

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA  
MUNICIPALITY HELD ON WEDNESDAY, 26 APRIL 2023 AT 10:00**

**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	
C August	
M Biko	
M van Niekerk	
J Alexander	
L Maree	
S Ruth	
P Oliphant	
M Dayimani	
N Ntengwane	
M Yali	
K Ndzaleni	
N Ntshota	
B Human	
E Mbuqu	
W van der Linde	
L Nkilishane	
V Zana	

**Officials &  
Municipal Manager**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
M Rossouw	(Acting Director: Corporate & Digital Services)
N Machelesi	(Director: Community Services)
C de Kock	(Director: I&E)
T Madatt	(Manager: Electricity)
S Abrahams	(Acting CFO)
L Opperman	(Manager: Legal Services)
M Basson	(Media Specialist)
N Zode	(Scribe)
M Julius	(Senior Admin Officer: Committees)

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 a virtual Ordinary Council Meeting will be held.

2. **OPENING AND WELCOME**

The Speaker requested Cllr Dhludhlu to open the meeting with prayer. He then welcomed everyone to the meeting.

3. **ABSENT WITH LEAVE**

Cllr M Mbandana

4. **ABSENT WITHOUT LEAVE**

Cllr M Valgee  
Cllr V Gunuza

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Ndzalani expressed condolences to Cllr Oliphant's family who has lost his mother in law.

Ald Benson extended condolences to Cllr Oliphant's family and indicated that his prayers are with them during this period.

The Speaker also extended condolences to Cllr Oliphant's family during this time.

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

None.

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

Good morning to all, thank you honourable Speaker.

I would like to extend my condolences to Cllr Oliphant and his family for the loss of his mother in law.

I would firstly like to begin by expressing my heartfelt gratitude to the Mayoral Office, municipal officials, sponsors, unions, participants, and spectators for making the Mayoral Cup 2023 a huge success.

The Mayoral Cup continues to build social and cultural bridges by bringing South Africans together under the banner of sport.

Congratulations to all those who participated and may the winners enjoy their prize giving on 5<sup>th</sup> April 2023.

5 years ago, the Mayoral Cup only had a couple of sporting codes and less than 200 participants – Today we have 23 sporting codes, including sports for people with disabilities and well over 1 000 participants.

Speaker, this growth prompted me to reflect deeper on the growth of this municipality since I took office 5 years ago on the 20<sup>th</sup> April 2018 and I would like to share some of these milestones with Council today:

The only constant in life, is change, during my tenure I have had to make difficult changes: One of them was interrupting I&E.

### 1. Human Resources

We have, more than ever before, invested in our greatest asset, the people who work to build this municipality.

- +R 4 million has been spent on repairs and maintenance for Municipal Corporate Buildings and Ward Councillor Offices
- We now provide counselling and consultation services to employees (financial challenges, drug use/abuse, alcohol use/abuse, child concerns to marital problems)
- Our HR department has received five consecutive letters of Good Standing from the Department of Labour for 2018, 2019, 2020, 2021 and 2022. This had not been achieved for 10 years before I occupied office.
- Employee Training costs increased from R 108 030 in 2017 to R 2 041 094. This is a major achievement for the municipality and its employees and is indicative of the Municipality's commitment to enhancing the skills, talent, and development of its most important asset.

In 2019 I called for the first ever public safety summit in Kouga.

Inviting all stakeholder in public safety sector and an outflow from that summit was:

### 2. Safety

Our communities are safer than ever before.

- Public safety strategy
- Community safety plan adopted
- Incident Command Centre (ICC) established in Humansdorp
- Five Community Safety Units established
- More than 40 CCTV cameras installed
- UrSafe App launched

### 3. Water security

We have successfully avoided day zero.

- Over R250 million spent on water security
- Includes construction of four water purifying plants – R7 million each

- Two completed – Humansdorp (up to 6Ml of additional water) and Jeffreys Bay (up to 4Ml of additional water)
- Two more plants now constructed: Hankey and St Francis Bay (up to 2Ml of additional water each)
- The process used to purify our water is the first in Africa and saves us millions each year
- First Smart Leak Detection Vehicle in South Africa
- 30 Production wells/ boreholes in use
- Maintain View

Looking back at 2018, after only a few months in the seat as a new Mayor, we faced our first day Zero – But our saving grace with 250 MM of rain over one weekend had the unintended consequence of the disintegration of our roads,

#### 4. Roads

Thousands of residents are better connected to opportunities.

- Investment of nearly R54 million in roads network
- Total of 24 roads upgraded from gravel roads to tar roads
- Used more than 700kg of recycled waste plastic to build first eco-friendly road in Africa

But let me remind you, that during COVID 19, under the most draconian lockdown regulations in the world, when every other municipality in the EC was failing to cope, this municipality was upgrading gravel roads to tar roads. That makes us the most resilient community that has proven our ability to face any socio economic challenge.

That resilience was also reflected when considering our finances during this difficult period.

#### 5. Finance

Our finances have never been as stable as it is today.

- We managed to maintain the highest collection rate in the province even through Covid 19 and National lockdown.
- The annual municipal budget grew from R819 759mil (2018/19) operating budget to R103 060 billion (2022/23)
- Streamlined SCM Committee Structures to facilitate quicker turnaround times for tender awards.
- Unauthorised, Fruitless and Wasteful and Irregular expenditure was nearly eliminated, this was reduced from R104.7million in 2018/19 to R423 000 in 2021/22
- Maintained an unqualified audit opinion over the past 5years and improved on the performance opinion.

#### 6. Electrification

Thousands of residents now have the ability to switch on a light.

- Of formal houses through DMRE grant: 8007
- Of illegal settlement throughout Kouga: 1064
- R33 million on bulk upgrades as part of the Housing developments
- One story – Ward 14

## 7. Human Settlements

Thousands of people now have a dignified life by having a roof over their head.

- Kruisfontein 391
- Pellsrus 220
- Ocean View 1 500
- Over 3000 title deeds handed over

Energy Security – In facing the next challenge, which is energy security, we can be proud of the fact that this municipality is already risk planning for the upcoming winter and beyond. And as we show resilience through this drought, the same will apply for this current national disaster. I want to assure this council as well as our citizens that we remain a municipality that cares and we will navigate this next crisis as we have always done before, with competence, urgency and due care.

Speaker, we have in the past 5 years turned Kouga into the best run municipality in Eastern Cape and in the top 10 in the country. Whilst we still have a long journey to travel to get Kouga to where we want it, we have upheld our promise of delivering service through excellence.

I thank you

## 9. **DISCLOSURE OF INTEREST**

None

## 10. **STATUTORY MATTERS**

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

None.

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

Cllr Bornman requested that his full statement be reflected in the minutes.

Cllr Zana complained that his inputs and statements made at the meeting are not reflected in the minutes, he then indicated that the minutes are not a true reflection of what transpired in the meeting.

The Speaker noted the concerns raised and requested consensus in withdrawing the minutes and tabling them at the next Council meeting.

Cllr Bornman proposed that the minutes be withdrawn and be tabled in the next Council meeting. Cllr Zana seconded the proposal.

## **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 20 MARCH 2023**

### **Resolved (26 April 2023)**

- 12.1 Minutes of the Special Council Meeting held on 20 March 2023 be withdrawn and be tabled at the next Council meeting.

Proposed: H Bornman

Seconded: V Zana

## **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MARCH 2023**

Cllr van der Linde indicated that he still has not received the resolution he requested on the environmental fees.

Cllr Bornman requested details of his congratulatory remarks regarding Kruisfontein rugby to be reflected in the minutes. He further mentioned that the word leader is missing from Cllr Dayimani's congratulatory comments.

The Speaker mentioned that Cllr Ntengwane had been omitted from the attendance register and should be reflected as present. He further requested that all issues raised be amended accordingly.

### **Resolved (26 April 2023)**

- 12.2 Minutes of the Ordinary Council Meeting held on 30 March 2023 be approved subject to amendments.

Proposed: W Gertenbach

Seconded: S Ruth

## **MINUTES OF THE RECONVENED ORDINARY COUNCIL MEETING HELD ON 6 APRIL 2023**

Cllr Human enquired on the resolutions reflected on page 26 and 27 which indicate that Council resolved to approve. He then referred Council's attention to the Amended Structures Act, stating that Council needs to have the majority votes of elected Councillors. The item had 15 Councillors in favour, therefore should not have been approved. He further indicated that correspondence was sent to the Speaker's office regarding this matter.

The Speaker thanked the Councillor for the comment and the correspondence and clarified that he sought legal advice on the matter. He further quoted section 30 of the Amended Structures Act, which reads as follows "(1) the majority of the number of Councillors determined in terms of section 20 must be present at a meeting of Council when a vote is taken on any matter".

In terms of section 20 Council is comprised of 30 Councillors, therefore majority vote of the number of Councillors would be 16. "(2) All questions concerning matters mentioned in Section 160 of the Constitution are determined by the decision taken by a Municipal Council with a supporting vote of the majority of Councillors" which means the budget, by-laws etc where Council would need the majority of Councillors.

Number 3 in Section 30 states that all other questions before a Municipal Council are decided by the majority of votes cast, subject to section 34 which talks about the dissolution of Council where two thirds majority is required to vote.

He further indicated that he is comfortable that there was a quorum when the resolutions were made and they were not Section 160 of the Constitution matters, his ruling is that the resolutions stand as approved.

Cllr Bornman stated that in Sarah Baartman District meeting they had the same issue where it was explained by the Sarah Baartman Legal manager, exactly the same as the Speaker explained. He supported the statement of the Speaker.

**Resolved (26 April 2023)**

- 12.3 Minutes of the Reconvened Council Meeting held on 6 April 2023 be approved.

Proposed: D Benson

Seconded: W Van der Linde

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

Cllr Human enquired when will Council get a report from the representatives of Sarah Baartman. The Speaker responded that he would follow up with the Speaker of Sarah Baartman on the report.

15. **REPORT BACK: MUNIMEC**

None

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

**23/04/MM1 COUNCIL RESOLUTIONS AS AT 30 MARCH AND 6 APRIL 2023**

The Municipal Manager tabled the action sheets and further indicated that the turn around time was not sufficient for discussion and updating.

The Speaker noted the Municipal Manager and indicated that he will take it up with Administration.

Cllr Zana enquired on the tender for fencing to secure the Weston Water Treatment Works. How far is the engagement with Eskom regarding the street lights in Gamtoos area?

Director: I&E appreciated the comments made by the Executive Mayor regarding his directorate, he further indicated that he will engage with his team on the progress of the Eskom street lights issue. On the fencing he indicated that the tender is in compilation stage, the directorate hopes to have a service provider in the next financial year.

He further stated that the specification is currently a challenge, they are currently seeking for a specification which can combat the security challenges around Kouga infrastructure.

**Resolved (26 April 2023)**

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

17. **REPORTS BY THE EXECUTIVE MAYOR**

17.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

**23/04/F10 MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2022 TO MARCH 2023 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 MARCH 2023 (2022/23 FINANCIAL YEAR)**

Cllr Bornman tabled the item indicating some highlights in the item. The creditors are in good standing, the few unpaid creditors have challenges from the creditor's side.

The investment portfolio increased due to grant funding. The cost coverage has increased from 0,1 month to 1,3 months. There is under collection on the electricity revenue and under expenditure due to load-shedding.

On other revenue, the Municipality is waiting for funding from HDA currently held in Sarah Baartman's account. On Contracted services and other expenditure from an operational point of view, there has been significant expenditure for the past month. The expenditure under infrastructure and engineering is indicated as 56% capital budget expenditure. The current update for infrastructure expenditure is 72% expenditure. There are some expenditure projects which can



get the Municipality to 100% expenditure. The employee costs are on par with National Treasury. The Municipality is cash backed.

**Resolved (26 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. The Executive Mayor's report on the implementation of the budget and the financial state of affairs of the municipality, in accordance with Section 52(d) of the MFMA be noted.
3. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

**23/04/F11**

**SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 31 MARCH 2023**

Cllr van der Linde enquired where the CCTV cameras will be put up and what the LCD screens will be used for.

Cllr Zana enquired on the caravan park in Humansdorp and the reasons for the cancellation of the recycling tender.

Manager Budget & Treasury stated that the recycling tender was cancelled due to no responsive bidders received, the specifications have been updated and the tender will be re-advertised next week.

Director: Community Services stated that the camera tender is for the cameras and the infrastructure that goes with it for the different areas within Kouga. The LCD screens are for monitoring the cameras, they will be put up in Humansdorp.

**Resolved (26 April 2023)**

1. That Council approve the report.

**23/04/F12**

**BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 31 MARCH 2023**

**Resolved (26 April 2023)**

1. That the Council notes the withdrawals that were made in terms of section 11(1) (b) to (j) of the MFMA for the quarter ended 31 March 2023; and
2. That the report accordingly be submitted to the Provincial treasury and Auditor-General as determined by section 11(4) (b) of the MFMA.

18. **CLOSURE**

The meeting closed at 13:50



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**B WILLIAMS**  
**SPEAKER**

7 July 2023

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**DATE**

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