

**MINUTES OF A SPECIAL COUNCIL MEETING OF KOUGA MUNICIPALITY HELD IN THE
COUNCIL CHAMBERS, JEFFREYS BAY, ON MONDAY, 20 MARCH 2023 AT 08:00**

Councillors

B Williams (Speaker)
Ald H Hendricks (Executive Mayor)
Ald D Benson
H Bornman
B Dhludhlu
T Jantjes
W Gertenbach
H Murray
R Foley
F Heystek
C August
M Biko
M van Niekerk
J Alexander
L Maree
S Ruth
P Oliphant
M Yali
V Gunuza
M Mbandana
K Ndzaleni
N Ntshota
B Human
N Ntengwane
E Mbuqu
M Valgee
M Dayimani
W van der Linde
L Nkilishane
V Zana

**Officials &
Municipal Manager**

C du Plessis (Municipal Manager)
L Opperman (Manager: Legal Services)
M Julius (Senior Administration Officer)
N Zode (Scribe)

1. **NOTICE OF MEETING**

The Municipal Manager read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Special Council Meeting will be held in the Council Chambers.

2. **OPENING AND WELCOME**

The Speaker welcomed all present and requested Cllr Mbuqu to open the meeting with prayer.

Directors were excused from the meeting.

3. **ABSENT WITH LEAVE**

None

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Zana congratulated a ward 13 member who represented the ward in Provincial Athletics and did very well.

Cllr Alexander congratulated Kruisfontein United which is currently participating in super 14 competition representing Kouga.

Cllr Yali congratulated the establishment of South African Youth Council in Kouga.

Cllr Dhludhlu congratulated the Executive Mayor and the Executive for successfully hosting the SDC tournament where Mr. James Kamte participated.

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

None

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

None

9. **DISCLOSURE OF INTEREST**

None

10. **MOTION**

10.1 **MOTION OF NO CONFIDENCE IN THE EXECUTIVE MAYOR**

The Speaker handed over to Cllr Zana to present the motion.

Cllr Zana requested a caucus meeting with the Chief whip of Council and other Chief whips.

Cllr Human stated that they are requesting for a vote on the Mayor to recuse himself, they also request that the Mayoral Committee also be excused from voting as they are directly appointed by the Executive Mayor.

Cllr Zana stated that there was a precedence set by Council when an item is tabled regarding a person, the individual is recused from the meeting. Hence the request for the Mayor to be recused. This will also allow members of the Executive Committee to indicate their objective views freely.

Cllr Van der Linde stated that he indicated to the fellow whips that Cllr Oliphant's case is different from the Executive Mayor. Cllr Oliphant had an opportunity to defend himself at the Rules and Ethics Committee, the Executive Mayor does not have that opportunity hence he must defend himself at the meeting when the need arises.

The Speaker quoted a case between Nquza Municipality vs Mdingi and stated that it makes specific reference to Section 53 of the Structures Act which reads as follows, "the court stated that a proper reading of section 53 prior notice to be given to all members of municipal council, this is to afford the affected member the opportunity to be aware of and consider the motion before it is tabled. The addition is to provide Council members the opportunity to engage meaningfully before a resolution is taken". Any Councillor does have the right to participate in the meeting and vote, he then ruled that the Mayor will remain in the meeting and is afforded the opportunity to defend the motion should he deem necessary. He then stated that as per the rules of order there is no debate on the Speaker's ruling.

Cllr Zana requested a 10 minute caucus.

Cllr Oliphant stated that the ANC caucus takes note of the biasness of the Speaker of Council on the subject matter, he further indicated that Cllr Dayimani and Cllr Oliphant were recused from the meeting when items pertaining to them were discussed. Deliberations and voting took place in their absence. The ANC feels that the Speaker in his previous ruling misled Council

and the caucus will refer the Speaker to the Rules and Ethics Committee for his conduct and misleading Council.

The Speaker indicated that his ruling still stands, he then explained that in the case of Cllr Oliphant and Cllr Dayimani they had an opportunity to appeal to the Rules and Ethics Committee. However in this instance the Mayor does not have that opportunity.

Cllr Zana tabled the motion.

Cllr Human indicated his disappointment in the actions stated in the motion regarding the Mayor. The appointment of his daughter while she did not hold the required experience is a clear violation. The position was supposed to have been re-advertised as there was not enough internal interest in the position. He then brought the attention of the meeting to the communities of Kruisfontein, Arcadia, Graslaagte, Rosedale and Pellsrus. Can Council confidently say enough has been done in their respectful areas? he further requested Council to vote in the interest of the poor and service delivery.

Cllr Ntshota concurred with the latter speakers.

Cllr Foley stated that the Municipality went through many challenges including drought and was successfully led through by the Executive Mayor. Various upgrades are taking place around the Municipality. The Executive Mayor has ensured financial stability in Kouga.

Cllr Mbandana enquired whether Council is allowing the last golf course of Jeffreys bay to be sold under the Executive Mayor. He then challenged Council to stand firm and stop the Executive Mayor.

Cllr Dhludhlu stated that section 56 of the Municipal Structures Act specifies the functions and powers of the Executive Mayor to make decisions. To monitor the management of the Municipality's administration in accordance to the direction of Council. He then indicated that he believes the motion does not carry and should not have been tabled.

Cllr Yali stated that the Executive Mayor contested the President in Court during covid-19 and the institution suffered. He further stated that the Executive Mayor abused the delegated powers in December by appointing his daughter. He then requested the Executive Mayor to resign to save the image of the Municipality.

Cllr Benson read the code of conduct Section (a) "At all times act in the best interest of the Municipality in such a way that the credibility and integrity of the Municipality is not compromised".

Some Councillors brought the Municipality in disrepute by talking about the processes and procedures of recruitment of Council and should be investigated. The Executive Mayor did not appoint, Council appoints.

Cllr Oliphant stated that a leader is supposed to coach, give guidance, inspire and apply honesty and fairness. The Executive Mayor appointed his daughter during covid and his conduct was not correct. Rule 12 of the code of conduct for Councillors states that Councillors cannot interfere or influence any matters of administration.

Cllr Zana stated that on all the charges raised against the Executive Mayor, the issue of nepotism should be dealt with. The Court of public opinion will judge Council on actions taken. Employment policies of the institution should be revisited by Council. Whether casual workers are regarded as part of the institution. Is advertising posts internally beneficial for the public? The daughter of the Executive Mayor does have a right to work for the institution, it should be done ethically. He further requested Council to vote according to their conscience.

Cllr Bornman noted the motion and reminded Council that the Municipality was rated as the best Municipality under the stewardship of the Executive Mayor during a global pandemic, and the 9th best in the Country out of 205 local Municipalities. Under the leadership of Executive Mayor, the Municipality kept growing. The Municipality is currently one of the fastest growing municipality in the country. Last year the Municipality approved over a billion rand worth of building plans. Kouga has become a destination of choice for international events as seen during the previous weekend. An extremely successful European golf tournament was held, driven by the vision of Executive Mayor of Kouga becoming the events capital of South Africa. The Mayor was nominated by all ANC group of Mayors in the Eastern Cape SALGA to form part of Provincial Executive of SALGA, because of his ability to lead and be innovative. The DA has full confidence in the Executive Mayor, every household in this Municipality now has a wheely bin. More than 50km of road has been resealed, more than 30km of new tar roads have been built. Under the leadership of the Executive Mayor more than a thousand of low cost houses are being constructed. With loadshedding the DA, under the leadership of the Executive Mayor, will propose that Kouga add R27 Million to its annual budget in the upcoming draft budget to the first phase of its plan to become energy independent. The DA notes the motion and also confirms full confidence in the Executive Mayor and will not be distracted from rendering the best services to all residents of Kouga.

The Speaker stated that there are no recommendations on the table, Council acknowledged the motion and the meeting closed.

11. **CLOSURE**

The meeting closed at 09:40



B WILLIAMS
SPEAKER

7 July 2023

DATE
