updated register of all stakeholders to be consulted on municipal issues.

8.7 Citizen's Participation Charter

The Citizen's Participation Charter outlines the rights and duties of citizens regarding participating in their municipality's governance.

8.8 Community Complaints Management System

This refers to a set of centralised procedures to deal with community complaints. Basic requirements that should be met are:

- Thorough publicising of contact details, especially a telephone number where the public can lodge complaints.
- Development of standing rules of order that deal in detail with managing community complaints.

Though the system may be complicated to set up, it is important to note that responsiveness to complaints, especially on service provision, can be a key variable affecting perceptions about municipal good governance.

8.10. Citizen Satisfaction Surveys

Citizen Satisfaction Surveys can provide scientific evidence of the perceptions of the public on key aspects of municipal performance. A successful vehicle for this mechanism is through the capacity-building of Ward Committees, wherein Ward Committees will be expected to conduct and report on such surveys objectively.

8.11. Petitions

Petition means a written statement, proposal or grievance addressed to the Municipality, office bearer or employee of the Municipality made by a member of public and makes provision that each petition must be signed by a petitioner.

Categorisation of Petitions

- (a) **A single petition:** which is an individual submission from a single petitioner, concerning a particular complaint or request.
- (b) **An association petition:** which is an individual submission from an association or single petitioner mandated by an association to submit that petition, concerning a particular complainant or request.
- (c) **A collective petition:** which is a collection of signatures from a number of petitioners, concerning a particular request or complaint.
- (d) **A mass group petition:** which is made up of individual or group submissions from a number of petitioners, concerning the same or substantially similar complaints or requests.

All petitions received from the residents by the ward councillors shall be addressed to the Municipal Manager and or Speaker of Council.

All petitions received shall be acknowledged in writing by the Municipality within 48 hours of receipt.

Petitions shall be disposed of by the relevant portfolio committee within 31 days or referred to Council with recommendations should the committee not have the power to dispose of the matter, in which case a special Council meeting shall be convened within seven days of the decision to refer the matter to Council.

Any petition must comply with the following requirements:

- a) It must be in legible writing or typed
- b) It must clearly indicate the topic

- c) It must be signed by each petitioner to a petition.

Disqualification of petitions

A petition is disqualified if:

- (a) It falls outside the scope of matters contemplated in the policy.
- (b) It concern a matter pending in a court of law or other tribunal or forum contemplated in the Constitution.
- (c) It is in connection with the conviction or sentencing by a criminal court of law of a person to a period of imprisonment
- (d) It falls outside the powers and functions of any state institution or its area of jurisdiction
- (e) Illegible
- (f) Contains incorrect information (particulars) of the petitioner, association or group.
- (g) It has not been signed by the petitioner, except where petitioner is unable to write – marks (x) on the petition as a symbol of authority. The mark was made in the presence of two witnesses who are able to write and who by signing it that petition certify that the mark is that of the petitioner.
- (h) It addresses a matter previously considered and dealt with.
- (i) It contains defamatory statements or improper language.

8.12. Miscellaneous Tools

Other tools that may be used to enhance public participation are sector-specific forums, advisory committees, workshops, information days, internet and email, an official website, cellular phones, media releases, radio and television interviews, flyers, posters, an official newsletter, loud hailing and municipal accounts.

9. MUNICIPAL ISSUES REQUIRING PUBLIC PARTICIPATION

The four key annual statutory processes that require public participation are the budget process, Integrated Development Planning, Performance Management System and the Annual Report.

There are, however, various other issues in respect of which the municipality is required to engage with the community, as set out in the table below:

<u>Activity</u>	<u>Legislation</u>
Annual Report	Systems Act Section 46(3) & (4) MFMA Section 127(5) MFMA Section 129(3)
Budget	Constitution Section 215 MFMA Section 21(1)(b) MFMA Section 22(a) MFMA Section 23(1) MFMA Section 53(3)(a) MFMA Section 54(3)
<u>Activity</u>	<u>Legislation</u>
Budget: Contracts with financial obligations beyond three years	MFMA Section 33(1) & (3)
By-laws	Constitution Section 162 (1)(3) Systems Act Section 12(3)(b) Systems Act Section 13(a) Systems Act Section 15
Capital assets: Disposal	MFMA Section 14(2) MFMA Section 90(2)
Council Meetings	Constitution Section 160(7) Systems Act Section 5(1)(e)(i) Systems Act Section 19 Systems Act Section 20(1) & (2) MFMA Section 130(1)
Debt	MFMA Section 46(3)(a)
Disaster Management	Disaster Management Act Section 53(1)(d)
Entities: Establishment	MFMA Section 84(2)
Entities: Budget	MFMA Section 87(10) MFMA Section 88(1)
Financial Recovery Plans	MFMA Section 141(3)(c)(ii)(bb)
IDP: Amendments	Performance Management Regulations Section 3(4)
IDP: Process for adopting	Systems Act Section 28(2) & (3) Systems Act Section 29(b)(ii) & (iii) MFMA Section 21(1)(b) Performance Management Regulations Section 15

IDP: Publication	Systems Act Section 25(4)
Information Requests	Promotion of Access to Information Act Section 11, 14, 18, 19, 25 & 26, and Chapter 4
Performance Management System	Systems Act 16(1)(a)(iii) Systems Act Section 42 Systems Act Section 44 MFMA Section 53(3)(b) Performance Management Regulations Section 15
Property: Registration	Property Rates Act Section 23(4)
Property: Valuation Rolls	Property Rates Act Sections 49, 50, 51, 53 & 54
Property: Supplementary valuations	Property Rates Act Sections 49 & 78
Rates: Adoption	Property Rates Act Section 4(2)(3)
Rates: Promulgation	Property Rates Act Section 14(3)
Rates: Special ratings areas determination	Property Rates Act Section 22(2) & 22(3)(d)
Remuneration of Municipal Manager	Systems Act Section 58
Services: Agreements	Systems Act Section 84(3)
Services: Amending competitive bidding agreements	Systems Act Section 81(4)
Services: Deciding on mechanism to deliver	Systems Act Section 78(1)
<u>Activity</u>	<u>Legislation</u>
Services: Implementation Plan	MFMA Section 53(3)(a) MFMA Section 54(3)
Strategic Planning	Systems Act Section 16(1)(a)(v)
Supply Chain Management: Amendment to contracts	MFMA Section 116(3)
Water provision	Water Services Act Section 4(1) & (3)(b) Water Services Act Section 12(1) & 15(1) Water Services Act Section 14(2) & 18(4)

10.POLICY COORDINATION

A Public Participation Unit must be established to coordinate public participation activities in the Kouga Local Municipality. The Unit will primarily be responsible for developing and coordinating the public participation year plan for each year.

A committee, representing all directorates, must be established to assist PPU with its duties. It is the responsibility of each directorate to identify

the public participation programmes they need to embark on in the coming financial year and to ensure that these are included in the year plan.

Once the public participation year plan has been developed, it must be submitted to Senior Management, Speaker and the Executive for consideration and approval to ensure ownership at the executive level.

10.1 Monitoring and Evaluation

Public participation must be included as a Key Performance Area in the performance contract of the Municipal Manager as specified in Section 26 of the Performance Management Regulations.

The Municipal Manager must further ensure that public participation is included as a Key Performance Area and measurable indicators are identified in respect of the performance contracts of the Section 57 Managers reporting directly to him/her.

10.2 Policy Review

The Policy must be reviewed every five (5) years, at least one year after the inception of a new political term or sooner if amended legislation requires a review of the Policy.

MR C DU PLESSIS
MUNICIPAL MANAGER

DATE

Annexure B

WARD COMMITTEE POLICY

Document Control

Policy Title:	Ward Committee Policy
Reference Number:	17/06/MM14
Previously Approved:	Yes 29 June 2017, Item no 17/06/MM14
Directorate Responsible:	Office of the Municipal Manager
Version:	2
Status of the Document:	Draft
Review Date:	18 August 2020
Contact Details:	Manager Public Participation : E. Goliath

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WARD COMMITTEE POLICY

1. DEFINITIONS

In this by-law, unless the context otherwise indicates, the words/phrases below have been assigned the following meaning:

CBO:	a community-based organization
Chairperson:	A Ward Councillor of the Municipality appointed to chair the Ward Committee meetings in terms of Section 73 (2) (a) of the Municipal Structures Act
Community:	The body of persons residing in a community including the residents, ratepayers, civil organization, visitors especially the poor and disadvantaged.
Council:	the municipality's body of elected Ward Councillors and proportionally representative Councillors (comprising of the local government) as established in terms of the Municipal Structures Act
Electoral Committee:	a committee established by the Speaker and MEO to conduct the election of members of the Ward Committee
Election Officer:	a person appointed by the Electoral Committee to assist with the election of Ward Committee members
IDP:	the integrated development plan of the Municipality as adopted by the Council in terms of the Municipal Systems Act
IEC:	Independent Electoral Commission
Interest group/sector:	an organized formation that takes an active interest in the affairs of a ward
Member:	a person elected or co-opted into a Ward Committee
MEO:	Municipal Election Office
Municipality:	the Kouga Local Municipality, established in terms of Section 12 of the Municipal Structures Act

Municipal Manager: the head of the administration and accounting officer of the Municipality and appointed by the Council in terms of Section 54A of the Municipal Systems Act

Municipal Structures Act: The Local Government: Municipal Structures Act, No. 117 of 1998, as amended

Municipal Systems Act: The Local Government: Municipal Systems Act, No. 32 of 2000

NGO: a non-governmental organization

PR Councillor: a proportionally representative Municipal Councillor appointed in terms of Section 22 (1)(a) of the Municipal Structures Act, by a political party to represent that party in the Council

Speaker: The Chairperson of the Council and a Municipal Councillor elected to this position by the Council in terms of Section 36 of the Municipal Structures Act as envisaged in terms of Section 160 (1) (b) of the Constitution.

Unorganized Sector: any sector that is not structurally organized at the level of a ward

Ward Committee (WC): a committee of a municipal ward, established in terms of Part 4 of the Municipal Structures Act

Ward Assistant: a person appointed by the Municipality to assist the Ward Councillor, in ensuring the smooth running of the Ward Committee and the community's affairs

Ward Councillor: A Municipal Councillor elected in terms of Section 22 (1)(b) of the Municipal Structures Act, to represent a demarcated council ward

2. ESTABLISHMENT OF WARD COMMITTEE SYSTEM IN TERMS OF SECTION 37 OF THE ACT.

2.1 Ward Committees for all 15 (fifteen) wards of the municipality are hereby established in terms of the Municipal Structures Act.

2.2 The Ward Committees so established must come into effect once committee members have been elected, as set out below.

3. COMPOSITION OF WARD COMMITTEES

- 3.1 Each Ward Committee must comprise of the Ward Councillor, as Chairperson, and 10 (ten) elected community members.
- 3.2 The Ward Committee members must be residents of the ward to whose Ward Committee they have been elected.
- 3.3 Notwithstanding the provisions of clause 3.2, any person who is not a resident of that ward, may become a Ward Committee member provided that the person represents an interest group/sector stationed in the ward, or owns a business property in the ward.
- 3.4 No person may be a member of more than 1 (one) Ward Committee at the same time.
- 3.5 The composition of the Ward Committee must reflect the following factors:
 - 3.5.1 equitable representation of women
 - 3.5.2 geographic representation
 - 3.5.3 population diversity and interests
 - 3.5.4 where possible, disabled persons may serve on the Ward Committee
- 3.6 The Ward Committee members so elected must assume office upon election.
- 3.7 PR Councillors appointed to serve in the municipality must be *ex officio* and non-voting members of the Ward Committee of the ward they reside in, or any other Ward Committee assigned to them by the Speaker.
- 3.8 In the course of the term of office of the Ward Committee, any person deemed to be necessary for the success of the committee, or who could add value to the Ward Committee system, can be co-opted by the committee in consultation with the Ward Councillor to serve as *ex officio* in an advisory capacity on that Ward Committee without the rights to vote or the right to receive compensation.
- 3.9. Each ward must have not more than ten (10) members choosing from the following portfolio (but not limited to):
 - (a) Youth
 - (b) Women
 - (c) Religious
 - (d) Sports and culture
 - (e) Health and Welfare
 - (f) Business

- (g) Environment
- (h) Education
- (i) Elderly
- (j) Community Safety & Security
- (k) Ratepayers / Civic Association
- (l) Informal Traders Association
- (m) Agricultural
- (n) Informal Traders
- (o) People living with disabilities
- (p) Farmworkers
- (q) Employment
- (r) Tourism
- (s) Unions, and
- (t) Geographical areas

3.10. A Ward Councillor may delegate in writing the chairing of a meeting in his/her absence to a Proportional Representation(PR) Councillor or any member of the Ward Committee.

3.11. Each portfolio leader may nominate five (5) members more broadly from that particular ward to increase the performance and functionality of the portfolio.

4. POLITICAL AFFILIATION IN WARD COMMITTEES

4.1 Ward Committee members must not be elected to represent political parties, or for the unofficial benefit of any political party.

4.2 Canvassing for the election of Ward Committee members must not be motivated by political concerns.

5. ROLES AND FUNCTIONS OF THE ELECTORAL COMMITTEE

5.1 Establishment of an Electoral Committee

The Office of the Speaker, must in collaboration with the MEO, form the election body and appoint the Electoral Committee.

The Electoral Committee will conduct and oversee the election of members of the Ward Committee.

5.2 Appointment of presiding officers, election officers and counting officers

The Electoral Committee will appoint a presiding officer, one or more election officers and counting officers for each of the 10 wards to manage and administer the Ward Committee elections in their respective wards.

5.3 General provisions concerning the appointment of officers

A person may not be appointed as an officer in a Ward Committee election if that person:

- 5.3.1 is a Ward Committee member contesting the election;
- 5.3.2 holds political or executive office in a political party.

5.4 Exercise of control over officers

An officer exercises the powers and performs the duties conferred on or assigned to that officer subject to the directions, control and disciplinary authority of the Electoral Committee.

5.5 Remuneration and conditions of appointment of the officer

The Electoral Committee must determine in writing the terms and conditions of appointment of an officer, including remuneration payable to that officer.

5.6 Duties of presiding, election and counting officers

The presiding, election and counting officers:

- 5.6.1 Must manage, co-ordinate and supervise the voting process at the voting station concerned;
- 5.6.2 Must take all reasonable steps to ensure orderly conduct at the voting station;
- 5.6.3 May order a member of security services (SAPS) to assist in ensuring orderly conduct of the voting station;
- 5.6.4 May order any person within the boundary of the voting station whose conduct is not conducive to a free and fair election at that voting station, to leave the premises;
- 5.6.5 Must count and announce the votes received for each nominee from the ward community members present at the voting station;
- 5.6.6 Must secure the number of votes received by each nominee in writing on the relevant nomination form;
- 5.6.7 Must declare the voting process open and closed;
- 5.6.8 Must submit the election results and the report to the election committee for submission to the Office of the Speaker;
- 5.6.9 If a person refuses to comply with an order of a presiding, election or counting officers presiding, in Ward Committee election or counting; officers in charge may order members of security (SAPS) to forcefully remove the person or declare the voting process closed and submit a report to the election committee.

6. NOMINATION AND ELECTION PROCESS

6.1 Nominations

6.1.1 *Sectoral, geographical and individual representation*

The Office of the Speaker must invite all CBO's and NGO's in every ward to nominate individuals as their representatives on the Ward Committee. Only persons 18 years and older, and representing an interest group/sector stationed in the ward, or owning a business or property in the ward may be nominated.

6.1.2 *Notice of nominations to the Ward Committee's*

The Electoral Committee must give public notice of the time, venues and mode whereby nominations for Ward Committee members must be accepted. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each Ward Committee Election.

6.1.3 *Nominee's*

Only persons 18 years and older, and who represent an interest group/sector stationed in the ward, or own a business or property in the ward will have the right to nominate candidates for the Ward Committee of that ward.

6.1.4 *Nomination Forms*

Nomination forms must be available to the Ward Committees at the Office of the Speaker or any other municipal office. After completion of each nomination form, it must be handed to the Electoral Committee, who will designate offices for this purpose and formally acknowledge receipt of each nomination.

6.1.5 *Safekeeping of nominations*

The Electoral Committee must keep a register of the nominations received as well as keep the completed nomination forms in a safe place until the day of the Ward Committee election when they will be handed over to the presiding officer at the voting station.

6.2 Elections

6.2.1 *Elections*

The Electoral Committee must, in consultation with the Speaker and the Ward Councillor, give the ward community written notice of the date, time and venue of the election of Ward Committee members in each ward at least 30 (thirty) calendar days before the election. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each Ward Committee election.

6.2.2 *Postponement of elections*

If an election should be postponed for any reason, a written public notice of the time and venue of the postponed election must be published in at least 1 (one) newspaper of the general circulation at least 30 (thirty) calendar days before the new date of the Ward Committee election.

6.2.3 *Election procedures*

The election must be conducted following the Council approved policy in this regard.

6.2.4 *Voting Rights*

Only persons 18 years and older who are residents or owners of businesses and/or property in each ward have the right to vote.

6.2.5 *Representation*

The election procedure must ensure that at least 3 (three) of the 10 (ten) community members elected onto the Ward Committee are women. Should no women be elected, the first 7 (seven) elected male members will qualify to serve on the Ward Committee and the remaining 3 (three) positions must be reserved for women, to be appointed later by the Electoral Committee after consultation with the Ward Councillor.

6.3 Keeping of records

The Electoral Committee must keep the records of nominations and the ballot papers in a safe place for 1 (one) year after the election.

6.4 Term of Office

6.4.1. The term of office of the Ward Committee members are elected for a political term or coincidental with a political term.

6.4.2. Elected members may stand for election for a second term.

6.5 Chairpersonship

The Ward Councillor must be the Chairperson of the Ward Committee.

6.6 Role and function of a ward assistant

6.6.1 The Municipality must appoint a ward assistant to assist the Ward Councillor, in ensuring the smooth running of the Ward Committee and the community's affairs

6.6.2 The ward assistant will be responsible for the administration of the committee and ensure that the committee is functioning properly.

6.6.3 The ward assistant will oversee the minute taking of the committee, the record-keeping of the minutes and submit these minutes to the Office of the Speaker.

7. **VACATION OF OFFICE BY A WARD COMMITTEE MEMBER**

7.1 In the following events, the Ward Committee members must vacate his/her office:

If a member:

7.1.1 Is absent from 3 (three) consecutive meetings without an apology.

7.1.2 Is absent in an *ad hoc* fashion from 6 (six) consecutive meetings with an apology.

7.1.3 Is proven to be actively involved in campaigns for the removal of the Ward Councillor without having raised grievances against the Ward Councillor in the Ward Committee Meeting.

7.1.4 Acts in a manner that undermines the authority of the Ward Councillor, the Council and/or the Ward Committee.

7.1.5 Commits a crime that results in a conviction without the option of a fine.

7.1.6 Consistently exhibits violent, abusive and intimidating behaviour towards other committee members and/or the community.

- 7.1.7 Attends a meeting under the influence of alcohol and/or illegal drugs.
- 7.1.8 Is proven to have accepted a bribe from any party that has an interest in a development project for that particular ward.
- 7.1.9 Is proven to have used his/her membership of the Ward Committee to extract, or attempt to extract, favours of any kind.
- 7.1.10 Is elected as a Councillor in the municipality.
- 7.1.11 Is appointed as a staff member of the municipality.
- 7.1.12 Without good cause, acts against the decision(s) of the Ward Committee.
- 7.1.13 Is involved in party political canvassing or similar activity during Ward Committee meetings.
- 7.1.14 Resigns
- 7.1.15 Dies.
- 7.1.16 Is guilty of an infringement of this by-law.
- 7.1.17 If, after being found guilty of an infringement of this by-law, is ordered by the Speaker to vacate his/her office.
- 7.1.18 Is ordered to vacate the office by an order of the High Court of South Africa.
- 7.2 The Speaker will appoint a disciplinary committee to deal with matters of discipline.

8. FILLING OF VACANCIES

- 8.1 Vacancies of a Ward Committee will be filled as follows:
 - 8.1.1 When a vacancy occurs as a result of the departure of a sectoral representative, the affected sector must be requested to nominate their sectoral replacement. The sectoral nominee will then be part of the Ward Committee.
 - 8.1.2 When a vacancy occurs as a result of the departure of an unorganized sector representative, the Ward Councillor must nominate 2 (two) people from the affected group, which nomination will be put before the Ward Committee for a decision. The Ward Committee must, after deliberations, appoint 1 (one) person who will be part of the Ward Committee.

8.1.3 The Ward Committee must fill vacancies only if they do not exceed the majority of elected members. In the event of 50% (fifty percent) plus 1 (one) of elected members ceasing to be Ward Committee members, the Ward Councillor must notify the Speaker to arrange for the election of a new Ward Committee.

8.2 It is the responsibility of the Ward Committee, together with the Ward Councillor, to fill vacancies on the Ward Committee.

9. POWERS, FUNCTIONS, DUTIES AND OBLIGATIONS OF WARD COMMITTEES

9.1 A Ward Committee has the following powers, functions, duties and obligations:

9.1.1 giving inputs towards the preparation, implementation and review of the Integrated Development Plan (IDP);

9.1.2 participating in the establishment, implementation and review of the municipality's management system;

9.1.3 monitoring and reviewing the municipality's performance, including the outcomes and impact of such performance;

9.1.4 participating in the drafting of the municipality's budget;

9.1.5 giving inputs on strategic decisions relating to the provisions of municipal services;

9.1.6 supplying inputs in the form of recommendations to the municipality through the Ward Councillor;

9.1.7 making recommendations on matters affecting their ward through the Ward Councillor;

9.1.8 acting in an advisory capacity to the Ward Councillor;

9.1.9 acting as a consultative body for the municipality and its departments and provincial and national government, and canvassing community opinion on the matter;

9.1.10 exercising any power and authority delegated in writing by the Council to the Ward Committee;

9.1.11 acting as a consultative agent for NGO's and CBO's, without incurring any liability for the municipality, unless the consultation is part of a specific official municipal project;

9.1.12 co-opting members to the Ward Committee in the event of vacancies;

- 9.1.13 co-opting non-voting members with specialist skills to the Ward Committee.
- 9.1.14. receive queries and complaints from residents concerning municipal service delivery, communicate it to council and provide feedback to the community on the council's resource.
- 9.1.15. ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward resident's meetings and other community developments forum.
- 9.1.16. interact with other forums and organizations on matters affecting the ward.
- 9.1.17. A Ward Committee may assist the municipality by ensuring that community members participate in the satisfaction survey.

10. WARD COMMITTEE MEETINGS

- 10.1 The Ward Councillor must convene meetings of the Ward Committee at least once a month (except for December), and a list of the meeting dates must be supplied to the Office of the Speaker for inclusion in the official municipal calendar not later than 31 January of the following year following the election of Ward Committees. For administration purposes, meetings must be held before the 10th of each new month.
- 10.2 The Ward Councillor must decide on the place, dates and times of Ward Committee meetings in consultation with members of the Ward Committee and the Office of the Speaker.
- 10.3 Notice of the time and place of every meeting of the Ward Committee must be served on every member at least 7 (seven) days before the meeting.
- 10.4 The validity of a meeting is not affected if the notice of the meeting is accidentally not served on a member.
- 10.5 Every member attending a meeting must sign his or her name in the attendance register kept for this purpose.
- 10.6 Quorum
 - 10.6.1 A quorum of the Ward Committee must be 50% plus 1 (one) member of the Ward Committee.
 - 10.6.2 If a quorum is not formed within 10 minutes after the time appointed for a meeting, the meeting will not be held unless it is decided by the Chairperson that a further ten minutes should be allowed to enable a quorum to be formed.

10.6.3 If a quorum is still not present after the extended time contemplated in subsection 10.6.2, the Chairperson may rule to adjourn the meeting until another time or date.

10.6.4 Notice of an adjourned meeting must be given in accordance with clause 10.3 and 10.4 above.

10.7 Decision making of Ward Committees

10.7.1 A Ward Committee must strive to reach decisions through consensus;

10.7.2 If a matter remains unresolved after thorough discussion, the matter will be decided by a vote;

10.7.3 If the votes are equal, the Chairperson will have the deciding vote.

10.8 Appointment of Acting Chairperson

10.8.1 If the Ward Councillor is unable to attend a Ward Committee meeting, he/she must appoint a Ward Committee member to chair the meeting.

10.8.2 If the Ward Councillor is unable to appoint a substitute Chairperson, the Ward Committee must do so at the start of the meeting.

10.9 Ward Committee Meetings are open to the public in an observer capacity, on condition that an application is submitted to the Ward Councillor 7 days before.

10.10 Public/Constituency Meetings

10.10.1 Public meetings are mainly held in order; -

(a) to register the concerns and inputs of the community concerning service delivery, the general development of the community, disaster management, and any other municipal concern the community may have; and

(b) to report back to the public on issues that affect it.

10.10.2 Ward or public meetings must be chaired by the Ward Councillor. A Ward Councillor may delegate in writing the chairing of the meeting in his /her absence to a proportional representative(PR) Councillor or any member of the ward committee.

10.10.3 If the committee decides to hold a public meeting, it may publish a notice in a newspaper circulating in the area concerned, stating time, date and place of the meeting or each meeting and inviting the public to attend the meeting in a well-known place, which is easily accessible and large enough to accommodate everyone.

- 10.10.4 At a public meeting, a representative of the committee must explain the meeting procedure, such as the adoption of the agenda and time allowed for questions.
- 10.10.5 Explain issues the committee has to consider, including any options open to the committee.
- 10.10.6 Give feedback on previous issues, including reasons if there is a lack of Progress.
- 10.10.7 Public meetings are not political platforms and Ward Committee members and the public should refrain from making party political statements, campaigning and canvassing.
- 10.11. Work Programmes
 - 10.11.1 The Ward Committee must submit a programme with specific outputs for one year to the office of the Speaker in July of each year,
 - 10.11.2 Must perform the functions as set out to be achieve and indicated in the work programme as own initiatives, on request by the Ward Councillor, the Speaker or in accordance with priorities.

11. DISSOLUTION OF WARD COMMITTEES

- 11.1 The Council may dissolve a Ward Committee based on the recommendation of the Speaker (in consultation with the Ward Councillor). Instances that might lead to such a recommendation include, but are not limited to, the failure to fulfil its objectives as set out in legislation, non-adherence to this by-law, or resignation of more than 50% (fifty percent) of the members of a Ward Committee.
- 11.2 Procedure for dissolution of a Ward Committee
 - 11.2.1 The Speaker must investigate the circumstances surrounding the actions of the Ward Committee and report his/her findings and recommendations to the Council.
 - 11.2.2 After the Council has resolved to dissolve the Ward Committee, a notice of the dissolution of the Ward Committee will be given to the Ward Councillor and the Ward Committee, at which time the Ward Committee will cease to exist.
 - 11.2.3 Notice of the reconstitution of the Ward Committee will be given in terms of section 6 of this by-law.

- 11.2.4 With the exception of the Ward Councillor, members of the Ward Committee that has been dissolved may be, with the concurrence of the Speaker, be eligible for re-election to the Ward Committee, except where it was established that Ward Committee Members failed to fulfill their objectives as set out in legislation and non-adherence to the relevant bylaw.

12. SUB-COMMITTEES OF WARD COMMITTEES

Each Ward Committee may form sub-committees to advise the Ward Committee on special issues, handle sectoral matters or form working groups to research any matter that needs special attention in the ward.

13. ROLE OF COUNCIL OFFICIALS ON WARD COMMITTEES

- 13.1 No municipal official may stand for election on the Ward Committee.
- 13.2 Should a municipal official wish to stand for election as a Ward Committee member, she/he must first resign her/his position as a municipal official.
- 13.3 Ward Committee's must invite municipal officials within their scope of work and other people with specialized knowledge to advise them on matters affecting their wards when deemed necessary.
- 13.4 When the need arises for municipal officials or their departments to consult with the ward communities, they must arrange these consultations with the Office of the Speaker at least (three) weeks in advance.

14. ADMINISTRATIVE ARRANGEMENTS, FUNDING AND REIMBURSEMENT

- 14.1 The municipality must make administrative arrangements to enable Ward Committees to perform their functions and exercise their powers effectively. In doing so the municipality must use its resources and allocate funds in its budget to the Office of the Speaker to further the objectives of Ward Committees.
- 14.2 All administrative back-up to enable effective functioning of the Ward Committees must be located in the Office of the Speaker.
- 14.3 The municipality must, through the Office of the Speaker, reimburse Ward Committee members for traveling and out-of-pocket costs incurred as a result of attendance of Ward Committee meetings. The reimbursement will be done following the approved policy of the municipality.
- 14.4 Membership and duties of the Ward Committee members must be regarded as voluntary service for the benefit of the community.

- 14.5 The ward assistant appointed by the Municipality should be able to provide general services to the residence of the ward and assist in the administration of the ward.

15. BUDGET

15.1. No remuneration is to be paid to Ward Committee members.

15.2. A municipality may annually budget for:

15.2.1. Out of pocket expenses (**stipend**) of members of Ward Committee in respect of their participation in Ward Committee.

15.2.2. A municipal council must determine the criteria for, and calculation of, the out of pocket expenses.

15.2.3. The proposed out of pocket expenses that may be paid as a 2for each ward committee member excluding the Ward Councillor. (According to the criteria stipulated by council, refer to resolution 14/08/AME17 and 19/08/CORP2).

15.2.4. This amount may be adjusted to the extent that a particular municipality covers some of these costs itself upfront by arranging transport and refreshments for Ward Committees taking into account the following, as determined by a council resolution annually:

- Transport
- Telephone / mobile phone
- Refreshments/meals

15.2.5. Over and above own revenue sources (service charges, rates, etc.) municipalities must prioritize funding for community participation including effective support to Ward Committees from two (2) important sources:

(a) Local Government Equitable Share (LGES) – municipalities receive allocations from the local government equitable share on an annual basis. Therefore, municipalities should use a portion of this allocation for supporting Ward Committees, which is critical in speeding up and facilitating better service delivery.

(b) Municipal Systems Improvement Grant (MSIG) – the purpose is to assist in building in-house capacity to perform their functions and stabilize institutional and governance systems as required in the Municipal Systems Act. One of the key measurable outputs for this grant is the number of municipalities with strengthened administrative systems for effective implementation of the ward participatory system.

15.2.6. Capacity building and training programmes for committee members

15.2.7. The payment of the out-pocket expenses must be linked to the Ward Committee's functionality, taking into account the following functionality indicators:

- (i) The number of Ward Committee management meetings held and percentage of attendance by members.
- (ii) The number of community meetings organized by the Ward Committee and percentage attendance by the ward community.
- (iii) Submission and tabling of ward reports and plans to the Council covering needs and priorities for the ward, feedback on the performance of the Council's various lines/service functions and their impact on the ward.
- (iv) The number of door-to-door campaigns and/or interactions with substructures including street committees.
- (v) Number of complaints, queries, and requests registered from the community and attended to (*checklist of needs met against registered needs and turn-around-times*).
- (vi) Distributed publications (information brochures, flyers, newsletters, SMS, and others) over a period of time.
- (vii) Management and updating of ward profiles and database of indigent households.
- (viii) Participation in plans and programmes of municipalities and other spheres of government impacting on the ward development and monitoring thereof.

16. **DISPUTE RESOLUTION MECHANISMS FOR WARD COMMITTEES**

The following dispute-resolution mechanisms must be applied:

- 16.1 Every effort must be made to deal with disputes internally if they do not involve the Ward Councillor.
- 16.2 When a dispute arises, the Ward Councillor should appoint a person or persons to try and resolve the dispute through mediation.
- 16.3 If the attempt at mediation fails, the Ward Councillor must arbitrate.
- 16.4 If one of the parties is still aggrieved, the matter must be referred to the Speaker.

16.5 If the matter involves the Ward Councillor, it should be referred to the Office of the Speaker, where the Speaker will be the arbitrator.

16.6 The Speaker must appoint a disciplinary committee and an appeal committee to deal with matters of discipline.

17. VACATION OF OFFICE BY THE WARD COUNCILLOR

17.1 When the Ward Councillor is no longer in office, the Ward Committee will continue to function for the rest of its term as determined by the Council.

17.2 A temporary Chairperson must be appointed by the Speaker of Council until a By-Election is held.

17.3 The new Councillor must re-appoint an assistant for the ward.

18. ROLE OF PROPORTIONAL REPRESENTATIVE COUNCILLORS IN WARD COMMITTEES

18.1 The Speaker must deploy a PR Councillor to a specific Ward.

18.2 Ward Councillors may allow PR Councillors allocated to their Ward Committees the right to freely participate in the activities of the Ward Committee.

19. DECLARATION OF INTERESTS BY WARD COMMITTEE MEMBERS

19.1 A member must declare his/her interest to the Ward Committee in those matters that are before the Ward Committee.

19.2 The Ward Councillor is responsible for the maintenance of the register of declared interests of members of the Ward Committee.

20. CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

Ward Committee members are elected to represent the communities in their respective wards, to ensure that wards have mechanisms of accountability to local communities, and to meet the priority needs of the community on ward matters, including the performance of the municipality in terms of established indicators. To ensure that Ward Committee members fulfill their obligations to their communities, the following Code of Conduct is established:

20.1 Definition

In this schedule “**partner**” means a person who permanently lives with another person in a manner as if married.

20.2 General conduct of members

A member must:

- (a) perform the functions of the office in good faith, honestly and in a transparent manner; and
- (b) at all times act in the best interest of the Ward Committee and in such a way that the credibility and integrity of the Ward Committee is not compromised.

20.3 Attendance of meetings

A member must attend each meeting of the ward except when –

- (a) an apology is rendered before or at the meeting;
- (b) leave of absence is granted by the Chairperson of the ward committee;
- (c) a member is required in terms of this Code to withdraw from the meeting.

20.4 Disclosure of interests

A member must:

- (a) disclose to the Ward Committee, or to any sub-committee of which that member is a member, any direct or indirect personal or private business interest that the member, or any spouse, partner or business associate of that member may have in any matter before the Ward Committee; and
- (b) withdraw from the proceedings of the Ward Committee when the matter is considered by the Ward Committee.

20.5 Personal gain

- (1) a member may not use the position or privileges of a ward member, or confidential information as a member, for private gain or to improperly benefit another person.
- (2) Except with the prior consent of the Office of the Speaker, a member may not:
 - (a) be a party to or beneficiary under a contract for:
 - (i) the provision of goods and services to the ward; or
 - (ii) the performance of any work done in the ward.

- (b) obtain a financial interest in any business of the Ward Committee.
- (3) If more than one-quarter of the members object to consent being given to a member in terms of subitem (2), such consent may only be given to the member with the written approval of the Speaker of the Council.

20.6 Rewards, Gifts and Favours

1. A member may not request, solicit, or accept any reward, gift, or favour in return for:
 - (a) voting or not voting in a particular manner on any matter before the Ward Committee;
 - (b) persuading the Ward Committee concerning the exercise of any power, function or duty; and
 - (c) disclosing privileged or confidential information.

20.7 Unauthorized Disclosure of Information

- (1) A member may not without the permission of the Ward Councillor or a Committee of the Council disclose any privileged or confidential information of the ward or Ward Committee to any unauthorized person.
- (2) For the purpose of this item, "privileged or confidential information" includes any information:
 - (a) declared by the Council or Ward Committee to be privileged or confidential;
 - (b) that would violate a person's right to privacy; or
 - (c) declared to be privileged, confidential, or secret in terms of the law.
- (3) This item does not derogate from any person's right of access to information in terms of national legislation.

20.8 Municipal Property

A member may not use, take, require, or benefit from any property or assets owned, controlled, or managed by the municipality to which he has no right.

20.9 Duty of Chairpersons of Ward Committees

- (1) If the Chairperson of a Ward Committee, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the Chairperson must:
 - (a) authorize an investigation of the facts and circumstances of the alleged breach;
 - (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach; and
 - (c) report the matter to a meeting of the Ward Committee after the provisions of paragraphs (a) and (b) have been complied with.
- (2) A report in terms of subitem (1) (c) is open to the public.
- (3) The Chairperson must ensure that each member, when taking office, is given a copy of this Code and that a copy is available in every room or place where the Ward Committee meets.

20.10 Breaches of Code

- (1) The Speaker may:
 - (a) investigate and make a finding on any alleged breach of a provision of this Code;
 - (b) establish a special committee or appoint a person:
 - (i) to investigate and make a finding on any alleged breach of this Code and to make appropriate recommendations to the Speaker.
 - (ii) to make appropriate recommendations to the Speaker.
- (2) If the special committee finds that a member has breached a provision of this Code, the special committee may:
 - (a) issue a formal warning to the member;
 - (b) reprimand the member;
 - (c) request the Speaker to suspend the member for a period; or
 - (d) request the Speaker to remove the member from the Ward Committee.

- (3) If the Speaker is of the opinion that the member has breached a provision of this Code and that such contravention warrants a suspension or removal from office, the Speaker may:
 - (a) suspend the member for a period and on conditions determined by the Speaker; or
 - (b) remove the member from office.
- (4) Any member who has been warned or reprimanded in terms of paragraph (2) may, within 14 days of having been notified of the decision of the Speaker, appeal to the Speaker in writing, setting out the reasons on which the appeal is based. The Speaker will then convene an appeal committee to finalize the matter.
 - (a) a copy of the appeal must be provided to the Speaker.

21. Legislative Framework

The Constitution of the Republic of South Africa 108 of 1996
Local Government: Municipal Structures Act 117 of 1998
Local Government: Municipal Systems Act 32 of 2000

22. Policy Review

The Policy must be reviewed every five (5) years, at least one year after the inception of a new political term or sooner if amended legislation requires a review of the Policy.

Annexure C

Standard Operating Procedure – Public Participation - Institutional

Document No: MM/Public Participation/PR002	Title: Procedures for Public Participation – Institutional	Effective Date: 1st July 2023
Revision No: 01	Prepared By: E. Goliath – Manager Public Participation	Date Prepared: 1 st December 2022
Standards: Public Participation Policy No: Municipal Systems Act 32 of 2000 Local Government Municipal Structures Act, 117 of 1998 National Policy Framework for Public Participation (2007) Municipal Finance Management Act 56 of 2003	Approved By: Municipal Manager	Date Approved: [Date]

No.	Procedure	Responsible Person	Frequency
1.	The Public Participation Unit is primarily responsible for developing and coordinating the public participation year plan for each year. A Public Participation Committee, representing all directorates, must assist the Manager Public Participation with his/her duties. It is the responsibility of each directorate to identify the public participation programs they need to embark on in the coming financial year and to ensure that these are included in the year plan.	Public Participation Committee; Municipal Manager; Speaker; the Executive Mayor	Approve & Monitor Monthly; Quarterly and Annually
		Manager Public Participation	Coordinate Daily activities/ plans and year plans.
		Directors (As part of their KPAs and Measurable Indicators in their Performance Contracts)	Monitor & Evaluate Plans Monthly

No.	Procedure	Responsible Person	Frequency
2.	The Public Participation Year Plan must be submitted to Management (Public Participation Committee) for consideration and approval to ensure ownership at the executive level.	Manager Public Participation	Coordinate Annually
		Public Participation Committee	Approve Annually/ Monitor Monthly
3.	Notice of a meeting is to be communicated to the local community under the Public Participation Policy or any other applicable policies and legislation, it must satisfy the following requirements: a) A notice of a legislated public meeting must be advertised at least once in a newspaper circulating in the municipal area and approved by Council as a newspaper of record. b) Copies of notices of public meetings shall be posted on the official website of the municipality and on municipal notice boards. c) All notices shall be issued at least seven days before the date of the meeting. d) All notices must adhere to the Communication Policy of Council e) Loud hailing should be done 24 hours before the meeting and on the day of the meeting.	Manager Public Participation	Implement weekly/ Monthly/ Quarterly/ Annually

No.	Procedure	Responsible Person	Frequency
4.	Venue for meetings In determining the appropriateness of venues for public meetings the Manager Public Participation must consider the following: a) The size of the venue considering the approximate number of people who might attend the meeting. b) The location of the venue and access to it via public and private transport. c) The amount of staff members of Council to be made available to ensure the smooth administration of the meeting. d) The provision of security for both members of the Municipality as well as members of the community attending the meeting.	Manager Public Participation	Coordinate & Implement as and when required.
		Manager: Security & Law Enforcement	Provide security as and when required
5.	<u>COMMUNICATION – COMPLAINTS & ENQUIRIES</u> a. Services Delivery Call Centre: Log all Complaints/ Enquiries onto the system. Allocate a reference number. Supervisor will check emergencies and code accordingly. Submit complaints/ enquiries to the relevant personnel in relevant departments/ sections. - Major faults e.g. electricity outages, burst water pipes. Public Participation Unit: Will activate public communication processes. Will inform and update communities on work in progress and estimated time of reconnection. - Individual home-owner’s faults/ complaints must simultaneously be submitted to the Public Participation Unit. - Transgression of municipal vehicles	Call Centre Operators Call Centre Supervisor Manager Public Participation Manager Public Participation	Log Daily Monitor Daily Implement Daily Monitor progress Daily

No.	Procedure	Responsible Person	Frequency
	b. Service Delivery Department/s: • Planned maintenance e.g., electricity and water infrastructure maintenance. I & E Manager will inform Public Participation Unit at least 1 week in advance of planned shutdowns. c. ESKOM electricity Load Shedding – • Schedules to be prepared by I & E and updated and submitted to the Public Participation Unit. d. Weekly schedules of status of complaints/ faults • All work-in progress and completed works must be submitted by Section Managers to the Public Participation Unit. • Other issues such as Disasters e.g., Fires, COVID-19 Lock-downs. • Partial closure of the Municipality, Closure, or restriction to beach access during festive season or other big events. e. Communication Methods Advertised in a newspaper circulating in the municipal area and approved by Council as a newspaper of record. Copies of notices of public meetings shall be posted on the official website of the municipality and on municipal notice boards. Use of Municipal WhatsApp, SMS and other social media tools, including Facebook. Loud hailing should be done 24 hours before the meeting and on the day of the meeting.		
6.	The four key annual statutory processes that require public participation are the budget process, Integrated Development Planning, Performance Management System, and the Annual Report. The Public Participation Unit will coordinate and	Manager Public Participation	Coordinate Daily/ Weekly/ Monthly/ Quarterly/ Annually

No.	Procedure	Responsible Person	Frequency
	communicate these and various other issues in respect of which the municipality is required to engage with the community, as set out below: Annual Report - Systems Act Section 46(3) & (4); MFMA Section 127(5); MFMA Section 129(3) Budget - Constitution Section 215; MFMA Section 21(1)(b); MFMA Section 22(a); MFMA Section 23(1); MFMA Section 53(3)(a); MFMA Section 54(3) Budget: Contracts with financial obligations beyond three years; MFMA Section 33(1) & (3) By-laws - Constitution Section 162 (1)(3); Systems Act Section 12(3)(b); Systems Act Section 13(a); Systems Act Section 15 Capital Assets: Disposal - MFMA Section 14(2); MFMA Section 90(2) Council Meetings - Constitution Section 160(7); Systems Act Section 5(1)(e)(i); Systems Act Section 19; Systems Act Section 20(1) & (2); MFMA Section 130(1) Debt Management - MFMA Section 46(3)(a) Disaster Management - Disaster Management Act Section 53(1)(d) Entities: Establishment MFMA Section 84(2) Entities: Budget MFMA Section 87(10); MFMA Section 88(1) Financial Recovery Plans - MFMA Section 141(3)(c)(ii)(bb) IDP: Amendments Performance Management Regulations Section 3(4) IDP: Process for adopting - Systems Act Section 28(2) & (3); Systems Act Section 29(b)(ii) & (iii); MFMA Section 21(1)(b) Performance Management - Regulations Section 15 IDP: Publication - Systems Act Section 25(4)	CFO CFO CFO Departmental Directors CFO Municipal Manager CFO Manager: Disaster & Fire Management CFO CFO CFO Manager: PMS Manager: IDP Manager: PMS Municipal Manager/ Manager Public Participation	Develop and monitor Annually Monitor annually Monitor Annually Implement monthly/ Quarterly Monitor Monthly Implement Annually Implement Annually Implement annually Adopt Annually and bi-annually Monitor monthly Publicize annually

No.	Procedure	Responsible Person	Frequency
	Information Requests - Promotion of Access to Information Act Section 11, 14, 18, 19, 25 & 26, and Chapter 4 Performance Management System - Systems Act 16(1)(a)(iii); Systems Act Section 42; Systems Act Section 44; MFMA Section 53(3)(b); Performance Management Regulations Section 15 Property: Registration - Property Rates Act Section 23(4) Property: Valuation Rolls - Property Rates Act Sections 49, 50, 51, 53 & 54 Property: Supplementary valuations - Property Rates Act Sections 49 & 78; Rates: Adoption Property Rates Act Section 4(2)(3); Rates: Promulgation Property Rates Act Section 14(3); Rates: Special ratings areas determination Property Rates Act Section 22(2) & 22(3)(d) Remuneration of Municipal Manager - Systems Act Section 58 Services: Agreements - Systems Act Section 84(3); Services: Amending competitive bidding agreements - Systems Act Section 81(4); Services: Deciding on mechanism to deliver - Systems Act Section 78(1); Services: Implementation Plan - MFMA Section 53(3)(a); MFMA Section 54(3) Strategic Planning - Systems Act Section 16(1)(a)(v) Supply Chain Management: Amendment to contracts; MFMA Section 116(3) Water provision - Water Services Act Section 4(1) & (3)(b); Water Services Act Section 12(1) & 15(1); Water Services Act Section 14(2) & 18(4)	Chief Operations Officer Manager: PMS CFO CFO CFO Executive Mayor Municipal Manager Municipal Manager CFO Director: I & E	As and when required Monitor monthly Verify Monthly Verify annually Verify annually Verify annually Monitor monthly Verify annually Monitor monthly Monitor monthly

Supporting Documents & Records:

Supporting Document Name	Supporting Document Number
Public Participation Year Plan	

KOUGA MUNICIPALITY (EC108)**ORDINARY COUNCIL MEETING****OFFICE OF THE MUNICIPAL MANAGER****DATE: 30 JUNE 2023****ITEM NO: 23/06/MM8****SUBMISSION OF ADDENDUMS TO PERFORMANCE PLANS: 2022/23 YEAR**1. Introduction

It is the purpose of this report to submit to Council for information the Addendums to the Performance Plans of the Municipal Manager and Directors in respect of the 2022/23 financial year.

2. Background

Council on 30 March 2023 per Resolution 23/03/MM/6 approved amendments to the 2022/23 Service Delivery and Budget Implementation Plan.

The Resolution requires the Municipal Manager to affect changes to the performance plans of senior managers to ensure that the performance plans are aligned to the amended 2022/23 Service Delivery and Budget Implementation Plan.

The Resolution further requires that the signed addendums to the performance plans of senior managers following the amendment of the 2022/23 Service Delivery and Budget Implementation Plan be submitted to Council.

The signed addendums to the performance plans of the Municipal Manager and Directors are herewith submitted to Council in compliance with the Resolution of Council in this regard.

It must be noted that the amendment of the 2022/23 SDBIP did not require an addendum to the Performance Plan of the Director Community Services.

3. Comments by Directorates3.1 Municipal Manager

The performance plans of the Municipal Manager and Directors are based on the Service Delivery and Budget Implementation Plan for the 2022/23 year as amended by Council on 30 March 2023 per Resolution 23/03/MM6.

3.2 Chief Financial Officer

Report noted

3.3 Director: Community Services

Item noted

3.4 Acting Director: Corporate Services

Noted

3.5 Acting Director Planning Development and Tourism

Item noted

3.6 Director: Infrastructure and Engineering

Item noted

3.7 Deputy Municipal Manager

Noted

4. Financial Implications

None

5. Legal Implications

None

6. Other Implications

None

7. Recommendations

- 7.1 That the addendums to the 2022/23 performance plans of the Municipal Manager and Directors, following the amendment to the 2022/23 Service Delivery and Budget Implementation Plan, be noted.

Item prepared by: A Koegelenberg



Item approved by: Municipal Manager





ADDENDUM TO THE PERFORMANCE PLAN OF:

C DU PLESSIS:

MUNICIPAL MANAGER

PERIOD: 1 JULY 2022 TO 30 JUNE 2023

1. PURPOSE

This addendum to the Performance Plan has the purpose to align the performance targets of the Employee with the amendments to the 2022/23 SDBIP as approved by Council on 30 March 2023.

This performance plan replaces the initial performance plan of the Employee for the 2022/23 year in its totality and this performance plan shall be used to evaluate the performance of the Employee for the 2022/23 financial year.

Two handwritten signatures are located in the bottom right corner of the page. The first signature is in blue ink and appears to be 'C du Plessis'. The second signature is in black ink and is more stylized, possibly belonging to a council member or official.

2. KEY RESPONSIBILITIES

It is expressly agreed that while certain key responsibilities of the Municipal Manager shall be measured in terms of the Performance Agreement and the Performance plan, the duties of the Municipal Manager shall not be restricted to the measured responsibilities only.

3. PERFORMANCE REPORTING

- 3.2 The provision of the Performance Agreement relative to performance reporting time frames is herewith re-confirmed.
- 3.3 Whereas Section 57 of the Local Government Municipal Systems Act, 2000 provides that the appointment of the Employee is subject to participation in the performance management system of the Employer, the Parties herewith agree that the non-submission of performance information, on the electronic performance management systems and/or manually, on due dates as set out in the Performance Agreement may result therein that any possible performance reward due to the Employee may be forfeited at the discretion of the Employer.
- 3.4 It is herewith agreed that in instances where it becomes clear that any set target in respect of any reporting period cannot/shall not be achieved and/or has not been achieved, the Employee shall prepare a Memorandum addressed to the Executive Mayor detailing the following:
- Key Performance Indicator and target for the reporting period;
 - Actual achievements on the target in accordance with the Key Performance Indicator;
 - Reasons why the target could not be fully achieved;
 - Proposals on corrective actions to be implemented to ensure that the target shall be achieved at a date and time indicated in the corrective actions which shall be prior to the end of the reporting year;
 - Provided that were the non-achievement becomes evident at such a late stage that corrective actions shall not result in achievement of the target prior to the year end, corrective actions must indicate how the matter shall be dealt with to ensure achievement in the shortest possible time after year end.
 - The Employee shall at all times attach the Memorandum directed to the Executive Mayor to such reporting on the electronic performance management system.



4. KEY PERFORMANCE AREAS

The following Key Performance Areas (KPA's) as set in consultation with the employee inform the strategic objectives, listed in the table below:

KPA No	Key Performance Area	Weight
1	Infrastructure and Basic Service Delivery	20
2	Financial Viability and Management	20
3	Good Governance and Public Participation	20
4	Institutional Development and Transformation	20
5	Operational Targets	20
	Total	100

5. INSTITUTIONAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN KEY PERFORMANCE INDICATORS ALLOCATED TO THE MUNICIPAL MANAGER AND/OR KEY PERFORMANCE IDICATORS IN RESPECT OF WHICH THE MUNICIPAL MANAGER HAS A SHARED RESPONSIBILITY

- 5.1 The following Key Performance Indicators (KPI's) provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other.

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
KPA1: Basic Services & Infrastructure	Keep Kouga & Serviced	Water loss reduction	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	Reduce water losses to 35% purchased/produced and water sold/ accounted for	% Reduction in water losses between purchased/ produced and water sold/ accounted for	49.1%	35%	35%	35%	35%	1 = No reduction 2 = Reduction to 36% 3 = Reduction to 35% 4 = Reduction to 34% 5 = Reduction to below 33%	Financial Statements indicating water purchases and water sold/ accounted for	10
KPA1: Basic Services & Infrastructure	Keep Kouga & Serviced Safe	Water Quality	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	100% Compliance with standards for drinking water	% Compliance with SANS standards for drinking water	New	100%	100%	100%	100%	1 = less than 90% compliance 2 = 91% to 97% compliance 3 = 98% compliance 4 = 99% compliance 5 = 100% compliance	Laboratory results on water testing conducted, calculate complaint tests as a % of total tests	10
KPA1: Basic Services & Infrastructure	Keep Kouga & Serviced	Electricity loss reduction	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	Reduce non-distribution electricity losses to 10% between electricity purchased and electricity sold/ accounted for	% Reduction in electricity losses between electricity purchased and electricity sold/ accounted for	12.33%	12%	12%	11%	10%	1 = no reduction 2 = Reduction to 11% 3 = Reduction to 10% 4 = Reduction to 9% 5 = Reduction to less than 9%	Financial statements indicating electricity purchases and electricity sold/ accounted for, calculate % difference between purchased and sold/ accounted for	10
KPA1: Basic Services & Infrastructure	Keep Kouga & Serviced	MIG Expenditure	To manage and ensure the provision of basic municipal services and the reduction of	100% of Grant spent	% Expenditure of MIG Grant Funding		5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% expenditure 2 = 91% to 97% expenditure 3 = 98% expenditure 4 = 99% expenditure 5 = 100% expenditure	Financial statements indicating % MIG expenditure against received for the year under review (roll overs to be included in	10

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
			infrastructure backlogs.									received and spent)	
KPA 2: Municipal Institutional Development and Transformation	Keep Kouga Growing	Staff Skills Development	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence	100% Expenditure of LGSETA funding received for staff development	% Expenditure of LGSETA funding received for staff development	98%	5 of 100%	20 of 100%	75 of 100%	100 of 100%	1 = less than 90% expenditure 2 = 91 to 96% expenditure 3 = 97% expenditure 4 = 98% expenditure 5 = 100% expenditure	Financial statements indicating LGSETA grant funding and expenditure	10
KPA 2: Municipal Institutional Development and Transformation	Keep Kouga Growing	Staff appointment	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence	Vacancy rate of less than 3% over a 3-month period against approved Organogram	% Vacancy rate over a 3-month period against approved Organogram	3%	3%	2.9%	2.8%	2.8%	1 = vacancy rate more than 5% 2 = Vacancy rate of 4% 3 = vacancy rate of 3% 4 = vacancy rate of 2% 5 = vacancy rate less than 2%	Organogram funded positions, proof of vacancies and appointments	5

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Revenue Collection	To manage and Develop financial services to ensure financial viability, compliance & reporting.	95% Revenue collected against revenue raised	% Revenue collected against revenue raised		95%	95%	95%	95%	1 = Less than 90% 2 = 90 to 94.99% 3 = 95% 4 = 95.01 to 96% 5 = More than 96% %	Financial Statements on revenue raised and revenue collected. (Debt older than 60 days to be excluded from revenue collection rates)	10
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Creditor Payments	To manage and Develop financial services to ensure financial viability, compliance & reporting.	100% of creditors paid within 30 days of invoice	% of creditors paid within 30 days from date of invoice		100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Record of invoices submitted and paid calculated as a % paid within 30 days	10
KPA 4: Municipal Financial Viability and Management		Audit Corrective Actions	To manage and Develop financial services to ensure financial viability, compliance & reporting.	100% Implementation of corrective actions to address AG findings relevant to the 2021/22 year	% Implementation of corrective actions to address AG findings relevant to the 2021/22 year		5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Audit Corrective Action Plan, proof of implementation	
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Staff Costs	To manage and Develop financial services to ensure financial viability, compliance & reporting.	34.8% of total operational expenditure attributable to staff costs	% Of total operational expenditure attributable to staff costs		35%	35%	35%	35%	1 = More than 40% 2 = 35 to 39% 3 = 34.8% 4 = 33 to 34% 5 = Less than 34%	Financial statements indicating total operational expenditure and staff cost expressed as a % of total OPEX	10

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Financial Viability	To manage and Develop financial services to ensure financial viability, compliance & reporting.	Current Ratio equal to or higher than 0.9:1	Current Ratio		0.9:1	0.9:1	0.9:1	0.9:1	1 = less than 0.1:1 2 = 0.1:1 3 = 0.9:1 4 = 1.0:1 5 = More than 1.0:1	Financial statements indicating current ratio	2
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Financial Viability	To manage and Develop financial services to ensure financial viability, compliance & reporting.	Liquidity ratio equal to or higher than 0.01:1	Liquidity ratio		0.01:1	0.01:1	0.01:1	0.01:1	1 = less than 0.001:1 2 = 0.001:1 to 0.009:1 3 = 0.01:1 4 = 0.02:1 to 0.09:1 5 = Better than 0.9:1	Financial statements indicating liquidity ratio	2
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Capital Budget Expenditure	To manage and develop financial services to ensure financial viability, compliance & reporting.	100% Completion of internally funded capital projects	% Completion of internally funded capital projects	New	5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Completion certificates for internally funded capital projects	2
KPA 5: Good Governance and Public Participation	Good Governance	Performance Management	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good	Improve overall SDBIP implementation performance by 5% compared to previous year.	% Increase in overall institutional SDBIP implementation compared to previous year	86.75% (2020/21)	0 of 5%	0 of 5%	0 of 5%	5 of 5%	1 = no improvement 2 = improvement up to 4.9% 3 = 5% improvement 4 = 5.1 to 6% improvement 5 = More than 6% improvement	Annual Institutional Performance Report	5

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
			governance through service excellence.										
KPA 5: Good Governance and Public Participation	Good Governance	Cascade Performance Management	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	100% of staff members below the Senior Management Level participates in the performance management system	% of staff at Line Management and First Line Supervisor level that have signed performance agreements and is subjected to performance reviews	New	-	100%	100%	100%	1 = Less than 50% 2 = 51 to 80% 3 = 81 to 90% 4 = 91 to 95% 5 = more than 95%	System participation records	3
KPA 5: Good Governance and Public Participation	Good Governance	Service Charter	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance	1 Service Charter (Which includes service standards for all Departments) developed by 31 March 2023	Number of Service Charters Developed by 31 March 2023	New	0 of 1	0 of 1	1 of 1	0	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date	Minutes of the meeting of Council where the service charter was adopted	2



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
			through service excellence.								5 = More than 1 Month before due date		
Total													100%

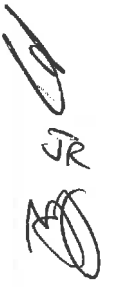
6. OPERATIONAL KEY PERFORMANCE INDICATORS ALLOCATED TO THE MUNICIPAL MANAGER

6.1 The following Key Performance Indicators (KPI's) has been allocated to the Municipal Manager and the Municipal Manager shall provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other. These operational Key Performance Indicators shall be taken into account in all performance reviews and performance evaluations of the Municipal Manager relevant to the 2022/23 year.

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5: Good Governance and Public Participation	Good Governance	Performance Management	To ensure that municipal services are administered in accordance with the principles of	95%	% Achievement on the implementation of Institutional SDBIP targets for the Directorate Community Services	90% (2020/21)	10 of 95%	30 of 95%	75 of 95%	95 of 95%	1 = less than 85% 2 = 85 to 94% 3 = 95% 4 = 96 to 97% 5 = more than 97%	Annual Performance Report	15



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5: Good Governance and Public Participation	Good Governance	Performance Management	transparency and accountability to ensure good governance through service excellence.										
			To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	95%	% Achievement on the implementation of Institutional SDBIP targets for the Directorate Corporate Services	100% (2020/21)	10 of 95%	30 of 95%	75 of 95%	95 of 95%	1 = less than 85% 2 = 85 to 94% 3 = 95% 4 = 96 to 97% 5 = more than 97%	Annual Performance Report	15
KPA 5: Good Governance and Public Participation	Good Governance	Performance Management	transparency and accountability to ensure good governance through service excellence.										
			To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	95%	% Achievement on the implementation of Institutional SDBIP targets for the Office of the Deputy Municipal Manager	New	10 of 95%	30 of 95%	75 of 95%	95 of 95%	1 = less than 85% 2 = 85 to 94% 3 = 95% 4 = 96 to 97% 5 = more than 97%	Annual Performance Report	15



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5: Good Governance and Public Participation	Good Governance	Performance Management	service excellence. To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	95%	% Achievement on the implementation of Institutional SDBIP targets for the Directorate Finance	100% (2020/21)	10 of 95%	30 of 95%	75 of 95%	95 of 95%	1 = less than 85% 2 = 85 to 94% 3 = 95% 4 = 96 to 97% 5 = more than 97%	Annual Performance Report	20
KPA 5: Good Governance and Public Participation	Good Governance	Performance Management	service excellence. To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	95%	% Achievement on the implementation of Institutional SDBIP targets for the Directorate Infrastructure and Engineering	84.85% (2020/21)	10 of 95%	30 of 95%	75 of 95%	95 of 95%	1 = less than 85% 2 = 85 to 94% 3 = 95% 4 = 96 to 97% 5 = more than 97%	Annual Performance Report	20
KPA 5: Good Governance and Public Participation	Good Governance	Performance Management	service excellence. To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	95%	% Achievement on the implementation of Institutional SDBIP targets for	71.42% (2020/21)	10 of 95%	30 of 95%	75 of 95%	95 of 95%	1 = less than 85% 2 = 85 to 94% 3 = 95% 4 = 96 to 97%	Annual Performance Report	15



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23)	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
			in accordance with the principles of transparency and accountability to ensure good governance through service excellence.		the Directorate Planning Development and Tourism						5 = more than 97%		
Total weighting													100%



6. MMFMA CIRCULAR 88 REPORTING

In terms of the provisions of 4.5 of the Performance Agreement of the Employee, the Employee undertakes to provide the following operational statistical information at the same agreed to reporting timelines for the provision of performance information.

As per the provisions of the Performance Agreement shall the performance of the Employee not be measured on these matters.

6.1 OUTPUT INDICATORS FOR QUARTERLY REPORTING

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievement
GG2.11	Percentage of ward committees with 6 or more ward committee members (excluding the ward councilor)	GG2.11(1)	(1) Total number of ward committees with 6 or more members	
		GG2.11(2)	(2) Total number of wards	
GG2.12	Percentage of wards that have held at least once councilor-convened community meeting	GG2.12(1)	(1) Total number of councilor convened ward community meetings	
		GG2.12(2)	(2) Total number of wards	

6.2 QUARTERLY COMPLIANCE REPORTING INDICATORS

Reference	Performance Indicator	2022/23 Achievement
C1.	Number of signed performance agreements by the MM and section 56 managers	
C4.	Number of MPAC meetings held	
C5.	Number of recognised traditional leaders within your municipal boundary	
C6.	Number of formal (minuted) meetings between the Mayor, Speaker and MM were held to deal with municipal matters	
C11.	Number of litigation cases instituted by the municipality	
C12.	Number of litigation cases instituted against the municipality	
C13.	Number of forensic investigations instituted	
C14.	Number of forensic investigations conducted	

6.3 COMPLIANCE QUESTIONS

Reference	Question	2022/23 Achievement
Q1.	Does the municipality have an approved Performance Management Framework?	
Q2.	Has the IDP been adopted by Council by the target date?	
Q3.	Does the municipality have an approved LED Strategy?	
Q4.	What are the main causes of work stoppage in the past quarter by type of stoppage?	
Q5.	How many public meetings were held in the last quarter at which the Mayor or members of the Mayoral/Executive committee provided a report back to the public?	
Q6.	When was the last scientifically representative community feedback survey undertaken in the municipality?	
Q7.	What are the biggest causes of complaints or dissatisfaction from the community feedback survey? Indicate the top four issues in order of priority.	
Q8.	Please list the locality, date and cause of each incident of protest within the municipal area during the reporting period:	
Q9.	Does the municipality have an Internal Audit Unit?	
Q10.	Is there a dedicated position responsible for internal audits?	
Q12.	Has an Audit Committee been established? If so, is it functional?	
Q13.	Has the internal audit plan been approved by the Audit Committee?	
Q14.	Has an Internal Audit Charter and Audit Committee charter been approved and adopted?	
Q15.	Does the internal audit plan set monthly targets?	
Q16.	How many monthly targets in the internal audit plan were not achieved?	
Q22	Please list the name of the structure and date of every meeting of an official IGR structure that the municipality participated in this quarter:	
Q23.	Where is the organisational responsibility for the IGR support function located within the municipality (inclusive of the reporting line)?	
Q24.	Is the MPAC functional? List the reasons why if the answer is not 'Yes'.	Y
Q25.	Has a report by the Executive Committee on all decisions it has taken been submitted to Council this financial year?	

6.4 OUTCOME INDICATORS FOR ANNUAL MONITORING

Reference	Performance Indicator	Reference	Data Element	Q1	Q2	Q3	Q4	2022/23 Achievement
GG2.1	Percentage of ward committees that are functional (meet four times a year, are quorate, and have an action plan)	GG2.1(1)	(1) Functional ward committees					
		GG2.1(2)	(2) Total number of wards					

Thus, done and signed on this 19th day of APRIL 2022 in the presence of the undersigned witnesses



EMPLOYEE



EXECUTIVE MAYOR

WITNESSES:



Annexure A

**ADDENDUM TO THE PERFORMANCE PLAN OF:****D DE JAGER:****DEPUTY MUNICIPAL MANAGER****PERIOD: 1 JULY 2022 TO 30 JUNE 2023****1. PURPOSE**

This addendum to the Performance Plan has the purpose to align the performance targets of the Employee with the amendments to the 2022/23 SDBIP as approved by Council on 30 March 2023.

This performance plan replaces the initial performance plan of the Employee for the 2022/23 year in its totality and this performance plan shall be used to evaluate the performance of the Employee for the 2022/23 financial year.

A handwritten signature in black ink, appearing to be 'D de Jager', is located in the bottom right corner of the page. The signature is written in a cursive, flowing style.

2. KEY RESPONSIBILITIES

It is expressly agreed that while certain key responsibilities of the Deputy Municipal Manager shall be measured in terms of the Performance Agreement and the Performance plan, the duties of the Deputy Municipal Manager shall not be restricted to the measured responsibilities only.

3. PERFORMANCE REPORTING

3.2 The provision of the Performance Agreement relative to performance reporting time frames and the time frames for the submission of supporting performance evidence is herewith re-confirmed.

3.3 Whereas Section 57 of the Local Government Municipal Systems Act, 2000 provides that the appointment of the Employee is subject to participation in the performance management system of the Employer, the Parties herewith agree that the non-submission of performance information and/or performance evidence, on the electronic performance management systems and/or manually, on due dates as set out in the Performance Agreement may result therein that any possible performance reward due to the Employee may be forfeited at the discretion of the Employer.

3.4 It is herewith agreed that in instances where it becomes clear that any set target in respect of any reporting period cannot/shall not be achieved and/or has not been achieved, the Employee shall prepare a Memorandum addressed to the Municipal Manager detailing the following:

- Key Performance Indicator and target for the reporting period.
- Actual achievements on the target in accordance with the Key Performance Indicator.
- Reasons why the target could not be fully achieved.
- Proposals on corrective actions to be implemented to ensure that the target shall be achieved at a date and time indicated in the corrective actions which shall be prior to the end of the reporting year.
- Provided that were the non-achievement becomes evident at such a late stage that corrective actions shall not result in achievement of the target prior to the year end, corrective actions must indicate how the matter shall be dealt with to ensure achievement in the shortest possible time after year end.

Only where the Municipal Manager has approved the reasons for the non-achievement of a target shall the Employee report the non-achievement of the target as part of the performance reporting cycle and the Employee shall at all times attach the Memorandum directed to the Municipal Manager as well as the approval of the Municipal Manager to such reporting on the electronic performance management system.



4. KEY PERFORMANCE AREAS

The following Key Performance Areas (KPA's) as set in consultation with the employee inform the strategic objectives, listed in the table below:

KPA No	Key Performance Area	Weight
1.	Municipal Financial Viability and Management	25
2.	Good Governance and Public Participation	50
3.	Operational Targets	25
	Total	100

5. SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN KEY PERFORMANCE INDICATORS ALLOCATED TO THE DEPUTY MUNICIPAL MANAGER AND/OR KEY PERFORMANCE INDICATORS FOR WHICH THE DEPUTY MUNICIPAL MANAGER IS JOINTLY RESPONSIBLE

- 5.1 The following Key Performance Indicators (KPI's) provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other.



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Audit Outcomes	To manage and Develop financial services to ensure financial viability, compliance & reporting.	100% Implementation of corrective actions to address AG findings relevant to the 2021/22 year.	% Implementation of corrective actions to address AG findings relevant to the 2021/22 year.		0 of 100%	25 of 100%	100 of 100%		1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	AG report and Management Letters and proof of corrective actions taken	40
KPA 5: Good Governance and Public Participation	Good Governance	Cascade Performance Management	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	100% of staff at Line Management and First Line Supervisory Level that have signed performance agreements and is subjected to performance reviews.	% of staff at Line Management and First Line Supervisory Level that have signed performance agreements and is subjected to performance reviews.	New	0 of 100%	0 of 100%	100 of 100%	100 of 100%	1 = Less than 50% 2 = 51 to 80% 3 = 81 to 90% 4 = 91 to 95% 5 = more than 95%	System participation records	30



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weighting
KPA 5: Good Governance and Public Participation	Good Governance	Service Charter	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	1 Service Charter (Office of the Municipal Manager) developed by 31 March 2023	Number of Service Charters Developed by 31 March 2023	New	0 of 1	0 of 1	1 of 1	0	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Proof of submission of the Service Charter for the Office of the DMM to the MM	30
Total													100%

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6. OPERATIONAL KEY PERFORMANCE INDICATORS ALLOCATED TO THE DEPUTY MUNICIPAL MANAGER

- 6.1 The following Key Performance Indicators (KPI's) has been allocated to the Deputy Municipal Manager and the Deputy Municipal Manager shall provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other. These operational Key Performance Indicators shall be taken into account in all performance reviews and performance evaluations of the Deputy Municipal Manager relevant to the 2022/23 year.

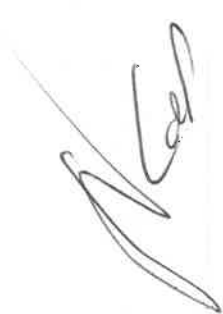


KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 202/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5. Good Governance and Public Participation	Keep Kouga Growing	Cascading Performance Management	-	100% of Line Managers and Staff reporting directly to the Deputy Municipal Manager subjected to six monthly performance reviews	% of Line Managers and Staff reporting directly to the Deputy Municipal Manager subjected to quarterly performance reviews	New	0 of 100%	0 of 100%	100 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Proof of quarterly performance reviews	20
KPA 5. Good Governance and Public Participation	Good Governance	Customer Satisfaction		1 Customer satisfaction survey completed by 31 October 2022	Number of Customer satisfaction surveys completed by 31 October 2022	1	0 of 1	1 of 1	-	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Customer satisfaction survey results	10



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
XPA 5. Good Governance and Public Participation	Good Governance	Communication		1 Media and Communication Policy adopted by Council by 30 April 2023	Number of Media and Communication Policies adopted by Council by 30 April 2023	1	0 of 1	0 of 1	1 of 1	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the media and communication policy was adopted	15
XPA 5. Good Governance and Public Participation	Good Governance	Operational Procedures		4 Standard Operational Procedures completed by 31 March 2023	Number of Standard Operational Procedures completed by 31 March 2023	New	0 of 4	2 of 4	4 of 4	-	1 = None 2 = 1 to 3 3 = 4 4 = 5 5 = More than 5	Approved Standard Operational Procedures	15

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KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
XPA 5: Good Governance and Public Participation	Keep Kouga Serviced	Job card/call centre integration	-	100% Integration of job cards with call centre service requests by 30 June 2023	% Integration of job cards with call centre service requests by 30 June 2023	New	0 of 100%	0 of 100%	25 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Proof of system integration	15
XPA 4: Municipal Financial Viability and Management	Keep Kouga Serviced	Creditor Payments	-	100%	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Invoice Certification Register	10
XPA 5: Good Governance and Public Participation	Good Governance	Performance Management	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good	95%	% Achievement on the implementation of institutional SDBIP targets for the Office of the Deputy Municipal Manager	New	10 of 95%	30 of 95%	75 of 95%	95 of 95%	1 = less than 85% 2 = 85 to 94% 3 = 95% 4 = 96 to 97% 5 = more than 97%	Annual Performance Report	15

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 202/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
			governance through service excellence.										
Total weight													100%



7. MMFMA CIRCULAR 88 REPORTING

In terms of the provisions of 4.5 of the Performance Agreement of the Employee, the Employee undertakes to provide the following operational statistical information at the same agreed to reporting timelines for the provision of performance information.

As per the provisions of the Performance Agreement shall the performance of the Employee not be measured on these matters.

7.1 OUTPUT INDICATORS FOR QUARTERLY REPORTING

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievement
GG2.11	Percentage of ward committees with 6 or more ward committee members (excluding the ward councilor)	GG2.11(1)	(1) Total number of ward committees with 6 or more members	
		GG2.11(2)	(2) Total number of wards	
GG2.12	Percentage of wards that have held at least one councilor-convened community meeting	GG2.12(1)	(1) Total number of councillor convened ward community meetings	
		GG2.12(2)	(2) Total number of wards	

7.2 QUARTERLY COMPLIANCE REPORTING INDICATORS

Reference	Performance Indicator	2022/23 Achievement
C11.	Number of litigation cases instituted by the municipality	
C12.	Number of litigation cases instituted against the municipality	
C13.	Number of forensic investigations instituted	
C14.	Number of forensic investigations conducted	



7.3 COMPLIANCE QUESTIONS

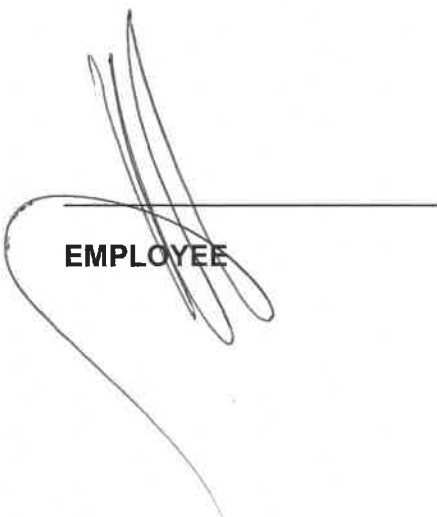
Reference	Question	2022/23 Achievement
Q6.	When was the last scientifically representative community feedback survey undertaken in the municipality?	
Q7.	What are the biggest causes of complaints or dissatisfaction from the community feedback survey? Indicate the top four issues in order of priority.	
Q9.	Does the municipality have an Internal Audit Unit?	
Q10.	Is there a dedicated position responsible for internal audits?	
Q12.	Has an Audit Committee been established? If so, is it functional?	
Q13.	Has the internal audit plan been approved by the Audit Committee?	
Q14.	Has an Internal Audit Charter and Audit Committee charter been approved and adopted?	
Q15.	Does the internal audit plan set monthly targets?	
Q16.	How many monthly targets in the internal audit plan were not achieved?	
Q22	Please list the name of the structure and date of every meeting of an official IGR structure that the municipality participated in this quarter:	
Q23.	Where is the organisational responsibility for the IGR support function located within the municipality (inclusive of the reporting line)?	

7.4 OUTCOME INDICATORS FOR ANNUAL MONITORING

Reference	Performance Indicator	Reference	Data Element	Q1	Q2	Q3	Q4	2022/23 Achievement
GG2.1	Percentage of ward committees that are functional (meet four times a year, are quorate, and have an action plan)	GG2.1(1)	(1) Functional ward committees					

Reference	Performance Indicator	Reference	Data Element	Q1	Q2	Q3	Q4	2022/23 Achievement
		GG2.1(2)	(2) Total number of wards					

Thus, done and signed on this 15 day of April 2023 in the presence of the undersigned witnesses


EMPLOYEE


MUNICIPAL MANAGER

WITNESSES:

Annexure A

**ADDENDUM TO THE PERFORMANCE PLAN OF:****R LORGAT:****CHIEF FINANCIAL OFFICER****PERIOD: 1 JULY 2022 TO 30 JUNE 2023****1. PURPOSE**

This addendum to the Performance Plan has the purpose to align the performance targets of the Employee with the amendments to the 2022/23 SDBIP as approved by Council on 30 March 2023.

This performance plan replaces the initial performance plan of the Employee for the 2022/23 year in its totality and this performance plan shall be used to evaluate the performance of the Employee for the 2022/23 financial year.

1 | 2022/23 ADDENDUM PERFORMANCE PLAN CHIEF FINANCIAL OFFICER

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2. KEY RESPONSIBILITIES

It is expressly agreed that while certain key responsibilities of the Chief Financial Officer shall be measured in terms of the Performance Agreement and the Performance plan, the duties of the Chief Financial Officer shall not be restricted to the measured responsibilities only.

3. PERFORMANCE REPORTING

3.2 The provision of the Performance Agreement relative to performance reporting time frames and the time frames for the submission of supporting performance evidence is herewith re-confirmed.

3.3 Whereas Section 57 of the Local Government Municipal Systems Act, 2000 provides that the appointment of the Employee is subject to participation in the performance management system of the Employer, the Parties herewith agree that the non-submission of performance information and/or performance evidence, on the electronic performance management systems and/or manually, on due dates as set out in the Performance Agreement may result therein that any possible performance reward due to the Employee may be forfeited at the discretion of the Employer.

3.4 It is herewith agreed that in instances where it becomes clear that any set target in respect of any reporting period cannot/shall not be achieved and/or has not been achieved, the Employee shall prepare a Memorandum addressed to the Municipal Manager detailing the following:

- Key Performance Indicator and target for the reporting period.
- Actual achievements on the target in accordance with the Key Performance Indicator.
- Reasons why the target could not be fully achieved.
- Proposals on corrective actions to be implemented to ensure that the target shall be achieved at a date and time indicated in the corrective actions which shall be prior to the end of the reporting year.
- Provided that were the non-achievement becomes evident at such a late stage that corrective actions shall not result in achievement of the target prior to the year end, corrective actions must indicate how the matter shall be dealt with to ensure achievement in the shortest possible time after year end.

Only where the Municipal Manager has approved the reasons for the non-achievement of a target shall the Employee report the non-achievement of the target as part of the performance reporting cycle and the Employee shall at all times attach the Memorandum directed to the Municipal Manager as well as the approval of the Municipal Manager to such reporting on the electronic performance management system.



4. KEY PERFORMANCE AREAS

The following Key Performance Areas (KPA's) as set in consultation with the employee inform the strategic objectives, listed in the table below:

KPA No	Key Performance Area	Weight
1.	Municipal Financial Viability and Management	85
2.	Good Governance and Public Participation	10
3.	Operational Targets	5
	Total	100

5. INSTITUTIONAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN KEY PERFORMANCE INDICATORS ALLOCATED TO THE CHIEF FINANCIAL OFFICER

- 5.1 The following Key Performance Indicators (KPI's) provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other.



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Revenue Collection	To manage and develop financial services to ensure financial viability, compliance & reporting.	95% Revenue collected against revenue raised	% Revenue collected against revenue raised	94.41%	95%	95%	95%	95%	1 = Less than 90% 2 = 90 to 94.99% 3 = 95% 4 = 95.01 to 96% 5 = More than 96% %	Financial Statements on revenue raised and revenue collected.	20
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Creditor Payments	To manage and develop financial services to ensure financial viability, compliance & reporting.	100% of creditors paid within 30 days of invoice or statement as per Section 65 of the MFMA	% Of creditors paid within 30 days from date of invoice or statement as per Section 65 of the MFMA		100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Record of invoices submitted and paid calculated as a % paid within 30 days	15
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Financial Viability	To manage and develop financial services to ensure financial viability, compliance & reporting.	Current Ratio higher than 0.9:1	Current Ratio		0.9:1	0.9:1	0.9:1	0.9:1	1 = less than 0.1:1 2 = 0.1:1 3 = 0.9:1 4 = 1.0:1 5 = More than 1.0:1	Financial statements indicating current ratio	10
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Financial Viability	To manage and develop financial services to ensure financial	Liquidity ratio higher than 0.01:1	Liquidity ratio		0.01:1	0.01:1	0.01:1	0.01:1	1 = less than 0.001:1 2 = 0.001:1 to 0.009:1 3 = 0.01:1 4 = 0.02:1 to 0.09:1	Financial statements indicating liquidity ratio	10

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
			viability, compliance & reporting.								5 = Better than 0.9:1		
KPA Municipal Financial Viability and Management	Keep Kouga Growing	Indigent Support	To manage and develop financial services to ensure financial viability, compliance & reporting.	100% of indigent residents as per Indigent Register with access to free basic services	% of indigent residents as per indigent register with access to free basic services		100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Indigent Register and Financial Statements indicating Indigent Support	5
KPA Municipal Financial Viability and Management	Keep Kouga Growing	Procurement Planning	To manage and develop financial services to ensure financial viability, compliance & reporting.	1 Electronic purchasing system implemented by 30 June 2023	Number of Electronic purchasing systems implemented by 30 June 2023	New	0 of 1	1 of 1	-	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Proof of system implementation	15

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Financial Planning	To manage and develop financial services to ensure financial viability, compliance & reporting.	1 Long Term Financial Plan completed by 30 June 2023	Number of Long-Term Financial Plans completed by 30 June 2023	New	0 of 1	0 of 1	0 of 1	1 of 1	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the Long-Term Financial Plan was adopted	20
KPA 5: Good Governance and Public Participation	Good Governance	Service Charter	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	1 Service Charter for Finance Department developed by 31 January 2023	Number of Service Charters Developed by 31 January 2023	New	0 of 1	0 of 1	1 of 1	0	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the service charter was adopted	5
Total weight													100%



6. OPERATIONAL KEY PERFORMANCE INDICATORS ALLOCATED TO THE CHIEF FINANCIAL OFFICER

6.1 The following Key Performance Indicators (KPI's) has been allocated to the Chief Financial Officer and the Chief Financial Officer shall provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other. These operational Key Performance Indicators shall be taken into account in all performance reviews and performance evaluations of the Chief Financial Officer relevant to the 2022/23 year.

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5. Good Governance and Public Participation	Keep Kouga Serviced	Cascading Performance Management	-	100% of Line Managers and Staff reporting directly to the Director subjected to quarterly performance reviews	% Of Line Managers and Staff reporting directly to the Director subjected to quarterly performance reviews	New	-	-	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Proof of quarterly performance reviews	30
KPA 5. Good Governance and Public Participation	Keep Kouga Serviced	Departmental Performance	-	Improve Institutional SDBIP Performance relevant to the Directorate to 90% Achievement	% Achievement of the implementation of the Institutional SDBIP relevant to the Directorate	63.63%	-	-	-	90%	1 = less than 80% 2 = 81 to 89% 3 = 90% 4 = 91 to 95% 5 = more than 95%	Annual Performance Report	70
Total weight													100%

7. MMFMA CIRCULAR 88 REPORTING

In terms of the provisions of 4.5 of the Performance Agreement of the Employee, the Employee undertakes to provide the following operational statistical information at the same agreed to reporting timelines for the provision of performance information.

As per the provisions of the Performance Agreement shall the performance of the Employee not be measured on these matters.

7.1 OUTPUT INDICATORS FOR QUARTERLY REPORTING

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievement
LED1.11	Percentage of total municipal operating expenditure spent on contracted services physically residing within the municipal area	LED1.11(1)	(1) R-value of operating expenditure on contracted services within the municipal area	
		LED1.11(2)	(2) Total municipal operating expenditure on contracted services	
LED2.12	Percentage of the municipality's operating budget spent on indigent relief for free basic services	GG6.11(1)	(1) R-value of operating budget expenditure spent on free basic services	
		GG6.11(2)	(2) Total operating budgets for the municipality	
LED3.31	Average number of days from the point of advertising to the letter of award per 80/20 procurement process	LED3.31(1)	(1) Sum of the number of days from the point of advertising a tender in terms of the 80/20 procurement process to the issuing of the letter of award	
		LED3.31(2)	(2) Total number of 80/20 tenders awarded as per the procurement process	
LED3.32	Percentage of municipal payments made to service providers who	LED3.32(1)	(1) Number of municipal payments within 30-days of complete invoice receipt made to service providers	

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievement
	submitted complete forms within 30-days of invoice submission	LED3.32(2)	(2) Total number of complete invoices received (30 days or older)	

7.2 QUARTERLY COMPLIANCE REPORTING INDICATORS

Reference	Performance Indicator	2022/23 Achievement
C26.	R-value of all tenders awarded	
C27.	Number of all awards made in terms of Section 36 of the MFMA Municipal Supply Chain Management Regulations	
C28.	R-value of all awards made in terms of Section 36 of the MFMA Municipal Supply Chain Management Regulations	
C33.	Number of tenders over R200 000 awarded	
C71.	Number of procurement processes where disputes were raised	
C77.	B-BBEE Procurement Spend on Empowering Suppliers that are at least 51% black owned based	
C78.	B-BBEE Procurement Spend on Empowering Suppliers that are at least 30% black women owned	
C79.	B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Procurement	
C86.	Number of households in the municipal area registered as indigent	

7.3 ANNUAL COMPLIANCE QUESTIONS

Reference	Question	2022/23 Achievement
Q19.	Is the municipal supplier database aligned with the Central Supplier Database?	

Thus, done and signed on this 05 day of APRIL 2022 in the presence of the undersigned witnesses

**EMPLOYEE****EMPLOYER****WITNESSES:**

Annexure A



PERFORMANCE PLAN

Entered into by and between

THE MUNICIPALITY OF KOUGA

AS REPRESENTED BY THE MUNICIPAL MANAGER

MR C DU PLESSIS

AND

MRS. LS OPPERMAN

THE EMPLOYEE OF THE MUNICIPALITY

ACTING DIRECTOR PLANNING, DEVELOPMENT AND TOURISM

PERIOD: 1 APRIL 2023 TO 30 JUNE 2023

1. PURPOSE

The performance plan defines the Council's performance expectations of the Acting Director Planning, Development and Tourism and has the purpose of the alignment of such performance expectations with the Integrated Development Plan as provided for in Section 57 (5) of the Municipal Systems Act.

2. KEY RESPONSIBILITIES

It is expressly agreed that while certain key responsibilities of the Acting Director Planning, Development and Tourism shall be measured in terms of the Performance Agreement and the Performance plan, the duties of the Acting Director Planning, Development and Tourism shall not be restricted to the measured responsibilities only.

3. PERFORMANCE REPORTING

- 3.2 The provision of the Performance Agreement relative to performance reporting time frames and the time frames for the submission of supporting performance evidence is herewith re-confirmed.
- 3.3 Whereas Section 57 of the Local Government Municipal Systems Act, 2000 provides that the appointment of the Employee is subject to participation in the performance management system of the Employer, the Parties herewith agree that the non-submission of performance information and/or performance evidence, on the electronic performance management systems and/or manually, on due dates as set out in the Performance Agreement may result therein that any possible performance reward due to the Employee may be forfeited at the discretion of the Employer.
- 3.4 It is herewith agreed that in instances where it becomes clear that any set target in respect of any reporting period cannot/shall not be achieved and/or has not been achieved, the Employee shall prepare a Memorandum addressed to the Municipal Manager detailing the following:
- Key Performance Indicator and target for the reporting period.
 - Actual achievements on the target in accordance with the Key Performance Indicator.
 - Reasons why the target could not be fully achieved.
 - Proposals on corrective actions to be implemented to ensure that the target shall be achieved at a date and time indicated in the corrective actions which shall be prior to the end of the reporting year.
 - Provided that were the non-achievement becomes evident at such a late stage that corrective actions shall not result in achievement of the target prior to the year end, corrective actions must indicate how the matter shall be dealt with to ensure achievement in the shortest possible time after year end.

Only where the Municipal Manager has approved the reasons for the non-achievement of a target shall the Employee report the non-achievement of the target as part of the performance reporting cycle and the Employee shall at all times attach the Memorandum directed to the Municipal Manager as well as the

approval of the Municipal Manager to such reporting on the electronic performance management system.

4. KEY PERFORMANCE AREAS

The following Key Performance Areas (KPA's) as set in consultation with the employee inform the strategic objectives, listed in the table below:

KPA No	Key Performance Area	Weight
1.	Local Economic Development	50
2.	Municipal Financial Viability and Management	10
3.	Good Governance and Public Participation	10
4.	Operational Targets	30
	Total	100

5. INSTITUTIONAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN KEY PERFORMANCE INDICATORS ALLOCATED TO THE ACTING DIRECTOR PLANNING, DEVELOPMENT AND TOURISM

- 5.1 The following Key Performance Indicators (KPI's) provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other.

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 3: Local Economic Development	Keep Kouga Growing	Job Creation	To provide planning services that encourage economic upliftment and Development in the Municipal Area.	110 FTE Jobs created through LED initiatives and capital programs	Number of FTE jobs created through LED initiatives and capital programs	New	50 of 110	80 of 110	100 of 110	110 of 110	1 = less than 50 2 = 51 to 100 3 = 101 to 110 4 = 111 to 115 5 = More than 115	Job creation records	20
KPA 3: Local Economic Development	Keep Kouga Growing	Land Use and Building Plan Approval	To provide planning services that encourage economic upliftment and Development in the Municipal Area.	1 Online Customer tracking system for land use and building applications implemented by 31 March 2023	Number of Online customer tracking systems for land use and building plan applications implemented by 31 March 2023	New	0 of 1	0 of 1	1 of 1	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Proof of system availability and implementation	10
KPA 3: Local Economic Development	Keep Kouga Growing	External Investments	To provide planning services that encourage economic upliftment and Development in the	Complete feasibility study for the establishment of a LED Special Purpose Vehicle by 30 June 2023	Number of feasibility studies completed for the establishment of a LED Special Purpose Vehicle completed by 30 June 2023	New	0 of 1	0 of 1	0 of 1	1 of 1	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1	Proof of establishment	10

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
			Municipal Area.								month before due date 5 = More than 1 Month before due date		
KPA 3: Local Economic Development	Keep Kouga Growing	Corporate Social Responsibility	To provide planning services that encourage economic upliftment and Development in the Municipal Area.	1 Corporate Social Responsibility Policy developed by 31 December 2022	Number of Corporate Social Responsibility Policy developed by 31 December 2022	New	0 of 1	0 of 1	0 of 1	1 of 1	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the Corporate Social Responsibility Policy was adopted	20
KPA 3: Local Economic Development	Keep Kouga Smart	Smart City	To provide planning services that encourage economic upliftment and Development in the Municipal Area.	1 Strategic Session held by 1 December 2022 towards the development of a Strategy for the implementation of the Smart City concept	Number of Strategic Sessions held by 1 December 2022 towards the development of a Strategy for the implementation of the Smart City concept	New	0 of 1	1 of 1	-	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the Strategic Session towards the development of	10



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Capital Budget Expenditure	To manage and develop financial services to ensure financial viability, compliance & reporting.	100% Completion of internally funded capital projects	% Completion of internally funded capital projects	100%	5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Completion for certificates internally funded capital projects	20
KPA 5: Good Governance and Public Participation	Good Governance	Service Charter	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	1 Service Charter For all Sections within the Directorate developed by 31 January 2023	Number of Service Charters for all Sections within the Directorate Developed by 31 January 2023	New	0 of 1	0 of 1	1 of 1	0	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the service charter was adopted	10
Total weight													100%

6. OPERATIONAL KEY PERFORMANCE INDICATORS ALLOCATED TO THE ACTING DIRECTOR PLANNING DEVELOPMENT AND TOURISM

6.1 The following Key Performance Indicators (KPI's) has been allocated to the Acting Director Planning, Development and Tourism and the Acting Director Planning, Development and Tourism shall provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other. These operational Key Performance Indicators shall be taken into account in all performance reviews and performance evaluations of the Acting Director Planning, Development and Tourism relevant to the 2022/23 year.

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5. Good Governance and Public Participation	Keep Kouga Growing	Cascading Performance Management	-	100%	% of Line Managers and Staff reporting directly to the Director subjected to quarterly performance reviews	New	-	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Proof of quarterly performance reviews	10
KPA 3: Local Economic Development	Keep Kouga Growing	Disposal of property	-	100%	% Completion of the disposal of municipal properties	New	0 of 100%	10 of 100%	50 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Proof of disposal (Deed of Transfer)	20
KPA 5. Good Governance and Public Participation	Keep Kouga Serviced	IDP Process Plan	-	100%	% Compliance with the IDP Process Plan (IDP Processes only)	New	100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	IDP Process Plan Implementation reports	10

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 3: Local Economic Development	Keep Kouga Growing	Led Programs and Projects	-	100%	% Expenditure of budget allocation for LED Programs and Projects	91% (20/21)	15 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Financial Reports on expenditure of LED Budget allocation for LED programs and projects	20
KPA 3: Local Economic Development	Keep Kouga Growing	Housing	-	100%	% Of informal settlement structures within the Kouga Municipal boundaries audited (Number of structures and number of people occupying the structures)	100%	10 of 100%	50 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Minutes of the meeting of Council where the Informal settlement audit has been submitted	10
KPA 4: Municipal Financial Viability and Management	Keep Kouga Serviced	Creditor Payments	-	100%	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Invoice Certification Register	10

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5. Good Governance and Public Participation	Keep Kouga Serviced	Departmental Performance	-	Improve Institutional SDBIP Performance relevant to the Directorate to 90% Achievement	% Achievement of the implementation of the Institutional SDBIP relevant to the Directorate	80.85%	-			90%	1 = less than 80% 2 = 81 to 89% 3 = 90% 4 = 91 to 95% 5 = more than 95%	Annual Performance Report	20
Total weight													100%



7. MMFMA CIRCULAR 88 REPORTING

In terms of the provisions of 4.5 of the Performance Agreement of the Employee, the Employee undertakes to provide the following operational statistical information at the same agreed to reporting timelines for the provision of performance information.

As per the provisions of the Performance Agreement the performance of the Employee shall not be measured on these matters.

7.1 CIRCULAR 88 REPORTING INDICATORS

Reference	Performance Indicator	2020/21 Baseline
C29.	Number of approved applications for rezoning a property for commercial purposes	
C69.	Number of 'displaced persons' to whom the municipality delivered assistance	
C76.	Number of SMMEs and informal businesses benefitting from municipal digitisation support programmes rolled out directly or in partnership with other stakeholders	
Q3.	Does the municipality have an approved LED Strategy?	
Q17.	Does the Municipality have a dedicated SMME support unit or facility in place either directly or in partnership with a relevant roleplayer?	
Q18.	What economic incentive policies adopted by Council does the municipality have by date of adoption?	

Thus, done and signed on this 28th day of APRIL 2023 in the presence of the undersigned witnesses



EMPLOYEE



EMPLOYER

WITNESSES:





ADDENDUM TO THE PERFORMANCE PLAN OF:
C DE KOCK:
DIRECTOR INFRASTRUCTURE AND ENGINEERING
PERIOD: 1 JULY 2022 TO 30 JUNE 2023

1. PURPOSE

This addendum to the Performance Plan has the purpose to align the performance targets of the Employee with the amendments to the 2022/23 SDBIP as approved by Council on 30 March 2023.

This performance plan replaces the initial performance plan of the Employee for the 2022/23 year in its totality and this performance plan shall be used to evaluate the performance of the Employee for the 2022/23 financial year.

2. KEY RESPONSIBILITIES

It is expressly agreed that while certain key responsibilities of the Director Infrastructure and Engineering shall be measured in terms of the Performance Agreement and the Performance plan, the duties of the Director Infrastructure and Engineering shall not be restricted to the measured responsibilities only.

3. PERFORMANCE REPORTING

- 3.2 The provision of the Performance Agreement relative to performance reporting time frames is herewith re-confirmed.
- 3.3 Whereas Section 57 of the Local Government Municipal Systems Act, 2000 provides that the appointment of the Employee is subject to participation in the performance management system of the Employer, the Parties herewith agree that the non-submission of performance information, on the electronic performance management systems and/or manually, on due dates as set out in the Performance Agreement may result therein that any possible performance reward due to the Employee may be forfeited at the discretion of the Employer.
- 3.4 It is herewith agreed that in instances where it becomes clear that any set target in respect of any reporting period cannot/shall not be achieved and/or has not been achieved, the Employee shall prepare a Memorandum addressed to the Municipal Manager detailing the following:
- Key Performance Indicator and target for the reporting period;
 - Actual achievements on the target in accordance with the Key Performance Indicator;
 - Reasons why the target could not be fully achieved;
 - Proposals on corrective actions to be implemented to ensure that the target shall be achieved at a date and time indicated in the corrective actions which shall be prior to the end of the reporting year;
 - Provided that were the non-achievement becomes evident at such a late stage that corrective actions shall not result in achievement of the target prior to the year end, corrective actions must indicate how the matter shall be dealt with to ensure achievement in the shortest possible time after year end.
 - Only where the Municipal Manager has approved the reasons for the non-achievement of a target shall the Employee report the non-achievement of the target as part of the performance reporting cycle and the Employee shall at all times attach the Memorandum directed to the Municipal Manager as well as the approval of the Municipal Manager to such reporting on the electronic performance management system.

4. KEY PERFORMANCE AREAS

The following Key Performance Areas (KPA's) as set in consultation with the employee inform the strategic objectives, listed in the table below:

KPA No	Key Performance Area	Weight
1	Infrastructure and Basic Service Delivery	60
2	Financial Viability and Management	20
3.	Good Governance and Public Participation	10
4.	Operational Targets	10
	Total	100

5. KEY PERFORMANCE INDICATORS

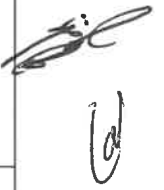
- 5.1 The following Key Performance Indicators (KPI's) provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other.

5.2 INSTITUTIONAL SERVICE DELIVERY IMPLEMENTATION PLAN TARGETS ALOCATED TO THE DIRECTOR INFRASTRUCTURE AND ENGINEERING



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA1: Basic Services Infrastructure	Keep Kouga & Serviced	Water loss reduction	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	Reduce water losses to 35% between purchased/produced water sold/ accounted for	% Reduction in water losses between purchased/ produced water sold/ accounted for	49.1%	35%	35%	35%	35%	1 = No reduction to 36% 2 = Reduction to 35% 3 = Reduction to 34% 4 = Reduction to 33% 5 = Reduction to below 33%	Financial Statements indicating water purchases and water sold/ accounted for	20
KPA1: Basic Services Infrastructure	Keep Kouga & Serviced Keep Kouga Safe	Water Quality	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	100% Compliance with SANS standards for drinking water	% Compliance with SANS standards for drinking water	New	100%	100%	100%	100%	1 = less than 90% compliance 2 = 91 to 97% compliance 3 = 98% compliance 4 = 99% compliance 5 = 100% compliance	Laboratory results on water testing conducted, calculate complaint tests as a % of total tests	10
KPA1: Basic Services Infrastructure	Keep Kouga & Serviced Keep Kouga Safe	Water Quality	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	60% Blue Drop compliance score	% Blue drop compliance score	New	35 of 60%	45 of 60%	50 of 60%	60 of 60%	1 = less than 50% 2 = 51 to 59% 3 = 60% 4 = 61 to 65% 5 = more than 65%	Blue Drop results	5
KPA1: Basic Services Infrastructure	Keep Kouga & Serviced	Drought Mitigation/ Water Security	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	1 Drought Mitigation/ Water Security Plan implemented by 30 September 2022	Number of Drought Mitigation/ Water Security Plans implemented by 30 September 2022	New	1 of 1	-	-	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = date	Minutes of the meeting of Council where the Drought Mitigation/ Water Security Plan implementation report was adopted	10

4 | 2022/23 ADDENDUM PERFORMANCE PLAN DIRECTOR INFRASTRUCTURE AND ENGINEERING



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
											= More than 1 Month before due date		
KPA1: Basic Services & Infrastructure	Keep Kouga Green	Effluent treatment	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	98% Compliance with SANS standards wastewater treated meeting discharge standards	% Compliance with SANS standards waste water treated meeting discharge standards	New	98%	98%	98%	98%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Number water samples taken and laboratory results	10
KPA1: Basic Services & Infrastructure	Keep Kouga Green	Effluent treatment	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	31% Green Drop Score	% Green Drop Score	New	20 of 31%	25 of 31%	30 of 31%	31 of 31%	1 = less than 25% 2 = 26 to 30% 3 = 31% 4 = 32 to 35% 5 = More than 35%	Green Drop score results	5
KPA1: Basic Services & Infrastructure	Keep Kouga Green	Renewable Energy	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	1 Internal workshop for a strategy for renewable energy held by 1 December 2022.	Number of workshops for a Strategy for renewable energy held by 1 December 2022.	New	0 of 1	1 of 1	-		1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting where the Renewable Energy Strategy was discussed/adopted	10

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA1: Basic Services & Infrastructure	Keep Kouga & Serviced	Electricity loss reduction	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	Reduce non-distribution electricity losses to 10% between electricity purchased and sold/ accounted for	% Reduction in electricity losses between electricity purchased and electricity sold/ accounted for	12.33%	12%	12%	11%	10%	1 = no reduction to 11% 2 = Reduction to 10% 3 = Reduction to 9% 4 = Reduction to 8% 5 = Reduction to less than 9%	Financial statements indicating electricity purchases and electricity sold/ accounted for, calculate % difference between purchased and sold/ accounted for	15
KPA1: Basic Services & Infrastructure	Keep Kouga & Serviced	MIG Expenditure	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	100% of MIG Grant funding spent	% of MIG Grant Funding spent		5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% expenditure 2 = 91 to 97% expenditure 3 = 98% expenditure 4 = 99% expenditure 5 = 100% expenditure	Financial statements indicating % MIG expenditure against MIG received for the year under review (roll overs to be included in received and spent)	15
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Capital Budget Expenditure	To manage and develop financial services to ensure financial viability, compliance & reporting	100% Completion of internally funded capital projects	% Completion of internally funded capital projects	New	5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Completion certificates for internally funded capital projects	15
KPA1: Basic Services & Infrastructure	Keep Kouga & Green	Climate Change Management	Building energy efficiency	100% of municipal buildings have an energy efficiency improvement plan 30 June 2023	% of municipal buildings with an energy efficiency improvement plan by 30 June 2023	New	0 of 100%	0 of 100%	0 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Number of buildings and energy efficiency improvement plans	5

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5: Good Governance and Public Participation	Good Governance	Service Charter	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence.	1 Service Charter for all Sections within Directorate developed by 31 January 2023	Number of Service Charters for all Sections within the Directorate Developed by 31 January 2023	New	0 of 1	0 of 1	1 of 1	0	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the service charter was adopted	5
Total weight													100%

6. OPERATIONAL KEY PERFORMANCE INDICATORS ALLOCATED TO THE DIRECTOR INFRASTRUCTURE AND ENGINEERING

- 6.1 The following Key Performance Indicators (KPI's) has been allocated to the Director Infrastructure and Engineering and the Director Infrastructure and Engineering shall provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other. These operational Key Performance Indicators shall be taken into account in all performance reviews and performance evaluations of the Director Infrastructure and Engineering relevant to the 2022/23 year.



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA1: Basic Services & Infrastructure	Keep Kouga Serviced	Bucket eradication	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	1 Bucket toilet audit completed by 31 December 2022	Number of bucket toilet audits completed by 31 December 2022	New	0 of 1	1 of 1	-	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the Bucket Toilet Audit Report was submitted	10
KPA1: Basic Services & Infrastructure	Keep Kouga Serviced	Water treatment plan safety	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs.	1 Audit on the safety of water treatment plants completed by 31 October 2022 (Fencing, access control and Green Drop related compliance matters)	Number of Audits on the safety of water treatment plants completed by 31 October 2022 (Fencing, access control and Green Drop related compliance matters)	New	0 of 1	1 of 1	-	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Minutes of the meeting of Council where the Water Treatment safety audit has been submitted	10
KPA1: Basic Services & Infrastructure	Keep Kouga Serviced	Electrification	To manage and ensure the provision of basic municipal services and the reduction of infrastructure backlogs	1 Application for the funding for the electrification of households submitted to DOE by 31 October 2022	Number of Applications for funding for the electrification of households submitted to DOE by 31 October 2022	New	0 of 1	1 of 1	-	-	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1	Proof of submission of application	15



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
											month before due date 5 = More than 1 Month before due date		
KPA 5: Good Governance and Public Participation	Keep Kouga Growing	Cascading Performance Management	-	100% of Line Managers and Staff reporting directly to the Director subjected to quarterly performance reviews	% of Line Managers and Staff reporting directly to the Director subjected to quarterly performance reviews	New	-	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Proof of quarterly performance reviews	10
KPA 4: Municipal Financial Viability and Management	Keep Kouga Serviced	Creditor Payments	-	100%	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Invoice Certification Register	5
KPA1: Basic Services & Infrastructure	Keep Kouga Serviced	Drought mitigation	-	100%	% Completion of projects implemented through the WSIG	New	5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Completion certificates for funded WSIG projects	40

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5. Good Governance and Public Participation	Keep Kouga Serviced	Departmental Performance	-	Improve Institutional SDBIP Performance relevant to the Directorate to 90% Achievement	% Achievement of the implementation of the Institutional SDBIP relevant to the Directorate	63.63%	-			90%	1 = less than 80% 2 = 81 to 89% 3 = 90% 4 = 91 to 95% 5 = more than 95%	Annual Performance Report	10
Total weight													100%




7. MMFMA CIRCULAR 88 REPORTING

In terms of the provisions of 4.5 of the Performance Agreement of the Employee, the Employee undertakes to provide the following operational statistical information at the same agreed to reporting timelines for the provision of performance information.

As per the provisions of the Performance Agreement shall the performance of the Employee not be measured on these matters.

7.1 OUTPUT INDICATORS FOR QUARTERLY REPORTING

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievements
EE1.11	Number of dwellings provided with connections to mains electricity supply by the municipality	EE1.11(1)	(1) Number of residential supply points energized and commissioned by the municipality	
EE3.11	Percentage of unplanned outages that are restored to supply within industry standard timeframes	EE3.11(1)	(1) Number of unplanned outages restored within x hours	
		EE3.11(2)	(2) Total number of unplanned outages	
EE3.21	Percentage of planned maintenance performance	EE3.21(1)	(1) Actual number of maintenance 'jobs' for planned or preventative maintenance	
		EE3.21(2)	(2) Budgeted number of maintenance 'jobs' for planned or preventative maintenance	
WS1.11	Number of new sewer connections meeting minimum standards	WS1.11(1)	(1) Number of new sewer connection to consumer units	
		WS1.11(2)	(2) Number of new sewer connections to communal toilet facilities	
WS2.11	Number of new water connections meeting minimum standards	WS2.11(1)	(1) Number of new water connections to piped (tap) water	
		WS2.11(2)	(2) Number of new water connections to public/communal facilities	
WS3.11	Percentage of callouts responded to within 24 hours (sanitation/wastewater)	WS3.11(1)	(1) Number of callouts responded to within 24 hours (sanitation/wastewater)	
		WS3.11(2)	(2) Total number of callouts (sanitation/wastewater)	
WS3.21	Percentage of callouts responded to within 24 hours (water)	WS3.21(1)	(1) Number of callouts responded to within 24 hours (water)	
		WS3.21(2)	(2) Total water service callouts received	

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievements
TR6.12	Percentage of surfaced municipal road lanes which has been resurfaced and resealed	TR6.12(1)	(1) Kilometres of municipal road lanes resurfaced and resealed	
		TR6.12(2)	(2) Kilometres of surfaced municipal road lanes	
TR6.13	KMs of new municipal road lanes built	TR6.13(1)	(1) Number of kilometres of resurfaced road lanes built	
		TR6.13(2)	(2) Number of kilometres of unsurfaced road lanes built	
TR6.21	Percentage of reported pothole complaints resolved within standard municipal response time	TR6.21(1)	(1) Number of pothole complaints resolved within the standard time after being reported	
		TR6.21(2)	(2) Number of potholes reported	
LED1.21	Number of work opportunities created through Public Employment Programmes (incl. EPWP, CWP and other related employment programmes)	LED1.21(1)	(1) Number of work opportunities provided by the municipality through the Expanded Public Works Programme	
		LED1.21(2)	(2) Number of work opportunities provided through the Community Works Programme and other related infrastructure initiatives	

7.2 OUTPUT INDICATORS FOR ANNUAL REPORTING

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievements
WS5.31	Percentage of total water connections metered	WS5.31(1)	(1) Number of water connections metered	
		WS5.31(2)	(2) Number of connections unmetered	
TR6.11	Percentage of unsurfaced road graded	TR6.11(1)	(1) Kilometres of municipal road graded	
		TR6.11(2)	(2) Kilometres of unsurfaced road network	

7.3 QUARTERLY COMPLIANCE REPORTING INDICATORS

Reference	Performance Indicator	2022/23 Achievements
C56.	Number of customers provided with an alternative energy supply (e.g. LPG or paraffin or biogel according to supply level standards)	
C57.	Number of registered electricity consumers with a mini grid-based system in the municipal service area	
C58.	Total non-technical electricity losses in MWh (estimate)	
C59.	Number of municipal buildings that consume renewable energy	
C61.	Total number of chemical toilets in operation	

Reference	Performance Indicator	2022/23 Achievements
C63.	Total volume of water delivered by water trucks	

7.4 ANNUAL COMPLIANCE REPORTING INDICATORS

Reference	Performance Indicator	2022/23 Achievements
C60.	Total number of sewer connections	
C62.	Total number of Ventilation Improved Pit Toilets (VIPs)	

7.5 OUTCOME INDICATORS FOR ANNUAL MONITORING

Reference	Performance Indicator	Reference	Data Element	Q1	Q2	Q3	Q4	2022/23 Achievements
EE4.4	Percentage total electricity losses	EE4.4(1)	(1) Electricity Purchases in kWh					
		EE4.4(2)	(2) Electricity Sales in kWh					
WS3.1	Frequency of sewer blockages per 100 KMs of pipeline	WS3.1(1)	(1) Number of blockages in sewers that occurred					
		WS3.1(2)	(2) Total sewer length in KMs					
WS3.2	Frequency of water mains failures per 100 KMs of pipeline	WS3.2(1)	(1) Number of water mains failures (including failures of valves and fittings)					
		WS3.2(2)	(2) Total mains length (water) in KMs					
WS3.3	Frequency of unplanned water service interruptions	WS3.3(1)	(1) Number of unplanned water service interruptions					
		WS3.3(2)	(2) Total number of water service connections					
WS4.2	Percentage of wastewater samples compliant to water use license conditions	WS4.2(1)	(1) Number of wastewater samples tested per determinant that meet compliance to specified water use license requirements					

Reference	Performance Indicator	Reference	Data Element	Q1	Q2	Q3	Q4	2022/23 Achievements
		WS4.2(2)	(2) Total wastewater samples tested for all determinants over the municipal financial year					
WS5.1	Percentage of non-revenue water	WS5.1(1)	(1) Number of Kilolitres Water Purchased or Purified					
		WS5.1(2)	(2) Number of kilolitres of water sold					
WS5.2	Total water losses	WS5.2(1)	(1) System input volume					
		WS5.2(2)	(2) Authorised consumption					
		WS5.2(3)	(3) Number of service connections					
WS5.4	Percentage of water reused	WS5.4(1)	(1) Volume of water recycled and reused (VRR)					
		WS5.4(2)	(2) 1.a Direct use of treated municipal wastewater (not including irrigation)					
		WS5.4(3)	(3) 1.b Direct use of treated municipal wastewater for irrigation purposes					
		WS5.4(4)	(4) System input volume					
TR6.2	Number of potholes reported per 10kms of municipal road network	TR6.2(1)	(1) Number of potholes reported					
		TR6.2(2)	(2) Kilometres of surfaced municipal road network					

Thus, done and signed on this 15 day of June 2023 in the presence of the undersigned witnesses

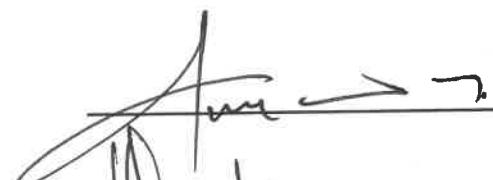


EMPLOYEE



EMPLOYER

WITNESSES:





Annexure A

**ADDENDUM TO THE PERFORMANCE PLAN OF:****M ROSSOUW:****ACTING DIRECTOR CORPORATE SERVICES****PERIOD: 1 JULY 2022 TO 30 JUNE 2023****1. PURPOSE**

This addendum to the Performance Plan has the purpose to align the performance targets of the Employee with the amendments to the 2022/23 SDBIP as approved by Council on 30 March 2023.

This performance plan replaces the initial performance plan of the Employee for the 2022/23 year in its totality and this performance plan shall be used to evaluate the performance of the Employee for the 2022/23 financial year.

**1 | 2022/23 ADDENDUM PERFORMANCE PLAN ACTING DIRECTOR
CORPORATE SERVICES**

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2. KEY RESPONSIBILITIES

It is expressly agreed that while certain key responsibilities of the Acting Director Corporate Services shall be measured in terms of the Performance Agreement and the Performance plan, the duties of the Acting Director Corporate Services shall not be restricted to the measured responsibilities only.

3. PERFORMANCE REPORTING

- 3.2 The provision of the Performance Agreement relative to performance reporting time frames and the time frames for the submission of supporting performance evidence is herewith re-confirmed.
- 3.3 Whereas Section 57 of the Local Government Municipal Systems Act, 2000 provides that the appointment of the Employee is subject to participation in the performance management system of the Employer, the Parties herewith agree that the non-submission of performance information and/or performance evidence, on the electronic performance management systems and/or manually, on due dates as set out in the Performance Agreement may result therein that any possible performance reward due to the Employee may be forfeited at the discretion of the Employer.
- 3.4 It is herewith agreed that in instances where it becomes clear that any set target in respect of any reporting period cannot/shall not be achieved and/or has not been achieved, the Employee shall prepare a Memorandum addressed to the Municipal Manager detailing the following:
- Key Performance Indicator and target for the reporting period.
 - Actual achievements on the target in accordance with the Key Performance Indicator.
 - Reasons why the target could not be fully achieved.
 - Proposals on corrective actions to be implemented to ensure that the target shall be achieved at a date and time indicated in the corrective actions which shall be prior to the end of the reporting year.
 - Provided that were the non-achievement becomes evident at such a late stage that corrective actions shall not result in achievement of the target prior to the year end, corrective actions must indicate how the matter shall be dealt with to ensure achievement in the shortest possible time after year end.

Only where the Municipal Manager has approved the reasons for the non-achievement of a target shall the Employee report the non-achievement of the target as part of the performance reporting cycle and the Employee shall at all times attach the Memorandum directed to the Municipal Manager as well as the approval of the Municipal Manager to such reporting on the electronic performance management system.

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4. KEY PERFORMANCE AREAS

The following Key Performance Areas (KPA's) as set in consultation with the employee inform the strategic objectives, listed in the table below:

KPA No	Key Performance Area	Weight
1.	Institutional Development and Transformation	35
2.	Municipal Financial Viability and Management	25
4.	Good Governance and Public Participation	25
3.	Operational Service Delivery Targets	15
	Total	100%

5. INSTITUTIONAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN KEY PERFORMANCE INDICATORS ALLOCATED TO THE ACTING DIRECTOR CORPORATE SERVICES

- 5.1 The following Key Performance Indicators (KPI's) provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other.

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KEY PERFORMANCE AREA	MUNICIPAL SPA	PROJECT NAME	TOP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 2: Municipal Institutional Development and Transformation	Keep Kouga Growing	Employment Equity Compliance	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence	1 AM (Senior Management) and 5 AM, 3 AF (Professionally qualified) appointed in compliance with the employment equity plan (3 highest levels of employment)	Number of Snr Professionally qualified appointments made in compliance with the employment equity plan (3 highest levels of employment)	2 AM 2 AF					1 = None 2 = 3 AM, 1 AF (Snr) 3 = 4 AM, 2 AF 4 = 5 AM, 3 AF 5 = More than 5 AM and 3 AF	Employment Plan and proof of appointments made to at Senior management and professionally qualified levels	5
KPA 2: Municipal Institutional Development and Transformation	Keep Kouga Growing	Staff Skills Development	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence	98% Expenditure of Skills funding for staff development	% Expenditure of Skills funding for staff development	98%	5 of 98%	20 of 98%	75 of 98%	98 of 98%	1 = less than 90% expenditure 2 = 91 to 95% expenditure 3 = 96% expenditure 4 = 97% expenditure 5 = More than 98% expenditure	Report from BTO on expenditure on the Skills Ukey	20

4/2022/23 ADDENDUM PERFORMANCE PLAN ACTING DIRECTOR CORPORATE SERVICES



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDGIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 2: Municipal Institutional Development and Transformation	Keep Kouga Growing	Staff Skills Development	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence	30 frontline staff members given Pele Training by 30 June 2023	% of frontline staff members that went on Batho Pele Training	New	0 of 30	0 of 30	0 of 30	30 of 30	1 = None 2 = 1 to 29 3 = 30 4 = 31 to 40 5 = More than 40	Training records	5
KPA 2: Municipal Institutional Development and Transformation	Keep Kouga Growing	Staff appointment	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through service excellence	Vacancy rate equal or less than 3% over a 3-month period against approved Organogram	Vacancy rate equal to or less than % over a 3-month period against approved Organogram	3%	3%	2.9%	2.8%	2.8%	1 = vacancy rate more than 5% 2 = Vacancy rate of 4% 3 = vacancy rate of 3% 4 = vacancy rate of 2% 5 = vacancy rate less than 2%	Organogram funded positions, proof of vacancies and appointments	20

KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBJP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
XPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Staff Costs	To manage and Develop financial services to ensure financial viability, compliance & reporting.	34.8% of total operational expenditure attributable to staff costs	% Of total operational expenditure attributable to staff costs		35%	35%	35%	35%	1 = More than 40% 2 = 35 to 39% 3 = 34.8% total 4 = 33 to 34% 5 = Less than 34%	Financial statements indicating total operational expenditure and staff cost expressed as a % of total OPEX	20
XPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Capital Budget Expenditure	To manage and develop financial services to ensure financial viability, compliance & reporting.	100% Expenditure of internally capital projects	% Expenditure of internally funded capital projects	100%	5 of 100%	45 of 100%	75 of 100%	100 of 100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Report from BTO on expenditure for internally funded capital projects	5
XPA 5: Good Governance and Public Participation	Good Governance	Service Charter	To ensure that municipal services are administered in accordance with the principles of transparency and accountability to ensure good governance through	1 Service Charter for all Sections within the Directorate developed by 31 January 2023	Number of Service Charters for all Sections within the Directorate Developed by 31 March 2023	New	0 of 1	0 of 1	1 of 1	0	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date	Minutes of the meeting of Council where the service charter was adopted	5



KEY PERFORMANCE AREA	MUNICIPAL SFA	PROJECT NAME	IDP Objective	SDBIP Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
			service excellence.								5 = More than 1 Month before due date		
KPA 4: Municipal Financial Viability and Management	Keep Kouga Growing	Functionality of Finance Management System	To manage and develop financial services to ensure financial viability, compliance & reporting.	98% up time of ICT Server System	% Up time of ICT Server System	New	98%	98%	98%	98%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	ICT System up time reports	20
Total weight													100%

6. OPERATIONAL KEY PERFORMANCE INDICATORS ALLOCATED TO THE ACTING DIRECTOR CORPORATE SERVICES

- 6.1 The following Key Performance Indicators (KPI's) has been allocated to the Acting Director Corporate Services and the Acting Director Corporate Services shall provide the details of the evidence that must be provided to show that a key objective has been obtained. The target dates describe the timeframe in which the work must be achieved. The weightings show the relative importance of the key objectives to each other. These operational Key Performance Indicators shall be taken into account in all performance reviews and performance evaluations of the Acting Director Corporate Services relevant to the 2022/23 year.

KEY PERFORMANCE AREA	MUNICIPAL SEA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
KPA 5. Good Governance and Public Participation	Keep Kouga Growing	Cascading Performance Management	-	100% of Line Managers and Staff reporting directly to the Director subjected to quarterly performance reviews	% of Line Managers and Staff reporting directly to the Director subjected to quarterly performance reviews	New	-	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Proof of quarterly performance reviews	30
KPA 4: Municipal Financial Viability and Management	Keep Kouga Serviced	ICT Connectivity	-	95%	% Up-Time of ICT Network Connectivity inclusive of Wi-Fi and Cable connections	New	95%	95%	95%	95%	1 = less than 90% 2 = 91 to 94% 3 = 95% 4 = 96 to 98% 5 = 99 to 100%	ICT Network connectivity reports	30
KPA 5. Good Governance and Public Participation	Keep Kouga Serviced	Telephone Queuing	-	1	Number of Telephone queuing systems implemented for 5 highest unanswered call users by 31 December 2022	New	0 of 1	1 of 1	0	0	1 = More than 1 month after due date 2 = Between 2 week and 1 month after due date 3 = within 2 weeks of due date 4 = 2 weeks to 1 month before due date 5 = More than 1 Month before due date	Proof of Implementation of telephone queuing system	10

KEY PERFORMANCE AREA	MUNICIPAL SEA	PROJECT NAME	IDP Objective	Operational Target 2022/23	KPI	Baseline	Quarter 1 Target	Quarter 2 Target	Quarter 3 Target	Quarter 4 Target	Standards	Evidence	Weight
XPA 4: Municipal Financial Viability and Management	Keep Kouga Serviced	Creditor Payments	-	100%	% Compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%	100%	100%	100%	1 = less than 90% 2 = 91 to 97% 3 = 98% 4 = 99% 5 = 100%	Invoice Certification Register	10
XPA 5: Good Governance and Public Participation	Keep Kouga Serviced	Departmental Performance	-	Maintain Institutional SDBIP Performance relevant to the Directorate above 90% Achievement	% Achievement of the Implementation of the Institutional SDBIP relevant to the Directorate	100%	-			90%	1 = less than 80% 2 = 81 to 89% 3 = 90% 4 = 91 to 95% 5 = more than 95%	Annual Performance Report	20
Total weight													100%

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7. MMFMA CIRCULAR 88 REPORTING

In terms of the provisions of 4.5 of the Performance Agreement of the Employee, the Employee undertakes to provide the following operational statistical information at the same agreed to reporting timelines for the provision of performance information.

As per the provisions of the Performance Agreement shall the performance of the Employee not be measured on these matters.

7.1 OUTPUT INDICATORS FOR QUARTERLY REPORTING

Reference	Performance Indicator	Reference	Data Element	2022/23 Achievements
GG1.21	Staff vacancy rate	GG1.21(1)	(1) The number of employees on the approved organisational structure	
		GG1.21(2)	(2) The number of permanent employees in the municipality	
GG1.22	Percentage of vacant posts filled within 3 months	GG1.22(1)	(1) Number of vacant posts filled within 3 months since the date (dd/mm/yyyy) of authority to proceed with filling the vacancy	
		GG1.21(2)	(2) Number of vacant posts that have been filled	
GG4.11	Number of agenda items deferred to the next council meeting	GG4.11(1)	(1) Sum total number of all council agenda items deferred to the next meeting	
GG5.11	Number of active suspensions longer than three months	GG5.11(1)	(1) Simple count of the number of active suspensions in the municipality lasting more than three months	

7.2 QUARTERLY COMPLIANCE REPORTING INDICATORS

Reference	Performance Indicator	2022/23 Achievements
C2.	Number of ExCo or Mayoral Executive meetings held	
C3.	Number of Council portfolio committee meetings held	

Reference	Performance Indicator	2022/23 Achievements
C7.	Number of formal (minuted) meetings - to which all senior managers were invited- held	
C8.	Number of councilors completed training	
C9.	Number of municipal officials completed training	
C10.	Number of work stoppages occurring	
C15.	Number of days of sick leave taken by employees	
C16.	Number of permanent employees employed	
C17.	Number of temporary employees employed	
C19.	Number of recognized traditional and Khoi-San leaders in attendance (sum of) at all council meetings	
C20.	Number of permanent environmental health practitioners employed by the municipality	
C22.	Number of Council meetings held	
C23.	Number of disciplinary cases for misconduct relating to fraud and corruption	
C24.	Number of council meetings disrupted	
C25.	Number of protests reported	
C32.	Number of positions filled with regard to municipal infrastructure	
C34.	Number of months the Municipal Managers' position has been filled (not Acting)	
C35.	Number of months the Chief Financial Officers' position has been filled (not Acting)	
C36.	Number of vacant posts of senior managers	
C38.	Number of filled posts in the treasury and budget office	
C40.	Number of filled posts in the development and planning department	
C42.	Number of registered engineers employed in approved posts	
C43.	Number of engineers employed in approved posts	
C44.	Number of disciplinary cases in the municipality	

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Reference	Performance Indicator	2022/23 Achievements
C45.	Number of finalized disciplinary cases	
C47.	Number of waste management posts filled	
C49.	Number of electricians employed in approved posts	
C51.	Number of filled water and wastewater management posts	
C67.	Number of paid full-time firefighters employed by the municipality	
C68.	Number of part-time and firefighter reservists in the service of the municipality	
C89.	Number of meetings of the Executive or Mayoral Committee postponed due to lack of quorum	

7.4 ANNUAL COMPLIANCE REPORTING INDICATORS

Reference	Performance Indicator	2022/23 Achievements
C21.	Number of approved environmental health practitioner posts in the municipality	
C31.	Number of approved posts in the municipality with regard to municipal infrastructure	
C37.	Number of approved posts in the treasury and budget office	
C39.	Number of approved posts in the development and planning department	
C41.	Number of approved engineer posts in the municipality	
C46.	Number of approved waste management posts in the municipality	
C48.	Number of approved electrician posts in the municipality	
C50.	Number of approved water and wastewater management posts in the municipality	

7.5 COMPLIANCE QUESTIONS

Reference	Question	2022/23 Achievements
Q11.	Is the internal audit position filled or vacant?	

7.6 OUTCOME INDICATORS FOR ANNUAL MONITORING

Reference	Performance Indicator	Reference	Data Element	Q1	Q2	Q3	Q4	2022/23 Achievements
GG1.1	Percentage of municipal skills development levy recovered	GG1.1(1)	(1) R-value of municipal skills development levy recovered					
		GG1.1(2)	(2) R-value of the total qualifying value of the municipal skills development levy					
GG1.2	Top management stability	GG1.2(1)	(1) Total sum of standard working days, in the reporting period, that each S56 and S57 post was occupied by a fully appointed official (not suspended or vacant) with a valid signed contract and performance agreement)					
		GG1.2(2)	(2) Aggregate working days for all S56 and S57 Posts					
GG2.2	Attendance rate of municipal council meeting by	GG2.2(1)	(1) Sum of the total number of recognized traditional and Khoi-San leaders					

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Reference	Performance Indicator	Reference	Data Element	Q1	Q2	Q3	Q4	2022/23 Achievements
	recognized traditional and Khoi-San leaders		In attendance at municipal council proceedings					
		GG2.2(3)	(3) Total number of Council meetings					
GG4.1	Percentage of councilors attending council meetings	GG4.1(1)	(1) The sum total of councilors attendance of all council meetings					
		GG4.1(2)	(2) The total number of council meetings					
		GG4.1(3)	(3) The total number of councilors in the municipality					

Thus, done and signed on this 04 day of April 2023 in the presence of the undersigned witnesses



EMPLOYEE



EMPLOYER

WITNESSES:



REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING, DEVELOPMENT, AND TOURISM

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT AND TOURISM****DATE: 30 JUNE 2023****ITEM NO: 23/06/PDT3****ALIENATION OF ERF 588, PELLSRUS TO THE ETHIOPIAN EPISCOPAL CHURCH****1. Introduction**

The purpose of this item is to inform Council of the application received from Ethiopian Episcopal Church for the transfer of Erf 588, Pellsrus.

2. Background

The property was used as a school and a church for Ethiopian Episcopal Church since the 1940's after which the school later became Makukhanye Primary School on Erven 560, 678 and a portion of Erf 492, Pellsrus.

As one of the first informal structures in Pellsrus, the church is well-known in the area and shaped the lives of many people of some even retired from the days of attending the school in the building.

Below is land parcel information of Erf 588, Pellsrus and aerial image indicating the location of the particular property. The application as well as the land parcel information and aerial image are provided as attachments. ****See Annexure "A"**

- Section 14 comments by departments

ERF	AREA	LAND USE SCHEME	BUILDING CONTROL	MANAGEMENT
Erf 588	Pellsrus	Proposal is in line with zoning. Applicant/developer must submit a site plan indicating compliance with all land use scheme parameters.	Building plans to be submitted after land use approval	TS: Supported subject to that the servitude is not encroached AS: No objection CS: No objection HS: Supported

3. Comments by Directorates:

3.1 Director: Finance

Item noted.

3.2 Acting Director: Planning, Development and Tourism

Recommendations are noted and supported.

3.3 Acting Director: Corporate & Digital Services

Item noted.

3.4 Acting Director: Infrastructure & Engineering

Item noted.

3.5 Director: Community Services

Item noted

3.6 Municipal Manager

That the item be supported.

4. Financial implications

There will be no financial implications for Council.

All administrative costs (transfer of property, etc.) will be for the account of the applicant.

5. Legislative provision

In terms of section 14 of the MFMA, 2003, a municipality may not (*inter alia*) transfer ownership of as a result of a sale or by way of any other transaction dispose of capital assets unless the Municipal Council has, in a meeting open to the public,

- decided that the assets are not needed to provide minimum level of basic municipal services; and further, that
- it has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

The MATR requires that the Municipal Council takes into account the considerations listed in Regulation 7 (a) to (l) as per the following excerpt: The National Treasury guideline provides that the considerations listed in (i) and (j) should not be read as to be mandatory; however, should comments be available, it should be included.

7. Consideration of proposals to transfer or dispose of non-exempted capital assets.—The municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5 (1) (b) (i) and (ii), take into account—

- (a) whether the capital asset may be required for the municipality's own use at a later date;
- (b) the expected loss or gain that is expected to result from the proposed transfer or disposal;
- (c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;
- (d) the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;
- (e) the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
- (f) any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
- (g) the estimated cost of the proposed transfer or disposal;
- (h) the transfer of any liabilities and reserve funds associated with the capital asset;
- (i) any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;
- (j) any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury;
- (k) the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
- (l) compliance with the legislative regime applicable to the proposed transfer or disposal.

The Policy and Procedure for Disposal of Immovable Assets provides for the following:

- 5.10 The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:
- (a) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services;
 - (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and
 - (c) has as a consequence to 5.10(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer.
- 5.11 The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:
- (a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services;
 - (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and
 - (c) has as a consequence to 5.11(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.

Other policy considerations:

In terms of the approved Council policy on the disposal of municipal immovable assets, and in particular Section 13 makes provision for alienation out-of-hand to social care users:

13.	SOCIAL CARE USES
13.1	Social care shall mean services provided by registered welfare, charitable, non-profit, cultural and religious organisations and includes, but is not limited to places of worship, child care facilities, rehabilitation centres, centres for the homeless, elderly and destitute persons and animal care facilities: Provided that they are registered as PBO's or are capable of being so registered should they apply for registration.
13.2	Immovable property owned by the Municipality may be alienated or let to social care users. Unless otherwise directed by Council, the purchase price payable shall be 25% of market value subject to a suitable reversionary clause being registered against the title deed of the property. Rentals shall be determined in terms of the tariff rentals as approved by Council from time to time.
13.3	Immovable property may be alienated or let out-of-hand to social care users in exceptional cases where the Council is of the opinion that public competition would not serve a useful purpose or that it is in the interest of the community or plight of the poor provided comments or representations on the proposed transfer or granting right to use, control of a municipal capital asset be invited from the local community and other interested persons in terms of Section 7(i) of the Asset Transfer Regulations.

Subsequent to the above, we have considered regulation 13(2) of the MATR as depicted below:

- | |
|--|
| <p>(e) whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.</p> |
|--|

In compliance with section 113 of the MFMA read together with regulation 37 of the Municipal Supply Chain Management Regulations.

6. Other implications

None.

7. Recommendation

- 7.1 That the Council grant **in-principle approval** for alienation of Erf 588, Pellsrus to Ethiopian Episcopal Church, at the fair market related value in terms of the policy of Council.
- 7.2 That Council grant authorization to the Accounting Officer to advertise the immovable property herein for public comment and/or objections.
- 7.3 That Council confirms that the land is not needed to provide the minimum level of basic municipal services.

Item prepared by Manager: Land & Properties:
(Mr. S. Grootboom)



Item approved by the Act. Director PDT:
(Ms. L. Opperman)



Item is endorsed by the Municipal Manager:
(Mr C du Plessis)



Item noted by Portfolio Chairperson:
(Cllr. S. Ruth)



Annexure "A"

*UMZI WASE TOPIYA**MOISE WA TOPIA**ETHIOPIAN EPISCOPAL CHURCH*

4 Clevedon Street
 Clevedon Building

2nd Floor

Mount Croix

Port Elizabeth

☎041- 373 5627/0843017350

✉mail:mpkoliti@gmail.com

DIOCESE OF INQWÉBA

Ethiopian Episcopal Church
 St Monica Mission District
 Chris Hani Street
 Jeffery's Bay
 19 January 2023

Mr M. Gysman
 Kouga Municipality
 Jeffery's Bay

Dear Sir

RE: ERF 588 – ETHIOPIAN EPISCOPAL CHURCH

We greet you in the wonderful name of our Lord Jesus Christ.

The above-mentioned site was used as the church from the 1940's. It was utilized as a school where many of the kids, now working were schooled there. The school, Makukhanye Primary started in that church before it went where it is now. Ms Nomangesi Tebekena, who is now a retired teacher taught in that school from 1969. She can be contacted at this number: 0731214093. Mr Zilindile Tebekana, also retired, taught in that school from 1978. He can be contacted at the following number: 07830277666. There are so many other professionals that came out of that church. It is indeed one of the oldest buildings that contributed in shaping the lives of many people in that small Community.

That church never developed because its congregants have been people who worked in the kitchens and gardens and earn a very small income. Even the present generation are not that better as they too work seasonal, and some depend on SASSA.

The purpose of this letter is two-fold: Firstly, we want to register that site to be on our name since we have used it more than 60 years now. Secondly, we humbly ask the Kouga Municipality to assist us in applying for that site to be Heritage site in which we can still use it as a worshipping place.

Yours sincerely

Bishop M.P. Koliti

[Edit](#)
[Audit Trail](#)

[Prev](#)
[Next](#)
[Go To..](#)
[Home](#)
[Return](#)

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Erf</td><td>588 of Pellrus</td></tr> <tr><td>Address</td><td>23 Chris Hani Avenue</td></tr> <tr><td>SG Number</td><td>C03400130000058800000</td></tr> <tr><td>Municipality</td><td>Kouga</td></tr> <tr><td>Township/Holding: Title Deed</td><td>Pellrus</td></tr> <tr><td>Suburb: Financials</td><td>Tokyo Sexwale (40019)</td></tr> <tr><td>Centroid</td><td>34.05908849104742S 24.917315954371112E</td></tr> <tr><td>Sectional Title</td><td>No</td></tr> <tr><td>Extent</td><td>971sqm</td></tr> <tr><td>Extent (SG)</td><td>955sqm</td></tr> <tr><td>Extent (Title Deed)</td><td>971 SQM</td></tr> </table>	Erf	588 of Pellrus	Address	23 Chris Hani Avenue	SG Number	C03400130000058800000	Municipality	Kouga	Township/Holding: Title Deed	Pellrus	Suburb: Financials	Tokyo Sexwale (40019)	Centroid	34.05908849104742S 24.917315954371112E	Sectional Title	No	Extent	971sqm	Extent (SG)	955sqm	Extent (Title Deed)	971 SQM	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Zoning: Financials</td><td>SRESB</td></tr> <tr><td>Zoning</td><td>Kouga Municipality Land Use Scheme - Community Zone</td></tr> <tr><td>Land Usage: Financials</td><td></td></tr> <tr><td>Ward: Financials</td><td>Kouga 14</td></tr> <tr><td>Ward: Demarcation Board</td><td>Kouga 14</td></tr> <tr><td>Sources</td><td>Deeds Office, Surveyor General, Financials</td></tr> <tr><td>Effective</td><td></td></tr> </table>	Zoning: Financials	SRESB	Zoning	Kouga Municipality Land Use Scheme - Community Zone	Land Usage: Financials		Ward: Financials	Kouga 14	Ward: Demarcation Board	Kouga 14	Sources	Deeds Office, Surveyor General, Financials	Effective	
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Effective																																					

Linked Documents

Name	Status	Type	Size	Sub Docs	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:28:29

Comments

Tasks and Questions and eForms

Land Parcels for Incident

Incident

- I22-07955 (Water) Meter Covered
- I22-15428 (Electricity) Disconnection (Electricity)

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
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KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT AND TOURISM****DATE: 30 JUNE 2023****ITEM NO: 23/06/PDT4****ALIENATION (LEASE) OF ERVEN 27, 28, 29 AND 30, LOERIEHEUWEL****1. Introduction**

The purpose of this item is to inform Council of the application received from Rethabeleng Sumon for the lease of Erven 27, 28, 29 and 30, Loerieheuwel.

2. Background

Loerieheuwel currently only has a USave and no other shops to cater for community in the area and as travelling not negotiable when it comes to other needs.

The applicant intends developing the properties to cater for a hardware store as well as other business to enable people to have most of their needs met at one place and by that, there will be no need to travel to other towns. The application as well as the land parcel information and aerial image are provided as attachments. **See Annexure "A"**

- Section 14 comments by the Directorates

ERF	AREA	LAND USE SCHEME	BUILDING CONTROL	MANAGEMENT
Erven 27, 28, 29 and 30	Loerieheuwel	Proposal is supported on condition that businesses be in line with the zoning scheme requirements as per KLUS. Title deed restrictions, if any, must be adhered to. In absence of title deed a conveyancer certificate must be submitted by the applicant/developer. A site Development Plan will be required for approval, prior to approval of building plans.	Plans to be submitted if any buildings will be proposed.	AS: Supported TS: In support/no objection. Will not be required for municipal services. Service connection cannot be confirmed. TP: Supported, on condition that businesses be in line with the zoning scheme requirements as per KLUS. Title Deed restrictions, if any, must be adhered to. Plans to be submitted. CS: No objection. HS: No objection

3. Comments by Directorates:

3.1 Director: Finance

Item noted

3.2 Acting Director: Planning, Development and Tourism

Recommendations are noted and supported.

3.3 Acting Director: Corporate & Digital Services

Item noted.

3.4 Acting Director: Infrastructure & Engineering

Item noted.

3.5 Director: Community Services

Item is noted.

3.6 Municipal Manager

That the Item be supported.

4. Financial implications

There would be no financial implication to council.

Should Council grant in-principle approval for the lease contemplated, it is envisaged that –

i) all costs in respect of the subdivision, rezoning, surveying, and consolidation costs be borne by the applicant / developer;

ii) costs pertaining to the installation of municipal bulk services or relocation of any municipal services, be borne by the applicant / developer.

5. Legislative provision

In terms of section 14 of the MFMA, 2003, a municipality may not (*inter alia*) transfer ownership of as a result of a sale or by way of any other transaction dispose of capital assets unless the Municipal Council has, in a meeting open to the public,

- decided that the assets are not needed to provide minimum level of basic municipal services; and further, that

- it has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

The MATR requires that the Municipal Council takes into account the considerations listed in Regulation 7 (a) to (l) as per the following excerpt: The National Treasury guideline provides that the considerations listed in (i) and (j) should not be read as to be mandatory; however, should comments be available, it should be included.

7. Consideration of proposals to transfer or dispose of non-exempted capital assets.—The municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5 (1) (b) (i) and (ii), take into account—

- (a) whether the capital asset may be required for the municipality's own use at a later date;
- (b) the expected loss or gain that is expected to result from the proposed transfer or disposal;
- (c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;
- (d) the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;
- (e) the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
- (f) any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
- (g) the estimated cost of the proposed transfer or disposal;
- (h) the transfer of any liabilities and reserve funds associated with the capital asset;
- (i) any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;
- (j) any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury;
- (k) the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
- (l) compliance with the legislative regime applicable to the proposed transfer or disposal.

The Kouga Policy provides for the following:

- | | |
|------|--|
| 5.10 | <p>The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:</p> <ul style="list-style-type: none"> (a) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services; (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and (c) has as a consequence to 5.10(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer. |
| 5.11 | <p>The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:</p> <ul style="list-style-type: none"> (a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services; (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and (c) has as a consequence to 5.11(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer. |

6. Other implications

Any intended development on the land will be subject to the approval of Council in respect of the SPLUM By-law as approved by Council.

7. Recommendations

- 7.1 That Council grant **in-principle** approval for the lease of Erven 27, 28, 29 and 30, Loerieheuvel for 9 years and 11 months.
- 7.2 That Council grant authorization to the Accounting Officer to advertise the immovable property herein for public comments and/or objections.
- 7.3 That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
- 7.4 That Council consider the market related valuation of the immovable property.
- 7.5 That a land surveyor be appointed to attend and conclude the subdivision, etc. as well as all other administrative costs for the cost of the applicant.

Item prepared by Manager: Land & Properties:
(Mr. S. Grootboom)



Item approved by the Act. Director PDT:
(Ms. L. Opperman)



Item endorsed by the Municipal Manager:
(Mr. C Du Plessis)



Item noted by Portfolio Chairperson:
(Cllr. S. Ruth)



ANNEXURE A



Cape St Francis
Hantover
Hunoversdorp
Jeffreys Bay
Lordsburg
Oyster Bay
Paternoster
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8604
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

APPLICATION FOR MUNICIPAL LAND

APPLICATION TO PURCHASE/LEASE/CONSENT USE OF VACANT KOUGA MUNICIPAL LAND – INDIVIDUALS/PRIVATE

NAME: RETHABELENG JOYCE SUMON

ID NUMBER: 8512251512089

CONTACT DETAILS: 078 609 9575

ERF/PROPERTY APPLYING FOR:

AREA: LOERIEHEUWEL

ERF NUMBER: 26/27/28/29/30

ADDRESS: 450071 – Unknown

PURPOSE OF APPLICATION:

I want to buy the lands
those five plots each 2.5 sqm

MOTIVATION:

I want to do business and to
development to that place. Please humble
request to Kouga Municipality.

NAME: RETHABELENG JOYCE

SIGNATURE: R.S. Sumon

DATE: 20-05-21

Zoning – Erf 27, Loerieheuwel

Land Parcel Information

Erf	27 of Loerieheuwel	Zoning: Financials	RBUS
Address	45007 1	Zoning	Kouga Municipality Land Use Scheme - Business Zone 2
SG Number	C0760008000000270000	Land Usage: Financials	
Municipality	Kouga	Ward: Financials	
Township/Holding: Title Deed	Loerieheuwel	Ward: Demarcation Board	Kouga 7
Suburb: Financials	Loerieheuwel (45001)	Sources	Deeds Office, Surveyor General, Financials
Centroid	33.875616247822725 25.019171985358472E	Effective	
Sectional Title	No		
Extent	275sqm		
Extent (SG)	275sqm		
Extent (Title Deed)	275 SQM		

Linked Documents

Name	Status	Type	Size	Sub Docs	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:27:34

Comments

Tasks and Questions and eForms

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T10739/1983	0.0000		29 Mar 1983	R	
Regional Services Council-Port Elizabeth	T10739/1983	0.0000		29 Mar 1983	T/T	T77313/2005

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004500027008	Dennis N		Attorneys Closed (ATTCL)	Tenant (Kouga)
004500027015	Kouga Municipality (Loerie)		Attorneys Closed (ATTCL)	Tenant (Kouga)
004500027022	Kouga Municipality (Loerie)		Departmental (DEPAR)	Owner (Kouga)

Zoning – Erf 28, Loerieheuwel

Land Parcel Information

Erf	28 of Loerieheuwel	Zoning: Financials	RBUS
Address	STREET UNKNOWN	Zoning	Kouga Municipality Land Use Scheme - Business Zone 2
SG Number	C0760008000000280000	Land Usage: Financials	
Municipality	Kouga	Ward: Financials	
Township/Holding: Title Deed	Loerieheuwel	Ward: Demarcation Board	Kouga 7
Suburb: Financials	Loerieheuwel (45001)	Sources	Deeds Office, Surveyor General, Financials
Centroid	33.875558029232585 25.01907593651659E	Effective	
Sectional Title	No		
Extent	275sqm		
Extent (SG)	275sqm		
Extent (Title Deed)	275 SQM		

Linked Documents

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Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:27:34

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Mun Kouga	T10739/1983	0.0000		29 Mar 1983	R	
Regional Services Council-Port Elizabeth	T10739/1983	0.0000		29 Mar 1983	T/T	T77313/2005

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004500028009	Kouga Municipality (Loerie)		Attorneys Closed (ATTCL)	Tenant (Kouga)
004500028023	Kouga Municipality (Loerie)		Departmental (DEPAR)	Owner (Kouga)

Zoning – Erf 29, Loerieheuwel

OVVIO

https://gis.kouga.gov.za/ovvio/genericList.do?id=31270&table=LandParcel

Properties Incidents Assets Planning Projects Layers General Support Logout

Land Parcel Information

Edit Audit Trail

Erf	29 of Loerieheuwel	Zoning: Financials	SRESA
Address	Unknown	Zoning	Kouga Municipality Land Use Scheme - Business Zone 2
SG Number	C0760008000002900000	Land Usage: Financials	
Municipality	Kouga	Ward: Financials	Kouga 7
Township/Holding: Title Deed	Loerieheuwel	Ward: Demarcation Board	Kouga 7
Suburb: Financials	Loerieheuwel (45001)	Sources	Deeds Office, Surveyor General, Financials
Centroid	33.875499579613034S 25.01897984133049E	Effective	
Sectional Title	No		
Extent	275sqm		
Extent (SG)	275sqm		
Extent (Title Deed)	275 SQM		

Linked Documents

Name	Status	Type	Size	Sub Docs	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:27:34

Comments

Tasks and Questions and eForms

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T10739/1983	0.0000		29 Mar 1983	R	
Regional Services Council-Port Elizabeth	T10739/1983	0.0000		29 Mar 1983	T/T	T77313/2005

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004500001860	Draai E	3210100083080	Equitable Share (EQS)	Tenant (Kouga)
004500029000	Mahala LM &		Normal (N)	Tenant (Kouga)
004500029024	Kouga Municipality (Loerie)		Attorneys Closed (ATTCL)	Tenant (Kouga)

Type here to search

18°C 8:56 AM 10/14/2022

Zoning – Erf 30, Loerieheuwel

OVVIO

https://gis.kouga.gov.za/ovvio/genericList.do?id=31271&table=LandParcel

Properties Incidents Assets Planning Projects Layers General Support Logout

Land Parcel Information

Edit Audit Trail

Erf	30 of Loerieheuwel	Zoning: Financials	RBUS
Address	STREET UNKNOWN	Zoning	Kouga Municipality Land Use Scheme - Business Zone 2
SG Number	C0760008000003000000	Land Usage: Financials	
Municipality	Kouga	Ward: Financials	Kouga 7
Township/Holding: Title Deed	Loerieheuwel	Ward: Demarcation Board	Kouga 7
Suburb: Financials	Loerieheuwel (45001)	Sources	Deeds Office, Surveyor General, Financials
Centroid	33.8754414138353S 25.01888317185115E	Effective	
Sectional Title	No		
Extent	275sqm		
Extent (SG)	275sqm		
Extent (Title Deed)	275 SQM		

Linked Documents

Name	Status	Type	Size	Sub Docs	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:27:34

Comments

Tasks and Questions and eForms

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T10739/1983	0.0000		29 Mar 1983	R	
Regional Services Council-Port Elizabeth	T10739/1983	0.0000		29 Mar 1983	T/T	T77313/2005

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004500030000	Kouga Municipality (Loerie)		Attorneys Closed (ATTCL)	Tenant (Kouga)
004500030024	Kouga Municipality (Loerie)		Departmental (DEPAR)	Owner (Kouga)

Type here to search

19°C 8:57 AM 10/14/2022

LOCALITY MAP

The screenshot displays the OVvio web application interface. The main map area shows a satellite view of a residential neighborhood with a specific land parcel highlighted by a red rectangle. The interface includes a top navigation bar with tabs for Properties, Incidents, Assets, Planning, Projects, Layers, General, Support, and Logout. Below the navigation bar, there are controls for View (Fixed Assets), Background (Google Satellite), and Active Layer (Land Parcel). The right sidebar provides detailed information for the selected land parcel.

Land Parcel	
Erf	30 of Loerieheuwel
Address	STREET UNKNOWN
SG Number	C076000800000030000
Municipality	Kouga
Township/Holding: Title Deed	Loerieheuwel
Suburb: Financials	Loerieheuwel (45001)
Extent	275sqm
Title Deed	T10739/1983
Owners	Mun Kouga
Registered	29 Mar 1983
Price	0.00
Municipal Value	10,000.00
Latest Valuation	10,000.00
Valuation Category	MUNICIPAL PROPERTY
H Area	Unknown

The bottom of the screen shows a Windows taskbar with the search bar, taskbar icons, and system tray information including the date and time (10:40 AM, 8/10/2022).

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT AND TOURISM****DATE: 30 JUNE 2023****ITEM NO: 23/06/PDT6****ALIENATION (LEASE) OF A PORTION OF ERF 231, PELLSRUS AND ERVEN 36 AND 37, PELLSRUS****1. Introduction**

The purpose of this item is to inform Council of the application received from Astro Zone for the lease of a portion of Erf 231, Pellsrus as well as Erven 36 and 37, Pellsrus for the development of an Outdoor Astro Zone Beachfront Sports facility / Action Sports facility.

2. Background

Mr. Afzal Ally identified the need for a Multi-purpose Sports and Recreation facility with a combination of commercial and free activities to the community.

The objective of the Facility is to provide and promote healthy living and safe environment for all ages as well as the promotion of Tourism to the Main Beach area.

The outdoor gym area on a portion of Erf 231, Pellsrus will be relocated to Erf 1342, Pellsrus as most of the users of the infrastructure / equipment is located in that area and all costs will be borne by the applicant / developer. The application as well as the land parcel information and aerial images are provided as attachment.

See Annexure "A"

- Section 14 comments by Directorates

ERF	AREA	LAND USE SCHEME	BUILDING CONTROL	MANAGEMENT
A portion of Erf 231 as well as Erven 36 and 37, Pellsrus	Pellsrus	Developer must obtain land use rights (Consent Use) for private development and finalize the subdivision, consolidation and rezoning.	Building plans to be submitted after land use approval	AS: Supported TS: Supported. All services connections or relocation to be for the Developer. TP: Supported. Due to parking concerns, the adjacent properties (Erven 36 and 37) to

				be included in the proposal. CS: No objection. Sufficient space for ablution facilities and parking to be considered. HS: No objection LA: Supported. Erven 36 and 37 also to be included in the proposal.
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3. Comments by Directorates:

3.1 Director: Finance

Item noted

3.2 Acting Director: Planning, Development and Tourism

Recommendations are noted and supported. It should be noted that the initial application was to purchase the land, but the applicant since advised the Land & Property Administration department that its intent changed to that of long-term leasing of the property described herein.

3.3 Acting Director: Corporate & Digital Services

Item noted.

3.4 Acting Director: Infrastructure & Engineering

Item noted.

3.5 Director: Community Services

Item is noted

3.6 Municipal Manager

That the item be supported.

4. Financial implications

Should Council grant in-principle approval for the lease contemplated, it is envisaged that –

- i) all costs in respect of the subdivision, rezoning, surveying, and consolidation costs be borne by the applicant / developer;
- ii) costs pertaining to the installation of municipal bulk services or relocation of any municipal services, be borne by the applicant / developer.

5. Legislative provision

In terms of section 14 of the MFMA, 2003, a municipality may not (*inter alia*) transfer ownership of as a result of a sale or by way of any other transaction dispose of capital assets unless the Municipal Council has, in a meeting open to the public,

- decided that the assets are not needed to provide minimum level of basic municipal services; and further, that
- it has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

The MATR requires that the Municipal Council takes into account the considerations listed in Regulation 7 (a) to (l) as per the following excerpt: The National Treasury guideline provides that the considerations listed in (i) and (j) should not be read as to be mandatory; however, should comments be available, it should be included.

7. Consideration of proposals to transfer or dispose of non-exempted capital assets.—The municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5 (1) (b) (i) and (ii), take into account—	
(a)	whether the capital asset may be required for the municipality's own use at a later date;
(b)	the expected loss or gain that is expected to result from the proposed transfer or disposal;
(c)	the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;
(d)	the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;
(e)	the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
(f)	any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
(g)	the estimated cost of the proposed transfer or disposal;
(h)	the transfer of any liabilities and reserve funds associated with the capital asset;
(i)	any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;
(j)	any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury;
(k)	the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
(l)	compliance with the legislative regime applicable to the proposed transfer or disposal.

The Kouga Policy provides for the following:

5.10	The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA: (a) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services;
	(b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and
	(c) has as a consequence to 5.10(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer.
5.11	The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:
	(a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services;
	(b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and
	(c) has as a consequence to 5.11(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.

6. Other implications

None.

7. Recommendation

- 7.1 That Council grant in-principle approval for the lease of a portion of Erf 231, Pellsrus as well as Erven 36 and 37, Pellsrus for a period of 9 years and 11 months.
- 7.2 That Council grant authorization to the Accounting Officer to advertise the immovable property herein for public comment and/or objections.
- 7.3 That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
- 7.4 That Council obtain and consider the market related valuation of the immovable property.
- 7.5 That a land surveyor be appointed to attend and conclude the subdivision, consolidation and rezoning and that all other administrative costs be borne by the applicant.

Item prepared by Manager: Land & Properties:
(Mr. S. Grootboom)

A handwritten signature in black ink, appearing to be 'S. Grootboom', written in a cursive style.

Item approved by the Act. Director PDT:
(Ms. L. Opperman)

A handwritten signature in black ink, appearing to be 'L. Opperman', written in a cursive style.

Item endorsed by the Municipal Manager:
(Mr. C Du Plessis)

A handwritten signature in black ink, appearing to be 'C Du Plessis', written in a cursive style.

Item noted by Portfolio Chairperson:
(Cllr. S. Ruth)

A handwritten signature in black ink, appearing to be 'S. Ruth', written in a cursive style.

ANNEXURE "A"



Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Lorrie
Oyster Bay
Patensie
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
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Email: registry@kouga.gov.za
Website: www.kouga.gov.za

APPLICATION FOR MUNICIPAL LAND**APPLICATION TO PURCHASE/LEASE/CONSENT USE OF VACANT KOUGA MUNICIPAL LAND –
INDIVIDUALS/PRIVATE**

NAME: Afzal Aly

ID NUMBER: 72 05 26 5253 086

CONTACT DETAILS: 071 670 0842 – AFZAL 2605 @ GMAIL.COM

ERF/PROPERTY APPLYING FOR:

AREA: PELUSUS

ERF NUMBER: PORTION OF 231

ADDRESS: DUINE ROAD

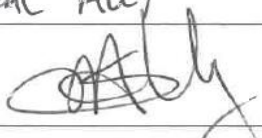
PURPOSE OF APPLICATION:

TO DEVELOP THE SITE AND CREATE A MULTI-PURPOSE SPORTS CENTRE IN COLLABORATION WITH THE MUNICIPALITY.

MOTIVATION:

THERE IS A NEED FOR A MULTI-PURPOSE SPORTS FACILITY IN JEFFREYS BAY. THE CLOSEST SUCH FACILITY ONLY EXISTS IN THE NELSON MANDELA BAY MERO. RESIDENTS AND VISITORS ALIKE WOULD BENEFIT FROM HAVING A SPORTS FACILITY IN THE LOCAL KOUGA AREA

NAME: Afzal Aly

SIGNATURE: 

DATE: 11/01/2023

A PORTION OF ERF 231, PELLSRUS

OWVIO

https://gis.kouga.gov.za/ovvio/genericList.do?id=21345&table=LandParcel

Properties Incidents Assets Planning Projects Layers General Support Logout

Land Parcel Information

[Edit](#) [Audit Trail](#)

Erf	231 of Pellrus	Zoning: Financials	UNDET
Address	STREET UNKNOWN	Zoning	Kouga Municipality Land Use Scheme - Transport Zone 1
SG Number	C03400130000023100000	Land Usage: Financials	
Municipality	Kouga	Ward: Financials	Kouga 2
Township/Holding: Title Deed	Pellrus (40017)	Ward: Demarcation Board	
Suburb: Financials	Pellrus (40017)	Sources	Deeds Office, Surveyor General, Financials
Centroid	34.059613645502245 24.921341169502984E	Effective	
Sectional Title	No		
Extent	5.3292Ha		
Extent (SG)	5.3292Ha		
Extent (Title Deed)	800 DUM		

Linked Documents

Name	Status	Type	Size	Sub Docs	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:28:25

Comments

Comment	Type	User Name	Date Made
PUBLIC OPEN SPACE		marinda (Marinda van der Merwe)	26 Jun 2014 11:08

Tasks and Questions and eForms

Land Parcels for Incident

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T13634/1972	0.0000		13 Jun 1972	R	
Mun Jeffreys Bay	T13634/1972	0.0000		13 Jun 1972		T21948/1999
Oorgangraad Jeffreys Bay T21948/1999	T13634/1972	0.0000		13 Jun 1972	SECT 16	T22624/2009

13°C 9:19 AM 5/22/2023

ERF 36, PELLSRUS

OWVIO

https://gis.kouga.gov.za/ovvio/genericList.do?id=21166&table=LandParcel

Properties Incidents Assets Planning Projects Layers General Support Logout

Land Parcel Information

[Edit](#) [Audit Trail](#)

Erf	36 of Pellrus	Zoning: Financials	AUTH
Address	4 Tormyn Street	Zoning	Kouga Municipality Land Use Scheme - Authority Zone 1
SG Number	C03400130000003600000	Land Usage: Financials	
Municipality	Kouga	Ward: Financials	Kouga 2
Township/Holding: Title Deed	Pellrus (40017)	Ward: Demarcation Board	
Suburb: Financials	Pellrus (40017)	Sources	Deeds Office, Surveyor General, Financials
Centroid	34.058788776444215 24.922817795434525E	Effective	
Sectional Title	No		
Extent	545sqm		
Extent (SG)	545sqm		
Extent (Title Deed)	545 SQM		

Linked Documents

Name	Status	Type	Size	Sub Docs	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:28:22

Comments

Tasks and Questions and eForms

Land Parcels for Incident

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T13634/1972	0.0000		13 Jun 1972	R	
Mun Jeffreys Bay	T13634/1972	0.0000		13 Jun 1972	T/T	T22624/2009

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004000036018	Kouga Municipality (Jeffreys B)		Departmental (DEPAR)	Owner (Kouga)

15°C 9:45 AM 5/22/2023

ERF 37, PELLSRUS

The screenshot displays the OVvio web application interface. The browser address bar shows the URL: <https://gis.kouga.gov.za/ovvio/genericList.do?id=21167&table=LandParcel>. The application has a top navigation bar with links: Properties, Incidents, Assets, Planning, Projects, Layers, General, Support, Logout. The main content area is titled "Land Parcel Information" and contains several sections:

- Land Parcel Information:**
 - Erf: 37 of Pellrus
 - Address: 2 Tormyn Street
 - SG Number: C0340013000003700000
 - Municipality: Kouga
 - Township/Holding: Title Deed: Pellrus
 - Suburb: Financials: Pellrus (40017)
 - Centroid: 34.05875018666051S 24.922999557055288E
 - Sectional Title: No
 - Extent: 545sqm
 - Extent (SG): 545sqm
 - Extent (Title Deed): 545 SQM
- Zoning:** Financials
- Land Usage:** Financials
- Ward:** Financials
- Ward Demarcation Board:** Kouga 2
- Sources:** Deeds Office, Surveyor General, Financials
- Effective:**

On the right side, there is a sidebar with various tools and links: Display GIS, Print, Export, Documents, Comments, Tasks and Questions, Incidents, Non-Sectional Units, Businesses, Title Deed Search, Google Map View, Google Street View, Mapillary.

Below the main information, there are sections for "Linked Documents", "Comments", "Tasks and Questions and eForms", and "Land Parcels for Incident".

The "Title Deeds" section shows a table with the following data:

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T13634/1972	0.0000		13 Jun 1972	R	
Mun Jeffreys Bay	T13634/1972	0.0000		13 Jun 1972	T/T	T22624/2009

The "Financial Accounts" section shows a table with the following data:

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004000037019	Kouga Municipality (Jeffreys B)		Departmental (DEPAR)	Owner (Kouga)

LOCALITY MAP – ERVEN 36, 37 AND A PORTION OF 231, PELLSRUS

The screenshot displays the Property Search web application interface. The browser address bar shows the URL: <https://csggis.drdr.gov.za/psv/>. The application has a top navigation bar with links: Chief Surveyor General - S, Chief Surveyor General, ArcGIS Enterprise, Property Search. The main content area is titled "Property Search" and shows a map of the locality. The map displays several erven (36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100) and a portion of erf 231. The map is overlaid with a grid and shows the boundaries of the erven. The map is powered by Esri South Africa, Esri, HERE, and Garmin. The bottom of the screen shows a Windows taskbar with the search bar and various application icons.

ERF 1342, PELLSRUS

Land Parcel Information

Erf	1342 of Pellrus	Zoning: Financials	PUBOS
Address	Steve Biko Avenue	Zoning	Kouga Municipality Land Use Scheme - Open Space Zone 1
SG Number	C03400130000134200000	Land Usage: Financials	
Municipality	Kouga	Ward: Financials	
Township/Holding: Title Deed	Pellrus	Ward: Demarcation Board	Kouga 2
Suburb: Financials	Mandela Bay (40012)	Sources	Deeds Office, Surveyor General, Financials
Centroid	34.0645858379004455 24.914908895215042E	Effective	
Sectional Title	No		
Extent	1180sqm		
Extent (SG)	1178sqm		
Extent (Title Deed)	1180 SQM		

Linked Documents

Name	Status	Type	Size	Sub Docs	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item		05 Oct 2020 05:28:39

Comments

Tasks and Questions and eForms

Land Parcels for Incident

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T3149/2002	0.0000		16 Jan 2002	R	

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004001342017	Kouga Municipality (Jeffreys B		Departmental (DEPAR)	Owner (Kouga)

Properties

LOCALITY MAP – ERF 1342, PELLSRUS

Property Search

May 2023 Version

Find address or place

1339 1340 1341 1342 PELLSRUS 1343 1344 1345 1346 1347 1348 1349 1350 1351 1352 1353 1354 1355 1356 1357 1358 1359 1360 1361 1362 1363 1364 1365 1366 1367 1368 1369 1370 1371 1372 1373 1374 1375 1376 1377 1378 1379 1380 1381 1382 1383 1384 1385 1386 1387 1388 1389 1390 1391 1392 1393 1394 1395 1396 1397 1398 1399 1400

Esri South Africa, Esri, HERE, Garmin

Multi-purpose Sports Court
-Beachfront Proposal-



Astro Zone
-Unleash your Passion-

Afzal Ally – 071 670 0842

DOCUMENT OWNER – PRIVATE AND CONFIDENTIAL

Note: Standard Non-Disclosure terms apply

<u>Table of contents:</u>	<u>Page:</u>
1. Executive Summary	3
2. Overview	4
3. Proposed solution	5
4. Structure Design	6
5. Structure estimate cost	6
6. Project summary and key benefits	7
7. Conclusion	7
8. Sample Images	8-10

Initial area identified:

Executive Summary

The proposal presented in this submission is for the construction of a multi-purpose action sports court in the form of a new facility at the main beachfront area in Jeffreys Bay. The proposed facility is intended to provide a new attraction to the Main Beach area as well as new community sports infrastructure for the Kouga region.

The site:

The proposed site is between the current Amphitheatre (where the mini basketball court is situated) and the car park.



Note: Standard Non-Disclosure terms apply

Overview

There is significant interest in sport among the urban population in the Kouga Region. The interest cuts across all age-groups, though children/adolescents/youths – relative to other age groups – engage more in active sport.

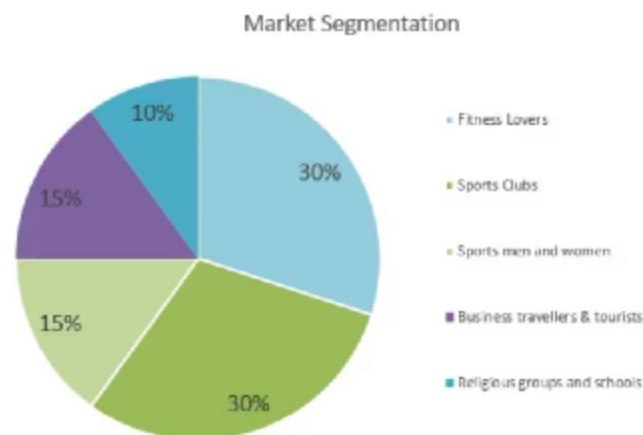
Outdoor sport is land-intensive and hence the enthusiast does not always expect the facility to be in the immediate vicinity of his location. **Action sports however, is not space-intensive.** It is possible to bring action sports within the convenient reach of sport enthusiasts.

To date, in the Kouga area, such possibility has not been exploited by private entrepreneurs. How does an ordinary person, willing to incur moderate expenditure, access action sports activities such as 5-a-side soccer, action netball, action cricket and action hockey? There is no easy access as these facilities exist largely in the Port Elizabeth Metro area.

On the whole, a multi-purpose sports court, within a manageable distance and at a reasonable price, is not available to the Kouga population and this reality offers an entrepreneurial opportunity as well as an opportunity to the Kouga Municipality to overcome one of the challenges listed in its annual report of last year.

Furthermore, the choice of the location for this facility also allows for much needed economic support to the beachfront businesses and an upgrade to the beachfront attractions available. It also provides a much needed year round attraction to local residents, as well as holiday makers during the holiday seasons.

The figure below represents the current market segmentation estimation in the Kouga area.



Note: Standard Non-Disclosure terms apply

Proposed solution

This proposal centers around forming an agreement between the local Kouga Municipality (KM) and Astro Zone (AZ) for the establishment of a Multi-purpose sports court at the main beach area in Jeffreys Bay.

The 2 entities as listed above will provide support as follows:

KM

1. Make the land available on a long term lease agreement.
2. Assist in preparing the area for construction.
3. Provide partial capital and services to construct the facility.

AZ

1. Provide partial capital to construct the facility.
2. Manage the facility as per the terms of the lease agreement. This will eliminate the identified ongoing challenge of vandalism for the Municipality.
3. Responsible for ALL maintenance and running costs of the facility so that this burden is removed from KM.
4. Provide all required sports and operating equipment.
5. Promote the facility in the Kouga area and provide support for youth development with local sports clubs and Schools.

Astro Zone vision statement:

To develop a Sports & Recreation facility in collaboration with the Municipality that promotes social unity, healthy living and local economic development.

Our aim is to build a facility that not only serves the youth but also extends to all ages in the Community of Jeffreys Bay and surrounding areas.

A Facility that promotes social unity, fun and exercise in a safe environment.



Note: Standard Non-Disclosure terms apply

Structure Design:

- The total land area required is 15m x 30m – 450 square meters.
- The courts playing area will be 14.5m x 28m x 4m high.
- The design of the court includes a clear-vu fence around the court to provide security.
- There are 2 lockable access gates.
- Single action sports court with line markings to cater for the following sporting codes:
 - Soccer, Netball, Cricket, Hockey
 - Touch Rugby can also be played on the Astroturf surface.
- The court is enclosed with 2m high security fencing. The playing area is enclosed with a 1m high kickboard and 3m high sports netting, totaling 4m in height.
- Roof net included to enclose the court.
- Floodlights are included around the court to allow for night games.

Structure estimated Cost:

DESCRIPTION	ESTIMATED COST
Minimum area required: • 15m x 29m = 435 square meters – Clearing/cleaning cost not included	
Perimeter fencing – 2m high including installation • Preference is Clearview fencing	R 35 000.00
Astro Courts:	
• 14.5m x 28m Sub-base	R 63 500.00
• 11-16mm Astroturf multi-purpose court – 14,5 x 28m • 6 x floodlight poles including LED floodlights • Complete netting around court – 4m high • Roof netting • 2 x access gates	R 342 500.00
• Inside kick boards PLUS outside sand protection boards – can only be done after court construction – ESTIMATED COST for 170m	R 39 000.00
TOTAL	R 480 000.00

PLEASE NOTE:

The above costs as obtained from suppliers are valid for 30 days from 5 September 2022.

Note: Standard Non-Disclosure terms apply

Project summary and key benefits:

- The proposed works as described in this submission are the most appropriate and cost effective way to provide such community infrastructure in the Kouga region. Our aim is to have the multi-purpose court operational by 15 November in preparation for the FIFA Soccer World Cup that runs from the 20th November to 18th December 2022.
- The proposed Sports Court will meet the current and medium-term needs of the community of Jeffreys Bay and surrounding areas.
- The proposed infrastructure will create both short and long term, as well as, temporary and permanent job opportunities for the local community and help develop the local skills base in the form of training coaches, referees and fitness trainers.
- The facility will provide an added attraction on the Main Beach area for local residents all year round as well as for holiday makers during the holiday seasons.
- The facility will be able to host local tournaments and events which will bring support to businesses in the immediate surroundings of the main beach area.
- The facility will also provide a platform for local youth development in various sports disciplines as well as provide a safe, health conscious environment where the youth can go to spend their free time.
- The facility will be an added attraction to local families who can do fun activities together and promote healthy living, fitness and exercise throughout the year.

Conclusion:

All things considered, my primary objective was to highlight that the entire community will benefit from having a multi-purpose sports court as described in this proposal. My hope is that the Municipality will be as passionate, excited and committed as I am to this project and, more importantly, support me in making it a reality.

Having this facility as the pilot project, the potential then exists to roll-out similar facilities across our region in the future, making each one unique to its location.

Nelson Mandela said,

“Sport has the power to unite people in a way that little else can.

Sport can create hope where there was only despair. It breaks down racial barriers. It laughs in the face of all kinds of discrimination.

Sport speaks to people in a language they can understand”

Note: Standard Non-Disclosure terms apply

Images of similar Astro Turfs:

Sample Images



Note: Standard Non-Disclosure terms apply



Note: Standard Non-Disclosure terms apply



Example of a beachfront sports court



Note: Standard Non-Disclosure terms apply

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT AND TOURISM****DATE: 30 JUNE 2023****ITEM NO: 23/06/PDT8****APPROVAL OF GENERAL CAPACITATION GRANT FUNDING FOR SOCIAL HOUSING****1. Introduction**

Social Housing Act No.16, 2008 provide for the establishment of the Social Housing Regulatory Authority (SHRA) in order to regulate all social housing institutions that are obtaining public funds for the undertaking of approved municipal projects by other delivery agents like Own Haven Housing Association.

The role of Kouga Local Municipality extends beyond identifying restructuring Zones, as it includes establishing and managing an internal land identification, packaging, and land release system that is responsive to a sustainable local social housing programme, and development of a rental housing strategy/policy. The cooperation of social housing delivery agents like SHRA, NASHO, Municipality, and Own Haven Housing Association is a critical element of the social housing process.

To assist the municipalities, the SHRA has implemented a five-year municipal social housing support programme targeting municipalities with designated Restructuring Zones, that demonstrates having a strong commitment to the social housing programme.

Kouga is the only municipality in the Eastern Cape to have been selected for the five-year municipal support programme and one of only seven municipalities country wide.

2. Background

Kouga Local Municipality submitted a funding application to the Social Housing Regulatory Authority (SHRA) for a General Capacitation Grant funding aimed at providing professional support in form of a Development Manager to facilitate the Development Process of the rental housing strategy/policy. The application letter and funding approval of R 750 000.00 are appended as Annexure A&B

The SHRA granted the General Capacitation Grant funding, subject to the fulfilment of the following conditions:

- That a grant agreement be signed between the SHRA and the Kouga Local Municipality to give effect to the implementation of this grant

- That the municipality adhere to the procurement of the required service provider/s be undertaken by the SHRA in consultation with Kouga Local Municipality
- That a Project Steering Committee consisting of the relevant official/s from the grantor and grantee be established to manage and guide implementation of the grant and project
- That the Grantee shall do all possible to cooperate and assist the appointed service provider with all the latter as will be required from the Grantee to execute this assignment successfully
- SHRA will sign an Agreement with the appointed service provider and carry out monetary payments which shall be made in tranches directly to the service provider based on the signed agreement and performance.

3. Comments by the Directorates

3.1 Director: Finance

Item noted.

3.2 Acting Director: Planning, Development and Tourism

Recommendations are noted and supported.

3.3 Acting Director: Corporate & Digital Services

Item noted.

3.4 Acting Director: Infrastructure & Engineering

Item noted.

3.5 Director: Community Services

Item is noted.

3.6 Municipal Manager

Item be supported.

4. Financial Implications

The Development Process of the rental housing strategy/policy will be funded through the General Capacitation Grant from SHRA.

5. Legal Implications

An Institutional Investment Grant Agreement will be signed between SHRA and Kouga Local Municipality, which sets out the terms and conditions related to this funded programme.

6. Other Implications

None.

7. Recommendations

- 7.1 That Council confirms and accepts the General Capacitation Grant for the development process of the Rental housing Strategy/Policy.
- 7.2 That Council authorizes the Accounting Officer to enter into an Institutional Grant Agreement with the SHRA.
- 7.3 That Council adheres to the conditions of the General Capacitation Grant Funding.

Item prepared by: Manager Human Settlements



(Mr. M. Penxa)

Item approved by: Acting - Director PDT



(Ms. L Opperman)

Item endorsed by: Municipal Manager



(Mr. C Du Plessis)

Item endorsed by the Portfolio Chairperson



(Ms. S Ruth)

ANNEXURE "A"



Cape St Francis
 Hankey
 Humansdorp
 Jeffreys Bay
 Loeise
 Oyster Bay
 Patensie
 St Francis Bay
 Thornhill

Postal: PO Box 21, Jeffreys Bay, 4330
 Tel: 042 200 2200 / 042 200 8300
 Fax: 042 200 8406
 Email: regaffy@kouga.gov.za
 Website: www.kouga.gov.za

Dudu Phoswa: Sector Development and Transformation Specialist

Sunnyside Ridge Office Complex

3rd Floor, Sentinel House

32 Princess of Wales Terrace

Parktown

2193

SOCIAL HOUSING POLICY DEVELOPMENT – FUNDING APPLICATION

From the 2019/2020 fiscal year, Kouga Local Municipality has participated in the SHRA's Municipal Support Programme. We have been provided technical support by NASHO in developing and implementing a Social Housing Programme in our municipality since 2019/2022.

We have found great value in the programme, and with NASHO's support, we have successfully released two pieces of land to develop social housing in our municipality. Specifically, we have released Erf 335, Jeffreys Bay to a Social Housing Institution and are currently adjudicating a tender for ERF 353, Humansdorp our second social housing mixed use project.

Given the experience gained over the last three years through the Municipal Support Programme and in releasing the two land parcels above, the municipality is at a stage where we need to develop a Social Housing Policy that will provide the framework for the municipality to implement its Social Housing Programme going forward.

This letter, is to formally request and apply for grant funding to the SHRA to appoint a suitable service provider to assist the municipality in developing a Social Housing Policy.

Regards,

CHARL DU PLESSIS

MUNICIPAL MANAGER

ANNEXURE "B"



Physical address: 3rd Floor, Sentinel House, Sunnyside Office Park,
32 Princess of Wales Terrace, Parktown, Johannesburg, 2193
Postal address: Postnet Suite 240, Private Bag X30500, Houghton, 2041
Tel: +2711 274 6200
Fax: +2711 642 2808
Website: www.shra.org.za

13 March 2023

Attention: Mr. Charl Du Plessis
Municipal Manager
Kouga Local Municipality
PO Box 21
Jeffreys Bay
6330

Dear Sir

**GENERAL CAPACITY BUILDING GRANT AWARDED TO KOUGA MUNICIPALITY FOR
DEVELOPMENT OF COMPREHENSIVE AFFORDABLE RENTAL HOUSING POLICY AND
IMPLEMENTATION PLAN**

This letter refers to the grant request made to the Social Housing Regulatory Authority (SHRA) by the Kouga Local Municipality on 15 December 2022.

In this regard, it is confirmed that this item was served at the SHRA Executive Committee on 13 February 2023. The purpose of the item was to table a proposal to the SHRA Executive Committee for consideration to assist the Kouga Local Municipality with the development of a rental strategy, specifically to focus on the provision and implementation of affordable rental housing in good locations within the identified Restructuring Zone areas.

It was confirmed in this item that the Kouga Local Municipality is requesting the SHRA to assist with the development of a Rental Housing Policy and implementation plan and that this request for assistance can be funded through the Institutional Investment Grants that provides for such support.

In terms of the Sector Development and Transformation Policy, 2018, the General Capacitation Grant can assist with implementation management processes to ensure sustained sector development. It is available to the municipal government in terms of section 6.4.2. of the policy. Section 6.4.4.1 confirms that these grants can be identified by the SHRA or other eligible applicants and that the proposals must be evaluated against the proposed outcomes to be achieved.

This work is anticipated to be completed within eight (8) months of the appointment of a service provider. It is anticipated that the work will start in the new financial year 2023/2024 based on the supply chain process which takes a minimum of 60 days for a service provide/s to be then appointed.

It is requested that the municipal avail its transversal team within the different departments to work closely with the Service Provider to ensure successful completion of this work.

The SHRA Executive Committee, therefore, approved a General Capacitation Grant awarded to the Madibeng Local Municipality for support and assistance in the development of a rental strategy for the Municipality specifically to focus on the provision and implementation of affordable rental housing in good locations within the Municipality identified Restructuring Zone areas, subject to the following conditions:

- (i) That the grant amount shall not exceed R 750,000.00
- (ii) That a grant agreement be signed between the SHRA and the Kouga Local Municipality to give effect to the implementation of this grant
- (iii) That procurement of the required service provider/s be undertaken by the SHRA in consultation with Madibeng Municipality
- (iv) That a Project Steering Committee consisting of the relevant officials from the grantor and grantee be established to manage and guide the implementation of the grant and project.

We are therefore suggesting that a grant agreement for the full amount is concluded and that we establish the Project Steering Committee and also start working on the Terms of Reference for the rental strategy.

It would also be important for the Municipality to be represented on the Bid Specification and Bid Evaluation Committee and we can discuss this when we meet.

We are proposing that a meeting be scheduled to discuss this approach and would welcome your input and suggestions as well. In the interim, we will be liaising with the legal unit in the SHRA to finalise the required agreement.

Please, therefore, indicate your availability (preferably 3 alternatives in the next 2 weeks) for us to be able to set up the meeting such that the work may be implemented.

Yours Faithfully

DUDU PHOSWA
Sector Development & Transformation Specialist - SHRA

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

PLANNING, DEVELOPMENT & TOURISM

DATE: 30 JUNE 2023

ITEM NO: 23/06/PDT10

PORTION 7 OF FARM GEELHOUTEBOOM 688, HUMANSDORP ROAD, EASTERN CAPE PROVINCE – LAND PURCHASED BY HDA FOR THE KOUGA MUNICIPALITY

1. Introduction

The purpose of this item is to inform the Council of the purchase of Portions 7,14, 15, 17, 18, and 21 of Farm Geelhouteboom 688, Humansdorp RD, Eastern Cape by the Housing Development Agency (hereinafter referred to as the HDA) for the purposes of developing integrated human settlements as per the Housing Code.

2. Background

There have been previous interactions and deliberations between the HDA and the Kouga municipality regarding funding for the purchase of suitable land parcels for integrated residential development within the Humansdorp area.

HDA purchased Portions 7,14, 15, 17, 18, and 21 of Farm Geelhouteboom 688, Humansdorp on behalf of Kouga municipality for an amount of R18 000 000 (eighteen million rand).

See annexure "A".

The Housing Development Agency has prepared a Deed of Sale regarding the proposed transfer of the land parcels to the municipality as the beneficiary.

In order to proceed with the process, the HDA is requires the following:

- That Council provide the Housing Development Agency with a council resolution accepting the land parcels as acquired on behalf of KLM, and
- That the HDA be provided with a development plan indicating that the land will be used for human settlements development projects.

3. Comments by the Directorates:

3.1 Director: Finance

Item noted

3.2 Acting Director: Planning, Development & Tourism

Recommendations are noted and supported. It is imperative that the required pre-planning be conducted to give effect to the intention of the procurement of the mentioned land.

3.3 Director: Community Services

Item is noted.

3.4 Acting Director: Corporate & Digital Services

Item noted.

3.5 Acting Director: Infrastructure & Engineering

Item noted.

3.6 Municipal Manager

That the item be supported.

4. Financial implications

All transfer related costs will be borne by the Housing Development Agency, and this has been specified accordingly in the Deed of Sale.

5. Legal implications

The Housing Development Agency as the Purchaser will be responsible for the Legal costs of transferring the land parcels from the Seller to Kouga municipality and the transfer can only be affected once all the conditions contained in the Deed of Sale has been complied with.

6. Other implications

None.

7. Recommendation

7.1 That Council confirm and accept the property described as Portions 7,14, 15, 17, 18, and 21 of Geelhouteboom 688, Humansdorp as purchased by the HDA for an amount of **R18 000 000** on behalf of the Kouga Municipality.

7.2 That Council confirms that the land parcels contemplated herein will be utilized for the development of integrated human settlements that will assist in addressing the current housing backlog.

- 7.3 That the Acting Director: Planning Development and Tourism submit a development plan indicating that the land will be used for integrated human settlements projects as outlined in the Housing Code.
- 7.4 That Council take note of the Deed of Sale signed by the Accounting Officer in line with the delegated authorities of the Accounting Officer.

Item prepared by: Manager Human Settlements



(Mr. M. Penxa)

Item approved by: Acting - Director PDT



(Ms. L Opperman)

Item endorsed by: Municipal Manager



(Mr. C Du Plessis)

Item endorsed by the Portfolio Chairperson



(Ms S. Ruth)

Annexure "A"

Page 1 of 14

**AGREEMENT OF SALE
OF
IMMOVABLE PROPERTY**

BETWEEN

ANDREAS PETRUS KOCH VAN ONSELEN
(Hereinafter referred to as the "**SELLER**")

and

HOUSING DEVELOPMENT AGENCY

Herein represented by Bheki Khenisa in his capacity
as Chief Executive Officer duly authorized thereto
(herein referred to as the "**PURCHASER**")

and

KOUGA LOCAL MUNICIPALITY

Herein represented by Charl Du Plessis in his capacity
as Municipal Manager duly authorized thereto.
(hereinafter referred to as the "**BENEFICIARY**")



1. INTERPRETATION AND DEFINITIONS

- 1.1 In this agreement, unless inconsistent with the context the following expressions shall have the meanings assigned to them hereunder: -
- 1.2 the "**CONVEYANCER**" shall mean De Klerk, Vermaak & Partners Inc. Attorneys
- 1.3 The "**PARTIES**" shall mean the **SELLER**, the **PURCHASER**, and the **BENEFICIARY**, and which will include its nominated agents and representatives.
- 1.4 The "**PROPERTY**" shall mean:
 - 1.4.1 Portion 7 of farm Geelhooteboom 688, Humansdorp RD, Eastern Cape Province,
Registered Title Deed T55325/1987CTN
In an extent of 86.3048 hectares
 - 1.4.2 Portion 14 of farm Geelhooteboom 688, Humansdorp RD, Eastern Cape Province,
Registered Title Deed T55325/1987CTN
In an extent of 6.1455 hectares
 - 1.4.3 Portion 15 of farm Geelhooteboom 688, Humansdorp RD, Eastern Cape Province,
Registered Title Deed T55325/1987CTN
In an extent of 45.4200 hectares
 - 1.4.4 Portion 17 of farm Geelhooteboom 688, Humansdorp RD, Eastern Cape Province,
Registered Title Deed T58036/1994CTN
In an extent of 5.6650 hectares
 - 1.4.5 Portion 18 of farm Geelhooteboom 688, Humansdorp RD, Eastern Cape Province,
Registered Title Deed T55325/1987CTN
In an extent 8.0414 hectares
 - 1.4.6 Portion 21 of farm Geelhooteboom 688, Humansdorp RD, Eastern Cape Province,
Registered Title Deed T55325/1987CTN
In an extent of 12.4739 hectares
- 1.4 the "**BENEFICIARY**" shall mean **KOUGA LOCAL MUNICIPALITY** a local authority properly instituted in terms of Section 12 of the Municipal Structures Act, (Act 117 of 1998), herein represented by **Charl Du**

Plessis in his capacity as Municipal Manager, here being duly authorized hereto.

- 1.5 the "**SELLER**" shall mean **Andreas Petrus Koch Van Onselen**, a natural person in his capacity as the registered owner.
- 1.6 the "**PURCHASER**" shall mean the Housing Development Agency, and Agency of the Department Human Settlements duly established in terms of applicable legislation, herein represented by **Bheki Khenisa** in his capacity as the Chief Executive Officer (CEO) and duly authorized hereto.
- 1.7 words importing the singular shall include the plural and vice versa;
- 1.8 words importing the masculine gender shall include the feminine and vice versa;
- 1.9 all references in this Agreement to the **SELLER; PURCHASER; BENEFICIARY** or the registered owner of the PROPERTY shall be deemed to include their respective successors-in-title or assigns.

2. CONDITIONS PRECEDENT

- 2.1 The entire agreement is subject to the payment of the purchase price by the **PURCHASER** to the **SELLER**. Should the purchase price not be paid to the **SELLER** by the **PURCHASER** within 30 (thirty) workings days from date of signature or such later date as the parties may agree to in writing, this agreement will automatically lapse and be of no further force or effect.
- 2.2 This Agreement is further subject to the fulfilment of the Condition Precedent that by not later than 6 (Six) months after the Signature Date or such other earlier or extended period as the parties may agree in writing, the **BENEFICIARY** obtains approval of the transaction by the municipal council, and any monies paid in terms of 2.1 above shall be kept on trust for the **SELLER**, by the nominated Conveyancer, until such time as the condition in this clause has been fulfilled, or the mentioned time period has lapsed, whichever event occurs first.
- 2.3 Unless the Conditions Precedent have been fulfilled by not later than the relevant dates for fulfilment thereof set out in clauses 2.1 and 2.2 (or such later date or dates as may be agreed in writing between the Parties), the provisions of this Agreement will never become of any

force or effect and the status quo ante will be restored as near as may be and neither of the Parties will have any claim against the other in terms hereof or arising from the failure of the Conditions Precedent.

3. SALE AND PURCHASE

- 3.1 Subject to the hereinafter mentioned terms and conditions the **SELLER** hereby sells to the **PURCHASER** who hereby purchases the **PROPERTY** for and on behalf of the **BENEFICIARY**.
- 3.2 The **PROPERTY** is sold subject to: -
 - 3.2.1 the warranties as set out in clause 4 below and the specific provisions of this Agreement.
 - 3.2.2 all conditions and servitudes mentioned or referred to in the current and/or prior title deeds of the **PROPERTY** as well as any conditions related to the subdivision of the properties or any portions thereof and subject to all the conditions of establishment of the approved township thereon.

4. WARRANTIES

- 4.1 The **SELLER** hereby gives to the **PURCHASER** the warranties set out in this clause 4, it being agreed that –
 - 4.1.1 the warranties shall also be deemed to be representations and undertakings by the **SELLER** in favour of the **PURCHASER**;
 - 4.1.2 each warranty shall also conclusively be deemed to be a material representation of fact inducing the **PURCHASER** to enter into this Agreement unless the contrary is proved; and
 - 4.1.3 each warranty shall be a separate warranty and in no way limited or restricted by reference or inference from the terms of any other warranty.
- 4.2 The **SELLER** warrants that, as at the Signature Date and the Transfer Date (unless other dates are clearly indicated) –
 - 4.2.1 the **PROPERTY** is the immovable **PROPERTY** owned by it referred to in this Agreement;
 - 4.2.2 it is the sole and beneficial owner of the **PROPERTY**;

- 4.2.3 no person has any right (including any option or right of first refusal) to acquire any interest in or to the **PROPERTY** other than the **PURCHASER** in terms of this Agreement;
- 4.2.4 as at the Transfer Date, the **PROPERTY** will not be let and will not be subject to any right of occupation by any person natural or corporate, and on the Transfer Date the **SELLER** will give the **BENEFICIARY** full, free and unencumbered ownership and occupation of the **PROPERTY**.
- 4.2.5 no agreements will have been entered into by the **SELLER** whereby any restrictive conditions or servitudes or other real rights attach to the **PROPERTY** or in terms of which any person, natural or corporate, will be entitled to obtain any real rights to the **PROPERTY**, except as set out in the title deeds of the **PROPERTY**;
- 4.2.6 it has at the Signature Date no actual liability for any development contribution to engineering services, endowment, betterment or other similar contribution or expense in respect of the **PROPERTY**. It is specifically recorded that any such liability or development contribution will be the responsibility of the **SELLER**;
- 4.2.7 as at the Signature Date, no legal action has been instituted by or against the **SELLER** in respect of the **PROPERTY** and the **SELLER** has no knowledge of any contemplated legal action in terms whereof the **PROPERTY** may be attached and transfer thereof may be interdicted; and
- 4.2.8 it has not disposed of or transferred any rights relating to the **PROPERTY**, including but not limited to any intellectual property rights, development rights or mining rights relating thereto, as from the Signature Date.
- 4.2.9 that there are no pending land claims lodged in respect of the **PROPERTY**.
- 4.3 During the period between the Signature Date and the Transfer Date, subject to the terms and conditions of this Agreement, the **SELLER** shall deal with the **PROPERTY** in the normal and ordinary course and shall not do or omit to do anything in relation to the **PROPERTY** which, in any such case, is out of the normal and ordinary course.

5. THE PURCHASE PRICE FOR THE PROPERTY

The full purchase price for the **PROPERTY** is R18 000 000 (Eighteen Million Rand only).

6. PAYMENT OF THE PURCHASE PRICE BY THE PURCHASER ON BEHALF OF THE BENEFICIARY

- 6.1 Payment of the full purchase price for the **PROPERTY** in the amount of R18 000 000 (Eighteen Million Rand only) will be made into the Trust Account of the **CONVEYANCER** within 30 (thirty) business days or such earlier day as the parties hereto may agree in writing from signature hereof on behalf of the **BENEFICIARY** by the **PURCHASER**. The trust particulars of the account of the **CONVEYANCER** are as follows:

De Klerk Vermaak and Partners Inc Attorneys
Standard Bank
Trust Account
022 385 738
Branch Code 051 001
REFERENCE : MM 0006

- 6.2 Transfer of the **PROPERTY** into the name of the **BENEFICIARY** will be effected after the full purchase price is paid into the **CONVEYANCER'S** trust account and the **PURCHASER** and/or the **BENEFICIARY** has complied with all terms of this agreement, and subject to the condition stipulated 2.1 and 2.2 above.
- 6.3 The full purchase price of **R18 000 000** (Eighteen Million Rand only) will be paid over to the **SELLER** on date of registration of transfer.
- 6.4 The **CONVEYANCER** shall within 2 (two) business days from receipt of the payment as per 6.1 above and subject thereto that the **PURCHASER / BENEFICIARY** has complied with and given all the FICA documentation and also signed and supplied the conveyancers with a written investment mandate, invest that amount in an investment account with a deposit taking institution, in the discretion of the **CONVEYANCER**, in terms of the Legal Practice Act No. 28 of 2014, invested in the name of the **PURCHASER** for credit of the **SELLER**, as far as the capital is concerned, subject thereto that the interest will accrue as provided for in 6.5.

- 6.5 All interest earned on the investments of the funds will accrue for the benefit of the **PURCHASER**. On the date of transfer of the **PROPERTY** into the name of the **BENEFICIARY** the relevant investment (s) will be called up by the **CONVEYANCER** and the capital be paid to the **SELLER** and the interest to the **PURCHASER**, subject to the **PURCHASER** having supplied the **CONVEYANCER**, in writing, with the detail of the bank account into which such interest has to be paid.
- 6.6 The parties take cognizance of the fact that the monies thus invested are trust monies as provided for in Section 86 of Act 28 of 2014. ***This deed of sale shall constitute written authority for such investment as described above.***
- 6.7 The **CONVEYANCER** administrative cost, if any, for the investment limited to R500.00 (Five Hundred Rand) shall be paid by the **PURCHASER**. Any investment costs charged by the banking institution will also be paid by the **PURCHASER**; such costs may be paid for and thereafter deducted from any interest earned.

7. **VALUE ADDED TAX / TRANSFER DUTY**

- 7.1 The parties note and record that the transaction is zero-rated in terms of the provisions of section 11(2), read with Section 8(23) of the VAT Act, and that payment of the purchase price is in terms of a "national housing programme" as defined in Section 3(5) of the Housing Act.
- 7.2 Transfer of the **PROPERTY** shall be effected by De Klerk, Vermaak & Partners Inc Attorneys (who are in this agreement referred to as "the **CONVEYANCER**");
- 7.3 The **PURCHASER** shall be liable for the payment of all transfer costs, bank charges, Deeds Office fees and other customary charges necessarily incurred or to be incurred in connection with the transfer of the **PROPERTY** as will be set out in the pro forma statement of account of the **CONVEYANCER** and which will be delivered to the **PURCHASER** after payment of the purchase price.
- 7.4 The amount due and payable in terms of the above pro forma statement of account shall be paid by the **PURCHASER** upon presentation of such statement by the **CONVEYANCER**.

8. MORTGAGING OF PROPERTY

After this agreement has been signed the **SELLER** warrants that it will not encumber, pledge or mortgage the **PROPERTY** or give any rights thereto.

9. SPECIAL RESTRICTIVE CONDITION ON PURCHASER

The **BENEFICIARY** shall not sell nor alienate the **PROPERTY** without the prior written consent of the Head of Department of Human Settlements, Eastern Cape Province, which consent shall not be unreasonably withheld. The **BENEFICIARY** shall on request of the Department take such steps (and sign the necessary documents) as may be required to record the restriction on alienation as a title condition on the title to the **PROPERTY**.

10. RISK AND OWNERSHIP

With effect from the date of transfer all the benefits and risks of ownership of the **PROPERTY** shall pass to the **BENEFICIARY**. The **BENEFICIARY** will from the said date be responsible for payment of rates and taxes, levies and other expenses in respect thereof.

11. POSSESSION AND OCCUPATION

The **BENEFICIARY** will take occupation and possession of the **PROPERTY** on the date of registration of transfer. From date of payment of the purchase price to the **CONVEYANCER** up to the date of registration of the transfer both the **BENEFICIARY** and the **PURCHASER** will be given unfettered and unrestricted access to the **PROPERTY**, and during which period both the **PURCHASER** and the **BENEFICIARY** shall be entitled to conduct any specialist studies required as part of the land preparation and development process.

12. TRANSFERS

12.1 The **PURCHASER** shall immediately upon request from the **CONVEYANCER** to do so, pay all expenses of and incidental to the registration of the **PROPERTY** into the name of the **BENEFICIARY**.

12.2 Each Party will pay its own legal costs incidental to the preparation and negotiation of this Agreement and all consultations pertaining thereto, if applicable.

- 12.3 The **SELLER**, the **PURCHASER** and the **BENEFICIARY** undertake to attend to, within a reasonable time, upon being requested to do so, sign all documents required to be signed in connection with the transfer and the cancellation of all bonds, if any, at present registered over the **PROPERTY**.

13. BREACH

In the event of either party committing any breach of this contract the aggrieved party shall be entitled to give the defaulting party written notice, which notice is either to be handed to the defaulting party or sent by means of electronic mail transmission or sent by prepaid registered post to the address referred to in Clause 14 below, describing the obligation the defaulter has failed to fulfill demanding that such obligation be fulfilled within 7 (SEVEN) days from the date on which such notice was handed to the defaulter or sent or transmitted to it, as the case may be, and indicating the steps the aggrieved party intends taking if the obligation in question is not fulfilled. In the event of the defaulter failing to comply with such demand the aggrieved party shall be entitled, without prejudice to any other rights to which it may be entitled in law:

- 13.1 to claim the immediate payment of all monies then remaining owing in terms of this contract, whether then due or not (should the aggrieved Party be the **SELLER**);
- 13.2 or to cancel the agreement and recover such damages as it may have suffered by reason of the defaulting party's breach of contract, with the right to retain any payments made under this agreement until the amount of the damages has been determined and to apply such payments towards satisfaction of the amount of such damages when it is quantified;
- 13.3 to institute proceedings for the enforcement of its rights in terms hereof, or
- 13.4 to cancel the agreement, obtain a refund of all monies paid and recover such damages as it may have suffered (should the aggrieved Party be the **PURCHASER**).

14. DOMICILIUM CITANDI ET EXECUTANDI

- 14.1 The **PARTIES** choose *domicilium citandi et executandi* at their respective addresses as set out below at which addresses all notices and legal process in relation to this agreement or any action arising

therefrom may be effectually delivered and served. Each **PARTY** shall be entitled, on 7 (SEVEN) days written notice to the other, to change the address of its *domicilium citandi et executandi*.

- 14.2 Any notice in terms of this agreement, which is sent by prepaid registered post, shall be deemed to have been received on the 7th day after posting by prepaid registered post or the day after delivery if delivered by hand or on date of telefax/electronic mail, as proven by a telefax/electronic mail transmission sheet, unless the contrary is proved:

14.2.1 the **SELLER:** c/o De Klerk, Vermaak & Partners Inc

Physical Address: 262 Louis Trichardt Blvd
VADERBIJLPARK
1911

TEL: (016) 931 1707

E-mail: werner@dkvv.co.za

14.2.2 the **BENEFICIARY:** **Kouga Local Municipality**

Physical Address: c/o the Municipal Manager
33 Da Gama Road
Jeffreys Bay
6330

Tel: 042 200 2200

E-mail: jreed@kouga.gov.za

14.2.3 the **PURCHASER:** Housing Development Agency

Physical Address: Block B, 2nd Floor
Megawatt Park,
1 Maxwell Drive
SUNNINGHILL
Johannesburg

Tel: 011 544 1000

Fax: 011 544 1006/7

15. NON-VARIATION

This agreement constitutes the entire agreement between the parties and no variation or consensual cancellation shall be of any force or effect unless reduced to writing and signed by both parties to this agreement, and includes any changes to this clause 15.

16. JURISDICTION

For the purpose of all or any proceedings herein the parties hereby consent to the jurisdiction of the High Court. However, an aggrieved party may at its sole option institute proceedings in any other competent Court which has jurisdiction.

17. COMMISSION

Both parties confirm that no agents commission or any other commission is payable in connection with this transaction and both parties warrant that no third party had any mandate to sell or acquire the properties and that no third party was the effective cause of this transaction.

18. ALIEN AND INVASIVE SPECIES

In terms of the Regulations of the National Environmental Management Act No. 10 of 2004, which legislation deals with listed alien and invasive fauna and flora, as well as restricted activities with such species, the seller hereby records that to the seller's best knowledge and belief, none such species is present on the property, save for those pointed out to the Purchaser when viewing the property, if any, before entering into this agreement. The Seller, however, also records that neither the Seller nor his agent is sufficiently qualified in the identification of such fauna and flora and the parties accordingly agree that the purchaser accepts the property with such species, which might be thereon on the date of signature hereof. The Purchaser records that the purchaser was afforded the opportunity to investigate the property, all fauna and flora thereon, as well as obtain an expert or qualified opinion in this regard, prior to the Purchaser entering into this agreement.

19. GENERAL**19.1 Entire Agreement**

The parties hereby acknowledge that the agreement concluded between them constitutes the entire agreement between them and that no other conditions,



stipulations, warranties nor representations whatsoever, have been made by any party or that party's agent, other than as specifically included herein.

19.2 No Indulgence

No latitude, extension of time or other indulgence which may be given or allowed by either party to the other in respect of any payment provided for in this agreement or the performance of any other obligation shall under any circumstances be construed to be an implied consent by such party or operate as a waiver or a novation of or otherwise affect any of that party's rights in terms of or arising from this agreement, or prevent such party from importing, at any time and without notice, strict and punctual compliance with each and every provision or term hereof.

19.3 No Variation

The parties agree that no variation of, addition to, consensual cancellation or novation of this agreement in its entirety or of any term or condition thereof shall be of any force or effect, unless such amendment or cancellation is reduced to writing and signed by all the parties or their authorised representatives hereto.

19.4 Counterparts

This agreement may be executed in one or more counterparts, each of which shall for all purposes be deemed to be an original and all of which, when taken together, shall constitute the same instrument.

19.5 Continued Enforceability

Any provision in this agreement which is or may become illegal, invalid or unenforceable in any jurisdiction affected by this agreement shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability and shall be treated pro non scripto and severed from the balance of this agreement, without invalidating the remaining provisions of this agreement or affecting the validity or enforceability of such provision in any other jurisdiction.

19.6 Authority to sign

The Purchaser warrants that the person signing this agreement on behalf of the Purchaser is duly authorised to do so and that the Purchaser has complied with all its internal approval processes to enter into this agreement. The Seller warrants that the persons signing this agreement on behalf of the Seller is duly authorised to do so and that the Seller has complied with the



required provisions of the Local Government: Municipal Finance Management Act No. 56 of 2003 and all its internal procurement and approval processes to enter into this agreement.

THUS, DONE and SIGNED on behalf of the Beneficiary at **JEFFREYS BAY** on this 31st day of **MARCH 2023** in the presence of the undersigned witnesses:

AS WITNESSES:

1. 
2. _____


Kouga Local Municipality
 (Herein represented by the Municipal
 Manager, **Charl Du Plessis**, who is duly
 authorized)

THUS, DONE and SIGNED on behalf of the Seller at _____
 on this _____ day of _____ 2023 in the presence of the
 undersigned witnesses:

AS WITNESSES:

1. _____
2. _____

Andreas Petrus Koch van Onselen
 (who is duly authorized thereto)

THUS, DONE and SIGNED on behalf of the Purchaser at **SUNNINGHILL** on this _____ day of _____ 2023 in the presence of the undersigned witnesses:

AS WITNESSES:

1. _____

2. _____

Housing Development Agency

(herein represented by Bheki Khenisa,
CEO who is duly authorized)



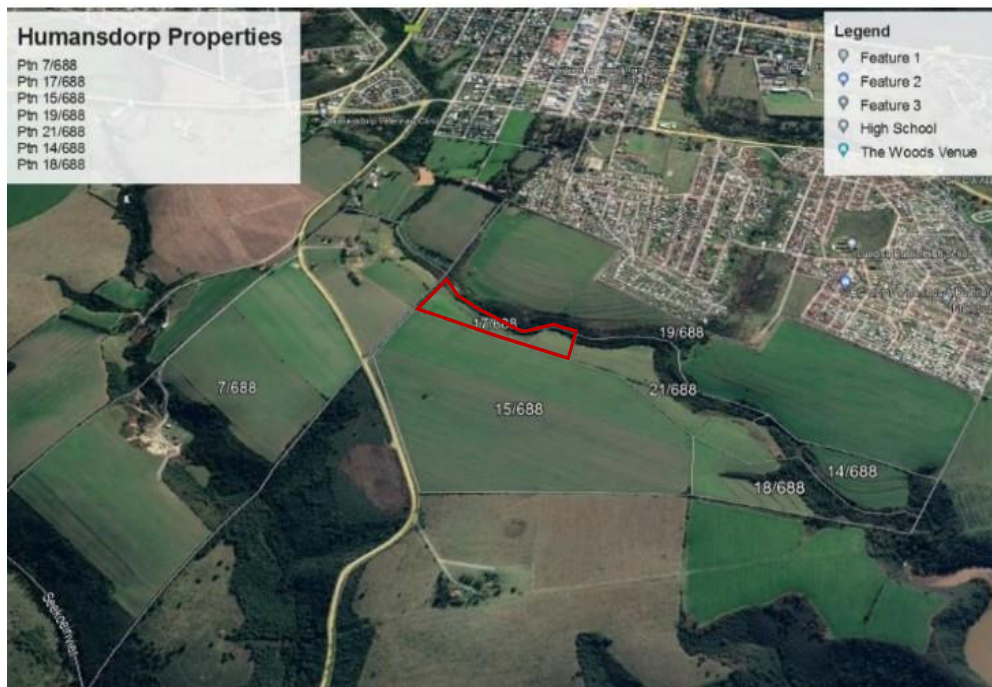
Ptn 7 of Farm 688, Humansdorp Registration Division
Eastern Cape



Ptn 14 of Farm 688, Humansdorp Registration Division
Eastern Cape



Ptn 15 of Farm 688, Humansdorp Registration Division
Eastern Cape



Ptn 17 of Farm 688, Humansdorp Registration Division
Eastern Cape



Ptn 18 of Farm 688, Humansdorp Registration Division
Eastern Cape



Ptn 19 of Farm 688, Humansdorp Registration Division
Eastern Cape



Ptn 21 of Farm 688, Humansdorp Registration Division
Eastern Cape

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT & TOURISM****DATE: 30 JUNE 2023****ITEM NO: 23/06/PDT12****ANNUAL REVIEW OF THE KOUGA MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK****1. Introduction**

The purpose of the item is to present the annual performance review of the Kouga Municipality Spatial Development Framework to Council.

2. Background

The annual Municipal Spatial Development Framework review should take the form of an annual performance report that is included in the Annual "IDP Review Report" or report on the "Review of the IDP" for "2022/23 IDP Review Report".

Factors considered for the annual performance review of Kouga MSDF include:

- Are the aims and objectives of the MSDF being reached by the municipality?
- The Kouga Municipal (KM) Municipal Spatial Development Framework (MSDF) is a framework that seeks to influence the overall spatial distribution of current and future land use within Kouga in order to give effect to the vision, goals and objectives of the municipal Integrated development Plan (IDP).
- The KM MSDF also has a longer time horizon (2030 and beyond to 2050) than the '5 year' IDP and therefore provides the long-term spatial context for the IDP. The KM MSDF is more than the spatial representation of the sector plans of the IDP, it sets out the spatial strategy within which the IDP operates. The key spatial plan of the SDF and the spatial perspective as well as the short term (5 year) spatial priorities are to be incorporated in the IDP as the SDF sector plan.
- The KM MSDF has a longer-term focus to ensure the future growth and development does not result in unsustainable low density settlement sprawl and the destruction of the ecosystem and agricultural resources on which the KM's economy depends. The unsustainable and destructive development will also prevent equitable access to resources and will perpetuate the spatial divisions of the past.

The spatial vision of KM MSDF:

“Kouga is a municipal area where well protected natural resources provide economic opportunities and a framework within which a network of well-connected SMART settlements, with a unique town feel, provides social and economic opportunities for all residents.”

This Vision is built on the following components:

1. A hierarchy of settlements
2. Networks – Mobility and Logistics
3. Protect natural resources/Integrated Environmental Management
4. Promoting Agriculture and Rural Development
5. Efficient functioning of settlements / Resilient, Inclusive, Smart and Sustainable Settlements.

Challenges with current KM MSDF and questions to be considered:

It is very difficult to determine if the aims and objectives of the MSDF is being reached by the municipality. The MSDF vision and long-term spatial structure for the municipality are not clear. There is a level of ambiguity regarding MSDF vision and long-term spatial structure- it is quite difficult to tell which direction the Nodes are growing towards. Priority Development Areas and Functional Areas are not identified and that makes it difficult to prioritize, budget and prepare project-based responses.

Is the direction provided by the MSDF brought into the compilation or amendments of relevant sector plans, e.g. the Integrated Transport Plan (ITP), Water Services Development Plan, Integrated Waste Management Plan, Air Quality Management Plan, engineering services master plans, the human settlements plan, etc.?

Relevant sector plans do not find expression in the current KM MSDF, this is because during the preparation of the KM MSDF critical internal departments were not involved, so information from those departments was never incorporated into the SDF.

Is the municipal budget being spent in line with the priority development areas identified in the MSDF?

The current SDF does not clearly indicate “priority development area”- as a result it is practically impossible to measure if the municipal budget is being spent in line with the priority development areas.

What substantive development permissions (rezoning's and subdivisions) has the municipality given in the past financial year?

Land Use Management Division should provide a list of major developments approved in the past financial year, if any.

Are these development permissions aligned to the objectives, principles and policies set out in the MSDF?

What site-specific deviations did the Municipal Planning Tribunal (MPT) permit? What is the impact of these on the IDP/ Budget/MSDF?

There are no site-specific deviations that the MPT permitted- the challenge currently with the MSDF is the "Rural Development Edges" which include: Crossway Rural Edge; Gamtoos Mouth Rural edge; Kromme River Rural Edge. There are some disputes regarding the demarcation of this rural development edges- the dispute is that the boundaries of the "Rural Development Edges" were incorrectly captured in the MSDF – and as a result this creates an impression that the applicants want to deviate from the MSDF.

The Town Planning department is currently looking into the dispute with the aim of devising way forward.

Are implementation actions identified by the MSDF (including the Capital Expenditure Framework) being brought forward into the IDP, and SDBIPs and where relevant, budgeted for?

Capital Expenditure Framework (CEF) is described as a consolidated high-level view of infrastructure investment needs in the municipality over a long-term period, 10 to 20 years. It is further defined as a high-level long term infrastructure plan that flows from a Spatial Development Framework. It estimates the level of affordable capital investment by the municipality over the long term.

The current Capital Expenditure Framework Section/chapter in the Kouga MSDF is merely a list of projects identified by the IDP. The CEF section of the MSDF does not comply with the "Guidelines for the preparations of a CEF as prepared by COGTA".

A CEF should comprise of the following components:

Step 1: identify Functional Areas (FA) and Priority Development Areas (PDAs)- "this is not the case with the CEF of Kouga MSDF- there are no identified 'Functional Areas' and 'Priority Development Areas' in the SDF".

Step2: Undertake developmental and socio-economic profiling for the municipality, as well as each functional area- this has not been done, no evidence of this in the CEF Section.

Step 3: Compile a land budget for residential and commercial growth for the next ten years- "the CEF section does not make any projections in this regard."

Step 4: Confirm the appropriateness of the SDF vision and long-term spatial structure for the municipality as an input to the prioritization and budget alignment of the municipality- “whenever there is a prioritization and budget alignment the SDF vision and long-term spatial structure are not taken into consideration”.

Step 5: Prepare programmatic and project-based responses per sector based on the land budget and residential and commercial growth estimates, to identify capital investment requirements and backlogs- “the current project in the CEF section is list of projects in the IDP, they were not informed by the land budget and residential and commercial growth estimates- currently we do not know what the capital investment requirement and the backlogs is”.

Step 6: Develop a long-term financial plan, with a planning horizon of 10 years- “this has not been done”.

Step 7: Compile an affordability envelope and optimal capital funding mix- “this is not captured in the CEF as per Kouga MSDF”.

Step 8: Structure capital investment programmes per functional area- “this is not the case as per CEF Chapter of the SDF of Kouga Municipality”.

Step 9: Compile a CEF for a 10-year horizon based on spatially-prioritization- “the spatially-prioritization does not feature in the MSDF – this has not been addressed by the CEF chapter of the MSDF”.

Step 10: Conceptualize a 3-year (MTREF) CEIP with project and programmes which will serve as the municipal capital budget- “the information regarding municipal capital budget was not provided nor considered during the drafting of the MSDF”.

Step 11: Implementation tracking- “if the MSDF had a proper CEF Chapter it would have been possible to track if the implementation actions identified by the MSDF are being brought forward into the IDP, and SDBIPs- but currently they are not because “Implementation Actions” of Kouga MSDF are not clear”.

Are implementation actions identified by the MSDF (including the Capital Investment Framework) in the Strategic Plans and/ or Annual Performance Plans and Budgets of relevant provincial and national government departments and state-owned entities?

During the preparation of MSDF it is imperative that the intergovernmental steering committee is established- representative to serve on the intergovernmental steering committee are from: relevant provincial and national government departments and state-owned entities- this representative will guide and ensure that implementation action of the MSDF is aligned or informed by the provincial and national strategic plans and budget.

It is unclear if the intergovernmental steering committee was established for the preparation of Kouga MSDF in 2020.

Do prior amendments suggest the municipality needs to commence with a compilation of a new MSDF?

Identified shortcomings:

In the case of Kouga Municipality MSDF, there are shortcomings that forces the municipality to commence with a compilation of the new MSDF or amendment of the MSDF.

- The preparation of the existing MSDF took place during COVID-19 Pandemic and critical steps or phases of the MSDF were not adequately considered; this includes thorough public participation (Community engagements) not everyone had access to internet to participate on virtual meetings arranged for public participations.
- The errors in the MSDF need to be rectified as a matter of urgency, a comprehensive CEF chapter is required.
- The MSDF was adopted by the outgoing Council in February 2021- new Council took office in December 2021 and the "changing circumstances" (such as change in political leadership, drought, climate change- have substantive impact on the MSDF) and this "annual performance review as submitted" triggers an amendment/compilation of the MSDF.

3. Comments by the Directorates

3.1 Director: Finance

Item noted.

3.2 Acting Director: Planning, Development and Tourism

Recommendations are noted and supported.

3.3 Acting Director: Corporate & Digital Services

Item supported.

3.4 Acting Director: Infrastructure & Engineering

Item noted.

3.5 Director: Community Services

Item is noted

3.6 Municipal Manager

That the item be supported.

4. Financial Implications

If Council agrees to amend or review the MSDF, there will be financial implications. The amendment or review of the MSDF cannot be done internally as there is no capacity within the planning department. Tender processes will have to be followed and the service provider be appointed.

5. Legislative provision

The review or amendment of MSDF is done in terms of applicable provisions of Municipal Systems Act (Act 32 of 2000) and Spatial Planning & Land Use Management Act (Act No. 16 of 2013).

6. Other implications

None.

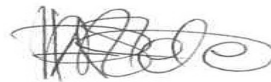
7. Recommendation

7.1 That Council take note of the urgent need for the amendment or review of the MSDF.

7.2 That Council approve the review of the Municipal Spatial Development Framework.

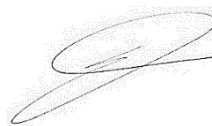
Item prepared by: Chief Town Planner

(Mr. P Molele)



Item approved by: Acting - Director PDT:

(Ms. L Opperman)



Item endorsed by: Municipal Manager

(Mr. C Du Plessis)



Item endorsed by the Portfolio Chairperson

(Ms. S Ruth)



KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT AND TOURISM****DATE: 30 JUNE 2023****ITEM NO: 23/06/PDT15****TAX REFUNDABLE PAYMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND THE SOUTHERN AFRICA PGA TOUR NPC FOR THE 2023 SDC CHAMPIONSHIP****1. Introduction**

The purpose of this item is to seek support from Council for the approval to pay Output VAT to South Africa PGA Tour NPC for the 2023 SDC Championship event that was hosted in St Francis Bay from 16 – 19 March 2023.

The company is a VAT vendor. A VAT invoice was received for the VAT on the Sponsorship amount.

This amount is refundable to KLM from SARS once paid.

2. Background

The event was a professional golf tournament co-sanctioned by two of the leading international tours namely the Sunshine Tour and DP World Tour, previously the European Tour. The championship hosted at St Francis Links consisted of a Pro-Am Corporate golf day on 14 March 2023 and a 4-day professional golf tournament from 16 – 19 March 2023 with 159 professional golfers with caddies and their families and teams.

The event offered Kouga media coverage of 4 full days live on SuperSport broadcasting to a global audience with a reach of 165 million global potential households. 33 International broadcasters broadcasted globally for the duration of the championship. 980 online articles were published with a reach of 348,3 million readers. Television coverage was a total of 362 hours.

Local organizations and residents took up jobs in the local transport, security and hospitality businesses, at the golf and the surrounding activities.

The title Sponsor was the Skills Development Corporation (SDC) which has a long-term strategy to establish a journey of development for a prospective skills development hub in Kouga benefiting local youth through sports development and other skills transfer activities.

For reference to the above item please see attached Annexures A: Sponsorship Proposal

3. Comments by Directorates:

3.1 Director: Finance
Report noted

3.2 Acting Director: Planning, Development and Tourism

The item is noted, and recommendations are supported.

3.3 Acting Director: Corporate & Digital Services

Item noted

3.4 Director: Infrastructure & Engineering

Item noted

3.5 Director: Community Services

Item noted

3.6 Municipal Manager

Item supported.

4. Financial Implications

R 225,000.00 (Two hundred and twenty-five thousand rand) for the 2022/2023 FY. Budget U-key: 20230203054893. This amount will be claimed from SARS as input VAT.

5. Legal Implications

None

6. Other Implications

None.

7. Recommendations

7.1 That Council approves the Refundable output Tax Payment towards the SDC Championship hosted in St Francis Bay for R225,000.00 (Two hundred and twenty-five thousand rand)

7.2 That Council authorizes the Accounting Officer to finalize the payment for refundable tax amount to Southern Africa PGA Tour.

Item prepared by: Acting LED & Tourism Manager:



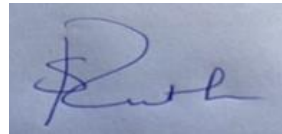
Item approved by: Acting - Director PDT:



Item endorsed by: Municipal Manager



Item endorsed by the Portfolio Chairperson



ANNEXURE A

**THE SDC
CHAMPIONSHIP**
at St Francis Links

A Sunshine Tour /
DP World Tour
Co-Sanctioned Event

16 – 19 March 2023









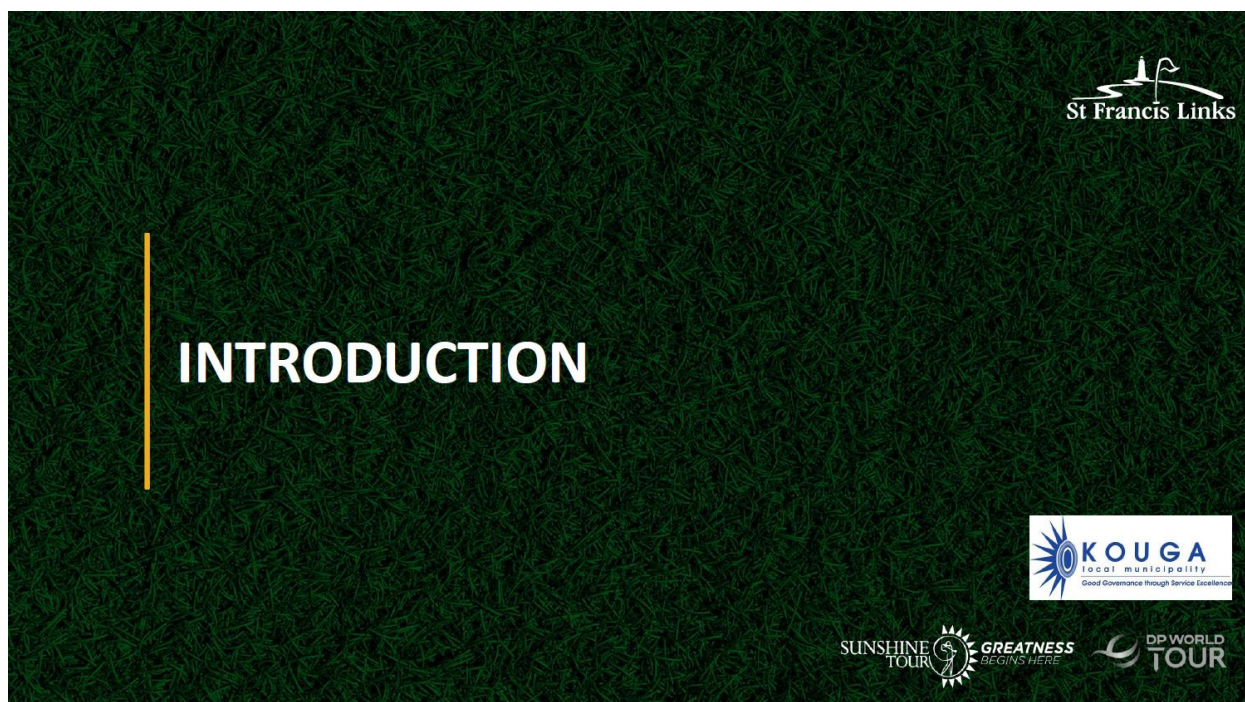



Contents | The SDC Championship 2023 (DP World Tour / Sunshine Tour)

1. Introduction
2. Event Details
3. A Journey of Development
4. Tournament Media Exposure
5. Rights Package Proposition


St Francis Links





Introduction | The SDC Championship 2023 (DP World Tour / Sunshine Tour)



FOCUSSED FORM OF ADVERTISING

Golfers are regarded as an ABC1 socio-economic demographic with high levels of disposable income. The perfect fit for luxury brands

GOLF MARKET SIZE

80 million players globally and in excess of 34,000 golf courses

GOLF SPONSORSHIP

Second most valuable sport in the world to advertisers, behind football

GOLF TOURISM INDUSTRY

Estimated at more than \$ 50 Billion per annum

EXPERIENCE

The only sport where amateurs can play alongside their heroes (Pro-Am Event). You cannot play football with Messi, or tennis with Djokovic, or drive against Lewis Hamilton

RETURN ON INVESTMENT

Golf sponsorship delivers the best ROI for companies seeking exposure to HNW individuals when compared to other forms of advertising.

NETWORKING

Industry leaders and decision makers participate in the game.

EVENT DETAILS



Event Details | The SDC Championship 2023 (DP World Tour / Sunshine Tour)



This event will be a professional men's tournament co-sanctioned by two of the leading International men's tours namely the Sunshine Tour and DP World Tour



The Sunshine Tour is the recognised controlling body of professional tournament golf in South Africa, Sub-Saharan Africa and Indian Ocean Islands.



The Sunshine Tour and the DP World Tour will co-host six events that will form part of their official schedule for 2023. The DP World Tour will represent a truly global tour through an international schedule, that will feature a minimum of 47 tournaments in 27 different countries.

Tournament | Details



Dates:

16-19 March 2023

Venue:

St Francis Links in St Francis Bay (Eastern Cape), South Africa, is ranked as the 4th best course in South Africa and has hosted numerous professional golf tournaments and is the Home of the PGA Championship.

Field Size:

156 (Half Sunshine Tour & DP World Tour players)

Prize Fund:

USD 1 500,000

Pro-Am:

Official Pro-Am hosted on the Tuesday of Tournament week

VIP:

Official VIPs hosted on Rounds 3 & 4

Programme of the Week:

- Pre-qualifying will be at Centurion GC beforehand
- **Monday** – Practice day
- **Tuesday** – Pro-Am
- **Wednesday** – Practice day
- **Thursday & Friday** – Day 1, Day 2 professional golf tournament
- **Saturday** - Day 3 professional golf tournament | VIP Hospitality
- **Sunday** - Final round professional golf | VIP Hospitality



7

TOURNAMENT MEDIA EXPOSURE



Television Broadcast | The SDC Championship 2023 (DP World Tour / Sunshine Tour)



The SDC Championship will be broadcast via the following mediums:



Supersport

- 4-day live TV on SuperSport via dedicated golf channel 213
- Feature in preview shows
- Highlights package
- Featured on DSTV CatchUp



DP World Tour

- 26-minute highlights package
- Global Audience
- 165 million Global Potential Household Reach

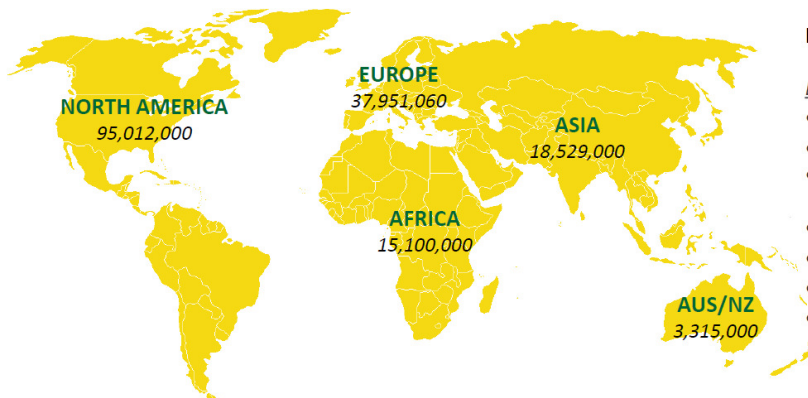


9

Global Television Reach (Highlights Package) | Co-Sanctioned Event



*Global potential household reach: **169,907,060***



INTERNATIONAL BROADCASTERS : 33

BROADCASTERS INCLUDE:

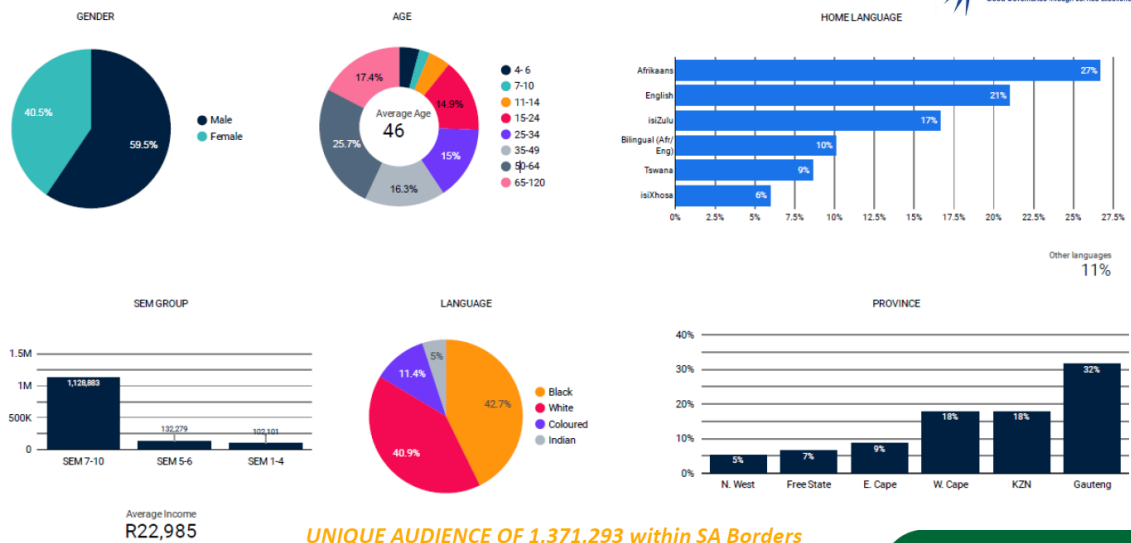
- SUPERSPORT
- SKY SPORTS (UK, GERMANY, AUSTRIA)
- CANAL + (FRANCE & FRENCH SPEAKING AFRICAN TERRITORIES)
- VIASAT GOLF (SCANDANAVIA)
- FOX SPORT (AUSTRALIA)
- GOLF CHANNEL (US & CANADA)
- SINA SPORT (CHINA)

Source: YouGov



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Television Viewership Analytics (SuperSport Broadcast within South Africa) | The SDC Championship 2023 (DP World Tour / Sunshine Tour)



**UNIQUE AUDIENCE OF 1,371,293 within SA Borders
and 5.4m in Sub-Saharan Africa**

Source: Nielsen



MEDIA EXPOSURE OVERVIEW | DP World Tour / Sunshine Tour



**To ensure maximum visibility for the tournament and its associated sponsors and partners,
the following media channels will be used to communicate:**

- Social Media Channels of Sunshine Tour, DP World Tour and SuperSport
- St Francis Links Website and Social Media Platforms
 - Tour Websites
 - Regular Press Releases
 - Radio
 - Television
 - PMG Outdoor
 - Airport Ads
 - Golf TV

The expected exposure values are based on externally audited values based on a similar event the proposed event



SOCIAL MEDIA | DP World Tour / Sunshine Tour



468.4k



446k



733k



35.5k



19k



18.2k



5.7m

3.1
m938
k

A recent tournament held that had the same profile as the proposed event generated the following in Social Media Exposure



92.8 million impressions



1.0 million Video Views



\$594,710 in net sponsorship value

Source: YouGov

13

Online Press Coverage | DP World Tour / Sunshine Tour



A recent tournament held that had the same profile as the proposed event generated the following in Online Press Coverage:



Total articles:
980 Articles



Potential readership:
348.3m Readers



Online press:
R 2,0 m Sponsorship Value



Source: YouGov

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Television Viewership Analytics

DP World Tour / Sunshine Tour



A recent tournament held that had the same profile as the proposed event generated the following Television Analytics:



Total live coverage:
23 hours



Total coverage:
362 hours



Gross advertising value:
\$22m (All media)



Source: YouGov

SUNSHINE TOUR GREATNESS BEGINS HERE DP WORLD TOUR 15



EVENT PARTNERS



GREATNESS
BEGINS HERE



EVENT PARTNERS | The SDC Championship 2023



Title Sponsor



Platinum Tier



Gold Tier



Logistics Co-ordination



A picture containing grass, green, lush

Description automatically generated



PHILOSOPHY A Journey of Development



Philosophy | A Journey of Development



The Sunshine Tour and St Francis Links, in partnership with the Kouga Local Municipality, invite a select few investors on a **Journey of Development**. This event is not just about 4 days of professional golf ... Our vision is for the event to provide long-term benefits and upliftment to the local community.

- Education goal – The development of a Skills Centre for the education of local youth who may not otherwise have access to such services (sport / first aid / vocational / fire prevention / agriculture / lifeguards / and more)
- The Development of Golf goal – The establishment of a Golf Academy inclusive of programmes for the local youth. Golf teaches youngsters fundamental life lessons – focus, problem solving, respect, patience and the ability to work with numbers. Let's teach them how to make life-long friends, to walk and be active in the fresh outdoors and to be self-confident.
- Sustainability goal – water conservation / recycling / waste management / green energy



Let's achieve positive and measurable socio-economic impact together.



KOUGA
TOURISM
Eastern Cape



Philosophy | A Journey of Development



**SPORT & SKILLS
DEVELOPMENT
ACADEMY**





LOGISTICS | The Sunshine Tour & DP World Tour

KEY

- ERF 554 Proposed Championship Village
 - Parking
 - Entertainment
 - Accreditation Collection
 - Toilets
- Pedestrian Traffic
- Lyme Rd South Residents Traffic
- General Village Traffic
- Blocked Access
- No Parking
- DO Spectator Drop Off Zone
- D Disabled Spectator Drop Off Zones
- P Spectator Parking Area
- TO Traffic Officer
- TM Vehicle/Spectator Traffic Marshal

CHAMPIONSHIP VILLAGE and the CHAMPIONSHIP WALK

- Event Application
- Traffic Control (incl drop-off zone)
- Partial Road Closure
- Safety / Fire & Disaster
- Refuse Control
- Law Enforcement
- Public Consultation
- Botanical Search & Rescue
- Temp Liquor License
- Market
- 2 or 3 days?

23

KLM & ST FRANCIS LINKS – a long term relationship

Good Governance through Service Excellence

- St Francis Links together with the PGA of South Africa would welcome a long-term partnership with KLM to participate in the 100th and 101st anniversaries of the tournament.



Jeff Clause | CEO | St Francis Links





 St Francis Links

THANK YOU



Event Co-ordination

Liezl Clause
 for St Francis Links
 083 285 7166 | l.clause@stfrancislinks.com

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

PLANNING, DEVELOPMENT & TOURISM

DATE: 30 JUNE 2023

ITEM NO: 23/06/PDT16

**REQUEST FOR COUNCIL TO RESCIND COUNCIL RESOLUTION-21/09/PDT9 AND GRANT
AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO
ALIENATE ERF 3291, HUMANSDORP (KOUGA CULTURAL CENTRE)**

1. Introduction

The purpose of this item is to request Council to rescind the previous council resolution (21/09/PDT9) and to obtain Council's in-principle approval to authorize the accounting officer to embark on a public participation process as contemplated in the Municipal Asset Transfer Regulations ('MATR') and obtain public comments on the potential alienation of Council owned immovable property also known as the Kouga Cultural Centre and situated on Erf 3291, Humansdorp.

2. Background

The Kouga Cultural Centre was constructed during 2002 for the promotion and development of tourism and cultural activities.

The property has been vacant since November 2020 and has deteriorated significantly over the past few years, so much so that it literally burnt down.

The asset division performed an assessment on the property in December 2020 and submitted the below report in 2021:

Asset Description

Property: Kouga Cultural Centre
Situating: Humansdorp (Station Street)
GIS Coordinates: -34.02547,24.77163
Asset Classification: Investment property

Observation

Upon inspection of the facility on 1st of December 2020, the venue was extremely vandalized, and the building didn't have proper access control as some of the windows and doors were broken and removed.

Most of the built-in furniture was removed.

The following assets that were on the inventory list could be verified:

- Fire Extinguisher (**11937**)

- Trellidor Gate (**06799**)
- Built-in Table (**04421**)

The following assets could not be verified.

- office table (**11976**)
- display cabinet ((**11908**)
- Cupboard Built In (**04424**)
- Cupboard Built In (**04430**)

There were a few broken chairs laying around without barcodes as well as a lawnmower.

The following observations was made in 2020/2021 with regards to the building:

Exterior	Remarks	Photo
Walls	Common minor cracks were observed in the foundation walls. This implies that some structural movement of the building has occurred. Cracks of this type should be watched for any sign of additional movement. In the absence of any sign of ongoing movement, repair should not be necessary.	
Windows	Windows were completely damaged, and in some instances, frames were removed. Important factor is that the window exteriors should be well-maintained to avoid rot or water infiltration, housebreak -in and theft.	
Gates	There are two entrances and both gates are not locked to secure premises. This is a high-risk area for unauthorized access, and it should be prioritized.	
Garden	Grass has been cut and rest of garden has been partially maintained.	
Fence	The concrete palisade fence is in good condition. Only a few broken posts must be replaced. This is a high safety risk area for unauthorized access and repairs should be prioritized.	

Interior		
Plumbing	Generally, all plumbing is in a very poor condition and major repairs need to be made to restore the items. We notice evidence of active leaks that must be repaired as well	
Drains	Generally, all drainage lids have been removed and must be replaced. This is a high safety risk area and repairs should be prioritized.	
Doors	Doors have been damaged and removed from frames. Major repairs are needed to restore the items.	
Roof Structure	The roof is in fair condition. We did see evidence of active leaks (moist on the wall). Repairs to the roof should be prioritized.	
Parking Area	Parking area is gravel and is in a poor condition.	
Plaster	Plaster is falling off the walls and cracks indicate that minor repairs must be done.	
Frames	Generally, most of the windows and door frames have been removed. These have to be replaced as it presents a risk for house break-in and theft	
Flooring	The tiles are broken and there are cracks in the floor. Minor repairs are needed.	
Roof/ceiling	Ceiling is still in a fair condition and minor repairs is required.	
Cupboards	Build in cupboards has been removed from walls.	

Electrical Infrastructure	All electrical wiring has been removed, the main switchboard has also been damaged and removed from the walls. All electrical repairs should be considered as important safety items as they present the risk of fire or shock. These items should receive high priority for action	
Burglar Bars	Generally, the burglar bars are in a poor condition and need to be replaced. These also present a risk for break-in and theft.	

Please note this is a visual inspection therefor:

- Structural components concealed behind finished surfaces could not be inspected.
- Engineering or architectural services such as calculation of structural capacities, adequacy, or integrity was not part of our inspection.

Overall Condition assessment ratings:

The overall state of the building is bad, substantial sections and components have deteriorated badly, suffered structural damage or require renovations. There is a risk of imminent failure. The state of repair has a substantial impact on surrounding elements or creates a potential health or safety risk.

The building was even further destroyed in a fire that broke out in 2021/2022 after which a request was made for the demolishing of the building:





Council then took a decision on 30 September 2021 to dispose and lease Erf 3291, Humansdorp (Kouga Cultural Centre) to Bophelo Impilo Development Centre:

21/09/PD9 APPLICATION FOR RIGHTS TO USE: KOUGA CULTURAL CENTRE: BOPHELO IMPILO DEVELOPMENT CENTRE	Resolved (30 September 2021) <i>That Council grant approval for right to use the Kouga Cultural Centre located on erf 3291 Humansdorp to Bophelo Impilo Development Centre to restore and develop the facility into a Craft Centre.</i> <i>That the applicant be responsible for all land use application and associated costs, should there be any required.</i> <i>That Council grant authorization to the Accounting Officer to enter into Right-to-Use Lease agreement with Bophelo Impilo Development Centre respect of the property contemplated herein, for the restoration and development of a Craft Centre.</i> <i>That a clause be added to the lease agreement that details the time frame for development to commence within six (6) months of signing the lease agreement.</i>	<i>The applicant, Bophelo Impilo Development Centre has indicated that they will no longer be involved in the upgrading and development project as they have parted ways with the Wind Farm.</i> <i>We are exploring the possibility of Kouga Windfarm making use of the Cultural Centre for community projects in collaboration with KLM.</i> <i>However, should the Windfarm not be interested then other proposals will also be considered.</i>
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Notwithstanding numerous attempts to finalize the intended Lease Agreements herein, the said Trust never signed the lease agreements. The municipality then placed the Trust on terms in respect of the finalization of the Lease Agreement, but to date no responses were received from the Trust in this regard. The Section would like to request the Council to **rescind** the abovementioned council resolution.

3. Comments by Directorates:

3.1 Acting Director: Corporate & Digital Services

Item supported

3.2 Director: Community Services:

Item supported

3.3 Director: I & E:

Item supported

3.4 Chief Financial Officer:

Report noted

3.5 Deputy Municipal Manager

Item supported

3.6 Municipal Manager

Item supported

3.7 Acting Director PDT

The item is supported. The subject building is situated at the entrance of Humansdorp and is creating an unappealing sight for the town. It would be in the best interest of the municipality to have this site properly developed and in line with the approved Spatial Development Framework (SDF).

The intention is to call for an expression of interest and assess the development proposals so submitted in line with the strategic view of council and the approved SDF.

4. Financial implications

Due to the method of disposal, there will be financial implications related to the transaction. The Municipality stands to gain an estimated amount of R7,500,000.00 (seven million, five hundred thousand Rand – 2018 GV) for the sale and transfer of the immovable properties. In order to gain certainty on the monetary values, the Municipality will likely spend a certain amount in respect of obtaining certified market valuations for the properties by appointing a service provider to undertake the process. Budget is available for the appointment of a service provider.

Should Council grant in-principle approval for the disposal contemplated, it is envisaged that -

- all costs in respect of the transfer costs be borne by the prospective bidder / developer;
- income generated by the disposal shall not be less than the fair market related values of the properties, as certified by a professional valuer;

The selling price of the capital assets may not be less than the market related values, except when the plight of the poor or public interest demands otherwise, and therefore, the municipal values reflected above are estimates purely for the purposes of assisting Council to make a reasonable determination that the assets are, in-principle, available for transfer.

5. Legal implications

In respect of disposals of this nature, various legislative requirements must be met before the valid and lawful disposal of Council owned immovable assets may take place. The processes are set out herein below.

In terms of section 14 of the MFMA, 2003, a municipality may not (*inter alia*) transfer ownership of as a result of a sale or by way of any other transaction dispose of capital assets unless the Municipal Council has, in a meeting open to the public,

- decided that the assets are not needed to provide minimum level of basic municipal services; and further, that
- it has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

The MATR requires that the Municipal Council takes into account the considerations listed in Regulation 7 (a) to (l) as per the following excerpt:

7. Consideration of proposals to transfer or dispose of non-exempted capital assets.—The municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5 (1) (b) (i) and (ii), take into account—	
(a)	whether the capital asset may be required for the municipality's own use at a later date;
(b)	the expected loss or gain that is expected to result from the proposed transfer or disposal;
(c)	the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;
(d)	the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;
(e)	the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
(f)	any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
(g)	the estimated cost of the proposed transfer or disposal;
(h)	the transfer of any liabilities and reserve funds associated with the capital asset;
(i)	any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;
(j)	any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury;
(k)	the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and
(l)	compliance with the legislative regime applicable to the proposed transfer or disposal.

The National Treasury guideline provides that the considerations listed in (i) and (j) should not be read as to be mandatory; however, should comments be available, it should be included. In this instance there are no such comments available to Council, and therefore same should be solicited before reaching a final decision in respect of the proposed disposal.

The Kouga Municipal Disposal of Immovable Assets Policy of 2020 provides for the following:

5.10	The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA: (a) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services; (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and (c) has as a consequence to 5.10(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer.
5.11	The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA: (a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services; (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and (c) has as a consequence to 5.11(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.

It is further submitted that this information statement is sufficient for Council to **grant approval for public participation** for the potential disposal in order to solicit comments from the community as contemplated in the MATR Regulations 5(3) and 6.

6. Other implications

Should the processes not be completed in accordance with the relevant legislative prescripts, the Municipality may be exposed to additional legal and financial ramifications and may be obliged to defend a legality review, failing which the Municipality may be liable for party-party legal costs.

7. Recommendation

- 7.1 That Council rescind previous council resolution, 21/09/PD9.
- 7.2 That Council, in terms of Reg 6(a) and (b) of the MATR and Policy on disposal of immovable assets, **in principle**, approve the alienation of the said Erf 3291, Humansdorp and grant authorization to the Accounting Officer to advertise and commence public participation, on Council's intention to alienate the immovable property, Erf 3291, Humansdorp (Kouga Cultural Centre) and dispose of the immovable property by way of a competitive alienation process.
- 7.3 That a 30-day process of advertisement, consultation and invitation for public commentary be implemented.
- 7.4 That the Department of Land & Property Administration finalizes the Section 14 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.

- 7.5 That the market related value for the immovable properties contemplated in be confirmed through independent or alternatively the latest municipal valuation.
- 7.6 That an independent valuation report and the section 14 report be submitted to Council after completion of the processes stated in 7.3 to 7.5 above.

**Item prepared by Manager:
Land & Property:**



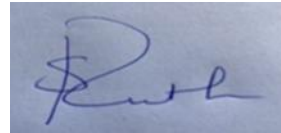
Item approved by the Act. Director PDT:



Item endorsed by the Municipal Manager:



Item noted by the Portfolio Chairperson:



KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT AND TOURISM****DATE: 30 JUNE 2023****ITEM NO: 23/06/PDT17****GRANT-IN-AID 2022/2023 FEEDBACK REPORT TO COUNCIL: SALVATION SA KRUISFONTEIN KOUGA FUTURE FARMERS****1. Introduction**

The purpose of the item is to report to the Kouga Municipal Council the outcomes of an enquiry done by the Local Economic Development Section on the Grant in Aid Application (GIA) of Salvation South Africa Kouga (Kruisfontein Future Farmers) (See Annexure A Summary of Grant in Aid Committee) after it was withdrawn by Council as per Item 22/12/PDT 6.

2. Background

The Kouga Municipal Council approved the Grant in Aid policy on 31 May 2017 to address the numerous request it receives from the public organizations for funding on an annual basis. Section 152 of the Constitution (Act 108 of 1996) accords the Kouga Municipal Council to allocate and distribute grants.

Grant in Aid notice no. 118/2022 was advertised in the Kouga Express on the 18th of August 2022 and submission closed on 15 September 2022. Fifteen applications were received and evaluated for the 2022/23 Financial Year and Proposals for the GIA support under the following focus areas:

- a) Recreation, Arts & Culture events.
- b) Community Project: Local Economic Development and Job Creation.
- c) Agricultural projects (small scale projects and or emerging farmers)

The Kouga Municipal Council held an ordinary council meeting on 9 December 2022 to discuss and approve the Grant in Aid report with recommendations as per council item 22/12/PDT6.

The council approved the following applications:

- a) Humansdorp Cultural Museum.
- b) Sakhe Singamadoda Youth Organisation.
- c) On Eagles Wings Multi-Purpose Centre.

The Council withdrew the following Item:

Salvation South Africa Kouga Kruisfontein Future Farmers (See attached Annexure B Council Item withdrawal of Salvation South Africa Kouga).

Following the withdrawal of the application for Salvation South Africa Kouga Kruisfontein Future Farmers Association in the Council meeting, the LED Unit arranged a meeting to get clarity on the following matters that came to the attention of the LED section regarding the Salvation South Africa Kouga Kruisfontein Future Farmers application:

- That the ward councillor for Kruisfontein indicated that he was not aware of the project. A letter of acknowledgement or support from ward councillor (Not a GIA Legal Requirement) was then requested for the project.
- A letter of Declaration that Mr. Cornè Didloft (Director of Salvation Kouga) is temporarily employed by Kouga Municipality at the Stores Department.
- A proof or evidence that suggest that Salvation South Africa Kouga is not the same organisation as Teen Challenge.

The meeting was convened on 30 March 2023 to seek clarity on the above matters, the meeting was attended by Mr. Conre Didloft and provided the following clarity:

- Salvation South Africa Kouga applied for funding to implement the Kruisfontein Future Farmers Project and is no longer Teen Challenge the organisation is Registered as Salvation South Africa Kouga.
- Cllr Alexander is their ward Councillor and is aware of the project and that Salvation South Africa will request a letter of acknowledgement or support from Cllr Alexander to produce to the LED Section **(See attached Annexure – Letter of Acknowledgement from Cllr Alexander)**.
- A signed declaration that Mr. Cornè Didloft (Director Salvation South Africa Kouga) is employed by the Kouga Municipality **(See attached Annexure – Signed Declaration of Interest)**.

For reference to the above item please see attached as follows:

Annexure A
Grant in Aid Application for Salvation South Africa Kouga.

Annexure B
Council Item withdrawing the application for Salvation South Africa Kouga.

Annexure C
Letter of Acknowledgement from Ward Councillor.

Annexure D
Signed Declaration from Mr. Conre Didloft

3. Comments by Directorates:

3.1 Director: Finance

Report noted

3.2 Acting Director: Planning, Development and Tourism

The item is noted, and recommendation supported.

3.3 Acting Director: Corporate & Digital Services

Item supported

3.4 Director: Infrastructure & Engineering

Item supported

3.5 Director: Community Services

Item supported

3.6 Municipal Manager

Recommendation supported.

4. Financial Implication

R100,000-00 (Hundred Thousand Rand only all-inclusive)

5. Legislative Provisions

Failing to effect payment in line with the provisions of the Kouga Grant-In-Aid Policy and the MFMA may result in any such payment considered to be irregular expenditure as defined in the Municipal Finance Management Act.

6. Other Implications

None.

7. Recommendation:

- 7.1 That Council **approves** the recommendation of the Grant- in- aid Committee as submitted (Item 22/12/PDT 6) in respect of **Salvation South Africa Kouga (Kruisfontein Future Farmers)** to allocate funds as follows:

<u>ORGANISATION</u>	<u>GRANT ALLOCATION</u>	<u>DIRECTORATE</u>
Salvation South Africa Kouga Kruisfontein Future Farmers	R100 000.00	Planning, Development & Tourism

- 7.2 That the Accounting Officer be authorized to enter into a Funding Agreement in respect of the approved funding in 7.2 above.

Item prepared by: Snr LED Officer:



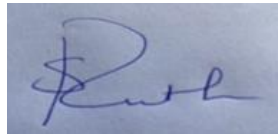
Item approved by: Acting - Director PDT:



Item endorsed by: Municipal Manager



Item noted by the Portfolio Chairperson



ANNEXURE A – SUMMARY OF APPLICATION AND OUTCOME FROM GRANT IN AID COMMITTEE

NAME OF ORGANIZATION	MAIN PURPOSE OF THE BUSINESS	TYPE OF REGISTRATI ON CERTIFICATE	DETAILED BUDGET WITH MOTIVATI ON	AMOUNT REQUESTED	BUSINESS IMPLEMANTATIO N PLAN	SIGNED AUDITED FINANCIALS	AREA FOR WHICH FUNDING IS REQUESTED	OUTCOME
1. SALVATION SOUTH AFRICA KOUGA KRUISFONTEIN FUTURE FARMERS	Future Farmers - the funds are received the needed implements and materials will be bought for making of compost, the housing for the boilers, seed / seedlings and materials for the construction of a small greenhouse.	NPO Certificate Submitted	Detailed Budget Motivation Submitted	R 200 000.00	Business Implementation Plan Submitted	Audited Financials Submitted	Agriculture – Farming	Approved

**ANNEXURE B - COUNCIL ITEM WITHDRAWING THE APPLICATION FOR SALVATION
SOUTH AFRICA KOUGA**

EXTRACTS OF THE ORDINARY COUNCIL MEETING HELD ON 9 DECEMBER 2022

22/12/PDT6 GRANT IN AID

Resolved (9 December 2022)

1. That Council **approves** the recommendations of the Grant-in-aid Committee to allocate funds as follows:

<u>ORGANISATION</u>	<u>GRANT ALLOCATION</u>	<u>DIRECTORATE</u>
Humansdorp Museum Association	R200 000.00	Planning, Development & Tourism
Sakhe Singamadoda Youth Programs	R33 750.00	Planning, Development & Tourism
On Eagles Wings Multi-Purpose Centre	R50 000.00	Planning, Development & Tourism

2. That Organizations be workshopped on the application process for Grant in aid.
3. That the Lifesaving Nelson Mandela Bay be withdrawn and referred to the Sponsorship funding.
4. That the Salvation South Africa Kouga Kruisfontein Future Farmers be withdrawn from the item.

Proposed by: H Bornman

Seconded by: B Human

ANNEXURE C – LETTER OF ACKNOWLEDGEMENT FROM WARD COUNCILLOR.



Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis Bay
Thornhill

Address: 3060, 7DE Laan, Humansdorp, 6300

Cell: 062 286 2604

Tel: 042 200 2200

E-mail: jalexander@kouga.gov.za (preferred e-mail)

Email: jaques.alexander75@gmail.com (alternative e-mail)

Website: www.kouga.gov.za

**OFFICE OF THE WARD COUNCILLOR: KOUGA MUNICIPALITY EC
COUNCILOR J. ALEXANDER**

10 April 2023

Good day Mr Didloft.

RE - SALVATION SOUTH AFRICA KOUGA

This letter serves as acknowledgment for your activities that is happening in our ward.

It has been verified that you are fully functional, operational, and provide some training and work opportunities to residents of ward 4.

I, Cllr. E. J. Alexander is in favour and support any submissions made for any support towards the projects involved.

Please feel free to contact me if any more information is needed.

Kind Regards

Cllr. J. Alexander

Jaques Alexander | Ward Councillor | Office of the Speaker

☎ 042 2002 200 | ☎ 062 286 2604 | ✉ jalexander@kouga.gov.za

ANNEXURE D - SIGNED DECLARATION FROM MR. CONRE DIDLOFT



Cape St Francis
 Hankey
 Humansdorp
 Jeffreys Bay
 Loebe
 Oyster Bay
 Portenle
 St Francis Bay
 Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
 Tel: 042 200 2200 / 042 200 8300
 Fax: 042 200 8606
 Email: registry@kouga.gov.za
 Website: www.kouga.gov.za

ANNUAL DISCLOSURE FORM FOR EMPLOYEES

Please note:

Schedule 2 of the Municipal systems act provides that:

1. A staff member of a municipality who, or whose spouse, partner, business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose in writing in full the benefits to the council.
2. This item does not apply to a benefit which a staff member, or a spouse, partner, business associate or close family member, has or acquires in common with all other residents of the municipality.
3. Each employee shall, before the beginning of the new financial year, submit to the Municipal Manager, for the information of Council, a list of all interests and relationships, on behalf of him or herself or any member of his or her inner family circle, which may potentially result in a conflict of interest.

Pursuant to the above Code of Conduct, which I acknowledge to have received and read,

I, Conre Enrico Didloft
 (FULL NAME)

hereby declare the undermentioned interests.

In each instance, the declaration concerns an interest which, as defined in the said Code of Conduct, relates to a person or organization (company, business, professional practice, firm, consortium, partnership, or any other material form of relations) which is or may potentially, as far as I am aware, become engaged in a business or professional relationship or transaction with the Council.



Cape St Francis
Hankley
Humansdorp
Jeffreys Bay
Lorrie
Oyster Bay
Palenié
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

1. My own substantial, direct, beneficial and personal or financial interest in persons or organizations as aforesaid.

Please list all your interest of this kind here (the holding of shares in a listed company need not be recorded)

personal interest in SALVATION SA Kouga NPO

2. My own fiduciary responsibilities towards a person or organization as aforesaid.

Please list all persons and organisation as aforesaid to which you have a fiduciary responsibility, due to being a director, partner, associate, or trustee and/or by being employed or engaged by him, her or it in some executive capacity.

SALVATION SA Kouga

3. Substantial, direct, beneficial and personal or financial interests held on the part of members of my immediate family circle in a person or organization as aforesaid.

Please list all such interest of members of your immediate family circle (i.e. parents, siblings, children, and any other relative who may be living with you in your household) business



Cape St Francis
Hankley
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Palmiet
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

4. Any other interest or relationship which may potentially result in a conflict of interest as contemplated (this could, where applicable, include the receipts of financial or other material benefits – gifts, loans pension or the like of a substantial nature from a person or organization as aforesaid).

In my own case:

I hereby certify that the foregoing information is true and complete to the best of My knowledge; and I confirm that, notwithstanding this general notification, I am required to make an immediate and full disclosure of any actual or perceived conflict of interest (including any of those referred to above) on any occasion where such may arise during performance of my duties to the Council or its committees.

NAME:

Conre' Enrico Diddo

SIGNATURE:

[Signature]

DATE:

15/09/2022

WITNESSES:

[Signature]

REPORTS BY THE PORTFOLIO CHAIRPERSON: INFRASTRUCTURE & ENGINEERING

KOUGA MUNICIPALITY (EC108)**ORDINARY COUNCIL MEETING****INFRASTRUCTURE AND ENGINEERING****DATE: 30 JUNE 2023****ITEM NO: 23/06/I&E14****TEMPORARY TRANSFER OF FUNDS FROM THE BUDGETED ENERGY PROGRAM TO THE URGENT REPAIR OF HANKEY WWTW AND KWANOMZAMO SEWAGE PUMP STATION****1. Introduction**

The purpose of this item is to request Council approval for the transfer and usage of funds currently budgeted for under the KLM Energy Program to be used for the repair of the Hankey WWTW of R5 155 634,00 as well as the Kwanomzamo Sewage Pump Station of R1 224 891,00. This amounts to R6,380 million for repair and refurbishment inclusive of professional services consisting of consultancy fees (design, build, supervise and handover).

2. Background

The recent cholera outbreak and unfortunate loss of lives in Hamanskraal has prompted DWS to examine all Water Services Authorities and report on non-compliance to sanitation & drinking water norms and standards to consider the vulnerability of communities should cholera or any other contagious outbreak present itself.

Cholera is transmitted through the oral-fecal route, therefore the following barriers and good performance in water services is critical in minimizing the risk and managing infectious disease outbreaks:

- Good sanitation – safe sanitation, collection, conveyance and treatment in effective wastewater treatment works (WWTW) and disinfection of final effluent is the first barrier to infectious disease mitigation,
- Good and safe domestic water provision is essential to ensure a healthy lifestyle - water must be safe, at all times; and readily available for drinking, cooking and washing (personal hygiene),
- User awareness of good health & hygiene practices – to wash hands regularly, after ablutions and before food preparation, eating or handling babies

The status of monitoring at water works as presented in the annexures, shows where KLM municipality is performing or under-performing. Where under-performance is evident, the WSA is required to provide Action Plans within 14 days, of how

1. Drinking water quality management will be improved at each plant (Blue Drop improvement plan) at each plant shown in red,

2. Sanitation services will be improved at each WWTW (Green Drop improvement plan), at each plant shown in red & to meet required obligations.

The above-mentioned directive from DWS has issued clear directives to all municipalities to ensure that all WWTW and WTW comply to minimum norms and standards. Within this directive, DWS has insisted that a definite action plan be compiled by each municipality on all items flagged by the IRIS system in which non-compliance has been detected.

Kindly refer to the attached notice to KLM by DWS which reflects the current status of WWTW as well as WTW.

In order to address the shortcomings as highlighted in the DWS notice, funds will have to be reprioritised from the initial Energy Program to address, as far as funds will allow, the intervention and corrective measures required at the identified WWTW and WTW.

The following information was provided from the Integrated Regulatory Information System (IRIS)

WWTW (Waste Water Treatment Works)

Plant	Status on correct monitoring and performance reported	Action Plan
Hankey	Failed - plant vandalism on several occasions. Security detail lacking. Staff shortages.	Funds to be reprioritised for repair and upgrading.
Humansdorp (Kwanomzamo)	Failed – plant vandalism. Security details lacking seriously.	Total upgrade of plant to be addressed by MIG funding starting July 2023. Additional funds to be reprioritised for repair and upgrade for the sewage pump station.
Jeffreys Bay	Operational but not all monitoring and performance is reported on IRIS	Close monitoring and constant supervision – all information to be uploaded to IRIS
Kruisfontein	Operational	Minor maintenance to be conducted by I&E budget
Loerie (sewage pumpstation)	Fully operational.	Upgrade of pumps and electrical pane boxes. This will be done by inhouse I&E maintenance budget
St. Francis	Operational	Minor repair and maintenance to be conducted by I&E budget. Major service of pumps. Repair works at

		inlet screen to be addressed.
Thornhill Treatment Plant	80 % Operational. The upgrade required will address the plant to total operational status.	The upgrade, repair and maintenance the clarifier and aerators. Security detail will also be addressed. The maintenance and repair will be done with inhouse I&E funds.

WTW (Water Treatment Works)

Plant	Microbiological Acute Health	Action Plan
Hankey	96.6	Constant close monitoring and supervision to continue. Vacancies to be addressed that will minimise overtime. Bi-monthly water sampling and analysis remains high priority. Daily on-site plant operations critical.
Humansdorp	99.9	
Jeffreys Bay	99.9	
Loerie	99.9	
Oyster Bay	99.9	
Patensie	99.9	
St Francis Bay	99.9	
Thornhill	99.9	

3. Comments by Directorates:

3.1 Acting Director: Corporate & Digital Services

Item supported

3.2 Director: Community Services:

Item supported.

3.3 Director: I & E:

The Water Services Act, Act 108 of 1997 (the Act) sets norms and standards in section 9(1), (3) & (4) including reporting; and recording in national information system in section 67(1). Although many of our WWTW are indeed operational, certain WWTW, such as Hankey WWTW require urgent prioritized funding to prevent any further partially treated sewage to enter the natural environment. This site has unfortunately been vandalized on numerous occasions. Good and safe sanitation, collection, conveyance and treatment in effective wastewater treatment works (WWTW) and disinfection of final effluent is the first barrier to infectious disease mitigation.

3.4 Chief Financial Officer:

Report noted

3.5 Deputy Municipal Manager

Item supported.

3.6 Municipal Manager

Item supported.

3.7 Acting Director PDT:

Item noted and recommendations supported

4. Financial implications:

None

5. Legal implications:

None

6. Other implications

The reprioritization of funds towards addressing any and all shortcomings with regards to WWTW and WTW require priority attention to ensure that all regulated compliance is achieved.

7. Recommendation

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

Project description	Approved Budget 2023/24	Adjustment	Final Amended Budget 2023/24
Solar Panels Installation project	12 000 000,00	- 6 380 525,00	5 619 475,00
Hankey WWTW	-	5 155 634,00	5 155 634,00
Kwanomzamo Sewerage Pumo Station	-	1 224 891,00	1 224 891,00
	12 000 000,00	-	12 000 000,00

Item prepared by the: Director I & E:

A handwritten signature in black ink, appearing to be 'J. K.', with a small '2018' written below it.

Item endorsed by the Municipal Manager

A handwritten signature in black ink, appearing to be 'du Kemo'.

Item noted by the Portfolio Councillor

A handwritten signature in black ink, appearing to be 'M. Laro'.



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Private Bag X 7485, King William's Town, No. 2 Hargreaves Avenue, 5600

T - 082 802 8564
F - (043) 742 0843
E - Lucasa@dws.gov.za

[A Lucas](#)
21/6/5/6/8

02 June 2023

The Municipal Manager
Kouga Local Municipality
PO Box 21
Jeffreys Bay 6330

Attention: Charl Du-Plessis jreed@kouga.gov.za ivanstaden@kouga.gov.za

NOTICE OF NON-COMPLIANCE: FAILURE TO MEET WATER SERVICE NORMS & STANDARDS AND VULNERABILITY TO CONTAGIOUS DISEASE OUTBREAKS SUCH AS CHOLERA

The recent cholera outbreak and unfortunate loss of lives in Hamanskraal has prompted DWS to examine all Water Services Authorities and report on non-compliance to sanitation & drinking water norms and standards to consider the vulnerability of your communities should cholera or any other contagious outbreak present in your communities.

Cholera is transmitted through the oral-fecal route, therefore the following barriers and good performance in water services is critical in minimizing the risk and managing infectious disease outbreaks:

- Good sanitation – safe sanitation, collection, conveyance and treatment in effective wastewater treatment works (WWTW) and disinfection of final effluent is the first barrier to infectious disease mitigation,
- Good and safe domestic water provision is essential to ensure a healthy lifestyle - water must be safe, at all times; and readily available for drinking, cooking and washing (personal hygiene),
- User awareness of good health & hygiene practices – to wash hands regularly, after ablutions and before food preparation, eating or handling babies.

The Water Services Act, Act 108 of 1997 (the Act) sets norms and standards in section 9(1), (3) & (4) including reporting; and recording in national information system in section 67(1).

As Water Services Authority (WSA) and Water Services Provider (WSP) to the communities in your jurisdiction, we need to examine the performance of your WWTW and Water Distribution Schemes for compliance to national norms & standards (SANS 0241 for drinking water and the Green Drop & Blue Drop performance of WSAs:

- Annexure 1 shows the performance of the WWTW / sewage works under the control of your municipality, as drawn from DWS Integrated Regulatory Management System (IRIS),
- Annexure 2 shows the performance of your water treatment & distribution schemes of your municipality as drawn from IRIS,
- Annexure 3 shows your average Municipal trend (for acute health risk) over the past five years in **drinking water performance** compiled from annual IRIS graphs.
- Annexure 4 is a copy of DWS media statement on cholera outbreak.

The status of monitoring at your water works as presented in the annexures, shows where your municipality is performing or under-performing. Where under-performance is evident, the WSA is required to provide Action Plans within 14 days, of how

1. Drinking water quality management will be improved at each plant (Blue Drop improvement plan) at each plant shown in red,
2. Sanitation services will be improved at each WWTW (Green Drop improvement plan), at each plant shown in red & to meet required obligations.

Should you have any queries, please feel free to contact the writer / Department.

Yours faithfully



Mrs Portia Makhanya
PROVINCIAL HEAD: EASTERN CAPE
DEPT OF WATER AND SANITATION

DATE: 02/06/2023

Annexure 1: Monitoring Record for Kouga WSA per **Waste Water Treatment Works** scheme in 2023 showing which Works are failing to be correctly monitored and performance reported. The works in red are failing to be operated according to the Norms and Standards set in the Water Services Act.1997.

Kouga LM 0% for Waste water system monitoring & reporting!

Institutional Effluent Compliance					
Waste Water Management :Integrated Regulatory Information System (IRIS)					
Kouga Local Municipality : June 2022 - April 2023					
	Microbiological	Chemical	Physical	Operational	
Hankey	0.0 %	0.0 %	0.0 %	0.0 %	
Humansdorp	0.0 %	0.0 %	0.0 %	0.0 %	
Jeffrey's Bay	0.0 %	0.0 %	0.0 %	0.0 %	
Kruisfontein	0.0 %	0.0 %	0.0 %	0.0 %	
Loerie	0.0 %	0.0 %	0.0 %	0.0 %	
St. Francis	0.0 %	0.0 %	0.0 %	0.0 %	
Thornhill Treatment Plant	0.0 %	0.0 %	0.0 %	0.0 %	
Total	0.0 %	0.0 %	0.0 %	0.0 %	
Report Filters:					
REGION:Eastern Cape,INSTITUTION_TYPE:Water Service Authority,INSTITUTION:Kouga Local Municipality,FROM_DATE:2022-06-01,TO_DATE:2023-04-30,					

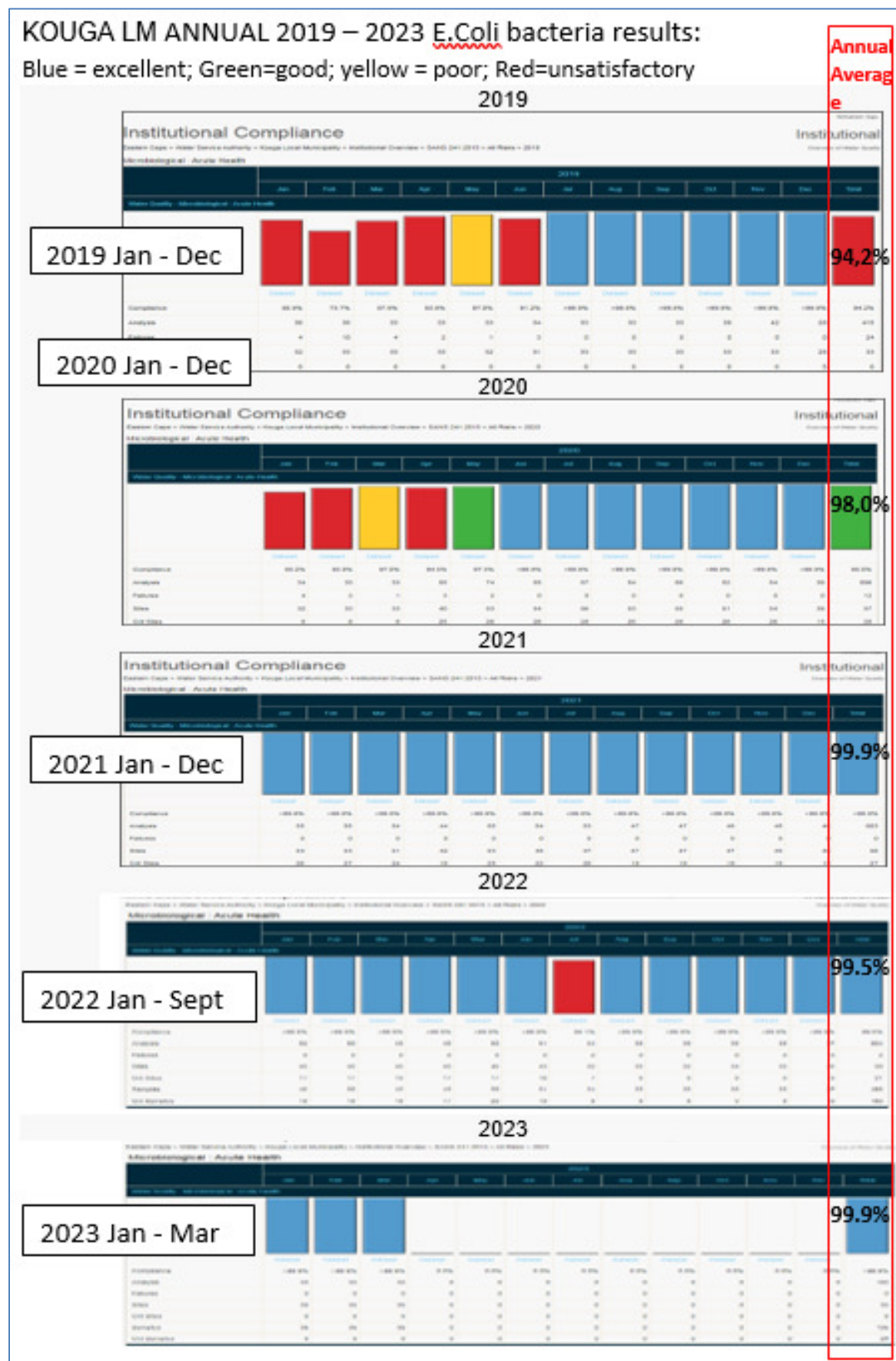
Annexure 2: Monitoring Record for Kouga WSA per **Drinking Water Scheme** in 2023 showing which Works are failing the Microbiological Acute Health standard along with Operational Monitoring And Disinfectant monitoring.

Kouga LM - Total Acute health Score = 99.6% (Excellent performance!)

Institutional DWQ Compliance							
Drinking Water Quality :Integrated Regulatory Information System (IRIS)							
	Microbiological : Acute Health	Chemical : Acute Health	Chemical : Chronic Health	Non Health Aesthetic	Operational	Disinfectant	
Hankey	96.6 %	99.9 %	99.9 %	87.5 %	93.3 %	0.0 %	
Humansdorp	99.9 %	0.0 %	0.0 %	0.0 %	97.4 %	0.0 %	
Jeffreys Bay	99.9 %	99.9 %	99.9 %	99.9 %	99.6 %	50.0 %	
Loerie	99.9 %	0.0 %	0.0 %	0.0 %	99.9 %	0.0 %	
Oyster Bay	99.9 %	0.0 %	0.0 %	0.0 %	99.9 %	0.0 %	
Patensie	99.9 %	0.0 %	0.0 %	0.0 %	99.9 %	0.0 %	
St. Francis Bay	99.9 %	0.0 %	0.0 %	0.0 %	99.9 %	0.0 %	
Thornhill	99.9 %	0.0 %	0.0 %	0.0 %	98.3 %	0.0 %	
Total	99.6 %	99.9 %	99.9 %	91.3 %	98.4 %	16.7 %	
Report Filters:							
REGION:Eastern Cape,INSTITUTION_TYPE:Water Service Authority,INSTITUTION:Kouga Local Municipality,YEAR:2023,STANDARD:SANS 241:2015,							

Rating for Microbiological Acute Health Score:

> 99%	Excellent
97-99%	Good
95-97%	Poor
< 95%	Bad

Annexure 3: Five Year performance record for Kouga Municipality:


REPORTS BY THE PORTFOLIO CHAIRPERSON: CORPORATE & DIGITAL SERVICES

KOUGA MUNICIPALITY (EC108)**ORDINARY COUNCIL MEETING****CORPORATE & DIGITAL SERVICES****DATE: 30 JUNE 2023****ITEM NO: 23/06/CDS7****KOUGA MUNICIPALITY – CALENDAR OF MEETINGS: 1 JULY 2023 TO 30 JUNE 2024**1. Introduction

The purpose of the item is to submit to Council the Calendar of Meetings for Council and its Committees for the period 1 July 2023 to 30 June 2024.

2. Background

The Calendar of Meetings for 1 July 2023 – 30 June 2024 is usually tabled prior to new financial year for consideration and adoption by Council.

3. Comments by Directorates:3.1 Acting Director: Planning, Development and Tourism

The item is noted.

3.2 Director: Community Services

Item noted

3.3 Acting Director: Corporate & Digital Services

Item noted.

3.4 Director: Infrastructure & Engineering

Item noted

3.5 Municipal Manager

Item noted

3.6 Chief Financial Officer

Report noted

3.7 Deputy Municipal Manager

Item Noted.

4. Financial Implications

None

5. Legal Implications

None

6. Other implications

None

7. Recommendation

- 7.1 That the Calendar of Meetings for the period 01 July 2023 to 30 June 2024, be approved by Council.

Item Prepared by: Manager: Administration & Auxiliary Services



Item approved by: Deputy Municipal Manager



Item endorsed by: Municipal Manager



Item noted by : The Portfolio Councillor



PF (Portfolio) OCM (Ordinary Council) MPAC MC (Mayoral Committee)

KAC (KOUGA AUDIT) P&B (Policies & By-law Committee) M&E (Monitoring & Evaluation Committee)

Date	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	Apr 2024	May 2024	Jun 2025
1						M&E						
2										PF		
3												
4												PF
5			M&E						M&E			
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8		PF				OCM						
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11	P&B											M&E
12			KAC						MPAC P&B			
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15		MC										
16							P&B			MPAC		
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26			P&BC									
27				OCM					OCM			
28	OCM				MPAC			MPAC			KAC	OCM
29		MPAC						OCM				
30							KAC			OCM	OCM	
31		OCM					OCM					

MOTION

KOUGA LOCAL MUNICIPALITY
COUNCIL OPEN AGENDA

18 MAY 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

VC

BDH

MOTION OF A VOTE 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 Basil 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.

VC

BH

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.

VLC

BNH

Due to the above reflection, I table this motion of a **Vote 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.

4. RECOMMENDATION

4.1. That this motion be put to vote by means of a secret ballot, to remove the executive mayor of Kouga Councillor Horatio Hendricks.

MOVER: CLLR. VUYANI ZANA

SIGNATURE.

 17/05/2023

SECONDER: CLLR. BAZIL HUMAN

SIGNATURE



ACKNOWLEDGEMENT OF RECEIPT

