

MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD IN THE COUNCIL CHAMBERS, JEFFREYS BAY, ON THURSDAY, 30 MARCH 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	
M Mbandana	
M Yali	
V Gunuza	
K Ndzaleni	
N Ntshota	
B Human	
E Mbuqu	
M Valgee	
N Ntengwane	
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)
R Lorgat	(CFO)
L Opperman	(Manager: Legal Services)
E Felix	(Acting Chief of Staff: Office of the Executive Mayor)
A Koegelenberg	(Manager: PMS)
N Zode	(Scribe)
M Basson	(Media Specialist)
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 an Ordinary Council Meeting will be held in the Council Chambers.

2. **OPENING AND WELCOME**

The Speaker requested Cllr August to open the meeting with prayer. He then welcomed everyone to the meeting. He further explained that there is a bell which will be rung when the time of speaking for Councillors has lapsed.

3. **ABSENT WITH LEAVE**

None

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr August congratulated young soccer players in Kouga who will be going to the UK and further thanked Cllr Ruth for organising sponsors and donations.

Cllr Zana conveyed condolences to the Mbuqu family as Cllr Mbuqu lost his mother, he further conveyed condolences to the family of the CDW Thanduxolo Matole in Jeffreys Bay who passed on. He then congratulated Brian Kato from ward 13 who won 2nd fastest in national championships under 18.

Cllr Bornman congratulated the Kruisfontein rugby club for their achievement as the best rugby club in the District and second best in the Province.

Cllr Benson congratulated Cllr Dayimani on his birthday on the month of April.

Cllr Yali congratulated his daughter on her birthday.

Cllr Dayimani congratulated Mrs Mpho Phalatse for the nomination for DA federal leader.

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

Good morning, Executive Mayor, all Councillors, Municipal Manager and officials as well as all of our guests.

We have a full agenda today and I am looking forward to a productive Council meeting with relevant debate and inputs from Councillors.

The draft budget will be tabled a bit later today as will the annual and oversight report. I appreciate all the hard work from Councillors and officials in compiling these reports as well as the draft reviewed Integrated Development Plan.

The draft budget and the IDP will be taken for public participation during April and I urge all Councillors to ensure that we alert our communities to these important documents and make sure that public participation takes place in a meaningful manner.

Public participation is a cornerstone of democracy in South Africa and communities need to feel that they are part of the process and that they are being heard. It is clear that our IDP is a document that we can feel proud of and is being benchmarked by other municipalities within the Eastern Cape and I want to thank all the officials who are involved in the process.

I am pleased to be able to report back to Council that progress is now being made with the Ward Development Fund and the Municipal Manager has given his full support to ensure we get to 100 % expenditure by the end of the Financial Year.

All Ward Committees need to table an item at their April Ward Committee meetings to discuss projects for the 2023/24 financial year so that we can start with procurement early in the new financial year to facilitate a smoother process in the upcoming financial year.

It is also pleasing to note that the new ward office in Sea Vista and that the Ward Councillor now has an office space that will better serve the community in Ward 1 going forward.

There are other ward offices that are still not quite where we want them to be but the upgrade of ward offices will continue during this financial year as well as the 2023/24 financial year subject to budget. The petition to upgrade the Pellsrus Clinic is being circulated amongst the community and I urge all Councillors to support this petition to ensure our voice will be heard in the Provincial Legislature in Bhisno and nothing less than a clinic upgrade can be accepted.

There are problems with other clinics in the Kouga Municipality and these problems will be addressed by my office to ensure that the needs of our needy and sick are being met in a humane manner.

I wish to conclude by thanking Councillors and officials for the support given to my office and I look forward to continued good relationships as we all have the same goal and that is provide excellent service delivery to all communities of Kouga.

Thank you

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

The Executive Mayor reserved his Speech for when he tables the budget.

9. **DISCLOSURE OF INTEREST**

None

10. **STATUTORY MATTERS**

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

Minutes of Mayoral Committee Meeting held on 25 November 2022 be noted.

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

Cllr Mbandana indicated that his name is omitted from the attendance list.

12.1 Minutes of the Special Council Meeting held on 28 February 2023.

Proposed: L Maree

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

14.2 **INTERGOVERNMENTAL RELATIONS**

23/03/IGR1 MINUTES OF THE INTER-GOVERNMENTAL RELATIONS COMMITTEE

Cllr Zana enquired which Councillors are invited to IGR meetings. He further enquired on the progress of the FET College.

The Executive Mayor stated that IGR is guided by legislation and the terms of reference, he further stated that as a standard going forward all Councillors will be invited to the IGR. He then indicated that he will clarify the status of the attendance of Councillors in due course. The education department is driving the FET College matter and the issue can be raised at the next IGR.

Resolved (30 March 2023)

1. That the minutes of the Inter-governmental Relations Committee be noted.

14.3 **KOUGA AUDIT COMMITTEE**

23/03/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

The Executive Mayor requested that the KAC Chairperson be invited to all Council Meetings.

Resolved (30 March 2023)

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

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

23/03/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (30 March 2023)

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

15. **REPORT BACK: MUNIMEC**

None

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

23/03/MM1 COUNCIL RESOLUTIONS AS AT 28 FEBRUARY 2023

Regular updating of action sheets was requested and an indication of when action sheets were updated.

An investigation on venturing to Solar high-mast lights was proposed for the current load-shedding.

Resolved (30 March 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.

23/03/MM2

ANNUAL REPORT (2021/2022)

Lack of alignment between the foreword of the Mayor and the contents of the annual report was raised, the Mayor mentioned the hybrid energy factory. The Auditor General indicated some findings on the financial statements which are a challenge within the institution.

Cllr Gertenbach indicated that the cover page should be corrected to indicate final draft.

Resolved (30 March 2023)

1. That the 2021/22 Annual Report be approved without reservations in terms of the provisions of Section 129(1) of the Municipal Finance Management Act
2. That the Accounting Officer make the approved 2021/22 Annual Report public and submit copies of the 2021/22 Annual report to:
 - The Auditor-General.
 - The Provincial Treasury.
 - The Provincial Department for Local Government.

23/03/MM3

2021/22 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: OVERSIGHT REPORT

Cllr Oliphant appreciated the work done by MPAC, the Chairperson and the Directors for availing themselves and submitting information as requested timeously. He then requested that MPAC be respected by the Municipal Manager and the Directors.

Recommendation numbering was corrected by the MPAC Chairperson on the item.

Resolved (30 March 2023)

1. After having fully considered the 2021/22 Annual Report of the Kouga Municipality and representations thereon, adopts the Annual Report without any reservations:
2. That measures be put in place to turn around the decline in the financial health of the municipality.

3. That Quarterly Departmental Operational Reports be submitted to MPAC to allow timeous oversight towards the final future Annual Reports.
4. 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.
5. That the performance of IT Internet Service Providers be monitored and that quarterly reports in this regard be submitted to MPAC.
6. That MPAC be furnished with progress reports on the implementation of the audit corrective plan on a quarterly basis.
7. That a report be submitted to MPAC on computerised systems currently utilised by the Municipality containing the initial date implemented, term of contract and license fee.
8. That MPAC be furnished with quarterly progress reports on the implementation of procurement plan.
9. That a report be submitted to MPAC on turnaround times on land use and building applications and town planning applications.
10. That an Action Plan to curb water losses be prepared and be submitted to the next meeting of the Municipal Public Accounts Committee.
11. That quarterly reports on compliance with the water loss reduction plan be submitted to MPAC.
12. That the formalization of informal settlements be prioritized in order to provide acceptable services to such settlements and to reduce illegal connections to the electrical network.
13. That a detailed report on the acquisition and utilization of containerized toilets be submitted at the next meeting of MPAC.
14. That the relocation of residents after removal from informal settlements and the removal of old shacks be guided by a Relocation Plan

15. 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.
16. That it be noted with concern that policy workshops are more often than not, not held on scheduled dates which results in delays in the review of policies.
17. That a detailed report on the utilisation of Environmental Management Fee be submitted to MPAC.
18. That a detailed report on contractual and temporary employees for the 2021/22 and 22/23 year be submitted to the next MPAC Meeting.
19. That the replacement of the bucket to a more acceptable sanitation service, be prioritized
20. That it be noted with concern that leave management is not done in electronic format and that consideration be given to implement an electronic leave management system.
21. That consideration be given to implement an electronic booking system for caravan parks.
22. That the development of Roads Master Plan be prioritised.
23. That a Master Plan on clearing Open Spaces, Side walks, municipal properties be developed.
24. That a strategy be developed for private plot clearing.
25. That measures be implemented to ensure that all consumers are billed for services received from Kouga Municipality.
26. That the rates for services between informal settlements and formalised areas be looked into by the relevant department.
27. That the Municipal Manager submit a report at the October 2023 meeting of MPAC on progress in the implementation of the above recommendations.

28. 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.

Proposed by: J Alexander Seconded by: H Bornman

23/03/MM4

KOUGA MAYORAL CUP 02 MARCH 2023 – 28 APRIL 2023

There was a request for the event to invite Ward Councillors to the event. There was an enquiry on the donations received and how they will be spent.

The Executive Mayor stated that the Ward Councillors will be invited as and when required, the expenditure of the donations will be tabled as a report to Council.

Resolved (30 March 2023)

1. That the Council notes the report.

23/03/MM5

EASTER FESTIVAL 07-08 APRIL 2023

Transportation of children from other wards to the Easter Festival was proposed for consideration for future events. Gamtoos area should also be considered when such events are planned for the areas.

Resolved (30 March 2023)

1. That Council notes the report.

23/03/MM6

**2022/23 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN:
AMENDMENT FOLLOWING THE MID-YEAR PERFORMANCE
ASSESSMENT ADJUSTMENTS BUDGET**

There was a request that actuals on the targets be indicated in the SDBIP.

The Speaker indicated that departmental SDBIPS should be updated and tabled at Portfolio Committee.

Cllr Oliphant stated that the ANC caucus is against the recommendations.

The Speaker requested Councillors to vote by raising their hands.

In Favour – 17

Not in Favour – 13

The recommendations carried.

Resolved (30 March 2023)

1. That in terms of the provisions of Section 54(1)(c) of the Municipal Finance Management Act of 2003, the proposed amendments to the institutional and operational targets of the 2022/23 Service Delivery and Budget Implementation Plan be approved for implementation with effect of date of approval by Council.
2. That the Municipal Manager effects the required changes to the performance plans of Senior Managers to ensure that the performance plans are aligned to amended 2022/23 Service Delivery and Budget Implementation Plan targets for implementation with effect 1 March 2023.
3. 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.

23/03/MM7

AMENDMENTS TO THE 2022/23 BUDGET: LEAK DETECTION PROGRAMME

A progress report on the leak detection vehicle to be tabled at the next Portfolio Committee.

Resolved (30 March 2023)

1. That Council approves the additional grant funding revenue as revenue on the 2022/23 Adjustment Budget.
2. That the revenue budget be increased by an amount of R316 140.42 under the leak detective and management project and the expenditure budget be increased by an amount of R316 140.42.
3. That the Executive Mayor must report to IIsfeld Municipality Germany, being the funder, and in line with the Co-operation Agreement.

17. **REPORTS BY THE EXECUTIVE MAYOR**

17.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

23/03/F2

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

Due to loadshedding the Executive Mayor could not make the speech, he indicated that it will be publicised. He then read the highlights on the budget.

Cllr Bornman stated that the finance policies will be workshopped in due course.

Cllr van der Linde requested the item and resolution on the environmental fees be circulated to all Councillors.

Cllr Oliphant challenged the Executive Mayor's highlights and requested an opportunity to interrogate the speech. The budget is not pro poor.

The Speaker handed over to Cllr Mbandana, Cllr Oliphant spoke out of turn. The Speaker fined Cllr Oliphant for speaking out of turn as per the rules of order.

The Speaker requested Councillors to vote by show of hands for the item.

In Favour – 17

Not in Favour - 13

Resolved (30 March 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 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:
 - 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 reconciliation; [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>2024/25</u>	<u>2025/26</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 draft tariffs, as reflected in **Annexure 'B'**, for public participation.
5. That the 2023/24 Procurement plan be approved "**Annexure D**"
6. That the mSCOA road map be approved. "**Annexure E**"

17.2 **REPORTS BY THE PORTFOLIO CHAIPERSON: PLANNING, DEVELOPMENT & TOURISM**

23/03/PDT1 TABLING OF THE DRAFT REVIEWED 2023/2024 INTEGRATED DEVELOPMENT PLAN (IDP)

Ward based budgeting was requested which will reflect the projects to be implemented in the ward.

Cllr Ntshota requested the ward committee indicated under her ward to be corrected accordingly.

Cllr van der Linde stated that on page 1134 there is an indication that there is no budget for IDP.

The Speaker indicated that the queries raised will be corrected and the Municipal Manager will address them in writing.

The Speaker requested Councillors to vote by show of hands for the item.

In Favour – 17

Not in Favour – 12

The Speaker indicated that due to loadshedding the meeting will adjourn and the rest of the items will stand over, however the meeting will reconvene within 7 days. Communication will be circulated to Councillors.

Resolved (30 March 2023)

1. That Council Approves the Draft Reviewed 2023/2024 Integrated Development Plan (IDP) attached as **Annexure A** as it will serve as the basis for public participation during April/May 2023.
2. That immediately after the Draft Reviewed 2023/2024 IDP is tabled in Council, the Accounting Officer of the Municipality must in accordance with Section 21A of the Municipal Systems Act –;
 - a) Make public the Draft Reviewed 2023/2024 IDP;
 - b) Invite the local community to submit comments and inputs in connection with the Draft Reviewed IDP; and
 - c) Ward-Based Sessions (meetings) in all 15 wards to provide further opportunity for engagement on proposals emanating from the Draft Reviewed 2023/2024 IDP and the Multi-Year Budget.

18. **CLOSURE**

The meeting closed at 13:50



B WILLIAMS
SPEAKER

10 July 2023

DATE